



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner

March 11, 2016



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

REQUESTED ACTION

Pursuant to RSA 4:29, authorize the Department of Environmental Services (DES) to accept a gift to the State of New Hampshire of a parcel of land in Pittsburg (Pittsburg Tax Map U8, Lot #496) from the Estate of Marjorie C. Baker, at no cost to the State. The acquisition will be concluded following approval by Governor and Executive Council.

EXPLANATION

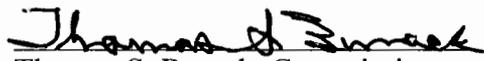
The State of New Hampshire, through DES, owns approximately 2,200 acres of land in Pittsburg associated with its Murphy Dam at the outlet of Lake Francis. The Estate of Marjorie C. Baker is donating a 2.54-acre parcel on Lake Francis that abuts the property owned by DES. (See attached map.)

The property was owned by sisters, Marjorie and Dorothy Baker, and their brother, John. The house on the property was built by their parents, and it was the only home they ever had. In 1999, the three siblings made Wills arranging for the gifting of the property to the State of New Hampshire. Under their Wills, the estate of the last dying was directed to raze the house on the property, grade and replant the cleared area and then have it pass to the state with the condition that it remain in its natural state in perpetuity. Marjorie C. Baker, the last surviving of the Baker siblings, passed away in 2012 at the age of 91. Since then the Executor of the Marjorie C. Baker Estate has razed the home, graded and replanted the area to return its natural condition, and prepared a fiduciary deed acceptable to DES. The fiduciary deed is attached.

Acquiring this property will allow DES to control additional property adjacent to Lake Francis. It will also provide an increased level of protection to the existing State-owned land, as well as enhance resource management and recreational opportunities at the site. Under the terms of the fiduciary deed, timber harvesting and cleanup of blow downs are permitted. The property is located off Route 3, approximately one mile east of the existing public boat launch. Should the need ever arise, the fiduciary deed would permit the use of the property for a public boat launching site, including parking appurtenant to that use.

The form of the deed has been reviewed and approved by the Office of the Attorney General.

We respectfully request your approval.


Thomas S. Burack, Commissioner

FIDUCIARY DEED

KNOW ALL MEN BY THESE PRESENTS, that I, JOHN L. RIFF, IV, of 104 Main Street, Suite 4, Town of Lancaster, County of Coos, and State of New Hampshire, 03584, **Executor for the Estate of Marjorie C. Baker**, by the Power conferred by the 1st Circuit Court - Probate Division - Lancaster (See Docket No. 314-2012-ET-00255), and every other power, for consideration paid, grant to the **STATE OF NEW HAMPSHIRE, DEPARTMENT OF ENVIRONMENTAL SERVICES**, of 29 Hazen Drive (with a mailing address of P.O. Box 95), City of Concord, County of Merrimack, and State of New Hampshire, 03301, the following described real estate:

A certain tract or parcel of land, containing 2.54 acres, more or less, located on the southerly side of Foote Road, in the Town of Pittsburg, County of Coos, and State of New Hampshire, shown on that Plan recorded in the Coos County Registry of Deeds as Plan #3972, which Plan is incorporated herein by reference thereto, entitled: "Plat of Property Surveyed for John L. Riff, IV, Executor for the Estate of Marjorie C. Baker, Tax Map U8, Lot 496, Foote Road, Pittsburg, New Hampshire," by York Land Services. LLC., Berlin, NH, dated June 16, 2015, more particularly bounded and described as follows:

Beginning at a 1" diameter iron pipe (found, buried 12"), located on the southerly side of said Foote Road, and marking the northwesterly corner of the herein conveyed property and the northeasterly corner of land, now or formerly, of Anthony Montecalvo, all as shown on said Plan;

Thence running along the southerly line of said Foote Road, the following courses and distances:

N 70° 20' 43" E for 140.05 feet, more or less, to a point;

N 76° 23' 17" E for 65.00 feet, more or less, to a point;

S 71° 49' 22" E for 29.50 feet, more or less, to a rebar/cap set up 4";

N 84° 16' 25" E for 58.00 feet, more or less, to a "rebar/cap set up 4"; and

N 78° 36' 20" E for 100 feet, more or less, to a YLS rebar/cap set flush (replacing a 1" diameter iron pipe found bent), marking the northwesterly corner of land, now or formerly, of Lesley and Ruth Covell and the northeasterly corner of the herein conveyed parcel;

Thence turning and running, along the westerly line of said Covell, S 12° 42' 26" E for 206.79 feet, more or less, to a 1" x 10" iron pipe found at the 1400 elevation contour line;

Thence turning and running in a generally westerly direction, following the 1400' contour elevation line, approximately 538 feet to a 1 1/4" x 8" iron pipe found, located on the easterly line of said Montecalvo, all as shown on said Plan;

Thence running N 01° 20' 48" W 134.58 feet, more or less, to the point of beginning.

Meaning and intending to convey under a new description, all and the same premises as conveyed to Dorothy Baker and Marjorie Baker:

By Warranty Deed of John T. Baker dated August 1, 2006, recorded in the Coos County Registry of Deeds at Book 1197, Page 826; and

By Warranty Deed of John T. Baker, dated August 1, 2006, recorded in the Coos County Registry of Deeds at Book 1197, Page 829.

By Warranty Deed of Theodore Grieder and Helen Grieder to Marjorie C. Baker, Dorothy C. Baker, and John T. Baker, dated April 27, 1960, recorded in the Coos County Registry of Deeds at Book 453, Page 85.

By Warranty Deed of Marjorie C. Baker and John T. Baker to Marjorie C. Baker, Dorothy C. Baker, and John T. Baker, dated February 8, 1955, recorded in the Coos County Registry of Deeds at Book 412, Page 311.

Title was vested in Marjorie C. Baker at the time of her death as surviving joint tenant. Dorothy C. Baker predeceased her on October 1, 2006. See Coos Probate Court Docket Number: 2007-0017.

Also the right to lay and maintain water pipe across the land of George L. Hilliard (Coos Deeds, Book 453, Page 85).

Also the right to pass across the land of said George L. Hilliard to the above mentioned Lot (Coos Deeds, Book 453, Page 85).

SUBJECT TO the condition that said real estate shall never be sold, leased, or have buildings erected thereon. Timber harvest, clean up of blow downs, and the use of the property for a public boat launching site, with parking appurtenant to such use, shall be permitted.

Title was vested in Marjorie C. Baker at the time of her death as surviving joint tenant. Dorothy C. Baker died October 1, 2006. See 1st Circuit Court – Probate Division – Lancaster, Docket Number: 2007-0017.

This conveyance is exempt from imposition of a real estate transfer tax or the filing of a declaration of consideration pursuant to RSA 78-B:2 and RSA 78-B:10.

DATED this _____ day of _____, 2016.

ESTATE OF MARJORIE C. BAKER

By: JOHN L. RIFF, IV, Executor

STATE OF NEW HAMPSHIRE
COUNTY OF COOS

_____, 2016.

Personally appeared, JOHN L. RIFF, IV, Executor for the ESTATE OF MARJORIE C. BAKER, known to me or satisfactorily proven to be the individual whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

Before me,

Notary Public/Justice of the Peace
Print Name:
My Commission Expires: