



State of New Hampshire

DEPARTMENT OF ADMINISTRATIVE SERVICES
OFFICE OF THE COMMISSIONER
25 Capitol Street – Room 120
Concord, New Hampshire 03301

88
Jm

LINDA M. HODGDON
Commissioner
(603) 271-3201

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

November 18, 2014

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

REQUESTED ACTION

The Department of Administrative Services (DAS) requests approval to transfer to the Department of Transportation (DOT) the nonexclusive right to enter a small portion of the Lakes Region Facility campus along NH Route 106 in Laconia, having an area of approximately 600 square feet, for the purpose of constructing, installing, maintaining, repairing, and replacing a surface water drainage culvert to cross beneath NH Route 106. The rights to be transferred shall have no specified termination date.

EXPLANATION

The proposed grant of rights comes at the request of DOT, which has undertaken a project to upgrade and modify the surface water drainage infrastructure along the adjacent section of NH Route 106. DOT requested a permanent right of entry to construct, install, maintain, repair, and replace surface water drainage culvert pipes and associated infrastructure and hardware within a designated portion of the main Lakes Region Facility parcel along the west side of NH Route 106 near the intersection with Meredith Center Road. DAS proposes to honor DOT's request by granting the requested rights without an expiration date, together with a covenant to coordinate with DOT to reserve and retain a permanent easement for the benefit of DOT in the event of any future conveyance of the main Lakes Region Facility parcel out of state ownership, as summarized by the attached "Transfer of Management Responsibility" declaration and agreement. This transfer was submitted to the Long Range Capital Planning and Utilization Committee for review as an "Informational Item" at the November 18, 2014 meeting.

Based on the foregoing, I respectfully recommend approval of the transfer of rights and the covenant described herein to the Department of Transportation.

Respectfully submitted,

Linda M. Hodgdon
Commissioner

Return to:

Trish Morrison, Chief Right-of-Way Agent
NH Department of Transportation
7 Hazen Drive, Room 100
Concord, New Hampshire 03301

**THIS IS A TRANSFER OF RESPONSIBILITY
BETWEEN AGENCIES OF THE STATE OF NEW
HAMPSHIRE AND IS NOT A SALE, GRANT, OR
TRANSFER OF AN INTEREST IN REAL
PROPERTY SUBJECT TO THE NEW
HAMPSHIRE REAL ESTATE TRANSFER TAX
IMPOSED BY RSA 78-B:1.**

**Transfer of Management Responsibility
from the
New Hampshire Department of Administrative Services
to the
New Hampshire Department of Transportation
for
Rights Related to the Construction, Maintenance, Repair and Replacement of
Certain Surface Water Drainage Infrastructure and Apparatus
Located along New Hampshire Route 106
on the
Lakes Region Facility Campus, Laconia, New Hampshire**

THIS IS NOT A DEED OR A TRANSFER OF INTEREST IN LAND

The **STATE OF NEW HAMPSHIRE, DEPARTMENT OF ADMINISTRATIVE SERVICES**, of 25 Capitol Street, Concord, New Hampshire 03301 ("DAS"), pursuant to Governor and Executive Council approval on _____, item # _____, grants to the **STATE OF NEW HAMPSHIRE, DEPARTMENT OF TRANSPORTATION**, of 7 Hazen Drive, P.O. Box 483, Concord, New Hampshire 03302-0483 ("DOT"), management responsibility for the nonexclusive right to enter and occupy, and to construct, install, maintain, repair, and replace one or more surface water drainage culverts and associated facilities upon and beneath certain land held in title by the State of New Hampshire known as the Lakes Region Facility parcel (Tax Map 318, Block 142, Lot 1) located along the western side New Hampshire Route 106 and the southern side of Meredith Center Road in the City of Laconia, County of Belknap, State of New Hampshire (the "Premises"), and to place, operate, and store tools, equipment, and materials upon the Premises, and to conduct such excavation and other activities as are reasonably necessary to construct, install, maintain, repair, and replace a surface water drainage culvert beneath New Hampshire Route 106, the portion of the Premises to be subject to said rights being more particularly described as follows (the "Access Area"):

An area delineated and labeled as a "Permanent Drainage Easement" on a parcel of land shown as "Parcel 1" on a certain plan entitled "State of New Hampshire, Department of Transportation, Right-of-Way Plans, Federal Aid Project, X-A003(022), N.H. Project No. 16225, NH 106" on file in the records of DOT in accordance with the standard practice of highway construction, a draft copy of which is enclosed herewith (the "Plan"), said Access Area being more particularly bounded and described as follows:

Beginning at a point along the western boundary of the NH Route 106 right-of-way located approximately 50.00 feet westerly from the centerline of said Route 106 at station 126 + 32.37 feet, more or less, as shown on the Plan, said point being the southern corner of the Access Area herein described;

Thence northwesterly a distance of approximately 21.93 feet, more or less, as shown on the Plan, to a point;

Thence northerly a distance of approximately 15.04 feet, more or less, as shown on the Plan, to a point;

Thence northeasterly a distance of approximately 33.34 feet, more or less, as shown on the Plan, to a point along the western boundary of said NH Route 106 right-of-way located approximately 50.00 feet westerly of the centerline of said Route 106 at station 126 + 90.56 feet, more or less, said point being the northern corner of the Access Area herein described;

Thence southerly along the western boundary of said NH Route 106 right-of-way a distance of approximately 58.19 feet, more or less, as shown on the Plan, to the point of beginning.

Said Access Area contains an area of approximately 600 square feet, more or less.

DOT shall notify and coordinate with DAS prior to the exercise of any rights transferred hereby. DOT shall be solely responsible for any and all activities conducted within the Access Area by itself and by its officers, employees, agents, consultants, contractors, and subcontractors, and for any injury to persons or damage to real or personal property resulting from or relating to said activities, and for installing, maintaining, and removing all necessary warning signage before, during, and after said activities, respectively.

The rights transferred to DOT hereby shall not expire except by further written agreement of DAS and DOT or their respective successor agencies. In the event of any future conveyance of the Premises by DAS to another party, DAS agrees to coordinate with DOT to reserve and retain for DOT a permanent construction, repair, and maintenance easement based on the foregoing provisions hereof.

PURPOSE: The purpose of this Transfer of Management Responsibility is to provide DOT with contractual rights that are functionally equivalent to the perpetual rights that would be afforded by a grant of a surface water drainage culvert construction and maintenance easement, except that due to its nature as an interagency agreement this Transfer does not and cannot create any easement rights that run with the land. This Transfer shall nonetheless be recorded in the Belknap County Registry of Deeds, so that in the event of any future conveyance of the Premises by the State of New Hampshire to another party this Transfer may serve as a declaration of easement to be incorporated by reference in a reservation of easement to be included in the deed by which the Premises are conveyed.

Dated this 17th day of November 2014.

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

By: [Signature]
Linda M. Hodgdon, Commissioner

STATE OF NEW HAMPSHIRE
COUNTY OF Merrimack

On this 17th day of November 2014, personally appeared the above-named Linda M. Hodgdon, Commissioner, known to me (or 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.

[Signature]
Notary Public / Justice of the Peace
My Commission Expires: April 14, 2015
RUTH J. KIMBALL
Notary Public - New Hampshire
My Commission Expires April 14, 2015

STATE OF NEW HAMPSHIRE
By and through its
DEPARTMENT OF TRANSPORTATION

By: [Signature]
Christopher D. Clement Sr., Commissioner

STATE OF NEW HAMPSHIRE
COUNTY OF Merrimack

On this 3RD day of OCT. 2014, personally appeared the above-named Christopher D. Clement Sr., known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he is the duly authorized Commissioner of the New Hampshire Department of Transportation and that he executed the foregoing instrument for the purposes therein contained.

[Signature]
Notary Public / Justice of the Peace
My Commission Expires: Sept. 28, 2016
DAWN M. DOSSETT
Notary Public - New Hampshire
My Commission Expires Sept. 28, 2016

STATE OF NEW HAMPSHIRE
 DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY PLANS
FEDERAL AID PROJECT

X-A003(022)
 N.H. PROJECT NO. 16225
 NH 106

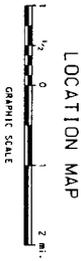
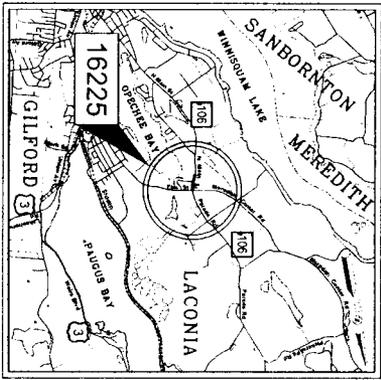
PLAN INTENT

The purpose and intent of these plans is to document the property acquisitions for Laconia North Main Street, NH Route 106, 16225 as required under RSA 230:32. This plan also reestablishes and defines the existing highway boundaries in accordance with RSA 228:35.

NOTES

The coordinates listed are on the NH state plane system NAD 83(2007) and are referenced to control station DTM 1684450 and DTM 3294220. The vertical elevations are on the NAVD 88 datum and are referenced to control station 1684450. The NHDOT Survey Station at (803) 271-1600 for information on location and geoid data.

No boundary survey has been conducted for the purpose of locating the property lines shown on this plan. The property lines shown on the plan are from tax map location and other resources. The areas listed for the taxes and remaining lands are estimations only. The existing highway alignment, top of map and easement areas on this plan were developed in part from project XXXXX for the NHDOT (record) referenced plan (plan number) at the County Registry of Deeds and from within the original highway layout of (if of road) (location) (year) conducted (byout) (date) (and) (record) (date) in Book (book #) Page (page #) of the City/Town of (City/Town) records and evidence of prescriptive use and occupation.

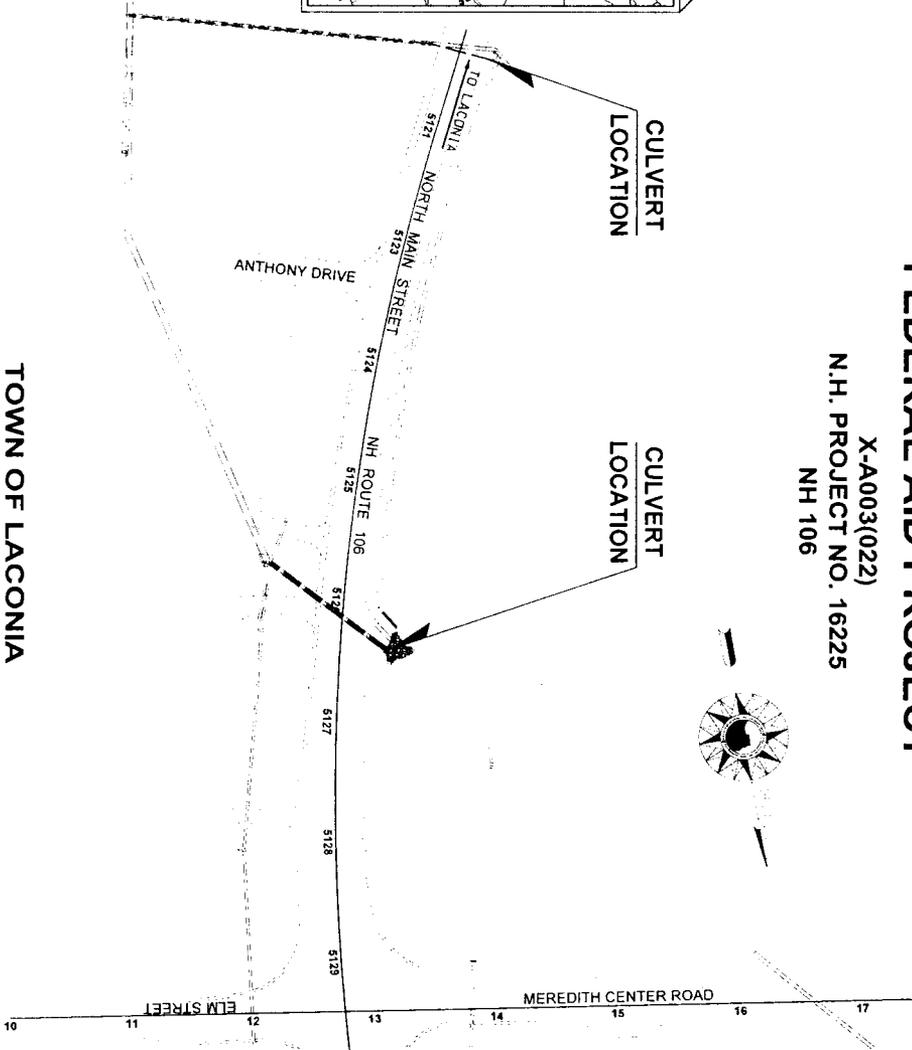


- INDEX OF SHEETS**
- 1 FRONT SHEET
 - 2-3 STANDARD SYMBOLS SHEETS
 - 4-5 RIGHT-OF-WAY PLAN SHEETS

FOR CONSTRUCTION DETAILS - SEE CONSTRUCTION PLANS

TOWN OF LACONIA
 COUNTY OF BELKNAP

SCALE: 1"=50'

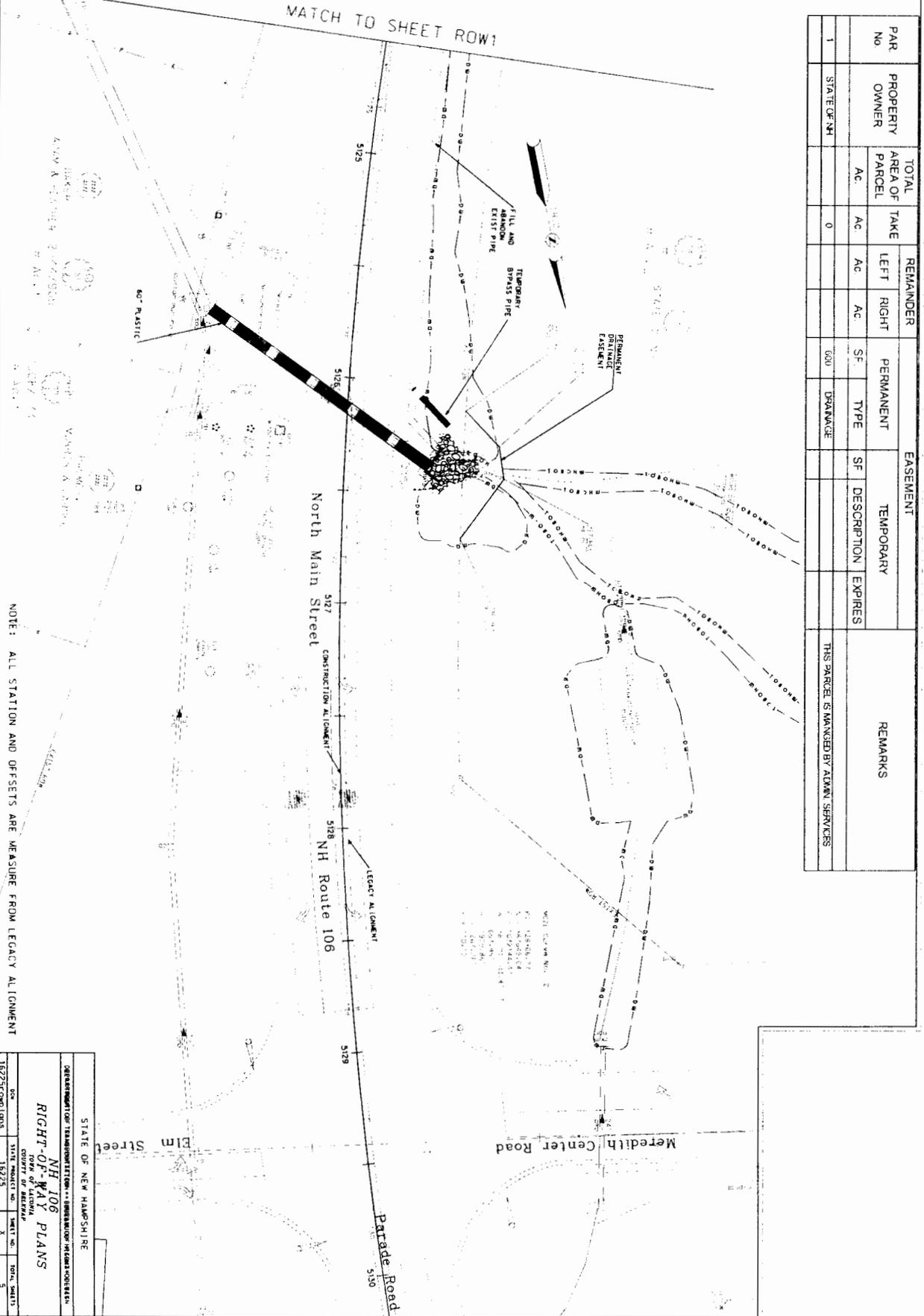


DRAWN BY: MDT	DATE: 6/1/13
CHECKED BY: KOW	DATE: 8/1/13

<p>THE STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION</p>		RECOMMENDED FOR APPROVAL:	DATE:
		DIRECTOR OF PROJECT DEVELOPMENT	
APPROVED BY: BUREAU OF RIGHT-OF-WAY		DATE:	
ADMINISTRATOR:		DATE:	
FEDERAL PROJECT NO.	STATE PROJECT NO.	SHEET NO.	TOTAL SHEETS
X-A003(022)	16225	1	5

SDR PROCESSED			DATE			REVISIONS AFTER PROPOSAL		
NAME1	DATE1	NUMBER	DATE	STATION	STATION	STATION	STATION	DESCRIPTION
NEW DESIGN NAME2	DATE DATE2							
SHEET CHECKED NAME3	DATE DATE3							

PAR No	PROPERTY OWNER	TOTAL AREA OF PARCEL	REMAINDER LEFT	REMAINDER RIGHT	PERMANENT SF	PERMANENT TYPE	EASEMENT TEMPORARY DESCRIPTION	EASEMENT EXPIRES	REMARKS
1	STATE OF NH	0			000	DRAINAGE			THIS PARCEL IS MANAGED BY ADWMT SERVICES



STATE OF NEW HAMPSHIRE	
DEPARTMENT OF TRANSPORTATION • TRANSPORTATION PLANS DIVISION	
NH 106	
RIGHT-OF-WAY PLANS	
DATE	SCALE
162250001.000	1:62.5
DATE	SCALE
16225	X
	5