



Victoria F. Sheehan
Commissioner

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



William Cass, P.E.
Assistant Commissioner

Bureau of Rail and Transit
December 6, 2019

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Pursuant to RSA 4:40 and 228:67 authorize the Department of Transportation to sell a 2.55 acre parcel of State-owned land located on the Northern Railroad Corridor in the Town of Andover to John & Hilde Heaton for \$35,000.00 and the one-time administrative fee of \$1,100.00, effective upon Governor and Executive Council approval.

It has been determined by the Division of Finance that this parcel was originally purchased with 80% Federal Funds and 20% General Funds. Sale income and the one-time administrative fee will be credited as follows:

04-096-096-960015-0000-UUU-402156	<u>FY 2020</u>
Administrative Fee	\$1,100.00
04-096-096-960010-2991-403532	<u>FY 2020</u>
Railroad Property Sale	\$7,000.00
(20% of \$35,000)	
04-096-096-963515-3054-401771	<u>FY 2020</u>
Consolidated Federal Aid	\$28,000.00
(80% of \$35,000)	

EXPLANATION

The Department of Transportation has received a request from John L. and Hilde S. Heaton concerning the opportunity to purchase a 2.55 acre parcel of State-owned railroad property east of US Route 4 in the Town of Andover.

The property was acquired by the Department in 1995 as an ancillary parcel as part of the Northern Railroad Corridor which is now part of the rail-trail corridor utilized for recreational purposes by the Northern Rail Trail. There has been confusion as to encroachments and ownership which this item will resolve.

Inspection of this area by the Department's District 2 Highway Maintenance indicated that the Town of Andover was accessing, for town highway maintenance purposes, vacant property that abuts the State-owned Northern Railroad and US Route 4, a State-maintained highway. The Department of Transportation District 2 office and the Department's Bureau of Right of Way observed that this access encroached on property acquired by the State for US Route 4 improvements and the adjacent State-owned Northern Railroad Corridor. Their research suggested the majority of the property, which included the subject parcel upon which the Heaton's had constructed a residence, is actually State-owned railroad property. The Department's Bureau of Rail & Transit was unaware of the encroachment until District 2 inquired, but after a review of the State-owned railroad corridor property files the Bureau of Rail & Transit concurred. In addition, the Department's Land Title section investigated and prepared a report that established the veracity of the Department's claim of ownership. This research indicated that there is a title defect with Heaton's ownership of the subject parcel and the parcel is actually owned by the State of New Hampshire and was never owned by the party from whom the Heaton's purchased the parcel. The Town of Andover and the Heaton's were contacted and furnished documentation. After a Title Insurance claim adjuster's review, the Heaton's agreed to purchase the subject parcels. The Heaton's attorney concurred that the State of New Hampshire does hold title to these parcels and is the rightful owner. Subsequently the Heaton's filed a claim with their Title Insurance provider.

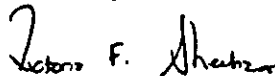
The subject parcel is land locked by adjacent State-owned property, but in accordance with the conditions identified in the pending sale of the adjacent State-owned property to the Town of Andover, the subject parcel will be granted an easement for their driveway. The adjacent property, being sold to the Town and granting the Heaton's an access easement, was approved by the Long Range Capital Planning and Utilization Committee on March 6, 2019, and will be a forthcoming future Governor and Council item when negotiations with the Town are concluded.

The parcel is adjacent to the railroad corridor, does not impact current recreational use or future rail use of the corridor and therefore, determined to be ancillary.

The Long Range Capital Planning and Utilization Committee approved the sale on September 10, 2019.

Authorization is respectfully requested to sell the above described 2.55 acre parcel of land to the Heaton's as outlined above.

Sincerely,



Victoria F. Sheehan
Commissioner

Attachments



LRCP 19-027

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

CHRISTOPHER M. SHEA, 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

September 10, 2019

Shelley Winters, Administrator
Department of Transportation
Bureau of Rail and Transit
John O. Morton Building
Concord, New Hampshire 03301

Dear Ms. Winters,

The Long Range Capital Planning and Utilization Committee, pursuant to the provisions of RSA 4:40 and RSA 228:67, on September 10, 2019, approved the request of the Department of Transportation, Bureau of Rail and Transit, to sell approximately 2.55 acres on the State-owned Northern Railroad Corridor in the Town of Andover to John L. and Hilde S. Heaton for \$36,100, which includes an Administrative Fee of \$1,100, subject to the conditions as specified in the request dated August 28, 2019.

Sincerely,


A handwritten signature in cursive script, appearing to read "Christopher M. Shea".

Christopher M. Shea
Deputy Legislative Budget Assistant

CMS/pe
Attachment

Cc: Louis Barker, Rail and Transit, Dept. of Transportation


**STATE OF NEW HAMPSHIRE
INTER-DEPARTMENT COMMUNICATION**

From:  Louis A. Barker
Railroad Planner

Date: August 28, 2019

AT: Dept. of Transportation
Bureau of Rail and Transit

Thru: Shelley Winters *sw*
Administrator, Bureau of Rail & Transit

Stephen LaBonte 
Administrator, Bureau of Right-of-Way

Subject: State-owned Northern Railroad Corridor, Andover
Proposed Sale of Railroad Property, Heaton (RSA 4:40, RSA 228:67)

To: Rep. John Cloutier, Chairman
Long Range Capital Planning and Utilization Committee

REQUESTED ACTION

The Department of Transportation, pursuant to the provisions of RSA 4:40 and RSA 228:67 requests authorization to sell approximately 2.55 acres on the State-owned Northern Railroad Corridor in the Town of Andover to John L. and Hilde S. Heaton for \$36,100.00 which includes an administrative fee of \$1,100.00.

EXPLANATION

The Department of Transportation has received a request from John L. and Hilde S. Heaton concerning the opportunity to purchase a parcel of State-owned railroad property east of US Route 4 in the Town of Andover.

The property was acquired by the Department in 1995 as an ancillary parcel as part of the Northern Railroad Corridor which is now part of the rail-trail corridor utilized for recreational purposes by the Northern Rail Trail.

Inspection of this area by the Department's District 3 Highway Maintenance indicated that the Town of Andover was accessing, for town highway maintenance purposes, vacant property that abuts the State-owned Northern Railroad and US Route 4, a State-maintained highway. The Department of Transportation District 3 office and the Department's Bureau of Right of Way observed that this access encroached on property taken by the State for US Route 4 improvements and the adjacent State-owned Northern Railroad Corridor. Their research suggested the majority of the property, which included the subject parcel upon which the Heaton's had constructed a residence, is actually State-

owned railroad property. The Department's Bureau of Rail & Transit was unaware of the encroachment until District 3 inquired, but after a review of the State-owned railroad corridor property files the Bureau of Rail & Transit concurred. In addition the Department's Land Title section investigated and prepared a report that established the veracity of the Department's claim of ownership. This research indicated that there is a title defect with Heaton's ownership of the subject parcel and the parcel is actually owned by the State of New Hampshire and was never owned by the party from whom the Heaton's purchased the parcel. The Town of Andover and the Heaton's were contacted and furnished documentation. After a Title Insurance claim adjuster's review, the Heaton's agreed to purchase the subject parcels. The Heaton's attorney concurred that the State of New Hampshire does hold title to these parcels and is the rightful owner. Subsequently the Heaton's filed a claim with their Title Insurance provider.

The subject parcel is land locked, but in accordance with the conditions identified in the pending sale of adjacent State-owned property to the Town of Andover, the subject parcel will be granted an easement for their driveway. The adjacent property, being sold to the Town and granting the Heaton's an easement, was approved by the Long Range Capital Planning and Utilization committee on March 6, 2019.

The parcel is adjacent to the railroad corridor, does not impact current or future use of the corridor and therefore determined to be ancillary. The disposal of this parcel will not interfere with current recreational use and its disposition will not impact future railroad or transportation use of this corridor.

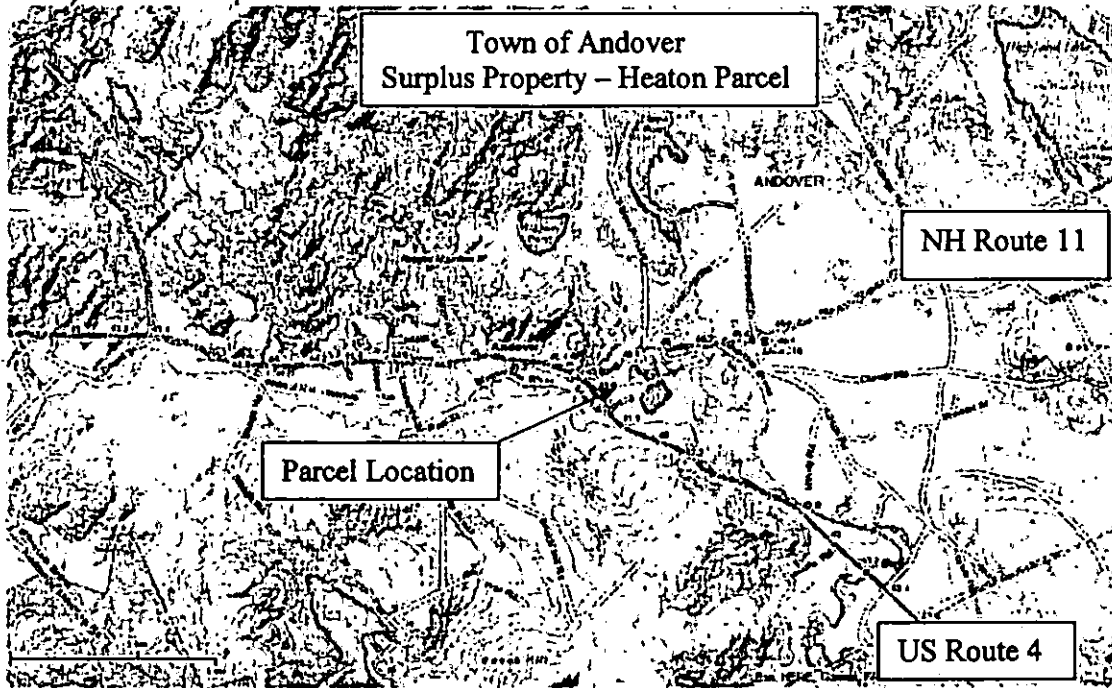
A staff appraiser from the Department completed an opinion of value (attached) of the subject parcel with research including three other sales in the Andover area. The appraiser determined the estimated value of the subject parcel as of September 10, 2018 to be \$ 35,000.00.

The Department requests authorization to sell the subject property to the John L. and Hilde S. Heaton, as outlined above.

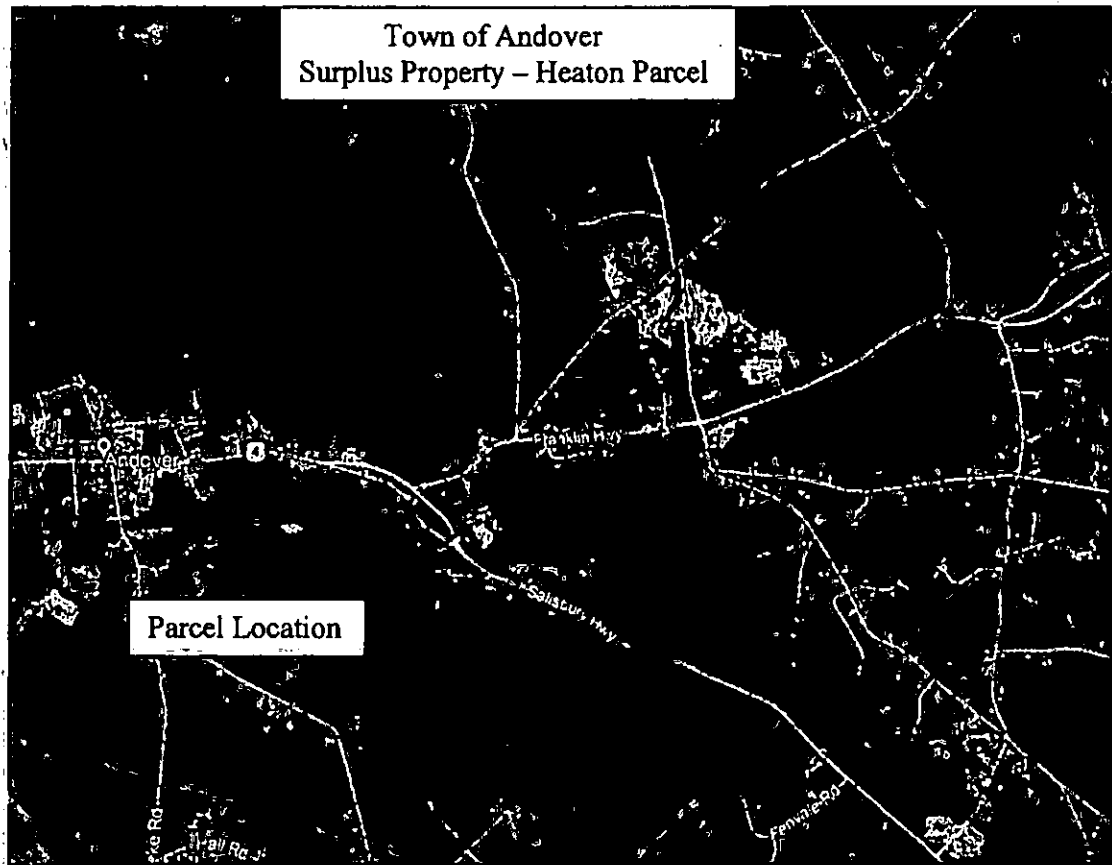
Attachments

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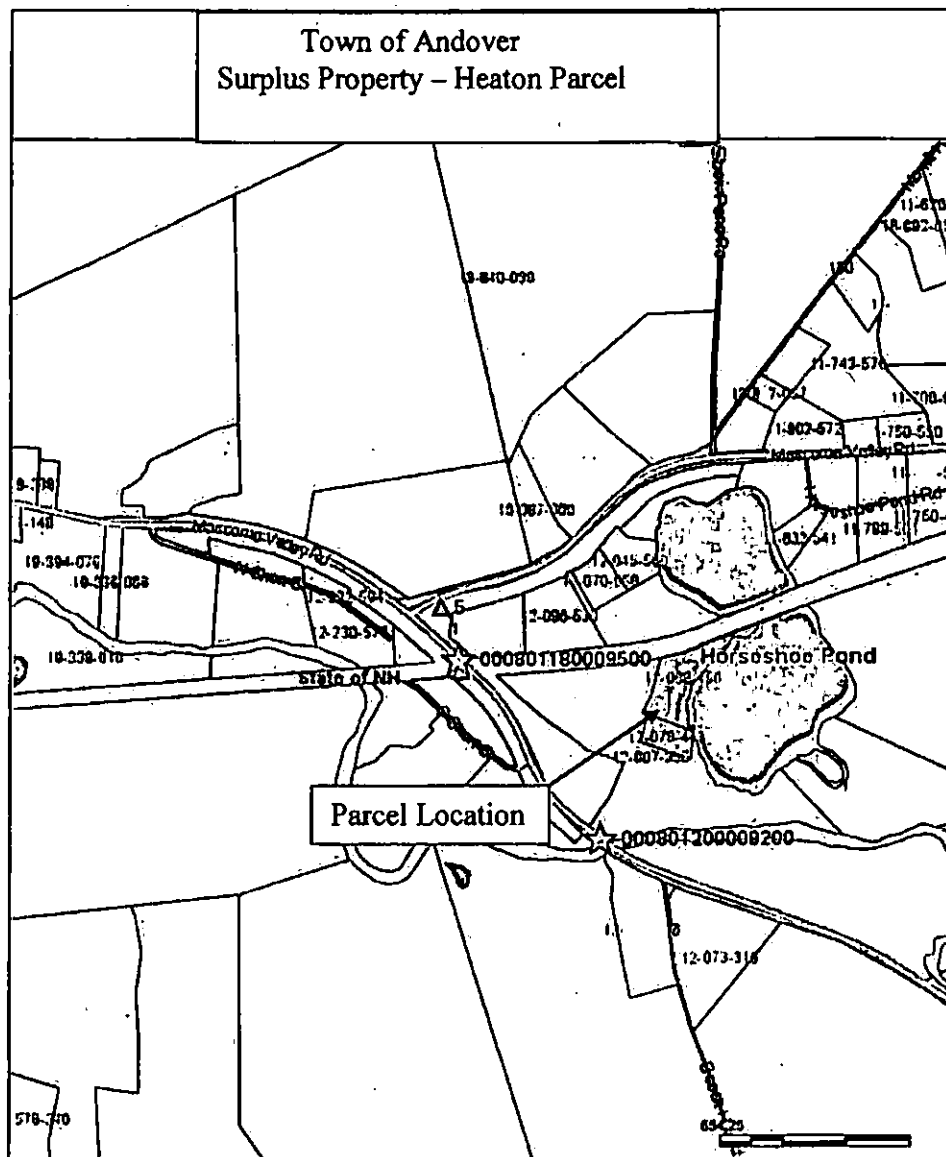
1) Locus Map



2) Aerial Photo



3) Tax Map



4) Property Map prepared by NHDOT Bureau of Right of Way

ANDOVER, NH
Proposed Sale Area, John L. and Hilde S. Heaton

