



TOWN COUNCIL – AGENDA REQUEST FORM

THIS FORM WILL BECOME PART OF THE BACKGROUND INFORMATION USED BY THE COUNCIL AND PUBLIC

Please submit Agenda Request Form, **including back up information**, 8 days prior to the requested meeting date. **Public Hearing requests must be submitted 20 days prior to requested meeting date to meet publication deadlines** (exceptions may be authorized by the Town Manager, Chairman/Vice Chair).

MEETING INFORMATION

Date Submitted: July 12, 2018

Date of Meeting: July 19, 2018

Submitted by: Deputy Public Works Director/Town Engineer Dawn Tuomala

Department:

Time Required: 20 minutes

Speakers:

Background Info. Supplied: Yes: No:

CATEGORY OF BUSINESS (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Appointment:	<input type="checkbox"/>	Recognition/Resignation/Retirement:	<input type="checkbox"/>
Public Hearing:	<input type="checkbox"/>	Old Business:	<input type="checkbox"/>
New Business:	<input type="checkbox"/>	Consent Agenda:	<input type="checkbox"/>
Nonpublic:	<input type="checkbox"/>	Other:	<input type="checkbox"/>

TITLE OF ITEM

Sale of Town-Owned Property Discussion

DESCRIPTION OF ITEM

The Town Council to consider the sale of a small Town-owned landlocked parcel known as tax map parcel 6E-1/015-1, to a direct abutter of the property, in accordance with RSA 47:5.

REFERENCE (IF KNOWN)

RSA:	47:5	Warrant Article:	
Charter Article:		Town Meeting:	
Other:		N/A	

EQUIPMENT REQUIRED (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Projector:	<input type="checkbox"/>	Grant Requirements:	<input type="checkbox"/>
Easel:	<input type="checkbox"/>	Joint Meeting:	<input type="checkbox"/>
Special Seating:	<input type="checkbox"/>	Other:	<input type="checkbox"/>
Laptop:	<input type="checkbox"/>	None:	<input type="checkbox"/>

CONTACT INFORMATION

Name:	Dawn Tuomala	Address	6 Baboosic Lake Road
Phone Number	424-5137	Email Address	dtuomala@merrimacknh.gov

APPROVAL

Town Manager: Yes No: Chair/Vice Chair: Yes No:



TOWN OF MERRIMACK INTER-DEPARTMENT COMMUNICATION

DATE: July 13, 2018

AT (OFFICE): Department of Public Works

TO: Eileen Cabanel, Town Manager

FROM: Dawn B. Tuomala, PE, LLS, CWS
Deputy Director/Town Engineer

SUBJECT: Possible sale of Lot 6E1-15-1 to Gary Bailey
11 Depot Street – Lot 6E-1-15

Upon researching in the Hillsborough County Registry of Deeds (HCRD) the above referenced parcels the following was found:

Lot 6E-15-1 is owned by the Town of Merrimack. The parcel is in 2 separate tracts of land in different deeds.

Tract 1: The first tract has been an exception in the line of title back into the 1800's. This tract was known as the "Spring Lot". According to the records there was a plan for the tract, prepared by Gerald Hyde in 1946 but it was not recorded in the registry of deeds. The exception mentioned in Mr. Bailey's deed describes a 48 foot by 57 foot plot of land marked by pins driven into the ground, belonging to the Town of Merrimack and any other interest the Town may have in the spring, tank and pumping house. Records were reviewed back to the year 1771. A deed for this tract was not found in the registry, but the tract is believed to have come out of the larger parcel as an exception in the 1800's.

Tract 2: Surrounds Tract 1 AKA the "Spring lot owned by the Town of Merrimack" on 2 sides and has stone bound monuments. This addition to the spring land was sold to the Town in Vol. 927 Page 340 dated December 23, 1933 by Joseph Worrad.

In 1987 the Town of Merrimack sold lot 6Ea-15-1 to Michael Murray by a Tax deed dated May 7th, 1987 in Book 5115 Page 1164. No description other than the tax map number was given in the deed. In 1998 the Town of Merrimack took the property back for taxes in Book 5978 Page 278, thereby not impacting the property.

Given the deed information researched to date, the lot is comprised of the 2 tracts of land, and the boundaries of the property are estimated to be approximately, 68 feet by 64 feet. No field survey has been performed to date. This description does differ from the Town GIS maps but since these were parcels of land that were excepted out of a larger tract, they have senior rights.

Lot 6E1-15 is owned by Mr. Bailey who purchased the property on November 3, 2011 as recorded in HCRD Book 8380 Page 372. The deed description of this parcel includes the area owned by the Town of Merrimack. The deed then excludes both of the tracts of land.

The surrounding, abutting properties were also researched; there is no evidence that anyone else has any rights to this spring lot or the additional surrounding tract of land. This spring and pump house have not been used for quite some time. The Heritage Commission was contacted by General Government and they don't have any historical records for this lot.

Conclusion: At this point in time the research has been brought back to the late 1800's; there are no known restrictions or rights on the Town owned tract 6E1-15-1. The Town Council should contact the Town attorney to ensure the Town and State laws are followed properly regarding the sale of the property. The attorney should include any indemnity language that is appropriate within any agreement and deed.

Should you have any questions please let me know,

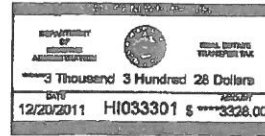
Dawn

CC: Kyle Fox; Director
File

Attachments: Deed Vol 927 Page 340
Deed Vol 8380 Page 372
GIS Plan
Sketch Plan

Camela O Coughlin

C/H
L-CHIP
HIA166943



GRANTEE

Deed Prepared By: Title & Abstract REO, Inc
144 South White Horse Pike, Somerdale, NJ 08083

WARRANTY DEED

110308437C 103185062

THIS INDENTURE, Made on the 03 day of November, 2011 by and between HSBC BANK USA, N.A., AS INDENTURE TRUSTEE FOR THE REGISTERED NOTEHOLDERS OF RENAISSANCE HOME EQUITY LOAN TRUST 2006-3, by Attorney-in-Fact Ocwen Loan Servicing, LLC, whose address is 12001 Science Drive, Suite 110B, Orlando, FL 32826, grant(s) to GARY E. BAILEY, whose address is 11 Depot Rd, Merrimack NH 03054, with WARRANTY COVENANTS, a certain tract of land, with the buildings thereon, in HILLSBOROUGH County, New Hampshire, bounded and described as follows:

SEE ATTACHED EXHIBIT A

PARCEL#: 6E-1/015
Commonly known as: 11 DEPOT STREET, MERRIMACK, NH 03054

AND BEING the same property conveyed to the Grantor herein by virtue of that certain FORECLOSURE Deed dated 6/20/11 and recorded 6/28/11, in Deed Book 8328 at Page 2045, Instrument Number, 1129419 among the aforesaid land records.

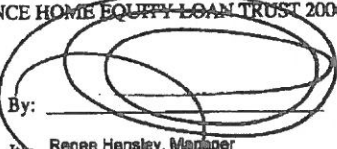
We further state that during our ownership no one has come forward to claim a dower, courtesy or homestead interest in the subject property.

This is/is not homestead property for the Grantors.

IN WITNESS THEREOF, The said grantor has hereunto set his/her hand and seal the day and year above written.

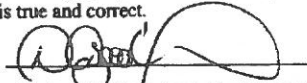
Signed and Sealed in Our Presence HSBC BANK USA, N.A., AS INDENTURE TRUSTEE FOR THE REGISTERED NOTEHOLDERS OF RENAISSANCE HOME EQUITY LOAN TRUST 2006-3 by Attorney-in-Fact Ocwen Loan Servicing, LLC



By: 
Its: Renee Hensley, Manager
Of Ocwen Loan Servicing, LLC, as Attorney in Fact

STATE OF FLORIDA
COUNTY OF ORANGE

I certify that on this 03 day of November, 2011, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Renee Hensley, Manager, Of Ocwen Loan Servicing, LLC as attorney in fact for HSBC BANK USA, N.A., AS INDENTURE TRUSTEE FOR THE REGISTERED NOTEHOLDERS OF RENAISSANCE HOME EQUITY LOAN TRUST 2006-3, whose name is subscribed to the within instrument, and acknowledged the foregoing deed to be his/her act under the authority of the Grantor and also certify, under penalties of perjury, that he/she is duly authorized to execute same and that the consideration recited herein is true and correct.


Notary Public Deborah Goodwin, Notary

My Commission Expires: _____

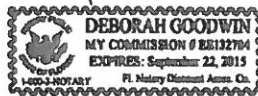


EXHIBIT A

The and referred to herein below is situated in the County of Hillsborough, State of New Hampshire, and is described as follows:

A tract of land, with the buildings thereon, situated in Merrimack, Hillsborough County, New Hampshire, bounded and described as follows:

Beginning at a stone bound on the southwesterly side of Depot Street at the northerly corner of land now or formerly of Johnson; thence

S 53° W by land of said Johnson, 132 feet, more or less, to a stone bound, thence continuing

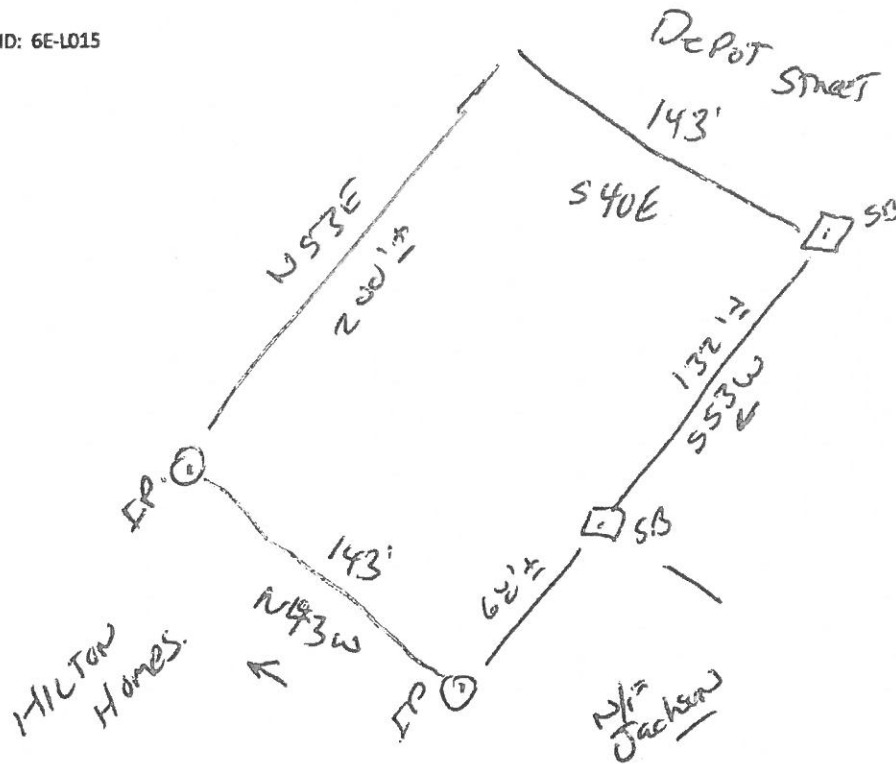
The same course by land, now or formerly of Jackson, 68 feet, more or less, to an iron pipe; thence

N 43° W by land, now or formerly of Hilton Homes, Inc., 143 feet to an iron pipe; thence

N 53° E 200 feet, more or less, to Depot Street; thence

S 40° E by Depot Street 143 feet, more or less, to the point of beginning.

Parcel ID: 6E-L015



927
KNOW ALL MEN BY THESE PRESENTS

That I, Joseph Worrad, of Merrimack, County of Hillsboro-, and State of New Hampshire,

for and in consideration of the sum of one dollar and other valuable consideration, to me in hand before the delivery hereof well and truly paid by The Town of Merrimack, Hillsboro-County, New Hampshire,

the receipt whereof, I do hereby acknowledge, have granted, bargained, and sold, and by these presents do give, grant, bargain, sell, alien, enfeof, convey and confirm unto the said Town of Merrimack, and its heirs-and-assigns, forever,

A certain tract or parcel of land situated in the Town of Merrimack, and Village of Reads Ferry on the Westerly side of Depot St., so called, bounded and described as follows: beginning at the southwesterly corner of the fence around the spring now owned by the Town of Merrimack, and running southerly at right angle with the southerly side of said spring, as fenced, 10 feet to a stone bound; thence running N. 85° E. 64 feet to a stone bound; thence running N. 16° E. 63 ft. 6 inches to a stone bound; thence running westerly 20 feet to the northeasterly corner of the said spring, as fenced; thence southeasterly and southwesterly by said spring, as fenced, to the point begun at.

TO HAVE AND TO HOLD the said granted premises, with all the privileges and appurtenances to the same belonging to it, the said Town of Merrimack, and its heirs-and assigns, to its and its only proper use and benefit forever. And I, the said Joseph Worrad,

and my heirs, executors and administrators and its heirs-and assigns, do hereby covenant, grant and agree, to and with the said Town of Merrimack, and its heirs-and assigns, that until the delivery hereof I am the lawful owner of the said premises, and am seized and possessed thereof in my own right in fee simple; and have full power and lawful authority to grant and convey the same in manner aforesaid; that the said premises are free and clear from all and every incumbrance whatsoever; except - and that I and my heirs, executors and administrators shall and will warrant and defend the same to the said Town of Merrimack, and its heirs-and assigns against the lawful claims and demands of any person or persons whomsoever. And I, Eva Worrad, wife of the said Joseph Worrad, in consideration aforesaid; do hereby relinquish my right of dower in the before-mentioned premises

And we, and each of us do hereby release, discharge, and waive all such rights of exemption from attachment and levy or sale on execution, and such other rights whatsoever in said premises, and in each and every part thereof, as our Family Homestead, as are reserved, or secured to us, or either of us, by Chapter 214, Public Laws of the State of New Hampshire, or by any other law or laws of said State.

IN WITNESS WHEREOF, We have hereunto set our hands and seals this 23rd day of December, in the year of our Lord, one thousand nine hundred and - A. D. 1933.

Signed, sealed and delivered in the presence of us:

Franklin L. Haseltine,

Joseph V. Worrad, Seal.

George W. Carroll,

Eva Worrad, Seal.

STATE OF NEW HAMPSHIRE, HILLSBOROUGH, SS.

December 23rd, A. D., 1933.

Personally appeared the above named Joseph V. Worrad and Eva Worrad, and acknowledged the foregoing instrument to be their voluntary act and deed. Before me, Franklin L. Haseltine, JUSTICE OF THE PEACE

HILLSBOROUGH, SS.—Received and recorded, 3-10 P. M. March 30, 1934.

and examined by

Jerry S. Haggerty REGISTER

