



Victoria F. Sheehan
Commissioner

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



William Cass, P.E.
Assistant Commissioner

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

Bureau of Right-of-Way
January 19, 2017

REQUESTED ACTION

Pursuant to RSA 4:39-c IV, and 228:31, authorize the Department of Transportation to transfer 0.201 +/- of an acre parcel of State owned land located on the northerly side of NH Route 101 in the Town of Bedford to 209 Route 101 Realty LLC for the impacts necessary to build the Bedford 13953 NH Route 101 reconstruction project which includes .07 +/- of an acre of commercial land, 1594 square feet of Permanent Drainage Easement, 3392 square feet of Permanent Slope Easement, 2078 square feet of Temporary Slope Easement/Driveway, Landscape & Site Improvements located on the easterly side of Wallace Road and twenty two thousand (\$22,000.00) dollars. This is effective upon Governor and Executive Council approval.

It has been determined by the Division of Finance that this parcel was originally purchased with 80% Federal Funds and 20% Highway Funds for project 11005, parcel 24.

Funding is to be credited as follows:

04-096-096-963515-3054-009-401771 (80% of \$22,000.00)	<u>FY 2017</u> \$17,600.00
04-096-096-960015-0000-UUU-409279 (20% of \$22,000.00)	<u>FY 2017</u> \$4,400.00

EXPLANATION

As part of the Right-of-Way negotiations, the Department of Transportation and 209 Route 101 Realty LLC (owners of parcel 2-1) have agreed to a property exchange (including sale) for the property rights needed for the Bedford 13953 project. The Department of Transportation would sell to 209 Route 101 Realty LLC a 0.201 +/- of an acre of State owned land located on the northerly side of NH Route 101 in the Town of Bedford for twenty two thousand (\$22,000.00) dollars. In exchange, 209 Route 101 Realty LLC would grant to the Department of Transportation the property rights for the impacts necessary to build the Bedford 13953 NH Route 101 reconstruction project. Property rights include 0.07 +/- of an acre of commercial land, 1594 square feet of Permanent Drainage Easement, 3392 square feet of Permanent Slope Easement, 2078 square feet of Temporary Slope/Driveway Easement. Landscaping and Site improvements located on the easterly side of Wallace Road.

Respectfully,

Victoria F. Sheehan
Commissioner

Attachments

STATE OF NEW HAMPSHIRE

INTER-DEPARTMENT COMMUNICATION

FROM: Dena S. Rae
Right-of-Way Agent

DATE: December 5, 2016

SUBJECT: Request for Administrative Land Swap Settlement
Bedford 13953 - Parcel 2-1

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

TO: Victoria F. Sheehan
Commissioner

THRU: Charles R. Schmidt, PE *(CRS)*
Right-of-Way Administrator

*agree, a good settlement
and reasonable in this case
to waive cap and consider
full value/land value for impacts.*

A negotiated settlement is recommended for the following owner on the above-referenced project: *(A)*

Parcel # 2-1 209 Route 101 Realty, LLC
This is a two part settlement request.

Acquisition: 0.07 acre in fee simple; 1,594 square foot permanent drain/slope easement; 3,392 square foot permanent slope easement; 2,078 square feet temporary driveway easement; control of access; and landscaping.

<u>Part 1</u>		<u>Part 2</u>	
Owners Counter Offer	\$38,000.00	Surplus Property Value	\$60,000.00
Project Impacts	<u>\$22,200.00</u> *	Negotiated Impacts	<u>\$38,000.00</u>
Balance of Negotiated Settlement	\$15,800.00	Balance due State	\$22,000.00

Reason:

** w/o cap
= \$37,881.2*

Parcel 2-1 is impacted by this project as identified above and it was determined that there are no measurable economic damages to parcel 2-1 as a result of these impacts, and therefore, no difference in the before and after market value. The Department completed a land value appraisal to determine the just compensation for these impacts. In accordance with department policy, a pro-rata cap was applied to the compensation calculation, and just compensation was capped at \$20,000.00 for property rights and \$2,200.00 for landscaping impacts for a total just compensation of \$22,200.00. When presented with the offer the owners, 209 Route 101 Realty, LLC, counteroffered with a request to swap the impacts to parcel 2-1 for a section of unused right-of-way that abuts Parcel 2-1 along the NH Route 101 highway (labeled as parcel 2-2 on the ROW Purchase Plans), and, to also pay the difference in value, if any, between the two properties.

Parcel 2-2 is an 8,750 square foot tract of surplus land comprised of unused right-of-way and a portion of a discontinued section of Bedford Center Road. This surplus land combined with parcel 2-1 will increase parking capabilities for the 5 retail tenants, and specifically, the largest tenant which is a grocery store, ultimately improving business access for the entire shopping plaza. An appraisal of parcel 2-2 was completed, and it was determined to have a market value of \$60,000.00. When presented with the value of parcel 2-2, the owners felt the value was high. The owners requested the impacts to parcel 2-1 be calculated at full value (removing the cap), and then used to offset the market value of the surplus land (parcel 2-2).

There are four types of impacts to parcel 2-1 needed for the project and listed above. The following are the impacts calculated at full value;

- 3,049 square foot fee simple value equaled \$21,350.00;
- 1,594 square foot permanent drainage calculated at 50% value equaled \$5,579.00;
- 3,392 square foot permanent slope calculated at 40% valued equaled \$9,497.60 and
- 2,078 square foot temporary easement calculated at 25% with a capitalization rate of 10% for 4 years equaled \$1,454.60.
- In summation, these impacts equal \$37,881.20.

We agreed to round the impact total to \$38,000.00 but remove the landscape impacts which were valued at \$2,200.00. Subtracting that number from the State surplus land value of \$60,000.00 created a difference of \$22,000.00, which the owners have agreed to pay.

We are requesting your concurrence for both settlement considerations, first, your concurrence to accept full value being calculated for the project impacts and second, your concurrence to land swap an unused 8,750 square foot segment of right-of-way.

This counteroffer is beneficial to both parties, given the costs, uncertainties and risks associated with eminent domain proceedings. Your concurrence with this multi-faceted settlement is respectfully requested.

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

I (~~am~~) concur 
Victoria Sheehan, Commissioner of Dept. of Transportation

12/13/16
Date

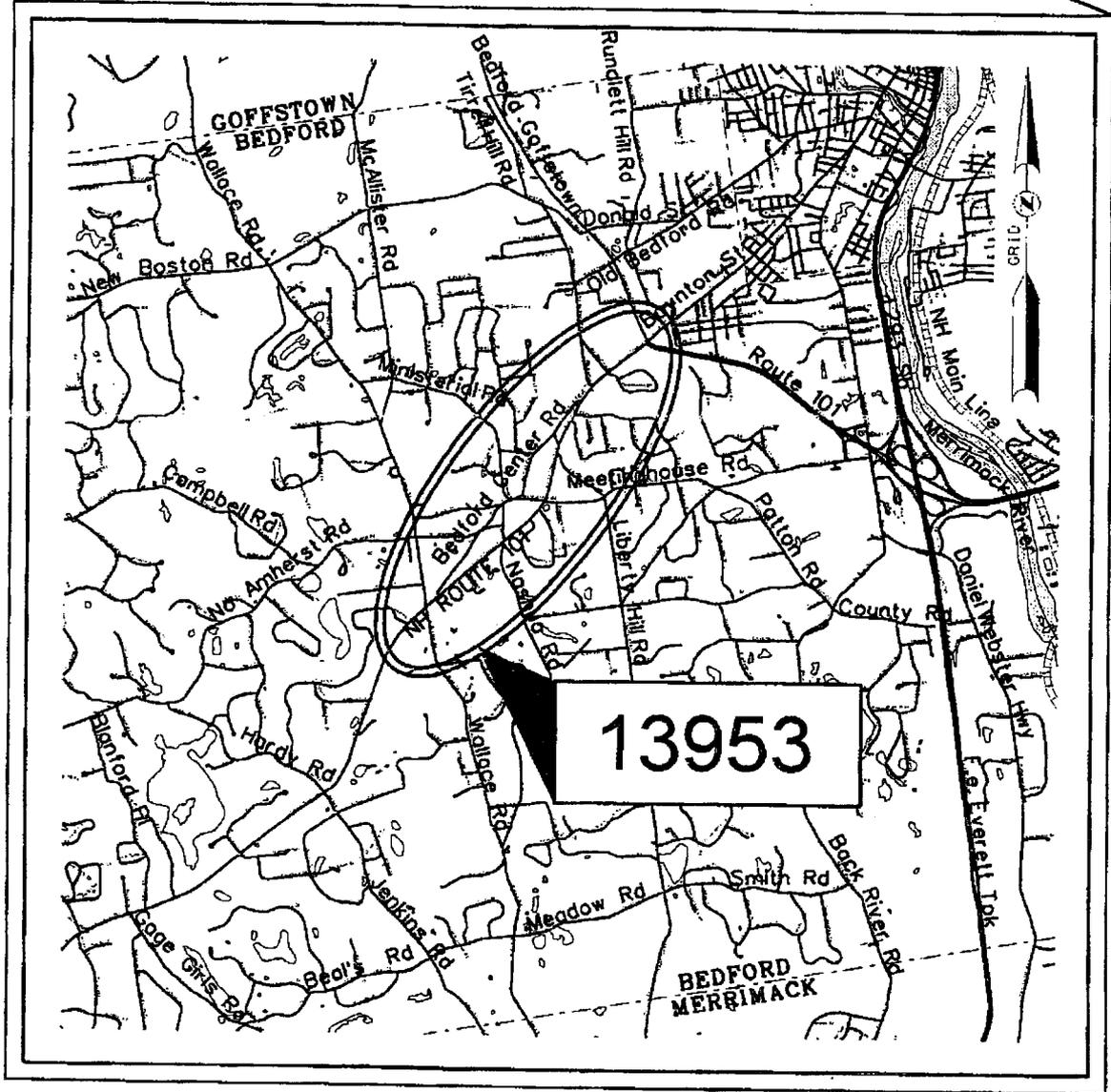
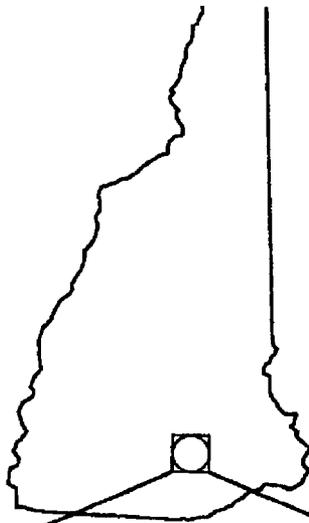
DSR

Att: Plan Sheet Parcel 2-1 Impacts
Plan Sheet Parcel 2-2 Surplus Property
Locus Map

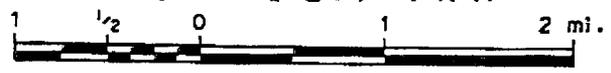
cc: Administrative Assistant
Trish Morrison, Chief Right-of-Way Agent

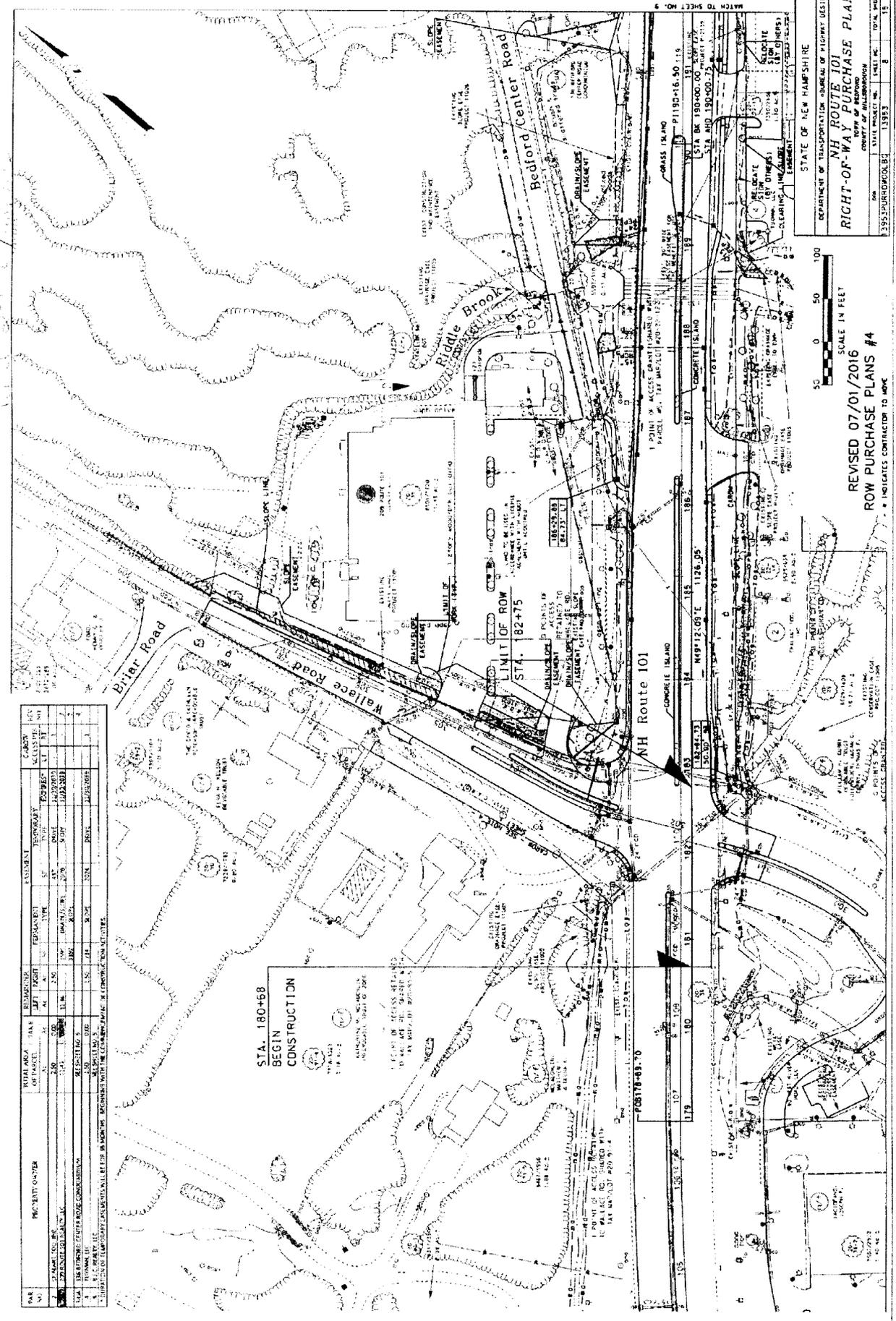
Nancy L. Spaulding 11 JAN 17 FOR GTC AGENDA FILE ONLY
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- Parcel 2-1 owners are owners of other parcels within this project. (parcel 3UA – 3UB and 8)
- These owners are very cooperative and in favor of this project.
- They have agreed to all offers presented and provided necessary documentation upon request quickly and without persist reminding on all other parcels within this project.
- When discussing the market value for the surplus property, their conduct was kind, considerate and never aggressive.
- The owners were cooperative throughout the entire acquisition period from begging to end.
- The owners were kind in their inquiries with the process of acquiring the unused right-of-way and during the negotiation to use right-of-way until they could acquire it in full.
- Expedited paperwork timely



LOCATION MAP





NO.	PROPERTY OWNER	TOTAL AREA OF PARCEL	REMAINING AREA	PERMANENT EASEMENT	REMARKS	CADSW
1	WALICE ROAD, INC.	1.25	1.25	100%	PERMANENT EASEMENT	1/11/16
2	WALICE ROAD, INC.	1.25	1.25	100%	PERMANENT EASEMENT	1/11/16
3	WALICE ROAD, INC.	1.25	1.25	100%	PERMANENT EASEMENT	1/11/16
4	WALICE ROAD, INC.	1.25	1.25	100%	PERMANENT EASEMENT	1/11/16
5	WALICE ROAD, INC.	1.25	1.25	100%	PERMANENT EASEMENT	1/11/16
6	WALICE ROAD, INC.	1.25	1.25	100%	PERMANENT EASEMENT	1/11/16
7	WALICE ROAD, INC.	1.25	1.25	100%	PERMANENT EASEMENT	1/11/16
8	WALICE ROAD, INC.	1.25	1.25	100%	PERMANENT EASEMENT	1/11/16
9	WALICE ROAD, INC.	1.25	1.25	100%	PERMANENT EASEMENT	1/11/16
10	WALICE ROAD, INC.	1.25	1.25	100%	PERMANENT EASEMENT	1/11/16

**STA. 180+68
BEGIN
CONSTRUCTION**

ALL DIMENSIONS TO CENTERLINE UNLESS NOTED OTHERWISE.

ENCROACHMENT ON PROJECT LIMITS TO BE REMOVED BY CONTRACTOR AT OWNERS RISK.

ENCROACHMENT ON PROJECT LIMITS TO BE REMOVED BY CONTRACTOR AT OWNERS RISK.

STATE OF NEW HAMPSHIRE
 DEPARTMENT OF TRANSPORTATION BUREAU OF HIGHWAY DESIGN
**NH ROUTE 101
 RIGHT-OF-WAY PURCHASE PLANS**
 COUNTY OF HILLSBOROUGH
 DATE PROJECT NO. SHEET NO. TOTAL SHEETS
 13952PUR00001B 13953 B 15

REVISD 07/01/2016
 ROW PURCHASE PLANS #4
 * INDICATES CONTRACTOR TO MOVE



NO.	DATE	DESCRIPTION	BY	CHECKED	DATE
1	06/20/2016	REVISED
2	06/20/2016	REVISED
3	06/20/2016	REVISED