

NOTICE OF PUBLIC HEARING
CITY OF PORTSMOUTH, NEW HAMPSHIRE

DISPOSITION OF EMINENT DOMAIN DAMAGES
RELATIVE TO ALUMNI FIELD, PARROTT AVENUE

Notice is hereby given that a Public Hearing is scheduled for 6:30 p.m. on Tuesday, November 17, 2009 in Conference Room A of the City Hall Complex, 1 Junkins Avenue, Portsmouth, NH 03801. The purpose of the hearing is to obtain public comment regarding the disposition of damages arising from the eminent domain proceeding to remove deeds restrictions from municipal property located on Parrott Avenue and identified by City Tax Map 128, Lot 16.

The property was acquired by the City of Portsmouth by deed of Joseph W. Peirce, et als on November 14, 1913, recorded in the Rockingham County Registry of Deeds at Book 673, Page 447. It is subject to a number of restrictions, most notably, "that the land herein conveyed shall be held and improved by the City of Portsmouth forever as a park and for no other purpose".

The Portsmouth City Council, following a public hearing, affirmed the public need to remove the restrictions which limit the use of the property in order to renovate the Portsmouth Middle School. See Resolution 12-2008 of the Portsmouth City Council adopted on October 20, 2008. A qualified and impartial real estate appraiser has completed an appraisal. Based on this appraisal, the City of Portsmouth has offered to pay the sum of five hundred ninety thousand dollars (\$590,000.00) to remove the restriction.

The City of Portsmouth has established a Trust entitled "Peirce Estate Recreational and Environmental Charitable Trust" which might serve as a repository of the damages. The Trust provides that the funds "may be expended for the acquisition of property or the furtherance of projects for the benefit of public recreation for the protection or enhancement of the natural environment, and for no other purpose." The purpose of the hearing is to obtain public input regarding the deposit of damages into this Trust or such other disposition of the damages as may be suggested. A representative of the Division of Charitable Trusts will be in attendance.

Questions may be directed to the City of Portsmouth Legal Department.