



*Victoria F. Sheehan*  
Commissioner

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



*William Cass, P.E.*  
Assistant Commissioner

22  
JAN

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

Bureau of Right-of-Way  
October 15, 2019

**REQUESTED ACTION**

Pursuant to RSA 4:39-c IV and 228:31, authorize the Department of Transportation to convey to The Ledges Golf Links, LLC, two tracts of land, located on the Westerly side of NH Route 106, in the town of Loudon, one tract totaling 12,157+/- square feet in size, and the other being of unknown size, in exchange for 13,910+/- square feet of permanent slope easement and 755+/- square feet of permanent drainage easement. This will be a no cost transaction and this conveyance will be effective upon Governor and Executive Council approval.

**EXPLANATION**

As part of the Loudon-Canterbury, 29613, NH Route 106 reconstruction project, offers of just compensation for permanent drainage and slope easements, needed to construct the project, were presented to William Leombruno, Sr. and William Leombruno, Jr., as managers of Emily Golf Links, LLC and The Ledges Golf Links, LLC, the owners of parcels 20, 22, & 23, impacted by the project.

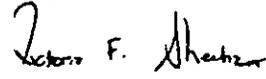
In negotiations, the Leombruno's proposed a waiver of the payment of the just compensation due to them, in lieu of a land swap. The land swap proposal consists of the LLC's conveying the needed easements to the State, valued by an appraisal at \$10,615.00, in exchange for the conveyance of two parcels of abutting state-owned land, to them. One of the parcels is a 12,157+/- square foot remnant of a parcel originally acquired by the department in 1996 as part of the Concord-Laconia Project #10672. An appraisal of this parcel valued the remnant at \$9,483.00.

The size of the second parcel is unknown and, the ownership is currently in dispute, with both the Leombrunos and the Department claiming ownership to the parcel. Public records about the ownership contradict each other and, due to that uncertainty, the Leombrunos were preparing to file a quiet title action in Superior Court to clear up the ownership conflict.

Both tracts have been determined to be surplus to the needs of the State of New Hampshire and the Department feels that conveying title for both parcels, to the Ledges Golf Links, LLC, will satisfy both the acquisition of the needed easements for the project and clear up the title dispute, thus avoiding the need to file an eminent domain action for the easements, while simultaneously having to defend against a court action over the disputed title.

Authorization is respectfully requested to convey these two parcels of land, to the impacted project abutters.

Respectfully,

A handwritten signature in black ink, appearing to read "Victoria F. Sheehan". The signature is written in a cursive style with a large initial "V".

Victoria F. Sheehan  
Commissioner

VFS/DAD/pfc  
Attachment

**STATE OF NEW HAMPSHIRE**  
**INTER-DEPARTMENT COMMUNICATION**

**FROM:** Diane Demakis/Chip Johnson   
Right-of-Way Agents

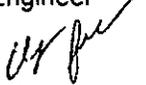
**DATE:** September 30, 2019

**SUBJECT:** Request for Administrative Settlement  
Loudon-Canterbury 29613 - Parcels 20, 22 & 23

**AT:** Dept. of Transportation  
Bureau of Right-of-Way

**TO:** Victoria F. Sheehan  
Commissioner

**THRU:** Stephen G. LaBonte   
Right-of-Way Engineer

**THRU:** Dena S. Rae   
Chief Right-of-Way Agent

A Negotiated Settlement is recommended for the following owner on the above-referenced project:

**Parcels 20, 22 & 23** – Emily Golf Links, LLC

Acquisition:

- 13,910 SF Permanent Slope Easement
- 755 SF Permanent Drainage Easement

Acquisition Just Compensation           \$10,615.00

Owners Counteroffer                       Exchange permanent slope and drainage easements, for a 12,157 square foot parcel of abutting state-owned land having a value of \$9,483.00 and a parcel of possible State Owned land of unknown size.

**Reason:**

On May 28, 2019, Department Right-of-Way Agents Diane Demakis and Chip Johnson met with William Leombruno and William Leombruno Jr., Managers of Emily Golf Links LLC to present three offers of just compensation, based upon approved Waiver Valuations, for the acquisitions described above, totaling ten thousand six hundred fifteen dollars (\$10,615.00). Emily Golf Links LLC is the entity that owns the referenced parcels 20, 22 & 23. Although Emily Golf Links LLC is the ownership entity of the referenced parcels, the Leombruno's are the owner/operators of the Loudon Country Club, a local 18-hole golf course and driving range. Parcels 20, 22 & 23 are three, of several tracts of land that comprise the golf course property holdings in Loudon and provide part of the road frontage for the course, with Route 106.

The Leombrunos support the project, especially the Department's commitment to increased motorist safety by adding a center turn lane. However, the Leombruno's initially had concern that the proposed work within the new slope and drainage easement areas would increase the flow of storm water from NH Route 106, onto their properties thus, reducing the value of their parcels. The Leombrunos contended that the wet areas on these parcels were initially created by the original Route 106 construction in the 1950's, and subsequent upgrade projects since that time, and have requested that we capture the water that flows from the roadway onto these parcels and route it to a different location. The assigned Right-of-Way Agents were able to provide the Leombrunos, with hydrology data that indicates there will be no anticipated net increase of water flowing onto their properties from the proposed construction. Additionally, the Leombrunos requested the Department capture and remove existing water from these parcels. This request was denied for environmentally related reasons.

The Department's decision not to remove any existing water from the properties was disappointing news for the Leombrunos. However, they understand with no net increase in storm water impacts to their lands, the remaining discussions would center on negotiating easement values with the Department. Those negotiations resulted in the Leombruno's proposing an exchange of abutting state-owned property, in lieu of the just compensation offered to them for the easements.

South of the main entrance to the golf course, is a parcel of State-owned land. This land (no parcel number for this project), was acquired by the Department in the late 1990's for the Concord-Laconia, 10672 project. The property consists of 12,157 square feet of vacant land. This state-owned parcel has been determined to be surplus to the needs of the Department. By utilizing the same waiver valuation data, used by this Department to value the just compensation for the easements needed for the project, and applying that valuation data to calculate the value of the state-owned parcel, it has been determined that the rounded value of that state-owned parcel is nine thousand five hundred dollars (\$9,500.00). This value is nearly an equal exchange (in value) for the easements needed for the current project, as indicated above.

Additionally, the Department's Land Titles Section of the Right-of-Way Bureau has identified an additional tract of land, of unknown size, abutting the "un-numbered" parcel described above and has labeled it as being state-owned parcel 25, for this project. The main entrance to Loudon Country Club, along with their business sign, encumbers said parcel. The Land Titles Section is relying on a 1954 deed from an Orville Hill, into the State, as evidence of the State's ownership of the parcel. There is no deed of record of that same parcel having been conveyed into Mr. Hill but Land Titles is of the opinion that a conveyance into Mr. Hill, likely went unrecorded prior to 1954 and feel that the current claim of state ownership is solid. The Leombrunos disagree, claiming that all other records indicate ownership by Loudon Country Club, including the NHDOT's own right-of-way plan from the Concord-Laconia, 10672 project in the 1990's, and are contesting the State's claim to the ownership of the parcel.

The Leombrunos contend that several facts are evidence proving their ownership of the parcel. First, the mapping available on public record indicates that the Leombruno's are the owners of the parcel. This mapping includes the Town of Loudon's tax maps, along with multiple subdivision plans recorded at the County Registry over the years; all indicating that the parcel in question is contiguous with the abutting larger golf course parcel, and therefore owned by the Loudon Country Club as part of the conveyance of that larger parcel to them. Two separate driveway permits, for a driveway over this parcel, were issued by District 3 in the early 1990's, to previous owners of the golf course land, for the express purpose of using it as the main entrance to Loudon Country Club. Review of documentation contained in those driveway permit applications, indicates that the plan sets filed in the application process, including NHDOT plans of the 1954 Route 106 construction project and the 1990's 10672 plan referenced above, both identified Loudon Country Club as the ownership of the parcel. There is no indication in those driveway-permitting records, that the ownership of the parcel was ever called into question during that process. Finally, as previously stated, the actual size of the parcel cannot be determined. That is mainly due to the lack of a containment clause in the 1954 deed and, the absence of any recorded surveys or plats showing the parcel as a stand-alone tract of land.

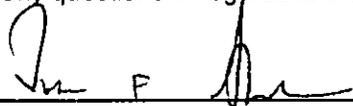
Ultimately, due to these title issues with parcel 25, the Leombruno's are contemplating the idea of quieting the title to this land by filing an action in Superior Court. The assigned Right-of-Way Agents are proposing another alternative. Adding parcel 25, to the land exchange involving the unnumbered parcel described above, will allow the Department to quitclaim whatever interests it may have in parcel 25 and eliminate the confusion that exists over the ownership to the parcel, negating the need for the Leombruno's to proceed with their contemplated action.

Given the additional costs of preparing a "Before and After" appraisal report; along with the cost and risk associated with eminent domain proceedings; and the costs associated with litigating a quiet title action in Superior Court, we feel this proposed settlement is reasonable and in the best interest of the Emily Golf Links, LLC (Loudon Country Club) and the State of New Hampshire.

Your concurrence with this settlement is respectfully requested.

Should you have any questions in regards to the above-mentioned offer, please do not hesitate to contact me.

I (con) concur



Victoria F. Sheehan, Commissioner  
New Hampshire Department of Transportation

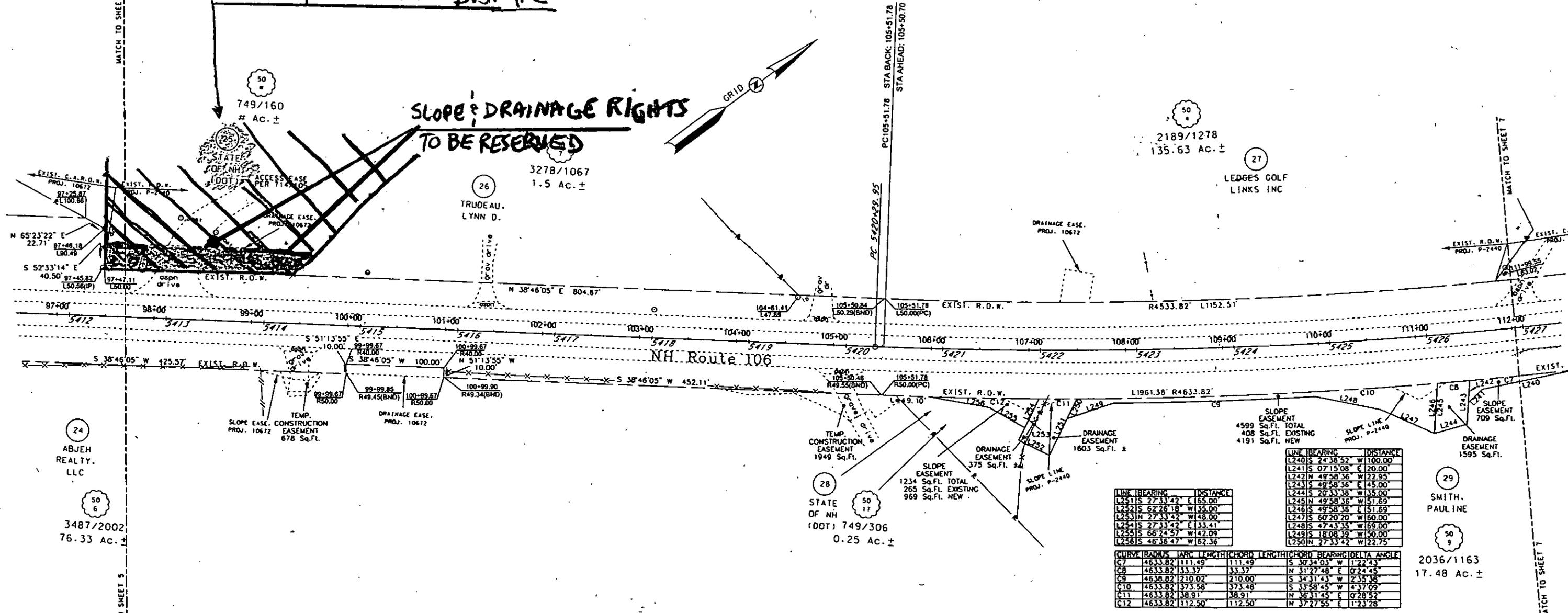
10/14/19  
Date

DAD/JLJ/jl

cc: Paul Coddington, Chief of Administrative Section

**PARCEL w/ OWNERSHIP DISPUTE**

**SLOPE & DRAINAGE RIGHTS TO BE RESERVED**

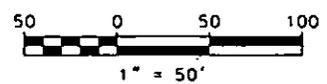


| LINE BEARING | DISTANCE              |
|--------------|-----------------------|
| L240         | S 24°36'52" W 100.00' |
| L241         | S 07°15'08" E 20.00'  |
| L242         | N 49°58'36" W 22.95'  |
| L243         | S 49°58'36" E 15.00'  |
| L244         | S 20°33'38" W 35.00'  |
| L245         | N 49°58'36" W 51.69'  |
| L246         | S 49°58'36" E 51.69'  |
| L247         | S 60°20'20" W 60.00'  |
| L248         | S 47°43'35" W 69.00'  |
| L249         | S 18°08'39" W 50.00'  |
| L250         | N 27°33'42" W 22.75'  |

| CURVE | RADIUS  | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|---------|------------|--------------|---------------|-------------|
| C7    | 4633.82 | 111.49     | 111.49       | S 30°34'03" W | 1°22'43"    |
| C8    | 4633.82 | 33.37      | 33.37        | N 31°27'48" E | 0°24'45"    |
| C9    | 4633.82 | 210.02     | 210.00       | S 34°31'43" W | 2°35'38"    |
| C10   | 4633.82 | 373.58     | 373.48       | S 33°58'45" W | 4°37'09"    |
| C11   | 4633.82 | 38.91      | 38.91        | N 36°31'45" E | 0°28'52"    |
| C12   | 4633.82 | 112.50     | 112.50       | N 37°27'55" E | 1°23'28"    |

| PAR. NO. | PROPERTY OWNER     | TOTAL AREA OF PARCEL AC./FS | TAKE AC./FS | REMAINDER   |              | EASEMENT                     |           |              |             | CARD POINTS OF CT. RT. | REV. NO. |
|----------|--------------------|-----------------------------|-------------|-------------|--------------|------------------------------|-----------|--------------|-------------|------------------------|----------|
|          |                    |                             |             | LEFT AC./FS | RIGHT AC./FS | PERMANENT                    | TEMPORARY | TYPE         | DESCRIPTION |                        |          |
| 24       | ABJEH REALTY, LLC. | 76.33±                      | 76.33±      |             |              | 618                          | 1949      | CONSTRUCTION |             |                        |          |
| 29       | SMITH, PAULINE     | 17.48±                      |             |             |              | SEE SHEET 7 FOR ACQUISITIONS |           |              |             |                        |          |

\* DURATION OF TEMPORARY EASEMENTS WILL BE FOR XX MONTHS - BEGINNING WITH THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES.  
NOTE: AREAS WITH DECIMALS ARE ACRES. AREAS WITH WHOLE NUMBERS ARE SQUARE FEET



| DATE | REVISION |
|------|----------|
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|      |          |
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STATE OF NEW HAMPSHIRE  
DEPARTMENT OF TRANSPORTATION - BUREAU OF RIGHT-OF-WAY  
**NH ROUTE 106**  
RIGHT-OF-WAY LAYOUT PLANS  
TOWN OF LOUDON  
#REDDATES

BECK ROAD  
 CURVE # 1  
 PI = 81+09.47  
 N = 301916.52  
 E = 1034812.84  
 Δ = 12°36'22.68" RT  
 I = 48.29'  
 R = 437.17'  
 L = 96.19'  
 E = 2.66'

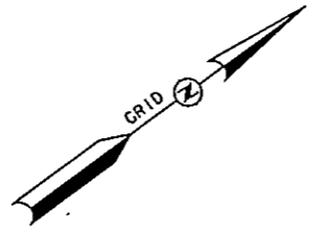
# Project Impacts

12,157 SF STATE-OWNED  
 PARCEL

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L95  | S 77°04'40" W | 21.48    |
| L96  | S 61°48'52" E | 15.08    |
| L97  | N 61°48'52" W | 6.92     |
| L98  | N 25°10'38" W | 21.99    |
| L99  | N 46°02'17" E | 121.07   |
| L100 | S 23°57'32" E | 118.63   |
| L101 | S 14°31'51" E | 3.07     |
| L102 | S 07°24'54" E | 19.31    |
| L103 | S 14°27'36" E | 116.20   |

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L104 | N 84°27'13" W | 11.54    |
| L105 | N 23°47'24" W | 22.56    |
| L106 | N 42°32'47" E | 19.97    |
| L107 | S 54°09'28" E | 22.00    |
| L108 | N 54°09'28" W | 19.99    |
| L109 | S 51°45'18" E | 20.00    |

| CURVE | RADIUS  | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|---------|------------|--------------|---------------|-------------|
| C21   | 3063.64 | 326.66     | 326.50       | N 30°58'31" E | 6°06'33"    |
| C22   | 3078.64 | 342.13     | 341.95       | N 30°49'04" E | 6°22'02"    |



2504/1944  
 3.99 AC. ±

16  
 KENNEY,  
 STUART A.

17  
 AUSTIN,  
 LORRAINE F.  
 SLOPE  
 EASEMENT  
 5016 Sq. Feet

823/341  
 7 AC. ±

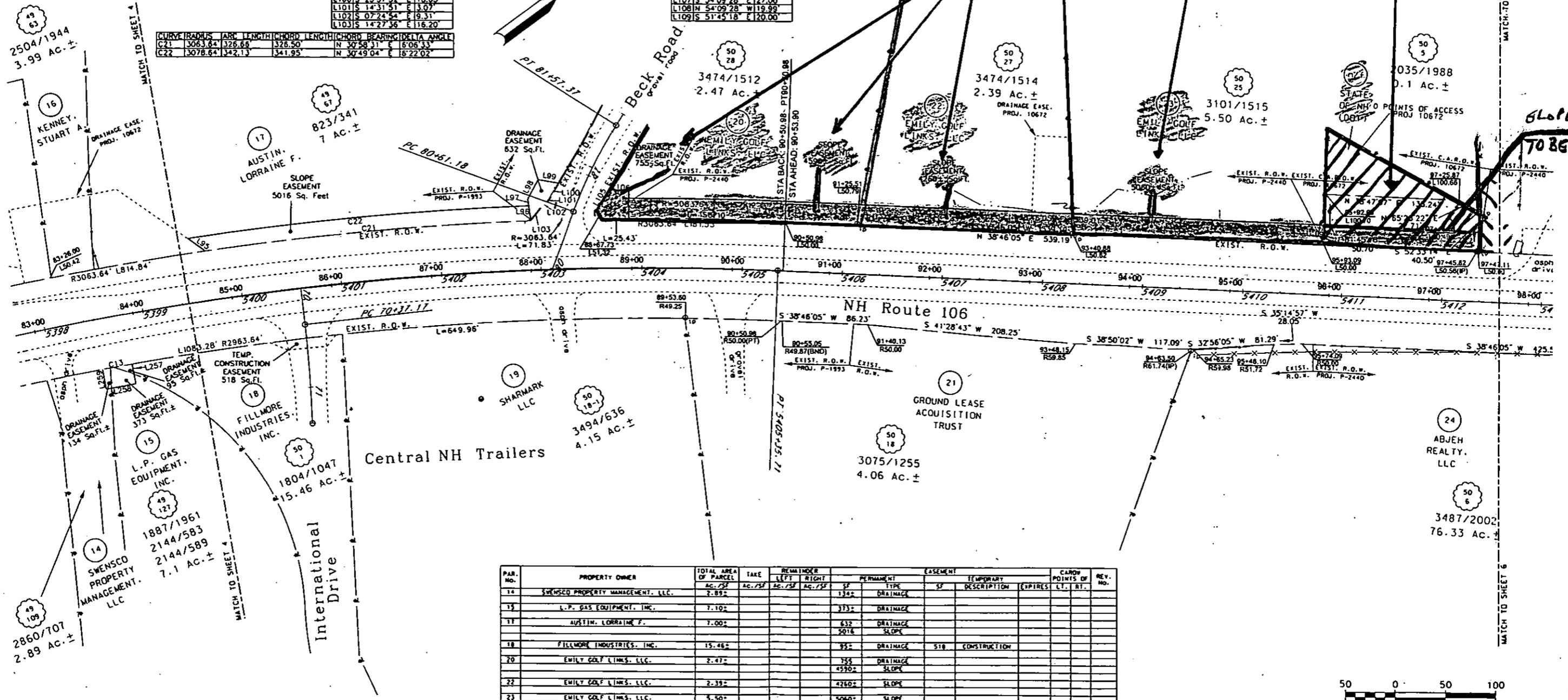
3474/1512  
 2.47 AC. ±

3474/1514  
 2.39 AC. ±

3101/1515  
 5.50 AC. ±

035/1988  
 0.1 AC. ±

STATE OF NEW HAMPSHIRE  
 POINTS OF ACCESS  
 PROJ. 10672



Central NH Trailers

19  
 SHARMAK  
 LLC

3494/636  
 4.15 AC. ±

21  
 GROUND LEASE  
 ACQUISITION  
 TRUST

3075/1255  
 4.06 AC. ±

24  
 ABJEH  
 REALTY,  
 LLC

3487/2002  
 76.33 AC. ±

15  
 L.P. GAS  
 EQUIPMENT,  
 INC.

18  
 FILLMORE  
 INDUSTRIES,  
 INC.

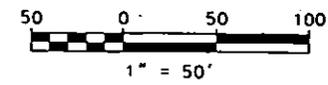
14  
 SWENSCO  
 PROPERTY  
 MANAGEMENT,  
 LLC

1887/1961  
 2144/583  
 2144/589  
 7.1 AC. ±

1804/1047  
 15.46 AC. ±

| PAR. NO. | PROPERTY OWNER                    | TOTAL AREA OF PARCEL AC./SF | TAKE AC./SF | REMAINING LEFT AC./SF | RIGHT AC./SF | EASEMENT  |              | CARP POINTS OF INT. RT. | REV. NO. |
|----------|-----------------------------------|-----------------------------|-------------|-----------------------|--------------|-----------|--------------|-------------------------|----------|
|          |                                   |                             |             |                       |              | PERMANENT | TEMPORARY    |                         |          |
| 14       | SWENSCO PROPERTY MANAGEMENT, LLC. | 2.89±                       | 2.89±       |                       |              | 134±      | DRAINAGE     |                         |          |
| 15       | L.P. GAS EQUIPMENT, INC.          | 7.10±                       |             |                       |              | 373±      | DRAINAGE     |                         |          |
| 17       | AUSTIN, LORRAINE F.               | 7.00±                       |             |                       |              | 632       | DRAINAGE     |                         |          |
|          |                                   |                             |             |                       |              | 5016      | SLOPE        |                         |          |
| 18       | FILLMORE INDUSTRIES, INC.         | 15.46±                      |             |                       |              | 95±       | DRAINAGE     |                         |          |
|          |                                   |                             |             |                       |              | 518       | CONSTRUCTION |                         |          |
| 20       | EMILY GOLF LINKS, LLC.            | 2.47±                       |             |                       |              | 755       | DRAINAGE     |                         |          |
|          |                                   |                             |             |                       |              | 4590±     | SLOPE        |                         |          |
| 22       | EMILY GOLF LINKS, LLC.            | 2.39±                       |             |                       |              | 4260±     | SLOPE        |                         |          |
| 23       | EMILY GOLF LINKS, LLC.            | 5.50±                       |             |                       |              | 5060±     | SLOPE        |                         |          |

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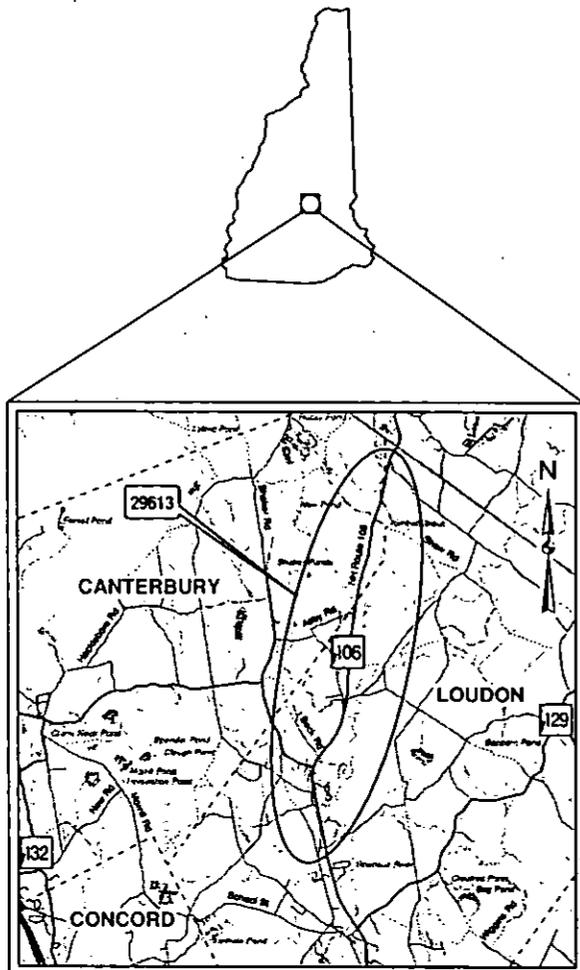


STATE OF NEW HAMPSHIRE  
 DEPARTMENT OF TRANSPORTATION • BUREAU OF RIGHT-OF-WAY  
**NH ROUTE 106  
 RIGHT-OF-WAY LAYOUT PLANS**

| DATE | REVISION |
|------|----------|
|      |          |

# RIGHT-OF-WAY PLANS FEDERAL AID PROJECT

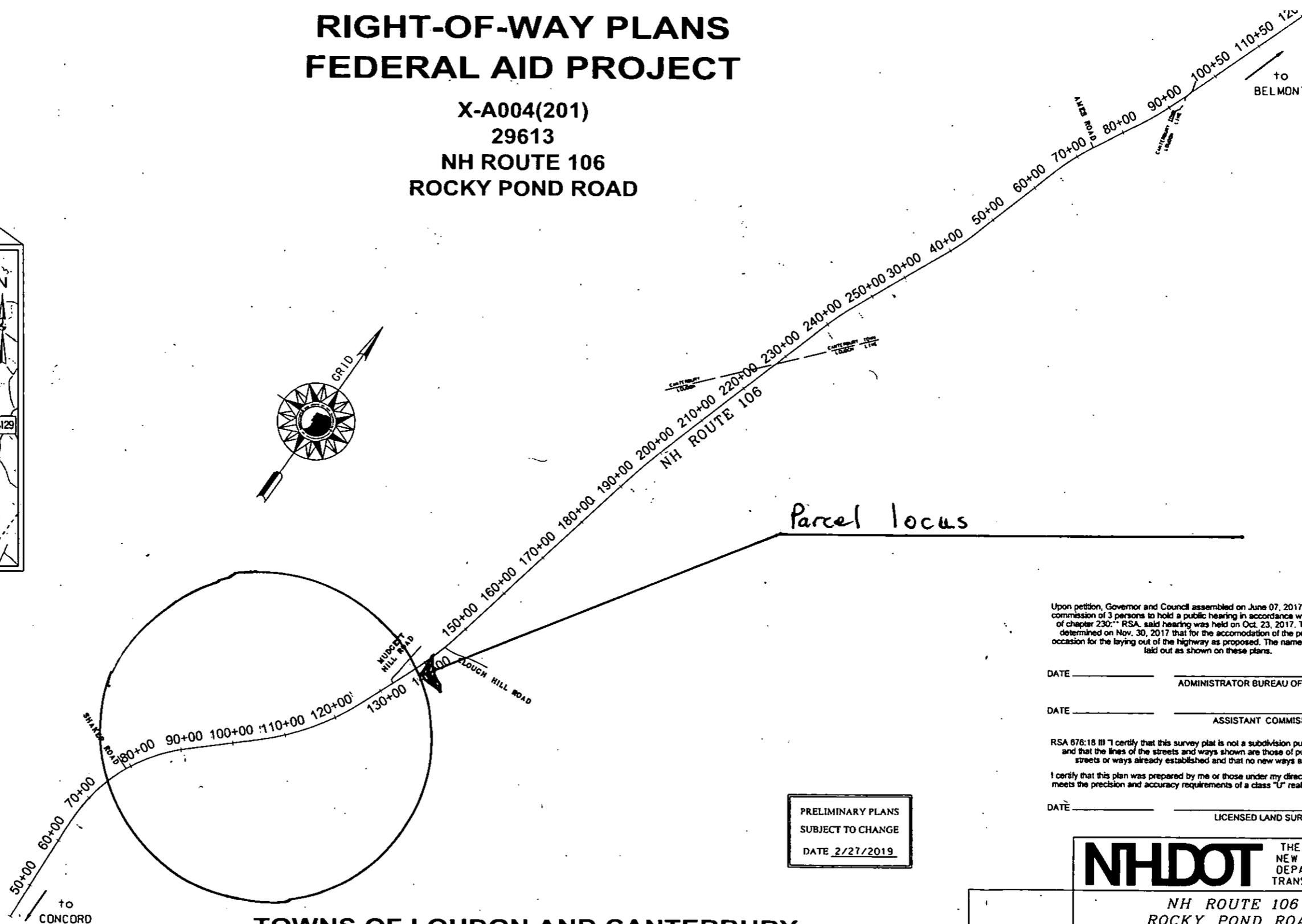
X-A004(201)  
29613  
NH ROUTE 106  
ROCKY POND ROAD



LOCATION MAP

INDEX OF SHEETS

- 1 FRONT SHEET
- 2-21 RIGHT-OF-WAY PLAN SHEETS



## TOWNS OF LOUDON AND CANTERBURY

COUNTY OF MERRIMACK

SCALE: 1" = 1000'

PRELIMINARY PLANS  
SUBJECT TO CHANGE  
DATE 2/27/2019

Upon petition, Governor and Council assembled on June 07, 2017 and appointed a commission of 3 persons to hold a public hearing in accordance with the provisions of chapter 230:1 RSA, said hearing was held on Oct. 23, 2017. The commission determined on Nov. 30, 2017 that for the accommodation of the public there was occasion for the laying out of the highway as proposed. The named highways were laid out as shown on these plans.

DATE \_\_\_\_\_ ADMINISTRATOR BUREAU OF RIGHT-OF-WAY

DATE \_\_\_\_\_ ASSISTANT COMMISSIONER

RSA 676:18 III I certify that this survey plan is not a subdivision pursuant to this title and that the lines of the streets and ways shown are those of public or private streets or ways already established and that no new ways are shown.

I certify that this plan was prepared by me or those under my direct supervision and meets the precision and accuracy requirements of a class "U" real property survey.

DATE \_\_\_\_\_ LICENSED LAND SURVEYOR

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

NH ROUTE 106  
ROCKY POND ROAD  
RIGHT-OF-WAY LAYOUT PLANS  
LOUDON AND CANTERBURY  
Date \_\_\_\_\_

| DCM         | STATE PROJECT NO. | SHEET NO. | TOTAL SHEETS |
|-------------|-------------------|-----------|--------------|
| FRONT SHEET | 29613rowplans     | 29613     | 1 21         |