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State of New Hampshire

DEPARTMENT OF ADMINISTRATIVE SERVICES

OFFICE OF THE COMMISSIONER

25 Capitol Street – Room 120

Concord, New Hampshire 03301

LINDA M. HODGDON
Commissioner
(603) 271-3201

JOSEPH B. BOUCHARD
Assistant Commissioner
(603) 271-3204

June 25, 2013

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

REQUESTED ACTION

Authorize the Department of Administrative Services (the "Department"), pursuant to RSA 4:40, to grant a perpetual utility easement on State land to Unitil Energy Systems, Inc. and Northern New England Telephone Operations, LLC (d/b/a FairPoint Communications - NNE), as tenants in common, for the construction, installation, operation, maintenance, and replacement of transmission and distribution lines and associated service poles and other supporting facilities and apparatus as needed to provide electrical and telecommunications utility service to the Anna Philbrook Center located at 121 South Fruit Street in Concord on the southwestern corner of the Governor Hugh J. Gallen State Office Park campus.

EXPLANATION

The Anna Philbrook Center Renovation Project, currently underway, requires both new electrical and telecommunications utility infrastructure and upgrades to existing utility infrastructure. The proposed utility easement would affect a twenty (20) foot wide strip of land extending from existing utility "pole #23" located along South Fruit Street in Concord to the Anna Philbrook Center building by way of existing utility "pole #23-1" with the centerline of such strip to be fixed upon the "pole line" between said poles #23 and #23-1. The proposed easement grants Unitil and FairPoint the perpetual right and easement to build, replace, patrol, maintain, and operate a pole line with crossarms, subsurface lines, wires, facilities and other appurtenances for the transmission of intelligence by electricity and for the transmission and distribution of electricity, including the necessary guys over and across the affected land.

The proposed utility easement shall be granted to Unitil and FairPoint free of charge in exchange for making available to the State continued and upgraded electrical and telecommunications utility service to the renovated Anna Philbrook Center. The effectiveness of the proposed easement shall commence upon its execution by the Commissioner of the Department of Administrative Services, following approval by the Governor and Executive Council, and shall continue in perpetuity. The proposed easement was approved by the Long Range Capital Planning and Utilization Committee on June 25, 2013 (LRCP 13-031).

Respectfully submitted,

Linda M. Hodgdon
Commissioner

LIST OF EXHIBITS

1. Proposed Easement Deed (based on Unitil form template)
2. Location Map
3. Parcel Map Detail (with utility poles marked and numbered and showing the proposed easement area)
4. Aerial View (showing utility poles marked and numbered)

Eintake #33691
Unitil Energy Systems, Inc.
One McGuire Street
Concord, NH 03301

EASEMENT DEED

The **STATE OF NEW HAMPSHIRE**, acting through its Department of Administrative Services pursuant to RSA 4:40, as authorized by the Governor and Executive Council on July 10, 2013 (Meeting Agenda Item # _____), with a mailing address of Department of Administrative Services, Office of the Commissioner, 25 Capitol Street, Concord, New Hampshire 03301 (herein called "Grantors", which word and the pronouns referring thereto shall mean the singular or plural of any gender, as the context may require) for consideration paid grants to **Unitil Energy Systems, Inc.**, a New Hampshire corporation with its principal place of business at 6 Liberty Lane West, Hampton, New Hampshire 03842-1720, and **Northern New England Telephone Operations LLC** (d/b/a FairPoint Communications — NNE) a limited liability company organized under the laws of Delaware having a place of business at 100 Gay Street, Manchester, New Hampshire 03103 and their respective successors and assigns and permittees forever, as tenants in common, with quitclaim covenants, the perpetual right and easement to build, replace, patrol, maintain, and operate a pole line with crossarms, subsurface lines, wires, facilities and other appurtenances for the transmission of intelligence by electricity and for the transmission and distribution of electricity (herein referred to inclusively as "said pole line") including the necessary guys over and across Grantor's land situated on **South Fruit Street** in **Concord**, New Hampshire on a strip **20** feet in width, the center line thereof to be fixed upon the pole line as follows:

To cover pole(s) #23-1 and associated anchors pad mount, transformer and underground lines from pole to pad off main line pole #23 located at South Fruit St, Concord NH

Meaning and intending to describe and convey an easement over that portion of those premises known as the Governor Hugh J. Gallen State Office Park (formerly known as the New Hampshire Hospital Campus) as was conveyed to Grantors by Deed of Elisha Morrill dated January 22, 1841, recorded in the Merrimack County Registry of Deeds at Book 64, Page 374.

There is also hereby conveyed the right to enter all abutting lands of Grantors in the exercise of the rights herein granted and to exercise all rights reserved to Grantors in adjacent land; and the right to trim and remove from Grantor's land such trees and other growth as in the judgment of Grantees may interfere with or endanger said pole lines or the operation or maintenance thereof by such means as the Grantee may elect, all wood and timber to remain the property of the Grantor(s). Facilities built by any utilities pursuant to the easement hereby granted shall be and remain the property of the utilities. Furthermore it is understood that Grantees will follow all applicable municipal ordinances including obtaining excavation permits and road opening permits as required by the Town.

The Grantor(s) covenants and agrees that if any poles or wires or associated equipment installed in pursuance of this conveyance are required to be removed in connection with activity driven by the Grantor, the Grantor(s) will reimburse the Grantee(s) for all of its costs incurred in connection therewith. The Grantees shall have the right to install and maintain its distribution facilities upon the Grantor's

premises without charge for the purpose of furnishing service to the Grantor and also for the purpose of serving Customer (s) on adjacent lands. Notwithstanding the foregoing, in the event that any of the said poles or wires or associated equipment installed pursuant to this Easement shall lie in or upon land, the fee interest in which shall be subsequently dedicated to and accepted by a municipality as a public way, the Grantee acknowledges and agrees that said municipality only, as successor and assign of the Grantor, shall not be bound by the foregoing covenant of the Grantor to reimburse the Grantee for costs incurred in connection with such removal. Grantor, for itself and each of its successors and assigns, hereby acknowledges and agrees that under such circumstances the Easement shall not be released, extinguished or terminated, and shall otherwise remain in full force and effect.

The Grantor(s) for themselves, their heirs, executors, administrators and assigns, hereby covenant(s) that they will not erect or permit any building or other structure, or alter the terrain, upon said strip that in the judgment of Grantee may interfere with or endanger said pole lines or the operation thereof; or would reduce the clearances to less than the National Electrical Safety Code or any other code in effect.

WITNESS the hand(s) and seal(s) of the Grantor(s) this _____ day of _____, 2013.

GRANTOR:
STATE OF NEW HAMPSHIRE
By and through its
DEPARTMENT OF ADMINISTRATIVE SERVICES

WITNESS: _____

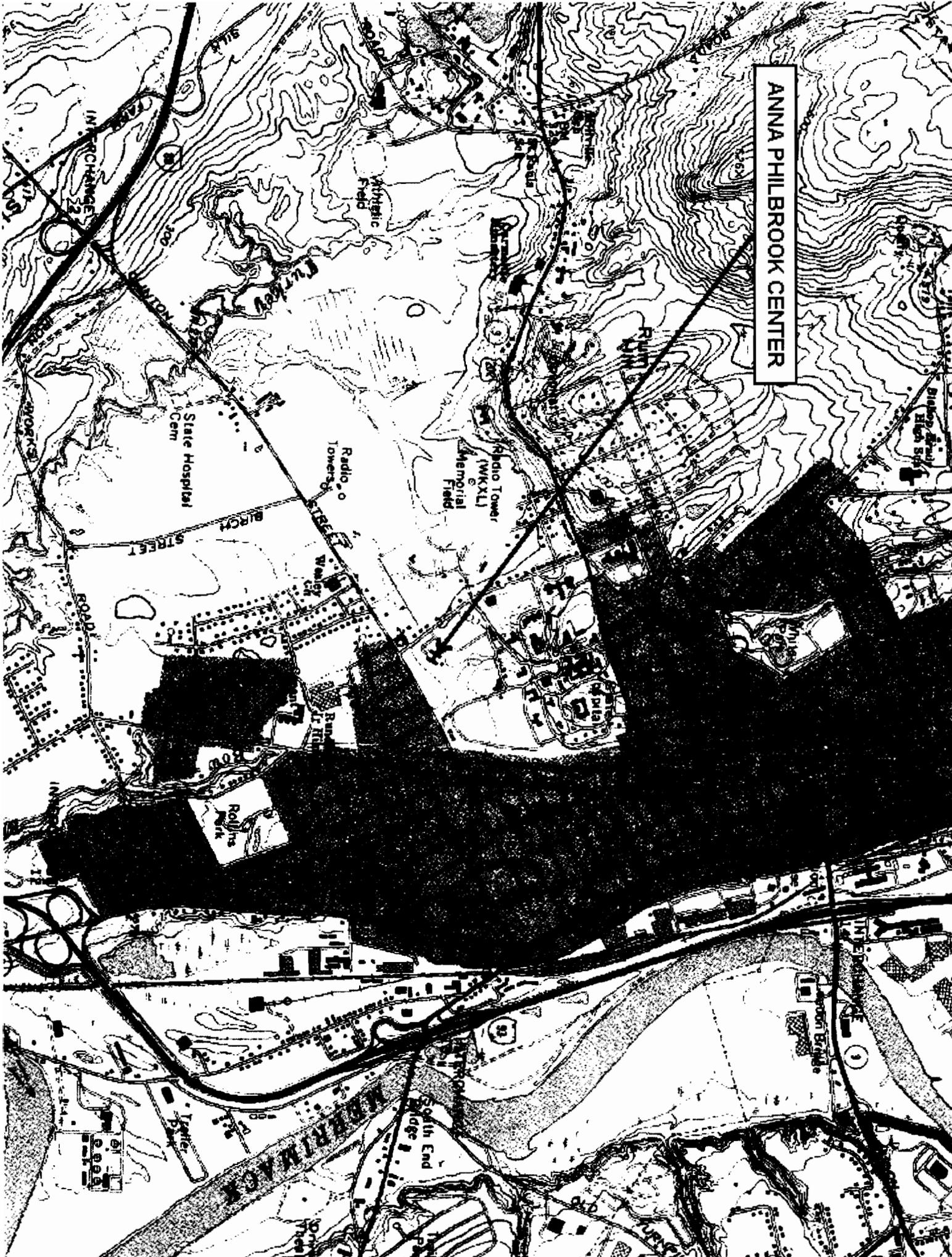
By: _____
Linda M. Hodgdon, Commissioner
Duly Authorized

STATE OF NEW HAMPSHIRE
COUNTY OF _____

On this _____ day of _____, 2013, personally appeared the above-named Linda M. Hodgdon, known to me (satisfactorily proven) to be the person whose name is subscribed to the foregoing instrument, and acknowledged that she is the duly authorized Commissioner of the New Hampshire Department of Administrative Services and that she executed the foregoing instrument for the purposes therein contained.

Notary Public / Justice of the Peace
My Commission Expires: _____
(SEAL)

ANNA PHILBROOK CENTER



20

Barbuck Dr



21

126

22

128

130

S Fruit St

23

121

23

1

129

PROPOSED EASEMENT AREA

24

21

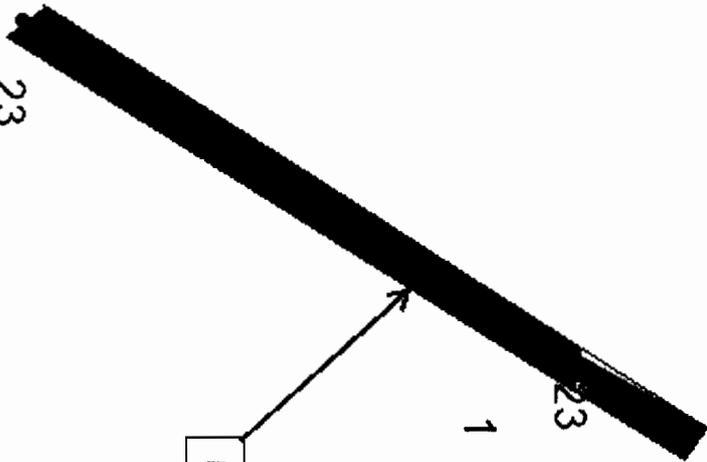
20

18

Clinton St

050

25





Stewart St

Edgartown Dr

1228

1227

1226

1227

1226

Edgartown St

120

120