



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

May 11, 2015

Her Excellency, Governor Margaret Wood Hassan
and The Honorable Council
State House
Concord, NH 03301

REQUESTED ACTION

Pursuant to RSA 4:40, authorize the Department of Environmental Services (DES) to exchange, at no cost to the State, a .03-acre tract of land at Goose Pond in Canaan to abutting land owners, Kathryn Foster and Joshua Riff, for a parcel of equal size and value to be conveyed from Ms. Foster and Mr. Riff to the State of New Hampshire, effective upon Governor and Council approval.

EXPLANATION

DES owns approximately 14.5 acres of land surrounding the State-owned Goose Pond Dam. During a survey of the property, DES discovered that an abutting house, owned by Ms. Foster and Mr. Riff, is within a few inches of the common property line. The house was not constructed by the current owner-occupants.

Conveying a .03-acre tract, designated as Area B on the attached plan, to Ms. Foster and Mr. Riff will provide them with legal access to the side and back of their house. In exchange, the State will gain a .03-acre parcel, designated as Area A on the attached plan, which is closer to the toe of the dam providing the State with improved accessibility for dam maintenance.

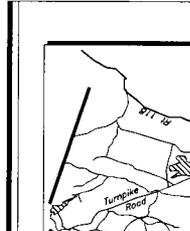
The Council on Resources and Development (CORD) voted to recommend approval of the exchange on November 1, 2012. A copy of the CORD letter documenting its recommendation is attached. The Long Range Capital Planning and Utilization Committee (LRCPUC) approved the exchange at its meeting on June 25, 2013 (Item # LRCP 13-032).

A draft warranty deed is attached. The form of the deed has been reviewed and approved by the Office of the Attorney General.

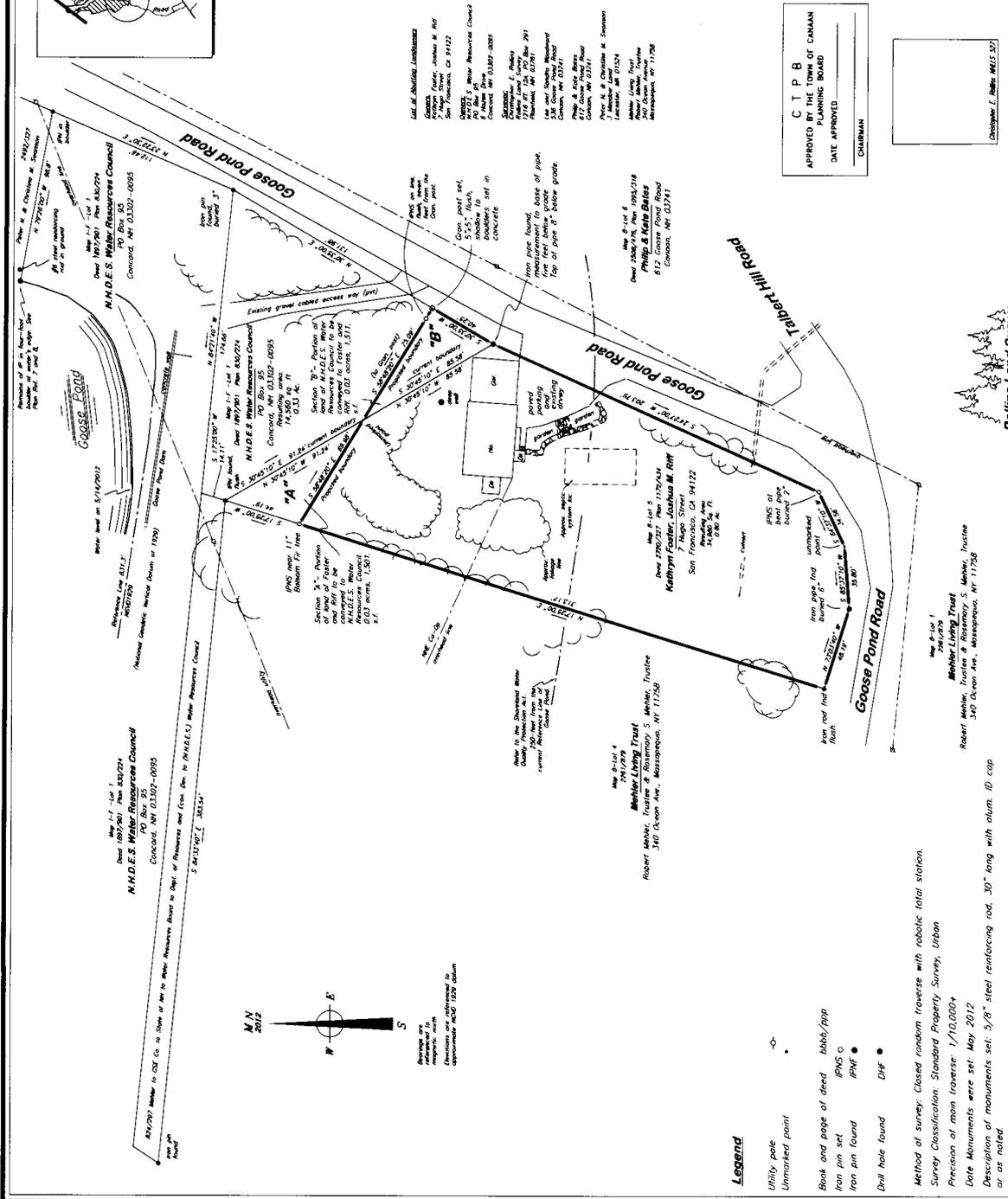
Your approval is respectfully requested.

Thomas S. Burack
Commissioner

Attachments



For County Use



Bearings are
measured
clockwise
from north
Distances are
measured in
feet and
decimals
Approximate NAD 83 datum

- Legend**
- Utility pole
 - Unmarked point
 - Back and edge of deed
 - Iron pin set
 - Iron pin found
 - Drill hole found

Method of survey: Closed random traverse with robotic total station.
 Survey Classification: Standard Property Survey, Urban
 Precision of main traverse: 1/10,000+
 Date Monuments were set: May 2012
 Description of monuments set: 5/8" steel reinforcing rod, 30" long with alum. ID cap
 or as noted.

Drawn by: C. E. Rollins
 Revised: 6/14/2012 Added N.H.D.E.S. Lot Line Reclamation
 1216 Rt. 12A, P.O. Box 291
 Plainfield, NH 03261

- Notes:**
1. The area shown on this plan is shown on section 21.7, book of currently recorded plat maps, N.H.D.E.S. Water Resources Council.
 2. The area shown on this plan is shown on section 21.7, book of currently recorded plat maps, N.H.D.E.S. Water Resources Council.
 3. The area shown on this plan is shown on section 21.7, book of currently recorded plat maps, N.H.D.E.S. Water Resources Council.
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 5. The area shown on this plan is shown on section 21.7, book of currently recorded plat maps, N.H.D.E.S. Water Resources Council.

- Plan References:**
1. Town of Canaan, Inc., Plan Showing Land to be Purchased from Martha A. Foster, Concord, NH, June 26, 1957, CD# 830/274
 2. Town of Canaan, Inc., Plan Showing Land to be Purchased from Martha A. Foster, Concord, NH, June 26, 1957, CD# 830/274
 3. Town of Canaan, Inc., Plan Showing Land to be Purchased from Martha A. Foster, Concord, NH, June 26, 1957, CD# 830/274
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 5. Town of Canaan, Inc., Plan Showing Land to be Purchased from Martha A. Foster, Concord, NH, June 26, 1957, CD# 830/274

Purpose of Plan:
 The purpose of this plan is to describe the proposed lot line adjustment between the land of Kathryn Foster and Joshua M. Riff and land of N.H.D.E.S. Water Resources Council. The new boundary line location will allow for increased clearance between the Foster/Riff Garage and the new boundary line.

Lot Line Adjustment between land of
Kathryn Foster and Joshua M. Riff
 and land of **N.H.D.E.S. Water Resources Council**
 in the Town of Canaan
 County of Grafton
 State of New Hampshire, Date May 10, 2012

Surveyed for:
 Kathryn Foster
 Joshua M. Riff
 7 Hugo Street, San Francisco, CA 94122

Owner of record of Lot 5 (Map B) according to town records is:
 Kathryn Foster, Joshua M. Riff
 Deed recorded on Oct. 1, 2002 in Book 2720- Page 327
 of the Grafton County Registry of Deeds
 Owner of record of Lot 1 (Map A-F) according to town records is:
 N.H.D.E.S. Water Resources Council
 Deed recorded on Aug. 2, 1990 in Book 1897- Page 0901
 of the Grafton County Registry of Deeds

C I P B
 APPROVED BY THE TOWN OF CANAAN
 PLANNING BOARD
 DATE APPROVED _____
 CHAIRMAN _____

Rollins Land Survey
 1216 Rt. 12A, P.O. Box 291
 Plainfield, NH 03261

Project 1494-4

New Hampshire Council on Resources and Development

NH Office of Energy and Planning
107 Pleasant Street, Johnson Hall
Concord, NH 03301
Phone: 603-271-2155
Fax: 603-271-2615



TDD Access: Relay NH
1-800-735-2964

MEMORANDUM

TO: Thomas S. Burack, Commissioner
NH Department of Environmental Services

FROM: Susan Slack, Assistant Planner *Susan Slack*
Office of Energy and Planning

DATE: November 9, 2012

SUBJECT: Surplus Land Review, SLR 12-015-Canaan

On November 1, 2012, the Council on Resources and Development (CORD) took action on the following issue brought by the New Hampshire Liquor Commission:

Request to convey 0.03 acres of the Goose Pond Road property to an abutting landowner in exchange for a parcel of equal size lying closer to the Goose Pond Dam

CORD members voted to RECOMMEND APPROVAL OF SLR 12-015 as submitted, subject to no adverse comments being received during the remainder of the comment period ending November 8, 2012. No adverse comments were received.

cc: James W. Gallagher, Jr., P.E.
Mark Stevens, Land Agent
Joanne Cassulo, Interim Director, NH Office of Energy and Planning
Representative John Graham, Chair, Long Range Capital Planning and Utilization Committee

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS that we, KATHRYN FOSTER and JOSHUA M. RIFF, mother and son, of 7 Hugo Street, City of San Francisco, San Francisco County, State of California, for consideration paid, do hereby grant and convey to THE STATE OF NEW HAMPSHIRE acting by and through its DEPARTMENT OF ENVIRONMENTAL SERVICES (the "State"), and having a mailing address of 29 Hazen Drive, P.O. Box 95, Concord NH 03302-0095, with warranty covenants, the following:

A certain tract or parcel of land located in the Town of Canaan, County of Grafton, State of New Hampshire, on the westerly side of Goose Pond Road, as shown on a plan entitled, "*Lot Line Adjustment between land of Kathryn Foster and Joshua M. Riff and land of N.H.D.E.S. Water Resources Council*", dated May 10, 2012, by Rollins Land Survey, 1216 Rt. 12A, P.O. Box 291, Plainfield, NH 03781, on which plan the parcel herein conveyed is shown as parcel "A" and containing .03 acres more or less, or 1501 square feet. For further description of the parcel herein conveyed see Exhibit "A" attached hereto and made a part hereof. Said plan approved by the Town of Canaan Planning Board on August 13, 2012, and said plan to be recorded at the Grafton County Registry of Deeds together with this Deed.

Meaning and intending to convey a portion of the same premises described in the Warranty Deed of Scott H. Conner and Robin M. Conner to Kathryn Foster and Joshua Riff, dated October 1, 2002, and recorded in the Grafton County Registry of Deeds on October 3, 2002, in volume 2720 page 327.

This conveyance is exempt from the imposition of a real estate transfer tax or the filing of a declaration of consideration pursuant to RSA 78-B:2 and RSA 78-B:10

This conveyance shall be valid only if authorized by vote of Governor and Executive Council at a meeting in the Executive Council Chambers, Concord, New Hampshire.

Executed this _____ day of _____, 2015

Kathryn Foster (date)

Joshua M. Riff (date)

STATE OF _____

COUNTY OF _____

The forgoing instrument was acknowledged before me this _____ day of _____, 2015 by Kathryn Foster, personally known by me or satisfactorily proven.

Notary Public / Justice of the Peace
My commission expires: _____

STATE OF _____

COUNTY OF _____

The forgoing instrument was acknowledged before me this _____ day of _____, 2015 by Joshua M. Riff, personally known by me or satisfactorily proven.

Notary Public / Justice of the Peace
My commission expires: _____

APPENDIX A

In the Town of Canaan, County of Grafton, and State of New Hampshire, a certain piece or parcel of land bounded westerly side by the lands of Mehler Living Trust.

Beginning at an iron pin found at the southeasterly corner of other land of the State of New Hampshire, said iron pin being the northerly most corner of the herein described premises;

Thence; running S 30° 45' 10" E, along other land of NHDES Water Resources Council, a distance of 91.24 feet to a point;

Thence; turning and running N 58° 48' 20" W, along other land of the of the said Foster and Riff, a distance of 69.98 feet, to an iron pin set on the common property line with the Mehler Living Trust;

Thence, turning and running N 17° 25' 00" E, along the land of the said Mehler Living Trust, a distance of 44.19 feet to the point of beginning.

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS that THE STATE OF NEW HAMPSHIRE acting by and through its DEPARTMENT OF ENVIRONMENTAL SERVICES (the "State"), and having a mailing address of 29 Hazen Drive, P.O. Box 95, Concord NH 03302, for consideration paid, does hereby grant and convey to KATHRYN FOSTER and JOSHUA M. RIFF, mother and son, of 7 Hugo Street, City of San Francisco, San Francisco County, State of California, with warranty covenants, the following:

A certain tract or parcel of land located in the Town of Canaan, County of Grafton, State of New Hampshire, on the westerly side of Goose Pond Road, as shown on a plan entitled, "*Lot Line Adjustment between land of Kathryn Foster and Joshua M. Riff and land of N.H.D.E.S. Water Resources Council*", dated May 10, 2012, by Rollins Land Survey, 1216 Rt. 12A, P.O. Box 291, Plainfield, NH 03781, on which plan the parcel herein conveyed is shown as parcel "B" and containing .03 acres +/-, or 1511 square feet. For further description of the parcel herein conveyed see Exhibit "A" attached hereto and made a part hereof. Said plan approved by the Town of Canaan Planning Board on August 13, 2012, and said plan to be recorded at the Grafton County Registry of Deeds together with this Deed.

Meaning and intending to convey a portion of the same premises described in the Quitclaim Deed of the State of New Hampshire, by and through the Department of Resources and Economic Development, to the Water Resources Council, predecessor in interest to the New Hampshire Department of Environmental Services, dated August 2, 1990, and recorded on February 11, 1991, in volume 1897 page 901 at the Grafton County Registry of Deeds.

This conveyance is exempt from the imposition of a real estate transfer tax or the filing of a declaration of consideration pursuant to RSA 78-B:2 and RSA 78-B:10.

This conveyance shall be valid only if authorized by vote of Governor and Executive Council at a meeting in the Executive Council Chambers, Concord, New Hampshire.

Executed this _____ day of _____, 2015

NEW HAMPSHIRE DEPARTMENT OF
ENVIRONMENTAL SERVICES

Thomas Burack, Commissioner (date)

STATE OF NEW HAMPSHIRE

COUNTY OF _____

The forgoing instrument was acknowledged before me this _____ day
of _____, 2015 by Thomas Burack, personally known by me or
satisfactorily proven.

Notary Public / Justice of the Peace
My commission expires: _____

APPENDIX A

In the Town of Canaan, County of Grafton, and State of New Hampshire, a certain piece or parcel of land bounded easterly side by Goose Pond Road.

Beginning at a granite bound on the westerly right-of-way of Goose Pond Road. Said granite bound being the northeasterly most corner of the herein described premises.

Thence; running S 30°35' 00" W, along the westerly sideline of the right-of way of Goose Pond Road, a distance of 40.25 feet to an iron pipe,

Thence; turning and running N 30° 45' 10" W, a distance of 85.58 feet to a point,

Thence; turning and running S 58°48' 20" E, a distance of 75.09 feet, to the point of beginning.