

**CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM**

DATE: AUGUST 12, 2021

TO: JULIET WALKER, PLANNING DIRECTOR

FROM: TREVOR P. MCCOURT, STAFF ATTORNEY
ZACHARY CRONIN, ASSISTANT CITY ENGINEER

RE: PLANNING BOARD REFERRAL - ACQUISITION OF SEWER LINE EASEMENTS
AND PROPOSED RELEASE OF PAPER STREET

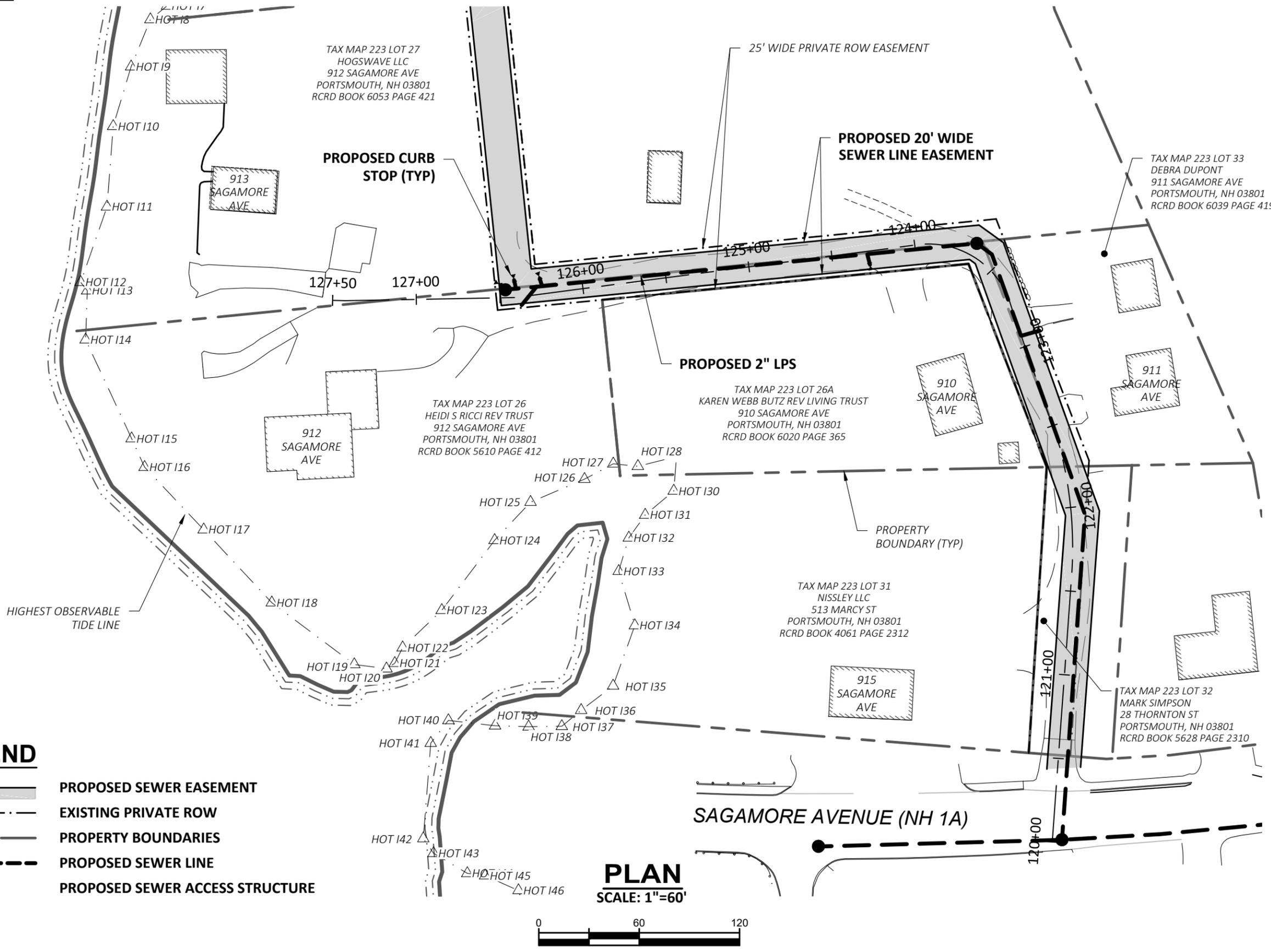
In order to complete the Sagamore Avenue Sewer Extension project, the City requires sewer line easements within a private right of way known as Sagamore Avenue West. Three easements are required from property owners that will directly benefit from the public sewer extension. Those property owners are: Debra Dupont of 911 Sagamore Avenue; Hogsweave LLC of 912 Sagamore Avenue; and the Heidi S. Ricci Revocable Trust of 913 Sagamore Avenue, as shown on Exhibit A. Each of these proposed easements are contained within an existing private right of way easement, and would therefore leave property values unaffected while providing public sewer access.

In addition to the three easements described above, a fourth easement is required over property of Mark Simpson, located on Sagamore Avenue, which contains exclusively a private right-of-way (no structures on the property). Mr. Simpson resides at 28 Thornton Street and is not benefited by the public sewer line extension. In consideration for the grant of a sewer line easement over the private right of way, Mr. Simpson requests the City convey by quitclaim deed any interest it may have in a portion of a paper street, called Ruth Street, adjacent to his home at 28 Thornton Street. See attached Exhibit B. A tax map showing the area is attached as Exhibit D.

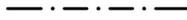
By way of background, the City acquired title to what is now Ruth Street via a public dedication pursuant to a plan recorded at the Rockingham County Registry of Deeds in 1902 as "Plan of Lots of Land Belonging to C.I. Pinkham and J.M. Marden", shown as Exhibit C. This portion of Ruth Street which is a paper street has not been used, paved, or opened for public use in over one hundred years. Furthermore, the City has no continued need for this paper street. Exhibit E shows that no utilities currently pass through this portion of the paper street. The Department of Public Works has confirmed no future interest in developing utilities through this property. Finally, on July 11, 2020, the City Council voted to release an adjacent portion of this paper street, and that portion is also shown on Exhibit B.

Exhibit A

J:\ENG\NH\PORTSMOUTH\11304 - PORTSMOUTH, NH - SAGAMORE AVE\DRAWINGS\CIV\11304AC13-SAGW-EASEMENT.DWG



LEGEND

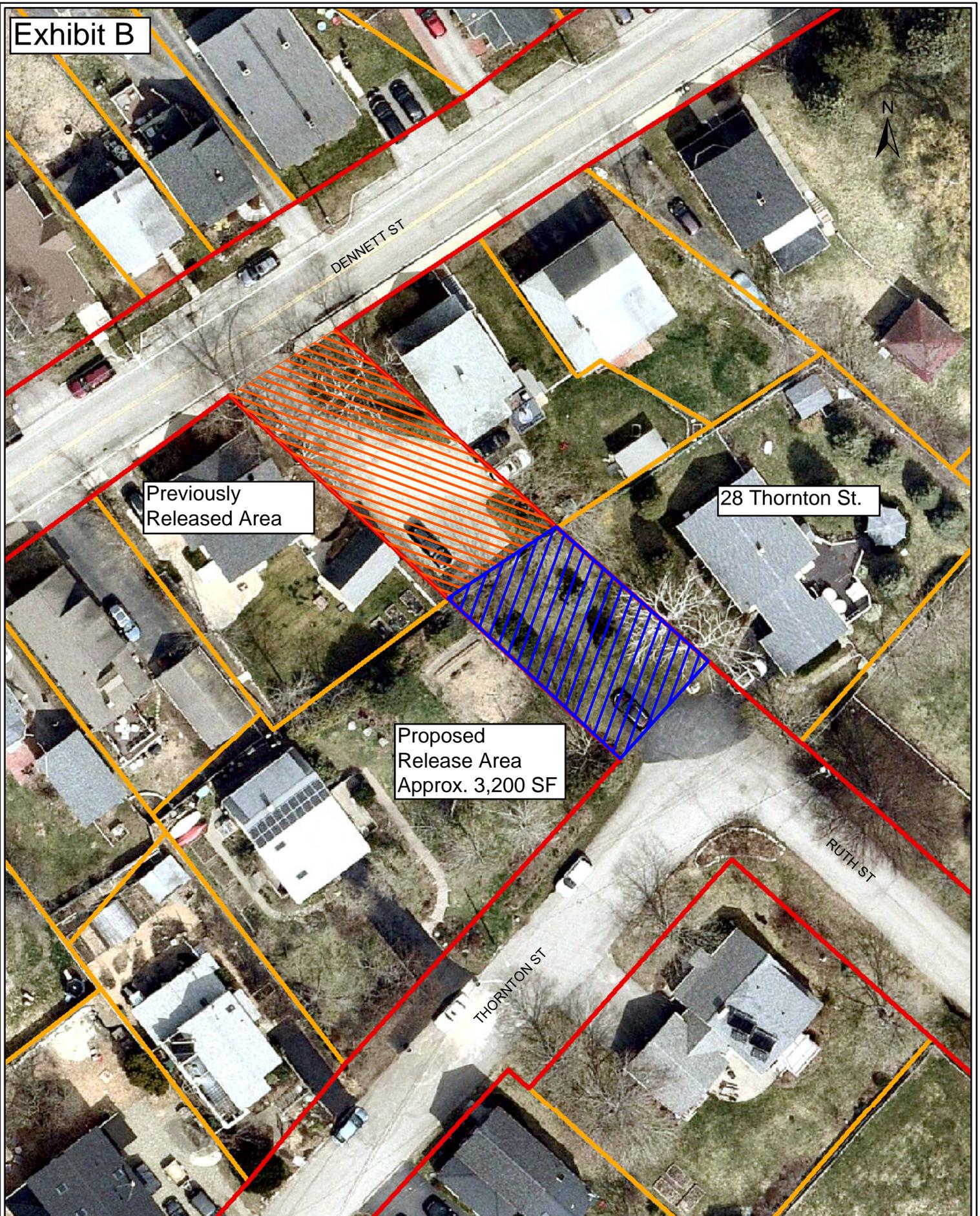
-  PROPOSED SEWER EASEMENT
-  EXISTING PRIVATE ROW
-  PROPERTY BOUNDARIES
-  PROPOSED SEWER LINE
-  PROPOSED SEWER ACCESS STRUCTURE

PLAN
SCALE: 1"=60'

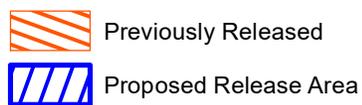


CITY OF PORTSMOUTH, NH SAGAMORE AVENUE SEWER EXTENSION PROJECT	NO.	1	2	3	APP'D
	REVISIONS				DRAWN BY
					FIGURE: F-2
PROJ NO: 11304C		DATE: AUGUST 2021		 WRIGHT-PIERCE	
CITY OF PORTSMOUTH, NH SAGAMORE AVENUE SEWER EXTENSION PROJECT					

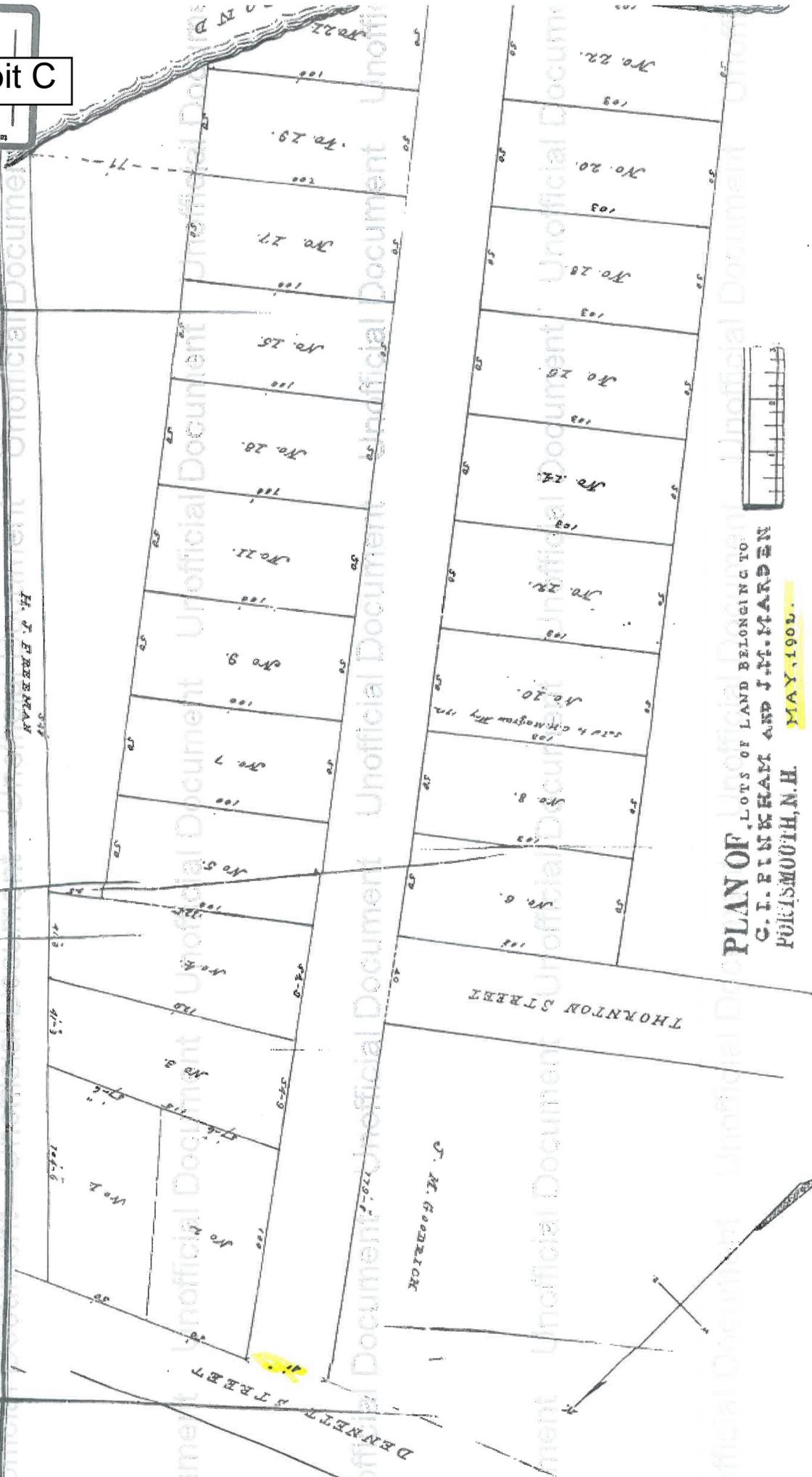
Exhibit B



Ruth Street Area



Rebblers

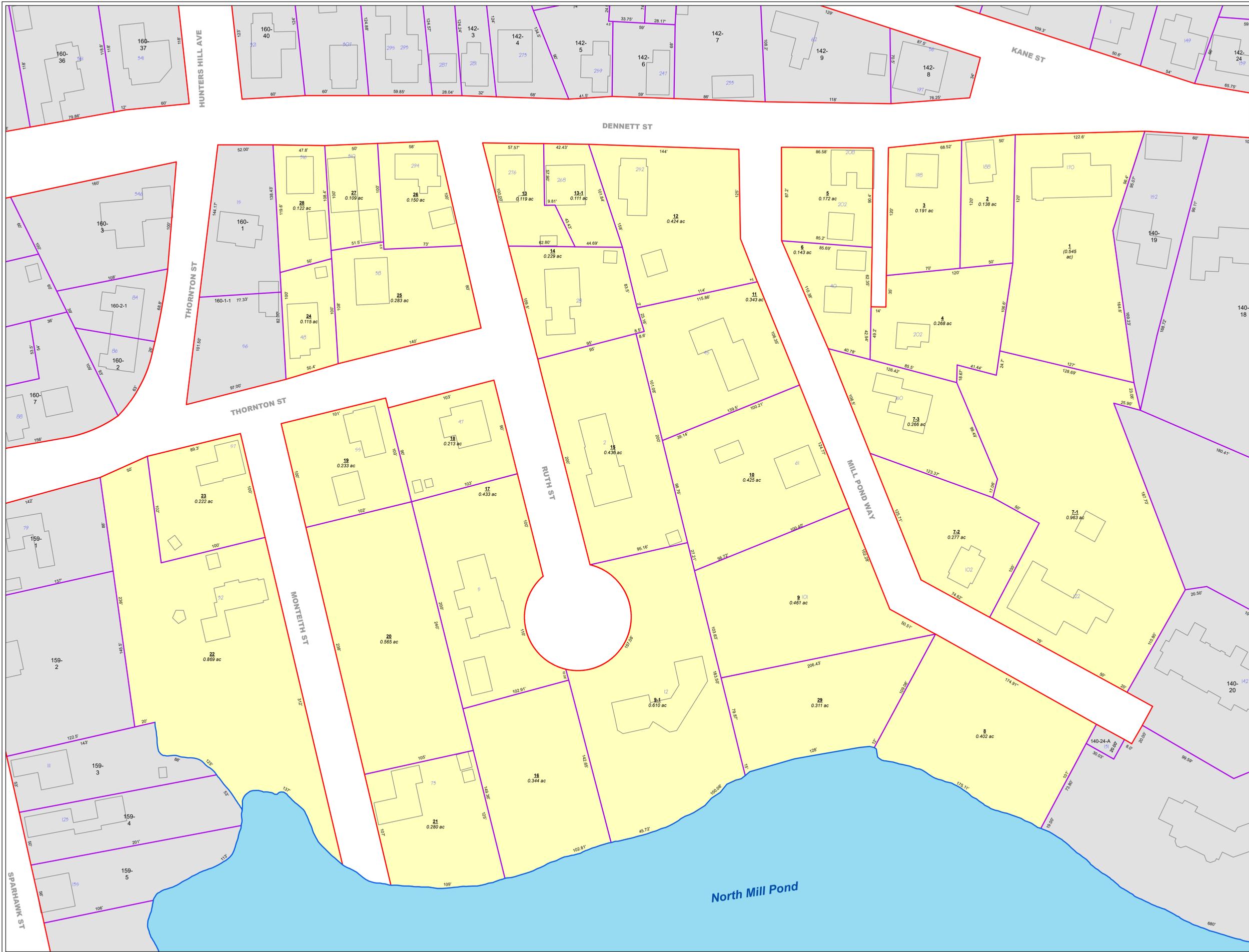


PLAN OF LOTS OF LAND BELONGING TO
 C. I. EMBRETT AND J. J. MARDEN
 FURSMOUTH, N. H. MAY, 1905.

Scale 1/4" = 10 feet

Plan #00245

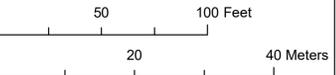
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Partial Legend
See the cover sheet for the complete legend.

- 7-5A** Lot or lot-unit number
- 2.56 ac Parcel area in acres (ac) or square feet (sf)
- 25 Address number
- 233-137 Parcel number from a neighboring map
- 68' Parcel line dimension
- SIMS AVE Street name

- Parcel/Parcel boundary
- Parcel/ROW boundary
- Water boundary
- Structure (1994 data)
- Parcel covered by this map
- Parcel from a neighboring map (see other map for current status)



This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.

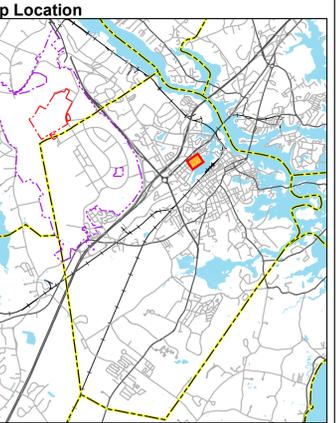


Exhibit E

