



Victoria F. Sheehan
Commissioner

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



William Cass, P.E.
Assistant Commissioner

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

Bureau of Right-of-Way
October 11, 2018

REQUESTED ACTION

Pursuant to RSA 4:39-c and 228:31, authorize the Department of Transportation to transfer a 0.30 +/- of an acre permanent waterline easement over a parcel of State owned land located on the westerly side of NH Route 16 in Errol to Balsams View, LLC (Vendor # 224962) in exchange for Balsams View, LLC transferring to the Department of Transportation a 6.046 +/- acre parcel of land along with a right of way access easement over additional property owned by Balsams View, LLC located on the northerly side of NH Route 26 in the Unincorporated Place of Dixville and the Town of Colebrook subject to the conditions as specified in this request. This is a no cost transfer and further the Department agrees to waive the Administrative Fee of \$1,100.00.

EXPLANATION

The Department of Transportation has been working with Balsams View, LLC concerning the redevelopment and expansion of the Balsams Resort. Balsams View, LLC has purchased the Balsams Resort property. For many years, an arrangement has existed with the Balsams to allow the Department to occupy a salt shed and garage on their property for Highway Maintenance.

The proposed redevelopment of the Balsams requires this area and therefore necessitates relocation of the shed. The Department has offered to reconstruct a new shed if land can be provided in the immediate area.

The Department has previously appeared in front of the Long Range Capital Planning and Utilization Committee two (2) times for approval on this transfer. The Department is proposing a revised area of the patrol shed due to a preliminary conceptual review by the Colebrook Planning Board. They were concerned with the creation of an irregularly shaped parcel surrounding the portion that we were receiving. Balsams View, LLC agreed to extend the property boundaries in an effort to alleviate the planning board's concerns. In addition, the parcel size needed to increase due to the wetlands that were delineated through the middle of the property which necessitated relocating the building site.

Balsams View, LLC proposed to deed the Department a 6.046 +/- acre parcel of land to relocate this substandard Maintenance Patrol Shed Facility. This will include an access easement over a private road (Valley Road) owned by them to access the property located on the northerly side of NH Route 26 located as noted above. Other conditions in this sale will include:

- Balsams View, LLC will also grant to the Department a utility easement in the access easement area being granted to the Department for necessary utilities.

- Balsams View, LLC will reserve an access easement and utility easement over the parcel to be conveyed to the State as shown on the survey of the property between Parcel 256-1 owned by Dixville Woodlands, LLC, their heirs and assigns and Parcel 1626-6.11 owned by Balsams View, LLC, their heirs and assigns.
- If the parcel is ever sold in the future by the State, Balsams View, LLC would have the right of first refusal to purchase the property at fair market value after statutory obligations of RSA 4:39-c and 204-D:2 have been met.

In exchange for the land, the Department would grant Balsams View, LLC, a 0.30 +/- of an acre permanent waterline easement over a parcel of State land owned by the Department of Transportation located in Errol which is used by the Department as a Patrol Shed Facility. The easement would provide property rights for a waterline that will support the snowmaking system for the Balsams redevelopment. The snowmaking pipeline will be approximately 8 miles long and this easement is one of many that the developer will need to secure. The functionality of the Errol Patrol Shed does not change as a result of the granting of this easement.

This request has been reviewed by this Department and it has been determined that this exchange is surplus to our operational needs and interest. This exchange of land rights will help support the Balsams redevelopment project by providing an easement for the snowmaking pipeline as well as assisting the Department by relocating the existing Patrol Shed from private property to State property.

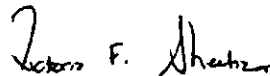
This request has been reviewed by this Department and it has been determined that this well and parcel are surplus to our operational needs and interest.

Approval of the transfer of this property by the Council of Resources and Development is no longer necessary per RSA 4:39-c whereas the parcel being transferred was originally purchased with Federal Aid Highway funds.

The Long Range Capital Planning and Utilization Committee at their September 5, 2018 meeting approved this request for the Department Transportation to transfer a 0.30 +/- of an acre permanent waterline easement over a parcel of State owned land located on the westerly side of NH Route 16 in Errol to Balsams View, LLC in exchange for Balsams View, LLC transferring to the Department of Transportation a 6.046 +/- acre parcel of land along with a right of way access easement over additional property owned by Balsam View, LLC located on the northerly side of NH Route 26 in the Unincorporated Place of Dixville at no cost transfer and further the Department agrees to waive the Administrative Fee of \$1,100.00.

Authorization is respectfully requested to approve this exchange between the Department of Transportation and Balsams View, LLC

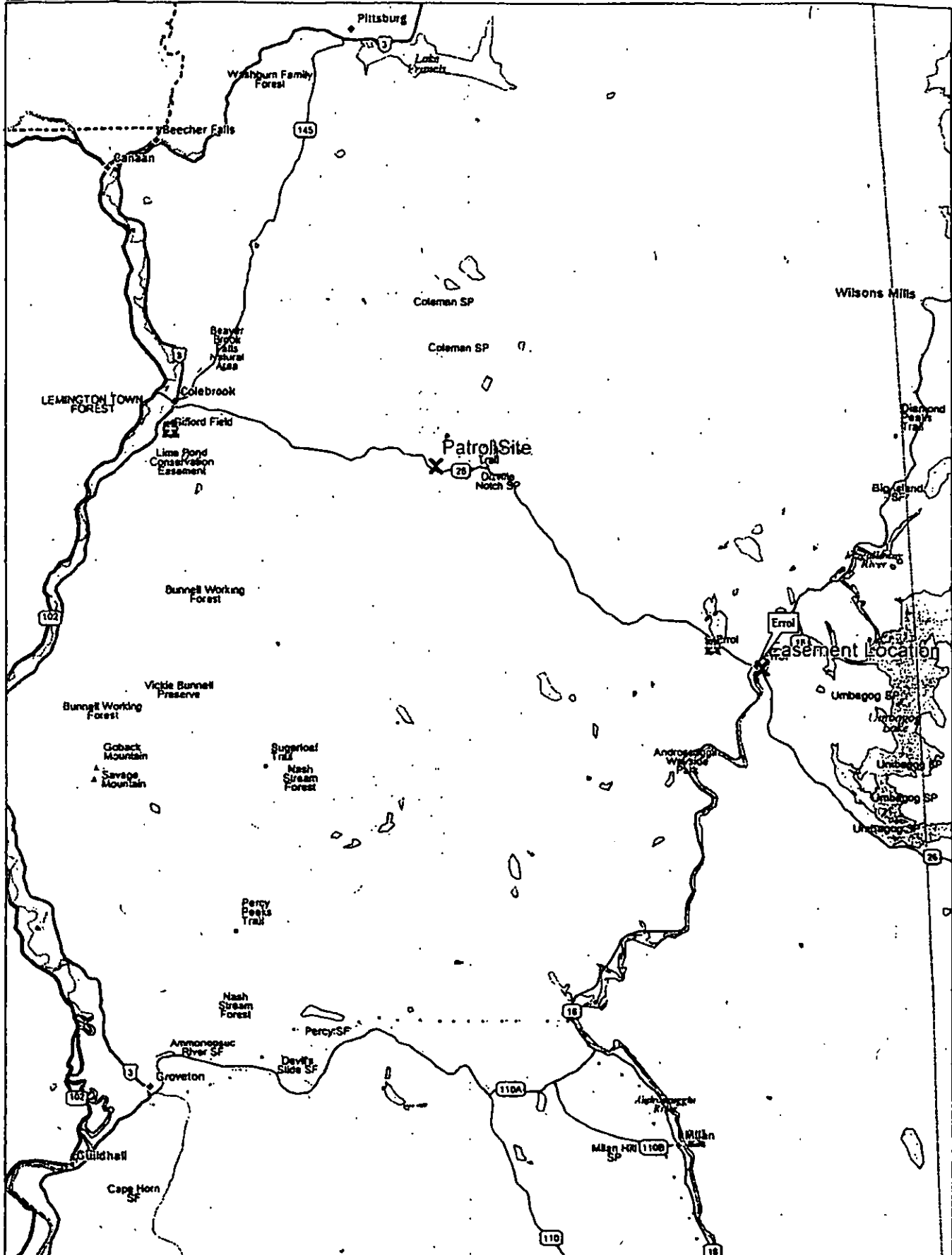
Respectfully,



Victoria F. Sheehan
Commissioner

VFS/PJM/pfc

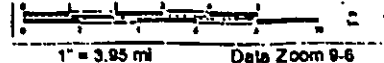
Attachments: Maps, plans



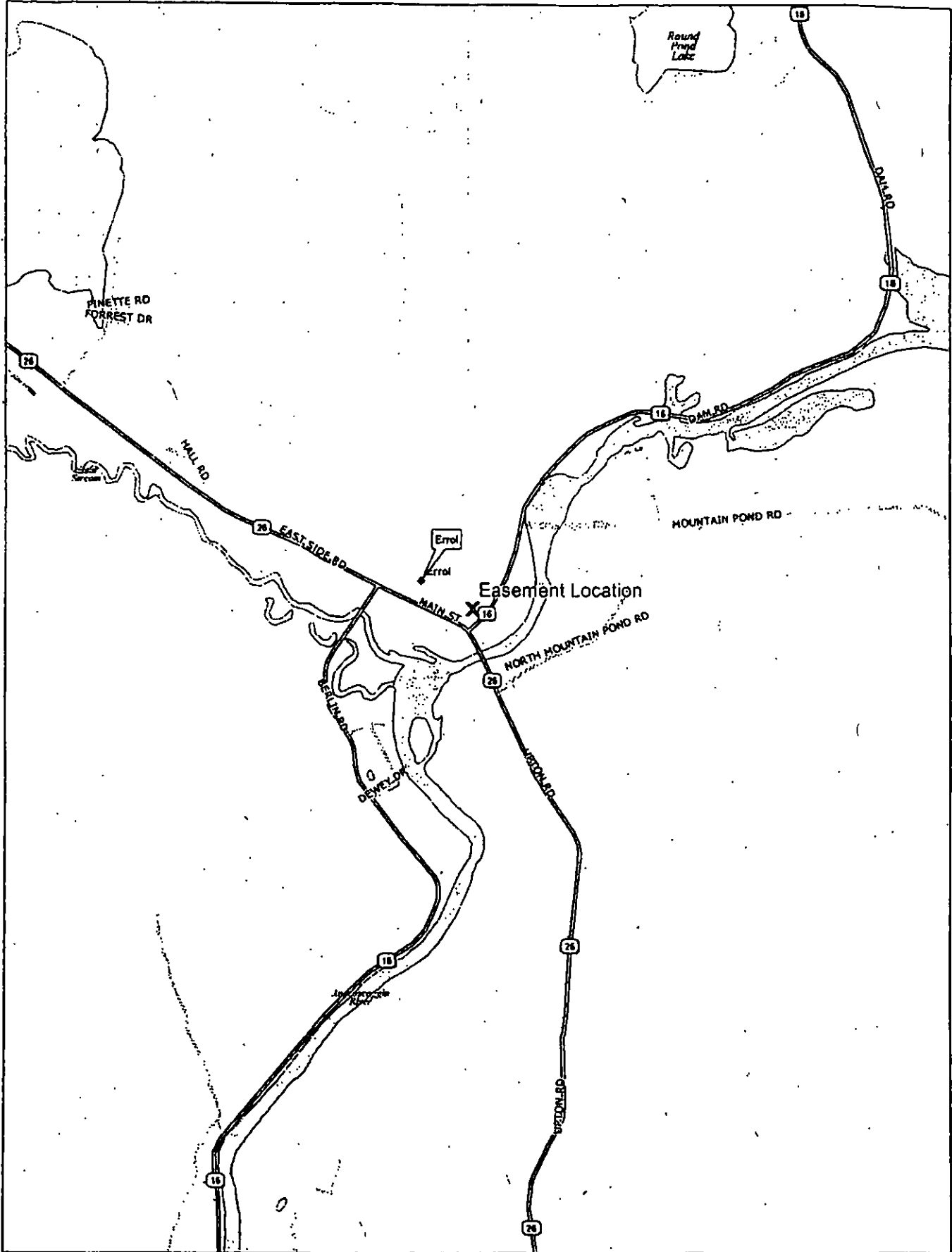
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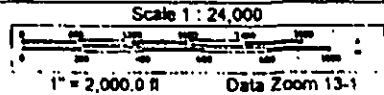
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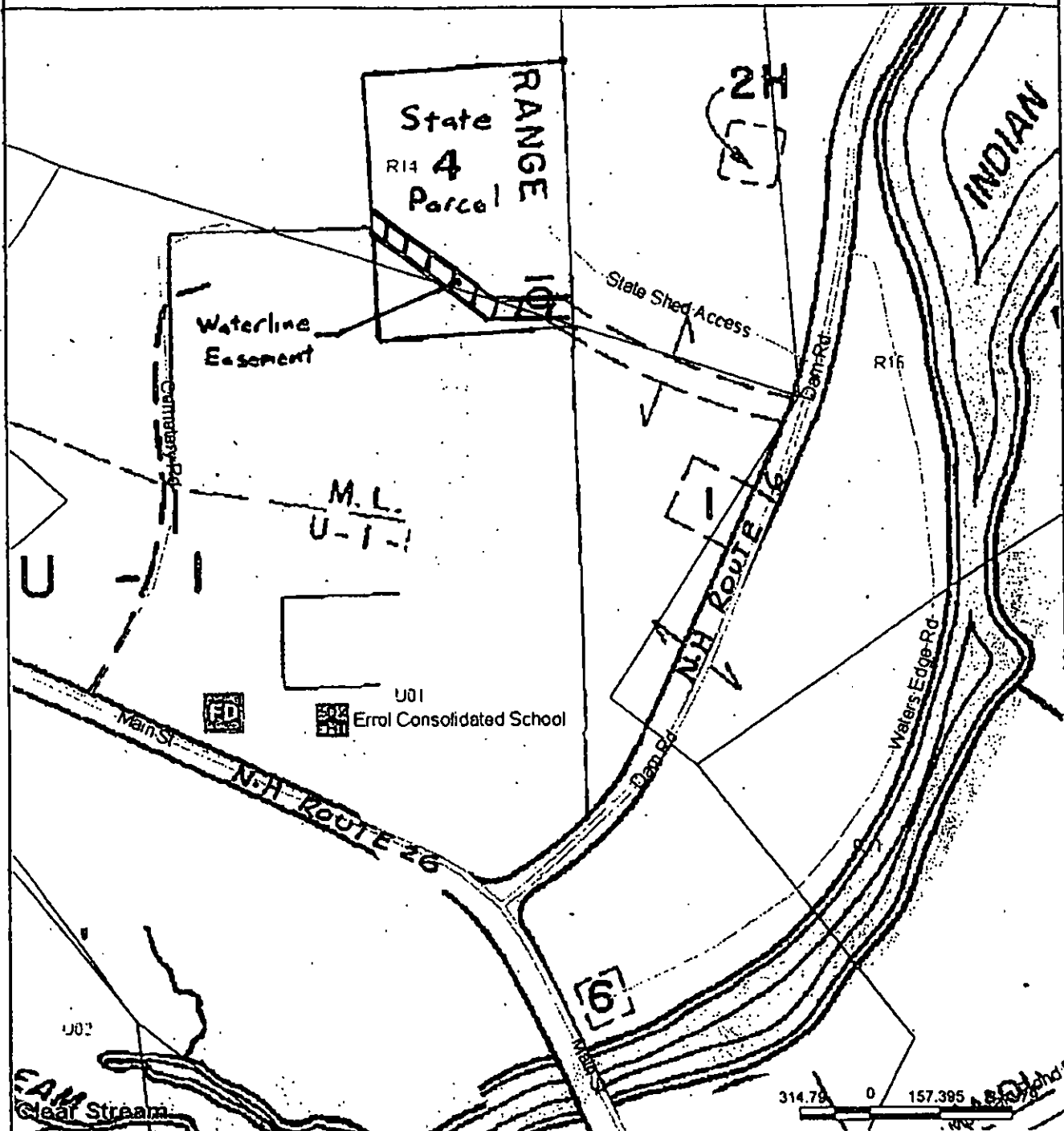


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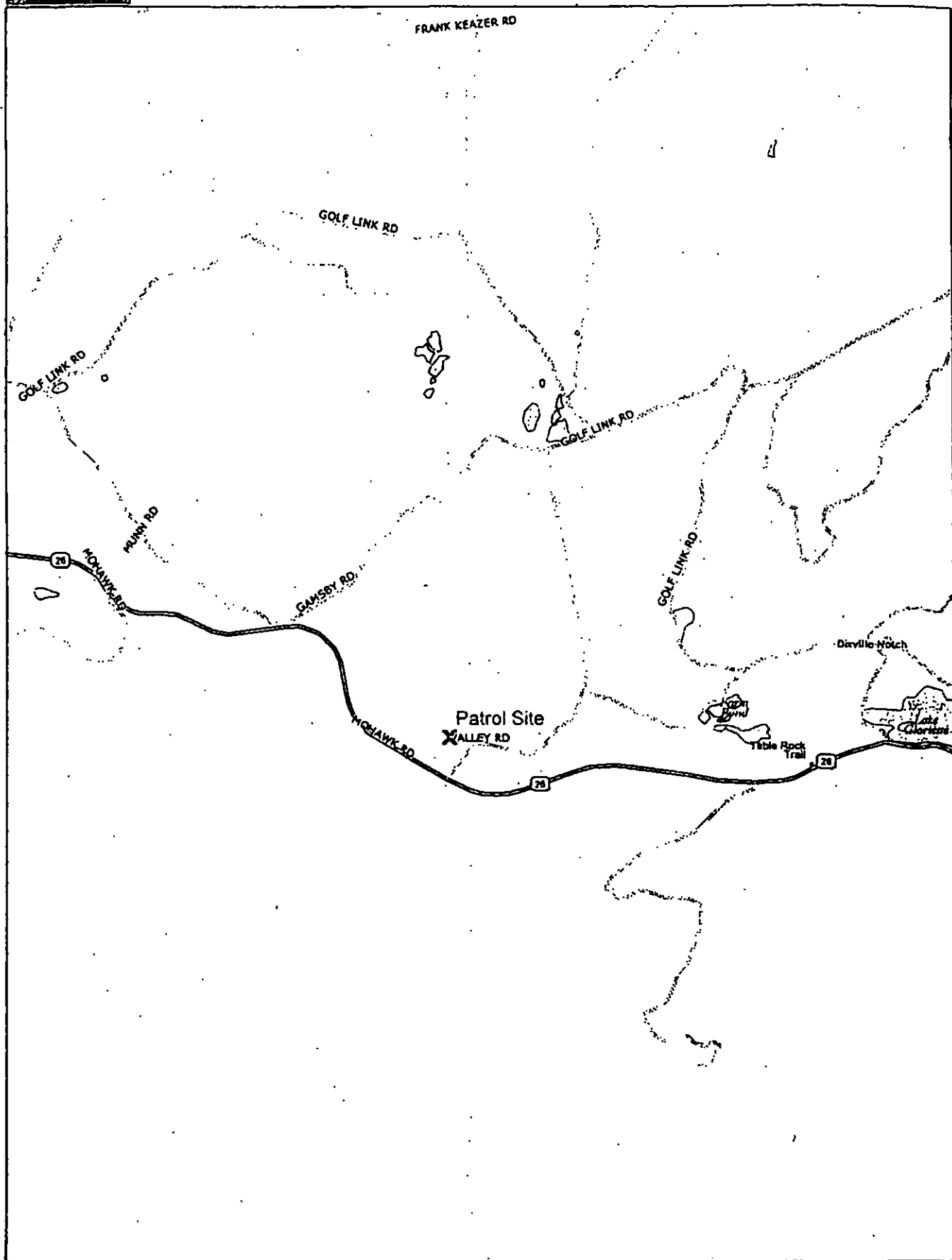
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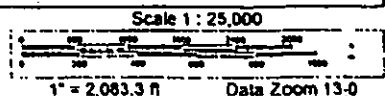
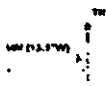
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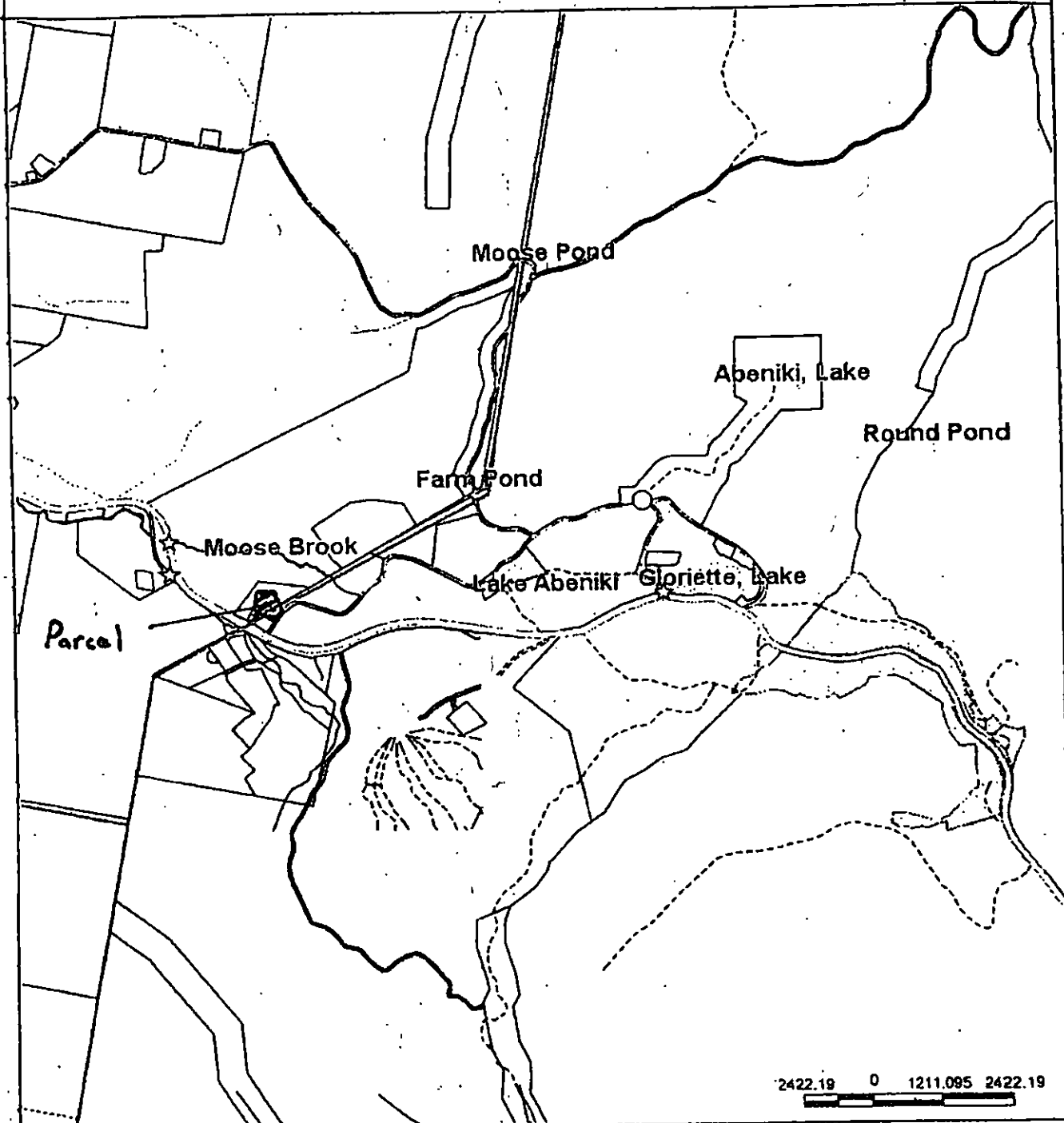


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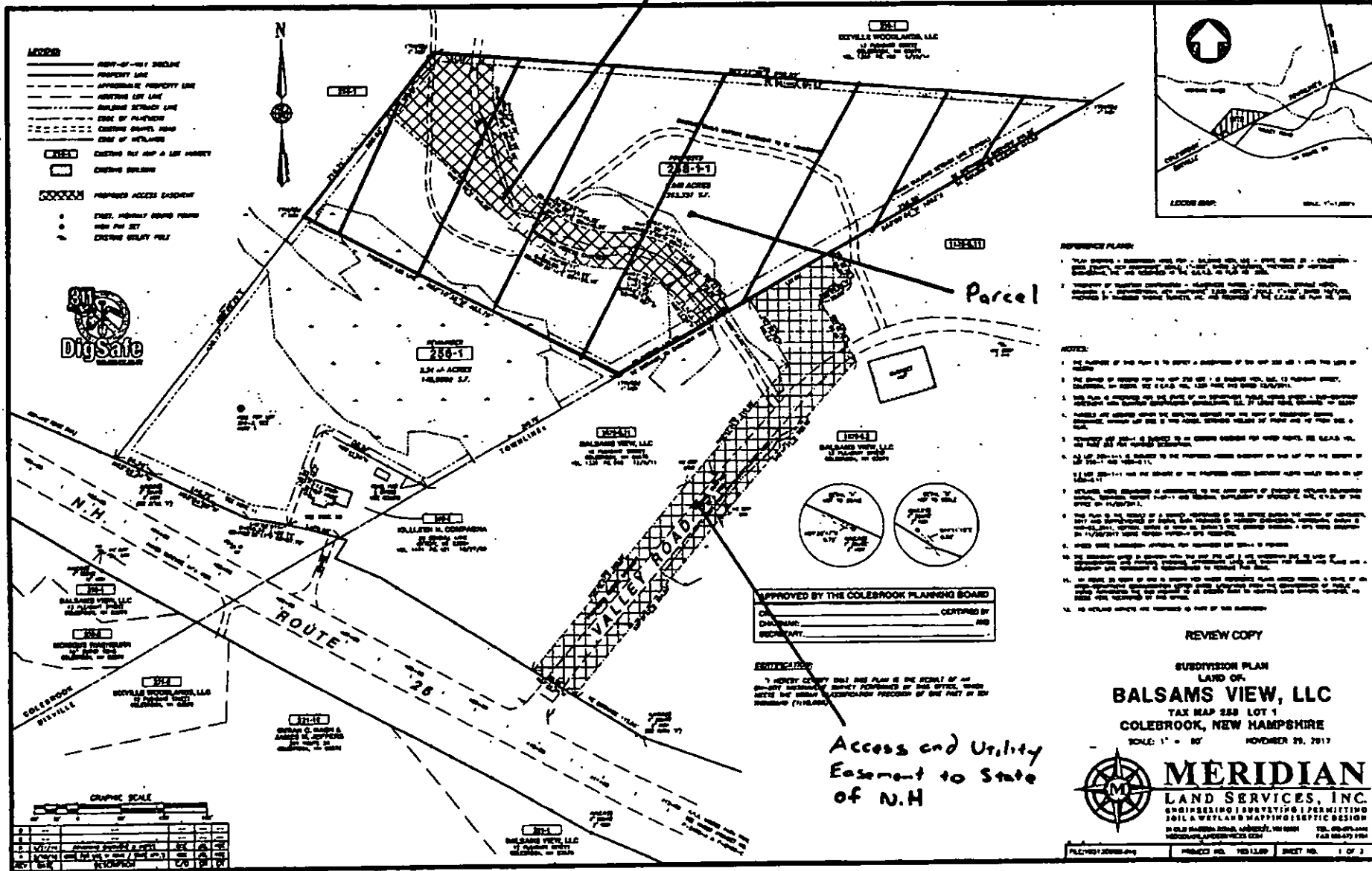
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Access and Utility Easement
to Balsams View, LLC



REFERENCE PLAN:

1. THE PLAN IS A SUBDIVISION OF LAND IN COLEBROOK, NEW HAMPSHIRE, AND IS SUBJECT TO THE STATE OF NEW HAMPSHIRE, CHAPTER 281-A, AND TO THE LOCAL ORDINANCES OF THE TOWN OF COLEBROOK, NEW HAMPSHIRE.
2. THE PLAN IS A SUBDIVISION OF LAND IN COLEBROOK, NEW HAMPSHIRE, AND IS SUBJECT TO THE STATE OF NEW HAMPSHIRE, CHAPTER 281-A, AND TO THE LOCAL ORDINANCES OF THE TOWN OF COLEBROOK, NEW HAMPSHIRE.
3. THE PLAN IS A SUBDIVISION OF LAND IN COLEBROOK, NEW HAMPSHIRE, AND IS SUBJECT TO THE STATE OF NEW HAMPSHIRE, CHAPTER 281-A, AND TO THE LOCAL ORDINANCES OF THE TOWN OF COLEBROOK, NEW HAMPSHIRE.
4. THE PLAN IS A SUBDIVISION OF LAND IN COLEBROOK, NEW HAMPSHIRE, AND IS SUBJECT TO THE STATE OF NEW HAMPSHIRE, CHAPTER 281-A, AND TO THE LOCAL ORDINANCES OF THE TOWN OF COLEBROOK, NEW HAMPSHIRE.
5. THE PLAN IS A SUBDIVISION OF LAND IN COLEBROOK, NEW HAMPSHIRE, AND IS SUBJECT TO THE STATE OF NEW HAMPSHIRE, CHAPTER 281-A, AND TO THE LOCAL ORDINANCES OF THE TOWN OF COLEBROOK, NEW HAMPSHIRE.
6. THE PLAN IS A SUBDIVISION OF LAND IN COLEBROOK, NEW HAMPSHIRE, AND IS SUBJECT TO THE STATE OF NEW HAMPSHIRE, CHAPTER 281-A, AND TO THE LOCAL ORDINANCES OF THE TOWN OF COLEBROOK, NEW HAMPSHIRE.
7. THE PLAN IS A SUBDIVISION OF LAND IN COLEBROOK, NEW HAMPSHIRE, AND IS SUBJECT TO THE STATE OF NEW HAMPSHIRE, CHAPTER 281-A, AND TO THE LOCAL ORDINANCES OF THE TOWN OF COLEBROOK, NEW HAMPSHIRE.
8. THE PLAN IS A SUBDIVISION OF LAND IN COLEBROOK, NEW HAMPSHIRE, AND IS SUBJECT TO THE STATE OF NEW HAMPSHIRE, CHAPTER 281-A, AND TO THE LOCAL ORDINANCES OF THE TOWN OF COLEBROOK, NEW HAMPSHIRE.
9. THE PLAN IS A SUBDIVISION OF LAND IN COLEBROOK, NEW HAMPSHIRE, AND IS SUBJECT TO THE STATE OF NEW HAMPSHIRE, CHAPTER 281-A, AND TO THE LOCAL ORDINANCES OF THE TOWN OF COLEBROOK, NEW HAMPSHIRE.
10. THE PLAN IS A SUBDIVISION OF LAND IN COLEBROOK, NEW HAMPSHIRE, AND IS SUBJECT TO THE STATE OF NEW HAMPSHIRE, CHAPTER 281-A, AND TO THE LOCAL ORDINANCES OF THE TOWN OF COLEBROOK, NEW HAMPSHIRE.

REVIEW COPY

SUBDIVISION PLAN
LAND OF:
BALSAMS VIEW, LLC
TAX MAP 288 LOT 1
COLEBROOK, NEW HAMPSHIRE
SCALE: 1" = 80' NOVEMBER 29, 2017

MERIDIAN
LAND SERVICES, INC.
ENGINEERING / SURVEYING / PERMITTING
2014 WELLS ROAD WAPPINGERSFIELD DESIGN
10 OLD HANOVER ROAD, ANDOVER, NH 03824 TEL: 603-942-4444
100 WASHINGTON STREET, COLEBROOK, NH 03824 FAX: 603-942-4444

PROJECT NO. 1031189 SHEET NO. 1 OF 2



LRCP 18-034

MICHAEL W. KANE, MPA
Legislative Budget Assistant
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CHRISTOPHER M. SHEA, MPA
Deputy Legislative Budget Assistant
(603) 271-3181

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 5, 2018

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 September 5, 2018, approved the request of the Department of Transportation, Bureau of Right-of-Way, to transfer a 0.30 +/- of an acre permanent waterline easement over a parcel of State owned land located on the westerly side of N.H. Route 16 in Errol to Balsam View, LLC by amending LRCP 16-004; approved February 16, 2016, at no cost in exchange. Balsam View, LLC will increase the area to be transferred from 3.53 +/- acres along with a Right of way access easement over additional property owned by them to a 6.046 +/- acre parcel as well as the Right-of-Way access easement, as previously agreed to, located on the northerly side of N.H. Route 26 in the Unincorporated Place of Dixville and the Town of Colebrook, and further waive the \$1,100 Administrative Fee, subject to the conditions and as specified in the request dated August 14, 2018.

This request (LRCP 15-033) was originally approved by the Long Range Capital Planning and Utilization Committee on November 15, 2015, with subsequent approval (LRCP 16-004) February 16, 2016.

Sincerely,

Christopher M. Shea
Deputy Legislative Budget Assistant

CMS/pe
Attachment



LRCP 16-004

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State House, Room 102
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STEPHEN C. SMITH, CPA
Director, Audit Division
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February 17, 2016

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 February 16, 2016, approved the request of the Department of Transportation, Bureau of Right-of-Way, to amend the request to transfer a 0.30 +/- of an acre permanent waterline easement over a parcel of State owned property located on the westerly side of NH Route 16 in Errol to Dixville Capital, LLC, and in exchange Dixville Capital, LLC will decrease the original area to be transferred to the Department from a 4.28 +/- acre parcel along with a 50 foot wide Right-of-Way access over additional property owned by them, to a 3.53 +/- acre parcel along with a Right-of-Way Access over additional property owned by them totaling one (1) +/- acre, located on the northerly side of NH Route 26 in the Unincorporated Place of Dixville and the Town of Colebrook, at no cost, and waive the \$1,100 Administrative Fee, subject to the conditions as specified in the request dated January 27, 2016.

This request (LRCP 15-033) was originally approved by the Long Range Capital Planning and Utilization Committee on November 17, 2015.

Sincerely,

Michael W. Kane
Legislative Budget Assistant

MWK/pe
Attachment



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RECEIVED

LRCP 15-033

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Concord, New Hampshire 03301

STEPHEN C. SMITH, CPA
Director, Audit Division
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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 transfer a 0.30 +/- of an acre permanent waterline easement over a parcel of State owned property located on the westerly side of NH Route 16 in Errol to Dixville Capital, LLC in exchange for a 4.28 +/- acre parcel along with a 50 foot wide Right-of-Way access to the Department of Transportation over additional property owned by Dixville Capital, LLC located on the northerly side of NH Route 26 in the Unincorporated Place of Dixville and the Town of Colebrook, at no cost, and waive the \$1,100 Administrative Fee, subject to the conditions as specified in the request dated August 21, 2015.

Sincerely,

Michael W. Kane
Legislative Budget Assistant

MWK/pe
Attachment