



**THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION**



14 S.G.M.

*Victoria F. Sheehan
Commissioner*

*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
September 20, 2017

REQUESTED ACTION

PURSUANT to RSA 228:31, AUTHORIZE the Commissioner of the State of New Hampshire, Department of Transportation, to quitclaim whatever interest the State of New Hampshire may have in a two (2) +/- acres parcel of land located near the westerly side of Dorian Road in the Town of Windham to Phyllis M. Jarosky. This transfer will be effective upon Governor and Executive Council approval. This is a no cost transaction.

EXPLANATION

As part of the Windham-Salem NHS-RS-RUR-M-STP-F-T-0381(005), 10075 project, the Department acquired property in 2003 from Joseph Jarosky, Jr. for the construction of this project. The Department acquired a larger parcel from Joseph Jarosky, Jr. and then intended to reserve back to Joseph Jarosky, Jr. three (3) parcels that would not be required by the Department as part of the project.

Recently the attorney for Phyllis M. Jarosky discovered that the property she believed she owned (Shown on Windham Tax Maps as parcel 13-D-501) was not originally reserved correctly to Joseph Jarosky, Jr, with the ownership of the parcel still being in the State of New Hampshire, placing a cloud on the title.

The attorney for Phyllis M. Jarosky has requested that the State of New Hampshire issue a Quitclaim Deed to Phyllis Jarosky to correct this title defect.

The Department in reviewing the deed that acquired the original property from Joseph Jarosky, Jr concluded that the three (3) parcels were not reserved back to Mr. Jarosky correctly. One parcel was corrected by Governor and Executive Council action on August 26, 2015 (Item # 23). The second parcel will be corrected by this Governor and Executive Council submission. The third parcel will be addressed in the future.

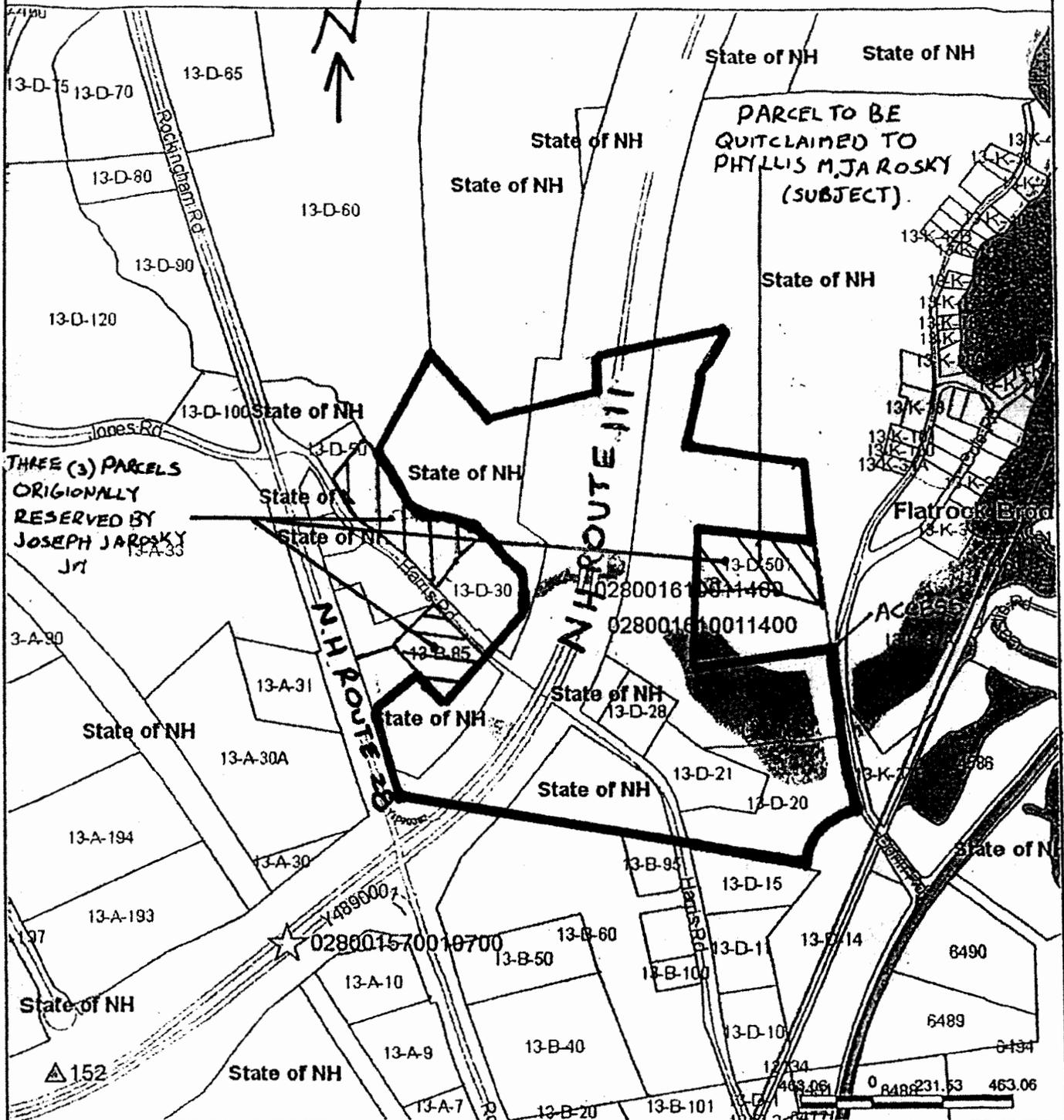
This will be a no cost transaction as the Department wishes to act in good faith as part of the negotiations of the Windham-Salem 10075 project to reserve this property back to Joseph Jarosky, Jr. as was contemplated during the original transaction in 1993. Moreover, the Department has not processed this as a disposal of State owned property as this transaction is merely intended to correct the title oversight that occurred during the original transaction. The Department worked with the Attorney General's Office to resolve this title issue.

Authorization is respectfully requested to quitclaim the State's interest in a two (2) +/- acres parcel of land in the Town of Windham to Phyllis M. Jarosky, as outlined above.

Respectfully,

Victoria F. Sheehan
Commissioner

VFS/PJM/kjk
Attachments



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█ : LAND ORIGINALLY ACQUIRED FROM JOSEPH JAROSKY JR.
FOR WINDHAM - SALEM 10075 PROJECT



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



23

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
July 23, 2015

REQUESTED ACTION

PURSUANT to RSA 228:31, AUTHORIZE the Commissioner of the State of New Hampshire, Department of Transportation, to quitclaim whatever interest the State of New Hampshire may have in a one and seventeen hundredths (1.17) +/- acres parcel of land located on the westerly side of Harris Road in the Town of Windham to the Estate of Joseph Jarosky, Jr., Joanne Morrison, Executor. This transfer will be effective upon Governor and Executive Council approval. This is a no cost transaction.

EXPLANATION

As part of the Windham-Salem NHS-RS-RUR-M-STP-F-T-0381(005), 10075 project, the Department acquired property in 2003 from Joseph Jarosky, Jr. for the construction of this project. The Department acquired a larger parcel from Joseph Jarosky, Jr. and then reserved back to Joseph Jarosky, Jr. three (3) parcels that would not be required by the Department as part of the project.

Recently the Estate of Joseph Jarosky, Jr. has been surveyed in order to sell Mr. Jarosky's holdings. It was discovered that one of these properties was not reserved correctly to the estate, with the ownership of the parcel still being in the State of New Hampshire, placing a cloud on the title. The State did not intend to purchase the subject parcel and did not compensate Mr. Jarosky for the subject parcel.

The attorney for the Estate of Joseph Jarosky, Jr. has requested that the State of New Hampshire issue a Quitclaim Deed to the Estate of Joseph Jarosky, Jr. to correct this title defect.

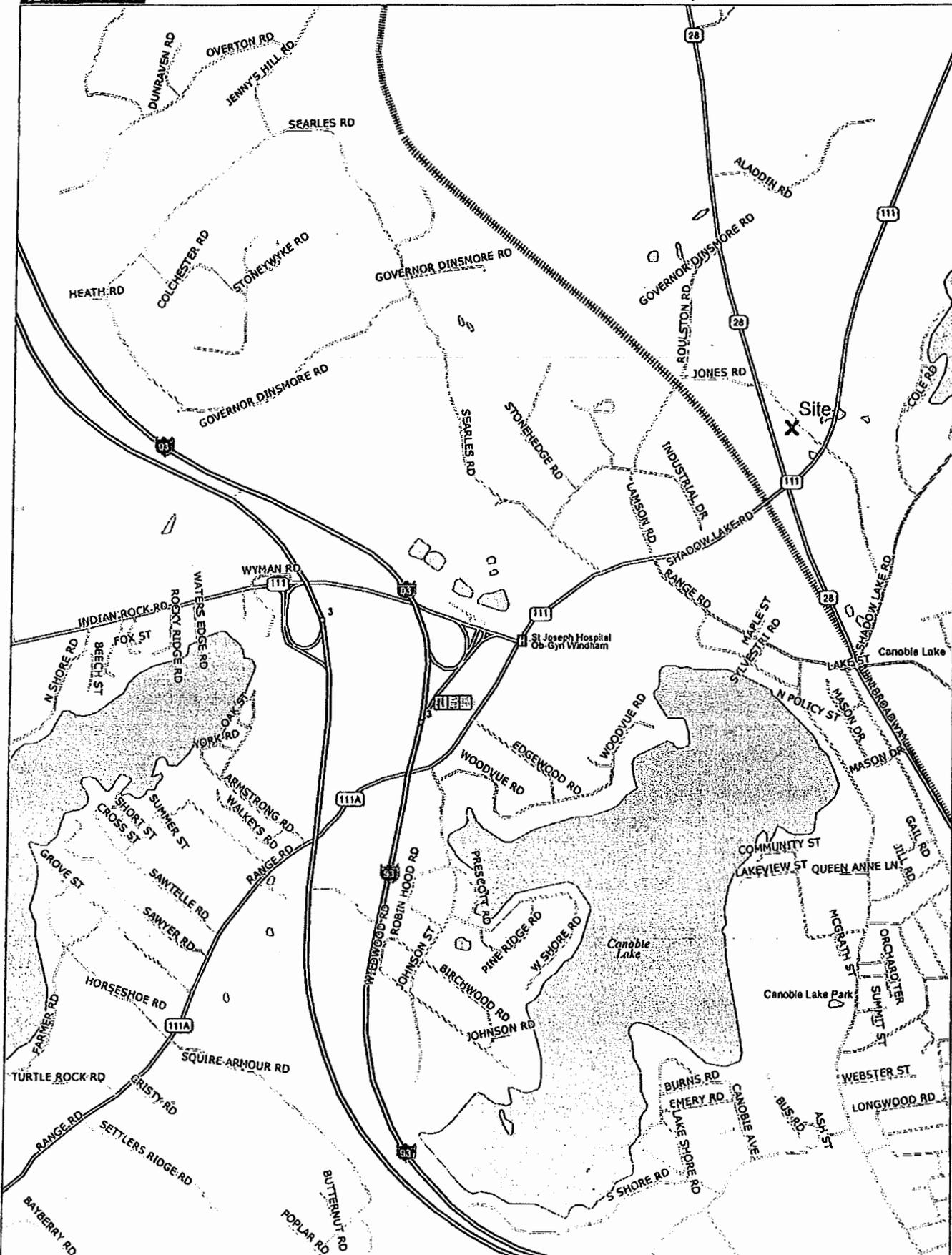
This will be a no cost transaction as the Department wishes to act in good faith as part of the negotiations of the Windham-Salem 10075 project at the time to reserve this property back to Joseph Jarosky, Jr. as was contemplated during the original transaction in 1993. Moreover, the Department has not processed this as a disposal of State owned property as this transaction is merely intended to correct the title oversight that occurred during the original transaction. The Attorney General's Office has reviewed this matter and agrees that this will resolve this title issue.

Authorization is respectfully requested to quitclaim the State's interest in a one and seventeen hundredths (1.17) +/- acres parcel of land in the Town of Windham to the Estate of Joseph Jarosky, Jr., Joanne Morrison, Executor, as outlined above.

Respectfully,

William Cass, P.E.
William Cass, P.E.
Assistant Commissioner

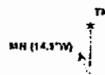
WJC/PJM/dd
Attachments



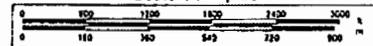
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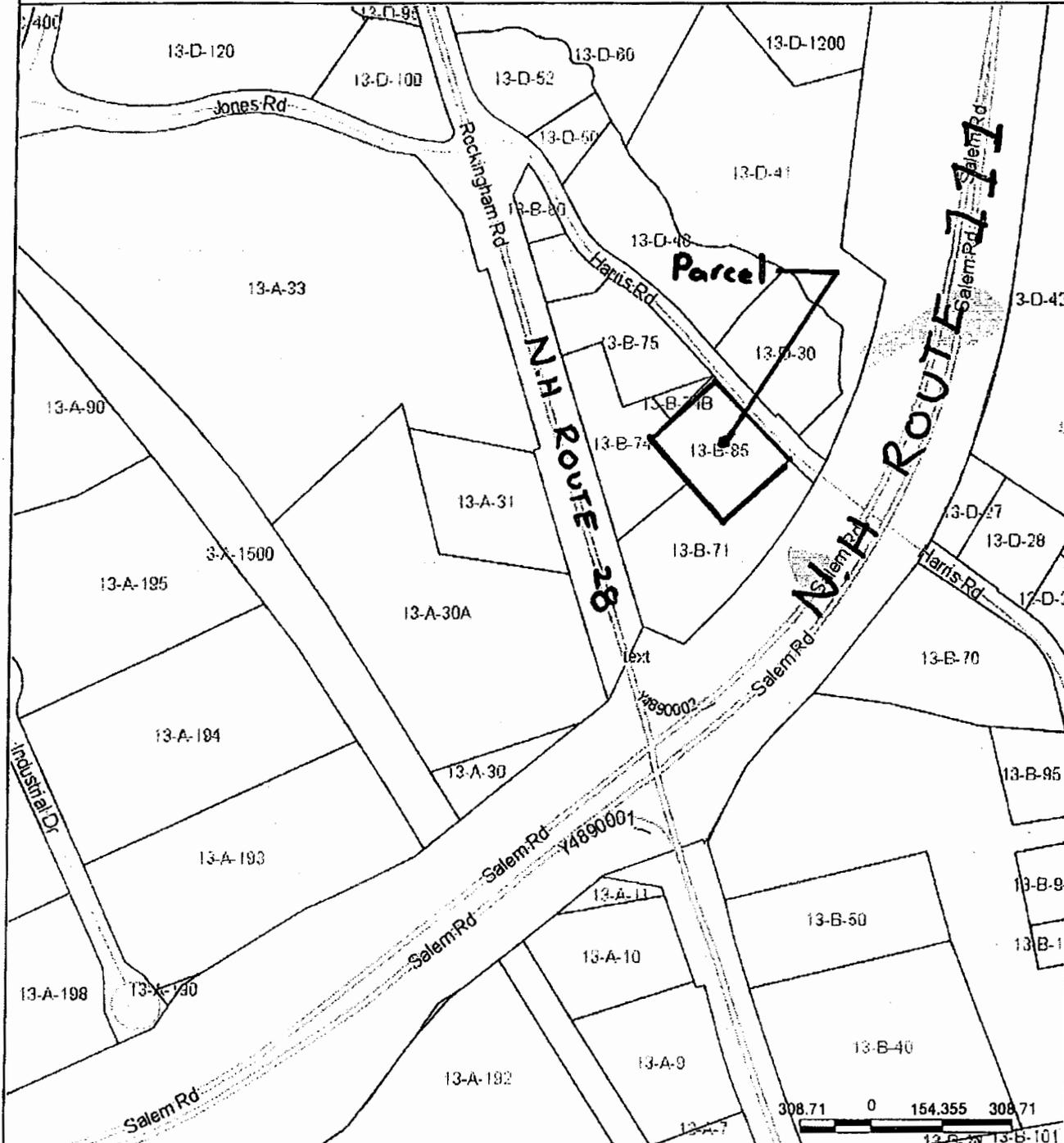
Scale 1 : 20,800



1" = 1,733.3 ft Data Zoom 13-3

STATE OF NEW HAMPSHIRE
DEPARTMENT OF REVENUE
ADMINISTRATION

MOSAIC PARCEL
MAP SHARING
POOL



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