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November 15, 2019

VIA HAND DELIVERY

Dexter Legg, Planning Board Chairman
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

RE: 3 Pleasant Street, Portsmouth

Dear Mr. Legg and Planning Board Members:

On behalf of Dagny Taggart, LLC, the owner of the property located at 3 Pleasant Street, Portsmouth, New Hampshire, identified as City of Portsmouth Tax Map 107, Lot 31, please accept this letter of referral, requesting termination by the City of a certain restriction imposed by the City regarding property no longer owned by the City.

Specifically, 3 Pleasant Street is subject to the restriction "...that the approaches and driveways around the old City Hall building on said premises shall be kept open and unencumbered..." (the "1910 Restriction"). This restriction is set forth in the deed from the City of Portsmouth to the New Hampshire National Bank of Portsmouth, dated December 16, 1910, and recorded at the Rockingham County Registry of Deeds at Book 653, Page 327 (See copy of the deed attached).

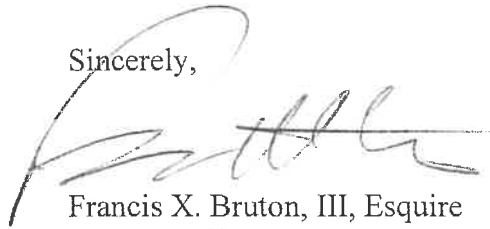
After discussions with City Planning staff, it appears that the 1910 Restriction was intended to provide City employee access from Pleasant Street to the rear of property located at 60 Penhallow Street, which served a jail, and later as the police station and district court. 60 Penhallow Street is now privately owned, and has been so since 1994. As such, it is understood that the City no longer needs access to the rear of 60 Penhallow, and, as such, the 1910 Restriction serves no purpose.

Dagny Taggart, LLC is developing the parcel at 3 Pleasant Street, and in doing so, and as a condition of approval from this Board, intends to dedicate the area subject to the 1910 Restriction to public access with a community open space easement. The public access rights will result in a broader restriction upon the area currently subject to the 1910 Restriction. In consultation with City Legal and Planning staff, and considering the lack of any need to maintain the above-referenced restrictions, and in light of the broader public access rights to be provided pursuant to the community space easement, Dagny Taggart, LLC respectfully request that the



1910 Restriction, as referenced above, be terminated. Terminating the 1910 Restriction will provide a clear record that the broad public access rights set forth within the community space easement apply.

Sincerely,

A handwritten signature in black ink, appearing to read "Francis X. Bruton, III". The signature is fluid and cursive, with a large initial "F" and "B".

Francis X. Bruton, III, Esquire
E-mail: fx@brutonlaw.com

Enclosure

cc: Dagny Taggart, LLC
Robert P. Sullivan, Esquire, City Attorney
Juliet T.H. Walker, Planning Director

Know all men by these presents that the City of Portsmouth a municipal corporation established and existing under the laws of the State of New Hampshire in the County of Rockingham in said State acting by its Mayor Edward H. Adams hereto duly authorized by a resolution adopted in the fiftieth day of December A. D. 1910 in consideration of the sum of twenty Dollars to said City paid by "The New Hampshire National Bank of Portsmouth", a corporation established and existing under the laws of the United States of America and doing business at said Portsmouth the receipt of which by said City is hereby acknowledged, have bargained and sold and do hereby convey and deliver and convey to said The New Hampshire National Bank of Portsmouth and its successors and assigns forever, the lot of land with the buildings thereon known as the Old City Hall situated near Market Square in said Portsmouth upon the easterly side of Pleasant Street and bounded frontwise by land of the Third National Bank of Portsmouth and land of the Stephen Pease Estate; easterly by land of said Estate, land of Patrick J. Flannagan and land of the County of Rockingham; southerly by land of said County of Rockingham, land of John W. Bartlett and land of the Pequotagaha Savings Bank; and westerly by said Pleasant Street, together with all the right, privileges and appurtenances thereto in anywise belonging.

Being the same premises that are conveyed to the Town of Portsmouth by John Ripley by his deed dated August 20, 1793, and recorded in Rockingham Records Book 176, Page 46; and said premises are hereby conveyed subject to such conditions and restrictions mentioned and contained in said Ripley's deed, as may now legally exist or be in force, if any, it being understood that the Grantor does not warrant the title as against them.

And this conveyance is made upon the express condition, reservation and agreement that the approaches and driveways around the old City Hall building on said premises shall be kept open and unincumbered, unless temporarily while building a new building or

Deed
City of Port.
Dec 11, 1910.
National Bk.
Page, Part-
lett & witness
by mail.

repairing the old building on the premises, and in case the grantee shall decide to erect a new building in place of the old one on the lot, the new building shall be set back from Beasant Street at least and feet east of the line now constituting its front line on said street.

To have and to hold the above granted and conveyed premises with all the privileges and appurtenances thereto the same belonging to it the said "The New Hampshire National Bank of Portsmouth" and its successors and assigns forever.

In Witness Whereof the said City of Portsmouth by its said Mayor Edward H. Adams hereto duly authorized and approved, hath caused its corporate seal to be fixed thereto, and its corporate seal to be hereto affixed this fifteenth day of December A. D. 1910.

Signed, sealed and delivered

in presence of
Lamont Hilton.
Ana F. Amazeen.

Edward H. Adams (Sd.)
Mayor.
(City Seal.)

State of New Hampshire
Rockingham Co.

Dec. 16, 1910.

Then personally appeared the above named Edward H. Adams, Mayor of the City of Portsmouth and acknowledged the foregoing instrument to be the free act and deed of said City.

Before me

Lamont Hilton

Judge of the Peace.

Received and Recorded Dec. 17-10 A.M., 1910.

John W. Green Register

Mortgage
Heart
to
Perkins
Del. to
Lewis Perkins
by mail.

Discharge Recorded
Next Page.

Know all Men by these Presents,
That I, Mary Elizabeth Heart of Chicago in the County of Cook and State of Illinois for and in consideration of the sum of Eight Hundred Dollars to me in hand before the delivery hereof, well and truly paid by Lewis Perkins of Hampton in the County of Rockingham and State of New Hampshire the receipt whereof I do hereby acknowledge, have granted, bargained and sold, and by these presents do give, grant, bargain, sell, alien, convey, confirm and confirm unto the said Lewis Perkins his heirs and assigns forever,
a certain parcel of land with the buildings thereon situated in Hampton in the County of Rockingham and State of New Hampshire, situate on the road leading