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THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



Victoria F. Sheehan
Commissioner

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
December 22, 2015

REQUESTED ACTION

Pursuant to RSA 4:39-c and 228:31, authorize the Department of Transportation to release a condition from a deed restriction that was placed on a parcel of land formerly owned by the Department of Transportation and now owned by Seacoast Crossroads Realty Company, LLC located in the Town of Hampton, directly to Seacoast Crossroads Realty Company, LLC for \$71,100.00 which includes a \$1,100.00 Administrative Fee, subject to the conditions as specified in this request.

It has been determined by the Division of Finance that this Right-of-Way was originally purchased with 100% Turnpike Funds.

04-096-096-960015-0000-UUU-402156	<u>FY 2016</u>
Administrative Fee	\$1,100.00
04-096-096-960017-0000-UUU-409278	<u>FY 2016</u>
Sale of Parcel	\$70,000.00
(100% of \$70,000.00)	

EXPLANATION

The Department of Transportation has received a request from Seacoast Crossroads Realty Company, LLC requesting the Department to release a condition from a deed restriction that was placed on a parcel of land formerly owned by the Department and now owned by Seacoast Crossroads Realty Company, LLC.

This parcel was originally acquired by the Department in 1973 for the widening of the New Hampshire Turnpike (Interstate 95) and surrounding roads. The remainder of that parcel (1.3 acres) was sold by the Department with the following deed restriction placed on the parcel:

The Grantee (Wheelabrator-Frye, Inc.) acknowledges that there can be no access from the tract of land to abutting highways, it will not be used for development purposes and that a cemetery is located thereon."

Seacoast Crossroads Realty, LLC has requested to have the Department remove only the condition of the deed restriction that states the parcel will not be used for development purposes. The other two (2) conditions of the deed restrictions will stay in effect.

Removal of this restriction would need written approval from the Department because it would affect property rights on this parcel. This action will require that this request go through the 4:39 process.

This request has been reviewed by this Department and it has been determined that this parcel is surplus to our operational needs and interests.

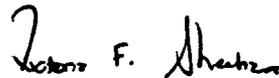
Approval of the sale of this property by the Council of Resources and Development is no longer necessary per RSA 4:39-c, whereas the parcel on which the deed restriction was placed was originally purchased with Turnpikes funds.

The Long Range Capital Planning and Utilization Committee at their November 17, 2015 meeting approved this request that the Department should release the condition that states that the parcel 'will not be used for development purposes' from a deed restriction that was placed on a 1.3 acre parcel of land formerly owned by the Department of Transportation and now owned by Seacoast Crossroads Realty Company, LLC located in Hampton directly to Seacoast Crossroads Realty Company, LLC for \$71,100.00 which includes an Administrative Fee of \$1,100.00.

In accordance with RSA 4:39-c, the Town of Hampton has been offered to purchase a condition from this deed restriction at the approved purchase price and responded to the Department that they are not interested in purchasing this condition.

Authorization is respectfully requested to release this condition of a deed restriction to Seacoast Crossroads Realty Company, LLC as outlined above.

Respectfully,



Victoria F Sheehan.
Commissioner

WJC/PJM/kjk
Attachment

NOV 19 2015

RECEIVED

LRCP 15-034



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

November 17, 2015

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

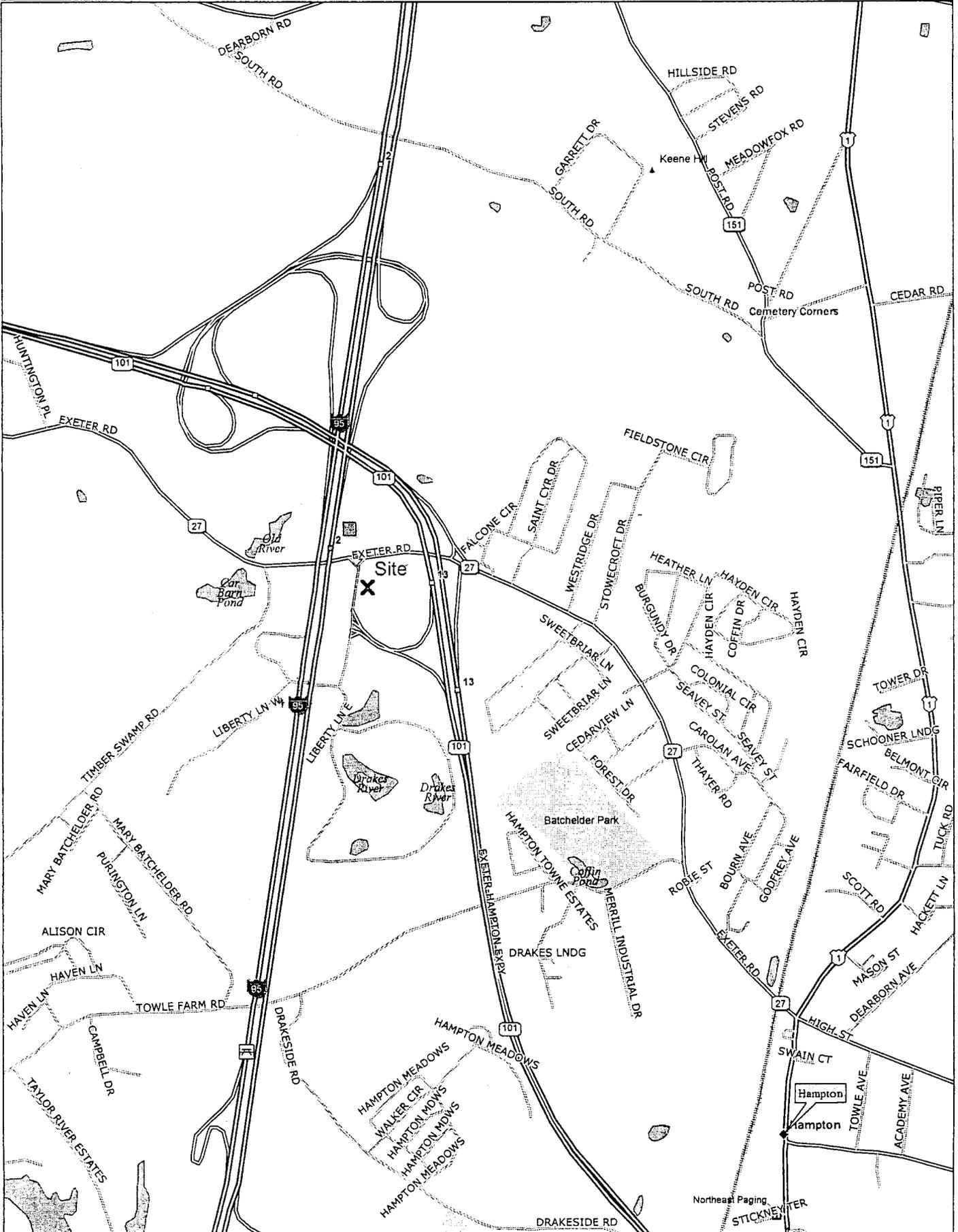
Dear Mr. Schmidt,

The Long Range Capital Planning and Utilization Committee, pursuant to the provisions of RSA 4:39-c, on November 17, 2015, approved the request of the Department of Transportation, Bureau of Right-of-Way, to release the condition that states that the parcel "will not be used for development purposes" from a deed restriction that was placed on a 1.3 acre parcel of land formerly owned by the Department of Transportation and now owned by Seacoast Crossroads Realty Company, LLC located in the Town of Hampton, directly to Seacoast Crossroads Realty Company, LLC for \$71,100, which includes a \$1,100 Administrative Fee, subject to the conditions as specified in the request dated September 2, 2015.

Sincerely,

Michael W. Kane
Legislative Budget Assistant

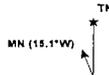
MWK/pe
Attachment



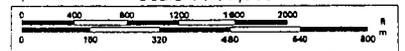
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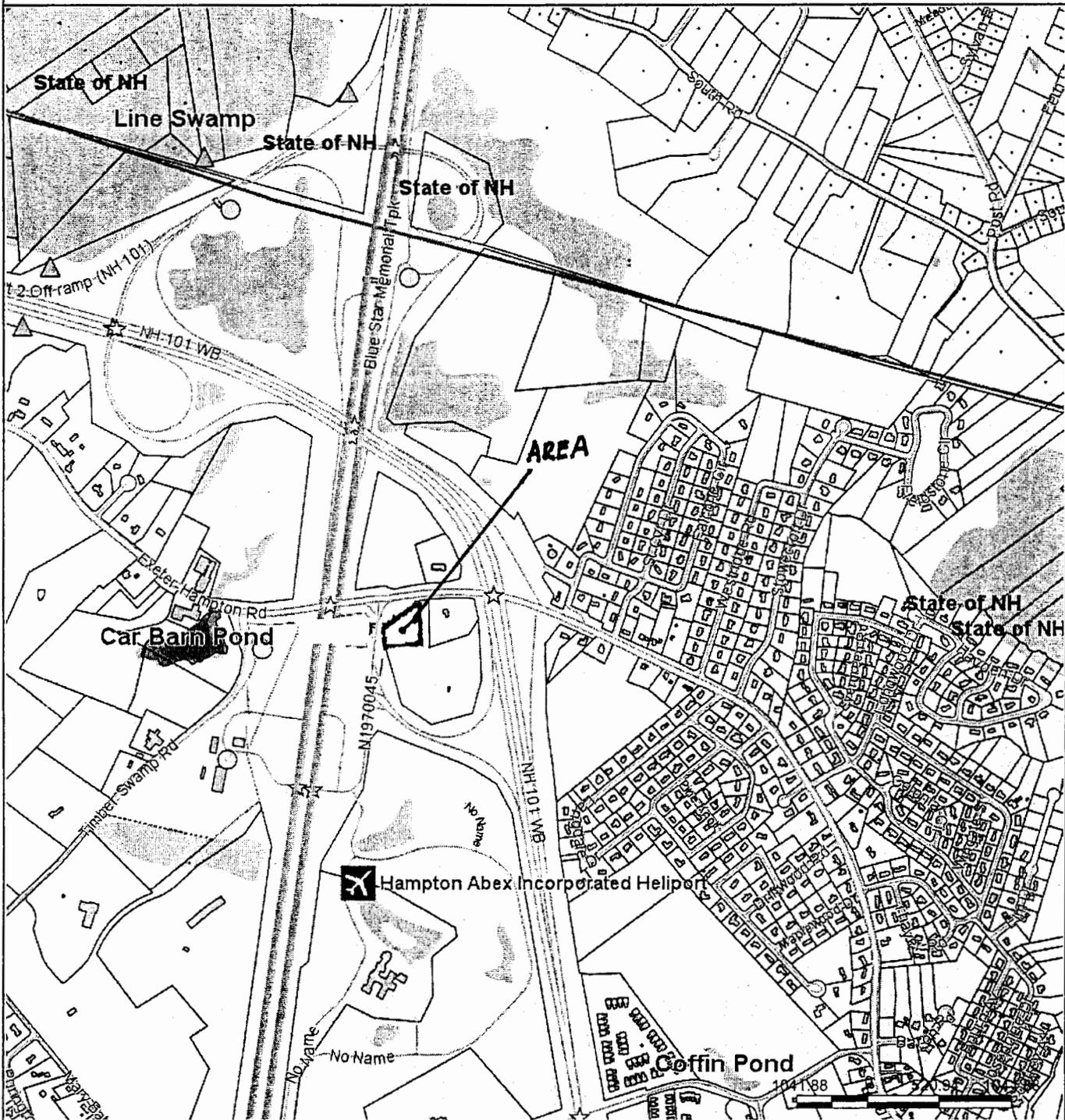


Scale 1 : 17,600



1" = 1,466.7 ft

Data Zoom 13-5



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Appraisal Report

of

The Contributory Value of the Release of a Deed Restriction Prohibiting Development
on 1.3± Acres of a 9.91± Acre Site at 298 Exeter Road (NH Route 27)
Hampton, NH

The seal of the New Hampshire Department of Transportation is a large, circular emblem. It features a central shield with a ship, surrounded by the text "SEAL OF THE STATE OF NEW HAMPSHIRE" and "DEPARTMENT OF TRANSPORTATION".

Property Owner:
Seacoast Crossroads Realty Company, LLC

Effective Date of Value:
July 13, 2015

Prepared For:
Mr. Phillip J. Miles
Chief of Property Management
Bureau of Right-of-way
NH Department of Transportation
7 Hazen Drive
P.O. Box 483
Concord, NH 03302-0483

Prepared By:
Laura J. Davies, NHC - 529
Appraisal Supervisor
NH Department of Transportation
7 Hazen Drive
PO Box 483
Concord, NH 03302-0483

Town of Hampton



DEPT. OF TRANSPORTATION
RIGHT-OF-WAY

DEC 18 2015

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December 16, 2015

State of New Hampshire
Department of Transportation
Phillip J. Miles, Chief of Property Management
PO Box 483
Concord, New Hampshire 03302-0483

Re: Release of Deed Restriction in Hampton

Dear Mr. Miles:

Thank you for your communication (attached) regarding the release of deed restriction in the Town of Hampton to Seacoast Crossroads Realty Company, LLC known as Tax Map 67, Parcel 1.

The Board of Selectmen reviewed your requests at their regular meeting held on December 14, 2015. The Board determined that the Town has no interest in purchasing the deed restriction and has no objection to the Department proceeding to complete the transfer of property rights.

The Selectmen did indicate that provision must be made for continued public access to the cemetery plots existing on the property in question.

Thank you for your prompt notice to the Town of this proposed transfer.

For the Board of Selectmen

Frederick Welch
Town Manager