

received
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November 2, 2020

The Honorable Mayor Richard Becksted
Portsmouth City Council
1 Junkins Ave
Portsmouth NH 03801

Subject: Request for release of paper street contiguous to 45 Cliff Rd (map 223, lot 11) pursuant to NH RSA 231:51 and 231:52-294

Dear Mayor Becksted and Members of the Council:

Please consider this a formal petition for the release of all right, title and interest the City has for the undeveloped paper street portion of Cliff Rd, to the centerline of where it abuts our property, pursuant to NH RSA 231:51 and 231:52. Abutting property owners Kevin Smith and Christina D'Allesandro (map 223, lot 12) are filing a similar request.

The initial straight portion of Cliff Rd coming off of Sagamore Avenue has been known as a street at least since the 1930's (listed in "The Place Names of Portsmouth by Nancy Grossman). The bottom of the "L" portion of Cliff Rd was developed in 1952.

I purchased the above referenced lot in September, 2000, deed: Bk 3507, pg 1713, (attachment 1), and in that deed, it calls out "situate off Cliff Rd"..... and "Beginning at a point of a proposed street called Cliff Rd". This is in contrast to my neighbor that is on the blacktop "L" portion of Cliff Rd (developed in 1952), at 89 Cliff Rd, whereas their deed, Bk 5047, pg 2795, (attachment 2) states "situated on northeasterly side of Cliff Rd".... and "running by said Cliff Rd".

City of Portsmouth Tax Map shows Cliff Rd as extending further past 45 Cliff Rd, however, this extension was never graded, marked, nor constructed and has never been used by the public. The Street Approval Ordinance of June 15, 1950, Chapter XXXLV, "Laying Out of Streets", required acceptance of a street to include "shall be laid out to an approved level and grade". The non-developed portion of Cliff Rd is not graded, and in fact is still 4-6 feet tall of exposed ledge. (attachment 3)

As per the blacktop street and historic use, Cliff Rd is an "L" shape, coming from Sagamore Ave, and bearing left at the edge my property and my neighbor to the north (71 Cliff Rd), as shown on the aerial photo attachment 4). Google maps shows the paper street portion, and shows my driveway veering off at an angle from the corner of the "L". (attachment 5)

As the paper street portion of Cliff Rd was dedicated to public use over 65 years ago and has not been developed, graded, built, opened, nor used for public travel where it abuts my property, per RSA 231:51, it should be released by the City, and since it is not needed for public travel, it should be released by the City, per RSA 231:52. In examination of City records, there is

no evidence found, of formal acceptance by the City Council vote in the years from 1923 though 1993, well after the allowed time of acceptance, per the RSA in force at the time.

We believe the non-constructed portion of Cliff Rd was never accepted, and should have reverted to the abutting owners in 1972, and the City no longer has any interest in the paper street. In order to clarify the record to create clean title for the abutting owners, we request the City confirm the release of its right, title and interest in and to, the non-constructed portion of Cliff Road pursuant to RSA 231:51 and RSA 231:52.

I respectfully request that the City formally resolve the disparity, and relinquish its rights to this portion of Cliff Rd.

Respectfully yours,
Glenn Lael

Attachment 1

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BK 3507PG 1713

WARRANTY DEED

KNOW EVERYONE BY THESE PRESENTS, That

Jeffrey R. Andrews, unmarried

of 45 Cliff Road, Portsmouth, New Hampshire 03801

for consideration paid, grant to Glenn T. Lacl ,

of 3B Rogers Road, Kittery, Maine 03904

with warranty covenants

A certain lot or parcel of land, with the buildings thereon, situate off Cliff Road, so-called, in Portsmouth in the County of Rockingham and State of New Hampshire, and more particularly bounded and described as follows:

Beginning at a point in the Westerly sideline of a proposed street called Cliff Road at the Southerly corner of land now or formerly of Thomas F. Tomkinson; thence turning and running North 70° 31' East by land now or formerly of Thomas F. Tomkinson one hundred twenty-five (125) feet, more or less, to the center of the road leading to the Walker Bungalow, so-called; thence turning and running Southeasterly by the center of said road one hundred twenty (120) feet to a corner at other land now or formerly of Joseph H. and Elizabeth Tomkinson; thence turning and running South 70° 31' West by other land now or formerly of Joseph H. and Elizabeth Tomkinson one hundred twenty (120) feet, more or less, to the sideline of said proposed street; thence turning and running North 24° 29' West by said proposed street one hundred twenty (120) feet to the point of beginning.

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The above described premises are conveyed subject to the covenants, conditions, and restrictions set forth

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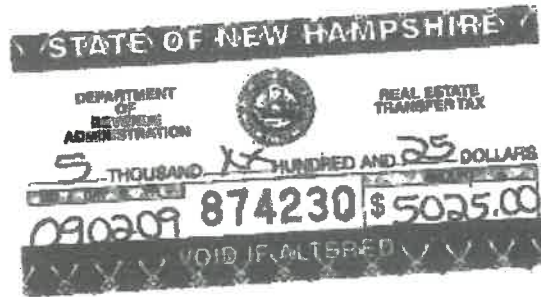
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Contact FAQ

Attachment 2

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BK 5047 P6 2795



WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That Stacy Tarazewich, Single, of 89 Cliff Road, Portsmouth NH 03801, for consideration paid grant(s) to Gregory S. Norris and Corinne G. Norris, Husband and Wife, of 312 Miller Avenue, Portsmouth NH 03801, as joint tenants with rights of survivorship, with WARRANTY COVENANTS:

A certain lot or parcel of land, with the buildings thereon, suited on the Northeasterly side of Cliff Road, so-called in the City of Portsmouth, County of Rockingham and State of New Hampshire said parcel being more particularly bounded and described as follows:

Beginning on the Northeasterly side of Cliff Road at a stake in the ground at the Northwesterly corner of land now or formerly of Thomas F. Tomkinson, at the Southwesterly corner of the premises herein conveyed; thence running by said Cliff Road N 25° 44' W one-hundred eighteen and five-tenths (118.5) feet to a stake in the ground at land now or formerly of Fran W. Turbyne and Emerald W. Trubyn; thence turning and running by said Turbyne land N 70° 31' E one

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Attachment 3



Attachment 4



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