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THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



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JEFF BRILLHART, P.E.
ACTING COMMISSIONER

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

Bureau of Right-of-Way
April 9, 2015

Re: Contemplated Awards for Amounts Less Than \$5,000.00
January 1, 2015 through March 31, 2015

INFORMATIONAL REPORT

In accordance with Governor and Council approval of April 1, 1998, Item #85, the Department of Transportation, Bureau of Right-of-Way, submits the Contemplated Award List for amounts less than \$5,000.00, for the sum total of \$23,406.26 for the period extending from January 1, 2015 through March 31, 2015. These awards are paid from various Transportation funds.

The Department certifies that all payments were made in accordance with all applicable State and Federal regulations as they relate to property acquisition and relocation to property owners, tenants, and displacees for impacts resulting from Transportation Improvement Projects.

Respectfully,



David J. Brillhart
Acting Commissioner

DJB/CRS/dd
Attachments



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



JEFF BRILLHART, P.E.
ACTING COMMISSIONER

CONTEMPLATED AWARDS (LESS THAN \$5,000.00) Quarter 1/1//2015 to 3/31/15

Project: DURHAM - NEWMARKET; STP-TE-X-5133(009); 13080
(PE & ROW for project)

OWNER: [Parcel #112] CLERK OF NHBTLA OR 35 N MAIN
NEWMARKET LLC & EASTERN BANK & US SMALL BUSINESS
ADMINISTRATION & TOUFIC FARHAT & TOWN OF NEWMARKET
& JAYS NEWMARKET CONVENIENCE LLC

75 SF CONSTRUCTION EASEMENT \$2,000.00
200 SF DRIVEWAY EASEMENT
LANDSCAPING/FENCE QTY: 1
225 SF COMMERCIAL LAND

(PURCHASE OF LAND AND RESULTANT DAMAGES-REGULAR)

Project: LANCASTER; X-A001(188); 16208
(Intersection Safety Improvement Project through
HSIP)

OWNER: [Parcel #003] CLERK OF NHBTLA OR DAVID R. POULIN &
GRJH INC

1425 SF DETOUR EASEMENT \$1,100.00
150 SF COMMERCIAL LAND W/BLDG

(PURCHASE OF LAND AND RESULTANT DAMAGES-REGULAR)

Project: NASHUA; NRBD-5315(021); 10040A
(Broad Street Parkway, new bridge over Nashua
River)

OWNER: [Parcel #212] FAITH BAPTIST CHURCH

REESTABLISHMENT PAYMENTS \$2,798.60
(BUSINESS RE-ESTABLISHMENT PAYMENT-OWNER)

CONTEMPLATED AWARDS (LESS THAN \$5,000.00) Quarter 1/1/2015 to 3/31/2015

Project: PELHAM; X-A000(415); 14491
(NH 111A, improvements to two intersections, Main St/Nashua Rd & Bridge St/Common St)

OWNER: [Parcel #014] MARK HODGDON ESQ & JAMES LAMONTAGNE

OUT OF COURT SETTLEMENT PRIOR TO A HEARING BEFORE THE NHBTLA BETWEEN THE ATTORNEY GENERALS OFFICE AND THE LAND OWNER IN THE AMOUNT OF \$100,000.00 \$1,498.80

5/4/2012 - AWARDED \$75,000.00 AND REFUSED
5/16/2012 - DEPOSIT OF DAMAGES WITH CLERK NHBTLA IN AMOUNT OF \$98,501.20
BALANCE FOR APPROVAL...\$1,498.80

(SETTLEMENT INTEREST PAYMENT (OUT OF COURT, JURY VERDICTS, NHBTLA FINDINGS) (PAR))

Project: PORTSMOUTH; STP-X-5379(025); 13455
(US 1 Bypass: Replace bridges along US Route 1 Bypass)

OWNER: [Parcel #0059] SEACOAST TRUST LLP

OUT OF COURT SETTLEMENT PRIOR TO A HEARING BEFORE THE NHBTLA BETWEEN THE ATTORNEY GENERALS OFFICE AND THE LAND OWNER IN THE AMOUNT OF \$7,000.00 \$3,800.00

12/7/2012 - AWARDED \$3,200.00 AND REFUSED
12/12/2012 - DEPOSIT OF DAMAGES WITH CLERK NHBTLA IN AMOUNT OF \$3,200.00
BALANCE FOR APPROVAL...\$3,800.00

(PURCHASE OF LAND AND RESULTANT DAMAGES-REGULAR)

Project: SALEM TO MANCHESTER; IM-IR-0931(174); 10418C
(RECONSTRUCT & WIDEN MAINLINE, EIS & FINAL DESIGN - MA. S/L IN SALEM TO I-293 IN MANCHESTER-PE & ROW)

OWNER: [Parcel #D049] IRENE M. SIMONSON

1.37 AC VACANT SUPPLEMENTAL LAND \$233.33

(PURCHASE OF LAND AND RESULTANT DAMAGES-REGULAR)

CONTEMPLATED AWARDS (LESS THAN \$5,000.00) Quarter 1/1/2015 to 3/31/2015

Project: SALEM TO MANCHESTER; IM-IR-0931 (174); 10418C
 (RECONSTRUCT & WIDEN MAINLINE, EIS & FINAL DESIGN -
 MA. S/L IN SALEM TO I-293 IN MANCHESTER-PE & ROW)

OWNER: [Parcel #D049] RITA L. PAGE

1.37 AC VACANT SUPPLEMENTAL LAND \$233.34
 (PURCHASE OF LAND AND RESULTANT DAMAGES-REGULAR)

OWNER: [Parcel #D049] DUSTY TROMBLEY

1.37 AC VACANT SUPPLEMENTAL LAND \$233.33
 (PURCHASE OF LAND AND RESULTANT DAMAGES-REGULAR)

OWNER: [Parcel #W067] CLERK OF NHBTLA OR JENNIFER J.
 CALDERONE & CITIMORTGAGE, INC.

.02 AC RESIDENTIAL LAND \$1,000.00
 (PURCHASE OF LAND AND RESULTANT DAMAGES-REGULAR)

OWNER: [Parcel #W070] JOSEPH J. SALAFIA & JULIE A. SALAFIA

TAX REIMBURSEMENT \$25.00
 (REIMBURSEMENT OF PROPERTY TAXES)

OWNER: [Parcel #M054] CORNELIUS J. JOYCE & KAREN M. JOYCE

TAX REIMBURSEMENT \$46.36
 (REIMBURSEMENT OF PROPERTY TAXES)

OWNER: [Parcel #W068] ALFREDO A. ALVEAR & SUSAN M. ALVEAR

TAX REIMBURSEMENT \$25.00
 (REIMBURSEMENT OF PROPERTY TAXES)

OWNER: [Parcel #D016] JONATHAN D. SEARS & ASHLEY L.
 KLINGER

LANDSCAPING/STONE WALL QTY: 1 \$4,100.00
 .05 AC RESIDENTIAL LAND
 (PURCHASE OF LAND AND RESULTANT DAMAGES-REGULAR)

CONTEMPLATED AWARDS (LESS THAN \$5,000.00) Quarter 1/1/2015 to 3/31/2015

Project: SALEM TO MANCHESTER; IM-IR-0931 (174); 10418C
(RECONSTRUCT & WIDEN MAINLINE, EIS & FINAL DESIGN -
MA. S/L IN SALEM TO I-293 IN MANCHESTER-PE & ROW)

OWNER: [Parcel #M050] MELVIN H. GLADSTONE

TAX REIMBURSEMENT \$112.50
(REIMBURSEMENT OF PROPERTY TAXES)

OWNER: [Parcel #W070] JOSEPH J. SALAFIA & JULIE A. SALAFIA

.06 AC RESIDENTIAL LAND \$2,700.00
(PURCHASE OF LAND AND RESULTANT DAMAGES-REGULAR)

Project: SEABROOK; X-A002 (762); 16444
(WIDEN US 1 FROM NH107 INTERSECTION SOUTHERLY
APPROXIMATELY 2000 FT)

OWNER: [Parcel #010] MORZIA REAL ESTATE, LLC

525 SF DRIVEWAY EASEMENT \$1,870.00
(PURCHASE OF LAND AND RESULTANT DAMAGES-REGULAR)

Project: WINCHESTER - SWANZEY; DPR-BRF-X-0111 (005); 12906
(replace bridge 152/181 over Ashuelot River)

OWNER: [Parcel #022-1] VELVIC LLC

RELOCATION IMPROVEMENT \$1,630.00
(MOVING EXPENSE- MISC. ITEMS OF IMPROVEMENT (SIGNS,
FENCES, ETC.))

TOTAL CONTEMPLATED AWARDS: \$23,406.26


CHARLES R. SCHMIDT, PE
ADMINISTRATOR

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

DEPT. OF TRANSPORTATION
RIGHT-OF-WAY

FEB 23 2015

RECEIVED

ANN M. RICE
DEPUTY ATTORNEY GENERAL

JOSEPH A. FOSTER
ATTORNEY GENERAL



February 20, 2015

David J. Brillhart, Acting Commissioner
Department of Transportation
7 Hazen Drive
Concord, New Hampshire 03301

Re: State of New Hampshire v. James Lamontagne, et al
Project: Pelham, X-A000(415), 14491, Parcel 14
BTLA No. 26122-12ED

Dear Acting Commissioner Brillhart:

The Board of Tax and Land Appeals ("BTLA") has issued a decision on the merits in the above-captioned eminent domain case and neither party has elected to appeal to the Superior Court, thereby rendering the decision final. This taking occurred on May 16, 2012, in connection with the above-captioned project and consisted of an acquisition of 10,210 square feet and a temporary construction easement consisting of 975 square feet. The State's initial tender of damages was in the amount of \$75,000.00 and was based upon an appraisal, dated June 14, 2011, prepared by Jessie C. Tichko. This appraisal report was later updated by Ms. Tichko as of the date of taking and reflected the same amount as the initial tender of \$75,000.00.

The BTLA took the matter under advisement and has issued its decision awarding just compensation in the amount of \$100,000.00, based, in part, on an "as is" market value opinion of approximately \$150,000 for the potential one-acre lot, and adjusted downward to account for hard and soft subdivision, marketing and holding costs. While the Department does not agree with this analysis, in light of the limited additional award, the Department elected not to appeal.

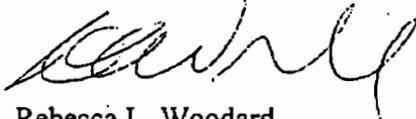
Therefore, would you kindly have issued and forwarded to me a check in the amount of \$26,498.80 made payable to "Mark P. Hodgdon, Attorney for James Lamontagne".

\$100,000.00	Board Award
<u>- 75,000.00</u>	Original Tender
25,000.00	
<u>1,498.80</u>	Interest
\$26,498.80	Total Due

David J. Brillhart, Acting Commissioner
February 20, 2015
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If you have any questions, please do not hesitate to contact me. Thank you.

Very truly yours,



Rebecca L. Woodard
Assistant Attorney General
Transportation & Construction Bureau
(603) 271-3675

RLW/mce

cc: Charles Schmidt, Administrator, Dept. of Transportation Bureau of Right-of-Way ✓
Stephen Bernard, Chief Right-of-Way Appraiser, Dept. of Transportation
Jamie Sikora, Special Programs Manager, U.S. Dept. of Transportation

1159411

Project Name Pelham
Project Number 14491
Checked by Jyce Date 3/4/15
Approved by: Nancy L. Faudring Date: 3/5/15

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

March 23, 2015

Jeff Brillhart, Acting Commissioner
NH Department of Transportation
P. O. Box 483
Concord, New Hampshire 03301

Re: State of New Hampshire v. Seacoast Trust, LLP
Project: Portsmouth, STP-X-5379(025), 13455, Parcel 59
NH Board of Tax and Land Appeals Docket No. 26640-12ED

Dear Acting Commissioner Brillhart:

The above-captioned eminent domain case has been settled with the condemnee prior to a hearing before the Board of Tax and Land Appeals. The taking, which occurred on December 12, 2012, included a 500 square foot slope easement and a permanent placement of a guardrail which blocked the entrance to a bike path entrance to the subject property. The tender of damages was based upon an appraisal report originally completed on November 15, 2011 by Staff Appraiser Jessie Tichko and was in the amount of \$3,200.00. After consulting with Charles D. Schmidt, Administrator of the Bureau of Right-of-Way, this case was settled for a total of \$7,000, which was approximately \$2,500 less than the anticipated cost of defending the action.

Given the specific facts of this case, it was decided that it was more efficient to settle this matter rather than expend the resources associated with a hearing, as well as risking a potential appeal.

Therefore, kindly have drawn and sent to me a check in the amount of **\$3,800.00**, made payable to "Seacoast Trust, LLP." Please do not hesitate to contact me if you have any questions or concerns. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'MTS' followed by a stylized surname.

Matthew T. Broadhead

Attorney

Transportation & Construction Bureau

(603) 271-3675

cc: Charles R. Schmidt, Administrator, Bureau of Right-of-Way, Dept. of Transportation
Stephen A. Bernard, Chief Right-of-Way Appraiser, Department of Transportation