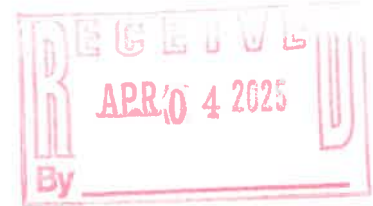


HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC

ATTORNEYS AT LAW

127 Parrott Avenue | Portsmouth, NH, 03801
Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

March 31, 2025



City Council
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Re: Request of Black Oak Realty, LLC that City Request Transfer of Portion of Frenchman's Lane from the State of New Hampshire

Dear Mayor McEachern and Council:

On behalf of Black Oak Realty, LLC ("Black Oak"), owner of 833 Islington Street (City Tax Map 165, Lot 6), I respectfully ask that the City request that the State transfer to the City that portion of Frenchman's Lane shown on the attached Exhibit A as "Section of Frenchman's Lane Under State of New Hampshire Control."

The reason for this request is that Black Oak intends to redevelop its property and approached the State of New Hampshire to discuss the potential acquisition and/or utilization of the State's land on Frenchman's Lane. In response to Black Oak's request, the State advised it could not transfer any interest in its property to Black Oak, but it would consider the transfer of its land to the City so that Black Oak could then discuss its needs with the City.

The State has advised that to proceed further with a transfer to the City, the City must now formally request that the State transfer its portion of Frenchman's Lane to the City. Black Oak believes it is in the City's best interest to acquire the State's property as it would connect Islington Street to the City's currently owned portion of Frenchman's Lane, which lies to the rear of Black Oak's property, and would hopefully also result in the redevelopment of Black Oak's property which would both increase the City's property tax base and add to the vitality of the City's West End.

Thank you for your consideration of Black Oak's request.

DANIEL C. HOEFLE	ALEC L. MCEACHERN	PETER V. DOYLE	STEPHEN H. ROBERTS 2007-2023
R. TIMOTHY PHOENIX	KEVIN M. BAUM	MONICA F. KIESER	OF COUNSEL:
LAWRENCE B. GORMLEY	JACOB J.B. MARVELLEY	STEPHANIE J. JOHNSON	SAMUEL R. REID
R. PETER TAYLOR	GREGORY D. ROBBINS	KAREN W. OLIVER	JOHN AHLGREN

Page 2
Portsmouth City Council
March 31, 2025

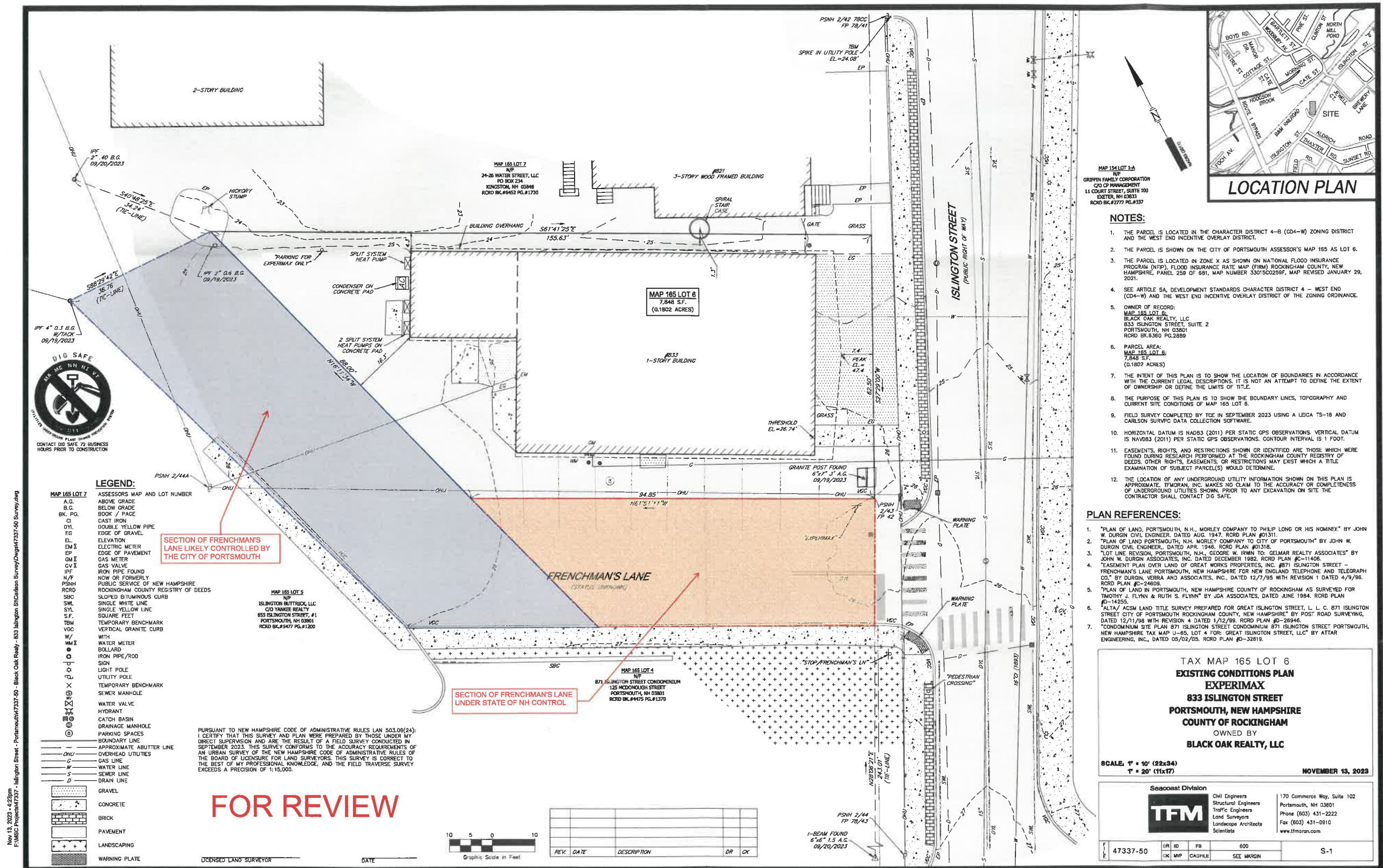
Sincerely,

A handwritten signature in blue ink, appearing to read "Alec L. McEachern". The signature is fluid and cursive, with the first name "Alec" being more prominent and the last name "McEachern" following in a similar style.

Alec L. McEachern

Enclosure

Cc: Karen Conard, City Manager
Trevor P. McCourt, Esq., Deputy City Attorney
Alan D. Rosco, P.E., TF Moran, Inc.
Louis Halle, Manager, Black Oak Realty, LLC





Trevor P. McCourt
Deputy City Attorney

CITY OF PORTSMOUTH

Legal Department
Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801
tmccourt@portsmouthnh.gov
(603) 610-7234

Date: July 10, 2025

To: Peter Stith, Principal Planner

From: Trevor P. McCourt, Deputy City Attorney

Re: Frenchman's Lane
City Council Referral

Black Oak Realty, LLC, owners of property located at 833 Islington Street (Tax Map 165, Lot 6) (the "Property Owners"), by way of letter dated March 31, 2025, requested that the City Council request that the State of New Hampshire convey the right of way interest to that portion of Frenchman's Lane which is owned by the State. At the regularly scheduled City Council meeting on April 21, 2025, the City Council voted to refer the request, which is attached to this memorandum, to the Planning Board and to City Staff for a report back.

Frenchman's Lane, as it now exists, is used to access three parking spaces on 871 Islington Street and all the off-street parking located at 833 Islington Street. As shown on the attached satellite image from the City's GIS system, it appears that a portion of the spaces used by 833 Islington Street are within Frenchman's Lane. Additionally, Frenchman's Lane provides access to Islington Street for the Button Factory Building located at 855 Islington Street.

Therefore, Frenchman's Lane provides access to multiple properties addressed on Islington Street. It is the opinion of Planning staff that this access should be preserved.

TF Moran has opined that a portion of Frenchman's Lane is owned by the State of New Hampshire. TF Moran also identifies a portion of Frenchman's Lane as "likely controlled by the City of Portsmouth". There is no indication that the City has title to this section, therefore it is the opinion of the Legal Department that if the City accepts Frenchman's Lane as a public right of way, both portions of land must be accounted for.

Following a meeting between Planning, Public Works and Legal staff, two potential resolutions were identified:

1. Accept the entirety of Frenchman's Lane as a City street. This would contemplate the City accepting maintenance and liability responsibilities for this right of way. It should

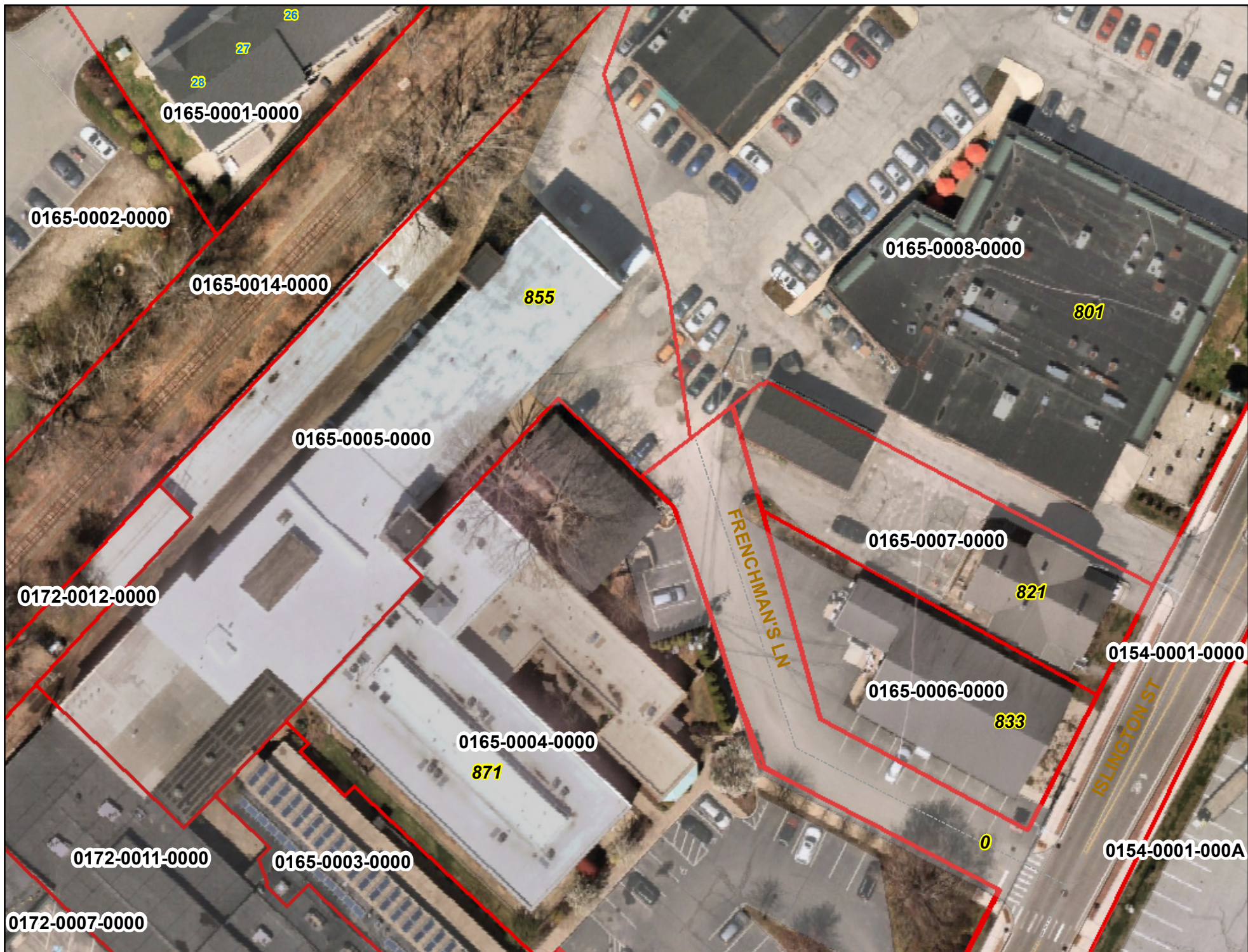
also be conditioned on the successful resolution of a quiet title action vesting title in the rear portion of Frenchman's Lane in the City.

2. Accept the portion of Frenchman's Lane adjacent to Islington Street from the State, and then convey that area to the owners of 833 Islington Street. The City and the property owners should seek consent of the State. This option should also be conditioned on the provision of an access easement to 871 and 855 Islington Street which would define maintenance and liability responsibilities.

The Department of Public Works recommends pursuing option 2.

Attachment (1)

cc: Peter Rice, Director of Public Works



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FRENCHMAN'S LN

ISLINGTON ST

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