



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



William Cass, P.E.
Assistant Commissioner

Her Excellency, Governor Margaret Wood Hassan
and the Honorable Council
State House
Concord, New Hampshire 03301

Bureau of Right-of-Way
July 9, 2015

REQUESTED ACTION

Pursuant to RSA 4:39-c and 228:31, authorize the Department of Transportation to transfer a 0.22 +/- of an acre parcel of State owned land on the easterly side of NH Route 125 in Kingston to Magnusson Farm, LLC in exchange for Magnusson Farm, LLC transferring to the Department a 0.17 +/- of an acre parcel to the Department. This is a no cost transaction except for an Administrative Fee which was reduced from \$1,100.00 to \$500.00, subject to the conditions as specified in this request.

Pursuant to RSA 230:45, further authorize the Department of Transportation to emendate the Commissioners' Return of Highway Layout adjust the limits of NH Route 125 Controlled Access Right-of-Way.

04-096-096-960015-0000-UUU-402156
Administrative Fee

FY 2016
\$ 500.00

EXPLANATION

The Department has received a request from an entity, Magnusson Farm, LLC, that is interested in acquiring a parcel of State owned land located on the easterly side of NH Route 125 in Kingston.

This parcel of State owned land consisting of 0.22 +/- of an acre was acquired in 1970 in connection with the construction of NH Route 125 through the area.

During the review of the potential disposal of the State owned parcel, it was recommended that the Bureau of Right-of-Way contact the requesting party to recommend a land swap where the State would sell Magnusson Farm, LLC a 0.22 +/- of an acre parcel in exchange for Magnusson Farm, LLC selling the Department a 0.17 +/- of an acre parcel of land located in close proximity to the State owned parcel in question. The 0.17 +/- of an acre parcel owned by Magnusson Farm, LLC protrudes into the existing NH Route 125 Right-of-Way. Magnusson Farm, LLC was contacted and they agree to the land swap. The Department wishes to adjust the highway layout to incorporate the parcel Magnusson Farm, LLC is deeding to the State of New Hampshire into the limits of the NH Route 125 Controlled Access Right-of-Way.

As a condition of this exchange, no access will be allowed to NH Route 125 from the State parcel to be conveyed to Magnusson Farm, LLC. Magnusson Farm, LLC currently has one (1) driveway that passes through the parcel to be conveyed to the State. This point of access, which was started in the Commissioners' Return of Highway Layout for NH Route 125, will be perpetuated in the final transfer.

The Department has reviewed the request and feels that acquiring the Magnusson Farm, LLC parcel will provide a consistent Right-of-Way width along NH Route 125 which will be beneficial to the Department. The Department has also determined that the State parcel is surplus to our operational needs and interest for the purpose of disposal.

Approval of the sale of this property by the Council of Resources and Development is no longer necessary per RSA 4:39-c whereas the parcel to be sold was purchased with Highway Funds.

The Long Range Capital Planning and Utilization Committee at their May 27, 2015 meeting approved this request that the Department should transfer at no cost a 0.22 +/- of an acre parcel of State owned land located on the easterly side of NH Route 125 in Kingston in exchange for Magnusson Farm, LLC transferring to the Department a 0.17 +/- of an acre parcel of land, as well as to reduce the Administrative Fee to be assessed from \$1,100.00 to \$500.00.

In accordance with RSA 4:39-c, the Town of Kingston has been offered this property at the approved purchase price and they did not express an interest in purchasing the property.

Authorization is requested to approve this exchange between the Department of Transportation and Magnusson Farm, LLC and also to adjust the limits of the NH Route 125 Controlled Access Right-of-Way as outlined above.

Respectfully,

A handwritten signature in black ink, appearing to read "William Cass".

William Cass, P.E.
Assistant Commissioner

WJC/PJM/dd
Attachment



DEPT. OF TRANSPORTATION
RIGHT-OF-WAY

JUN 01 2015

RECEIVED

LRCP 15-011

JEFFRY A. PATTISON
Legislative Budget Assistant
(603) 271-3161

MICHAEL W. KANE, MPA
Deputy Legislative Budget Assistant
(603) 271-3161

State of New Hampshire

OFFICE OF LEGISLATIVE BUDGET ASSISTANT
State House, Room 102
Concord, New Hampshire 03301

STEPHEN C. SMITH, CPA
Director, Audit Division
(603) 271-2785

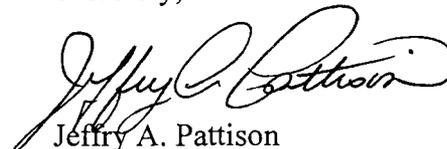
May 28, 2015

Charles R. Schmidt, P.E., Administrator
Department of Transportation
Bureau of Right-of-Way
John O. Morton Building
Concord, New Hampshire 03301

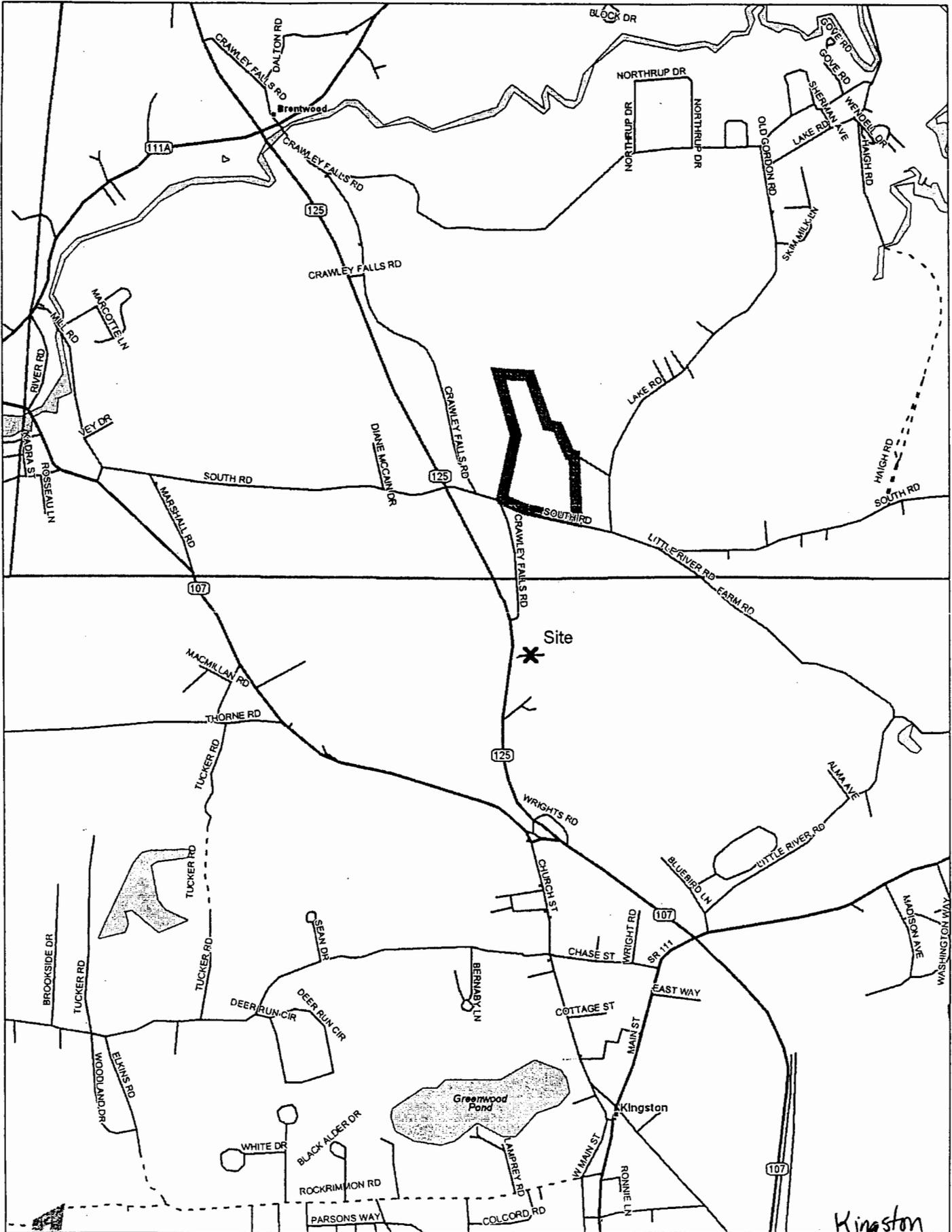
Dear Mr. Schmidt,

The Long Range Capital Planning and Utilization Committee, pursuant to the provisions of RSA 4:39-c, on May 27, 2015, approved the request of the Department of Transportation, Bureau of Right-of-Way, to transfer a 0.22 +/- of an acre parcel of State owned land located on the easterly side of NH Route 125 in Kingston to Magnusson Farm, LLC in exchange for Magnusson Farm, LLC transferring to the Department a 0.17 +/- of an acre parcel, and further request to waive payment of \$625.00 to the State, as well as reduce the Administrative Fee to be assessed from \$1,100.00 to \$500.00, subject to the conditions as specified in the request dated May 8, 2015.

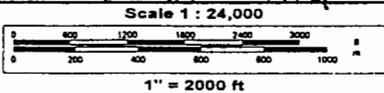
Sincerely,


Jeffrey A. Pattison
Legislative Budget Assistant

JAP/pe
Attachment



Kingston



TOWN OF KINGSTON, N. H.

Office of the Board of Selectmen

PO Box 716, 163 MAIN STREET
KINGSTON, NEW HAMPSHIRE 03848-0716

DEPT. OF TRANSPORTATION
RIGHT-OF-WAY

JUN 18 2015

RECEIVED

June 15, 2015

Charles R. Schmidt, PE
NH Department of Transportation
P. O. Box 483
Concord, N. H. 03302-0483

RE.: Sale of state owned property in Kingston
Kingston-Brentwood DF 019-1(3), S3365, Parcel 29

Dear Mr. Schmidt,

Thank you for your letter dated June 8, 2015 advising of the state's intent to exchange state-owned property for property owned by Magnusson Farm, LLC.

The Town has no objection to the transfers as proposed and has no interest in acquiring the state property on behalf of the town. Our only request is that a notation in the transfer document from the state to Magnusson Farm, LLC indicate that the 0.22 +/- parcel will become an integral part of existing parcel R40, Lot 5.

Yours truly,

Mark A. Heitz, Chairman



George A. Korn



Peter V. Broderick
Kingston Board of Selectmen