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\*Also admitted in MA

BY: FIRST CLASS MAIL

November 13, 2019

RECEIVED

NOV 13 2019

CITY MANAGER  
PORTSMOUTH, NH

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

**RE: Release of Interest in Tax Map 206, Lot 1 (Off Brackett Lane)**

Dear Mayor Blalock and City Councilors,

Please accept the following request from my client, Bryan C. Pappas, Trustee of the Bryan C. Pappas Living Trust u/d/t 9/23/2013, for the City to release any interest it may have in a portion of a strip of land located behind 2 Brackett Lane in Portsmouth. As Trustee, Mr. Pappas owns the property at 2 Brackett Lane. In support of the request, I have included the following documents for your review and consideration:

1. Tax Map Image of Lots 206-1 and 206-9 – depicting and identifying the Pappas property and the portion of land that is the subject matter of the release request;
2. Monumentation Sketch from James Verra and Associates;
3. Vision Appraisal Card – 2 Brackett Lane – Tax Map 206, Lot 9;
4. Vision Appraisal Card – Tax Map 206, Lot 1;
5. Deed Recorded in R.C.R.D. at Book 560, Page 144 to Herman A. Brackett to Lot 206-1 (1897);
6. Deed Recorded in R.C.R.D. at Book 1358, Page 236;
7. Labeled Photographs.

As shown on the Vision Appraisal record for Lot 206-1, the “owner” of the land is listed as “unknown”. The property value is assessed as \$0.00. There is no deed reference contained in the assessing records for the property. Cates Jones, a local title abstractor and resident of Portsmouth, did extensive title research on the strip of land at my request earlier this year. Cate could not find any deed from Herman A. Brackett, the original owner of the strip of land, conveying the land to anyone else. Herman Brackett’s deed, which is recorded in the Rockingham County Registry of Deeds at Book 560, Page 144 is the last known deed to the property. Cate’s research found one additional deed that appears to reference the subject strip of land, which deed is recorded at Book 1358, Page 236. However, this deed pertains to a conveyance of a different property altogether. The reference in the deed, which I underlined in the copy enclosed, is to “land conveyed by the heirs of Herman A. Brackett to the said City of Portsmouth by deed dated May 5, 1955.” While I believe this reference *may* be to the strip of land that is the subject of Mr. Pappas’s request, in speaking to the Planning Department and Attorney Sullivan, the City is not aware of any deed to the land having ever been conveyed to the City by the Heirs of Herman A. Brackett.

Moreover, no such deed could be found during Cate Jones' title research, thus confirming my belief.

Mr. Pappas's request only pertains to that section of Lot 206-1 that is directly located to the right (north) side of his property. This portion of Lot 206-1 has been exclusively occupied by the owners, past and present, of 2 Brackett Lane, for decades. It is assimilated into Bryan Pappas's yard and is fenced off from the properties shown on Tax Map 111 as Lots 14 and 15, as shown in the photographs enclosed herewith. These are the properties that abut the subject strip of land, the title to which appears to have remained with the Heirs of Herman A. Brackett.

Mr. Pappas acquired his property from Craig and Molly Sieve in 2011. The Sieves owned the property from 1995-2011. In April 2012, Mr. Pappas replaced an old dilapidated fence on the property that is believed to have been constructed prior to the Sieves ownership of the property. The fence sits on top of an old wooden retaining wall that forms a natural physical boundary with abutting properties. The retaining wall existed prior to the Sieve's ownership of the property. In fact, in speaking to long-time residents of the neighborhood, the retaining wall has been in its current location for as long as anyone can remember. As shown in the photos submitted with this request, there is a row of arborvitaes that Mr. Pappas planted in front of the fence and retaining wall that are within the strip of land formerly owned by the Brackett family, further demonstrating the assimilation of this strip of land into the Pappas property.

Obtaining a Release Deed from the City pertaining to any interest it may have in the subject strip of land will assist Mr. Pappas in clearing title to the land. Mr. Pappas intends to simultaneously commence a legal proceeding naming the Heirs of Herman A. Brackett to quiet title to the land given the adverse interest that he and his predecessors in title have in it.

It is my understanding that the City's procedure for addressing these requests is to refer them to the Planning Board for a recommendation. At this level, the City staff will perform their own research on the subject land and formulate an opinion in assisting the Planning Board with its recommendation. The request will then be taken up for a formal vote by the City Council at one of its regularly scheduled meetings. If I am mistaken in this understanding or additional information is needed to immediately move this request forward, please let me know at your earliest convenience. Otherwise, if you could please let me know when the City Council will be initially addressing this request and/or referring it to the Planning Board, that would be appreciated.

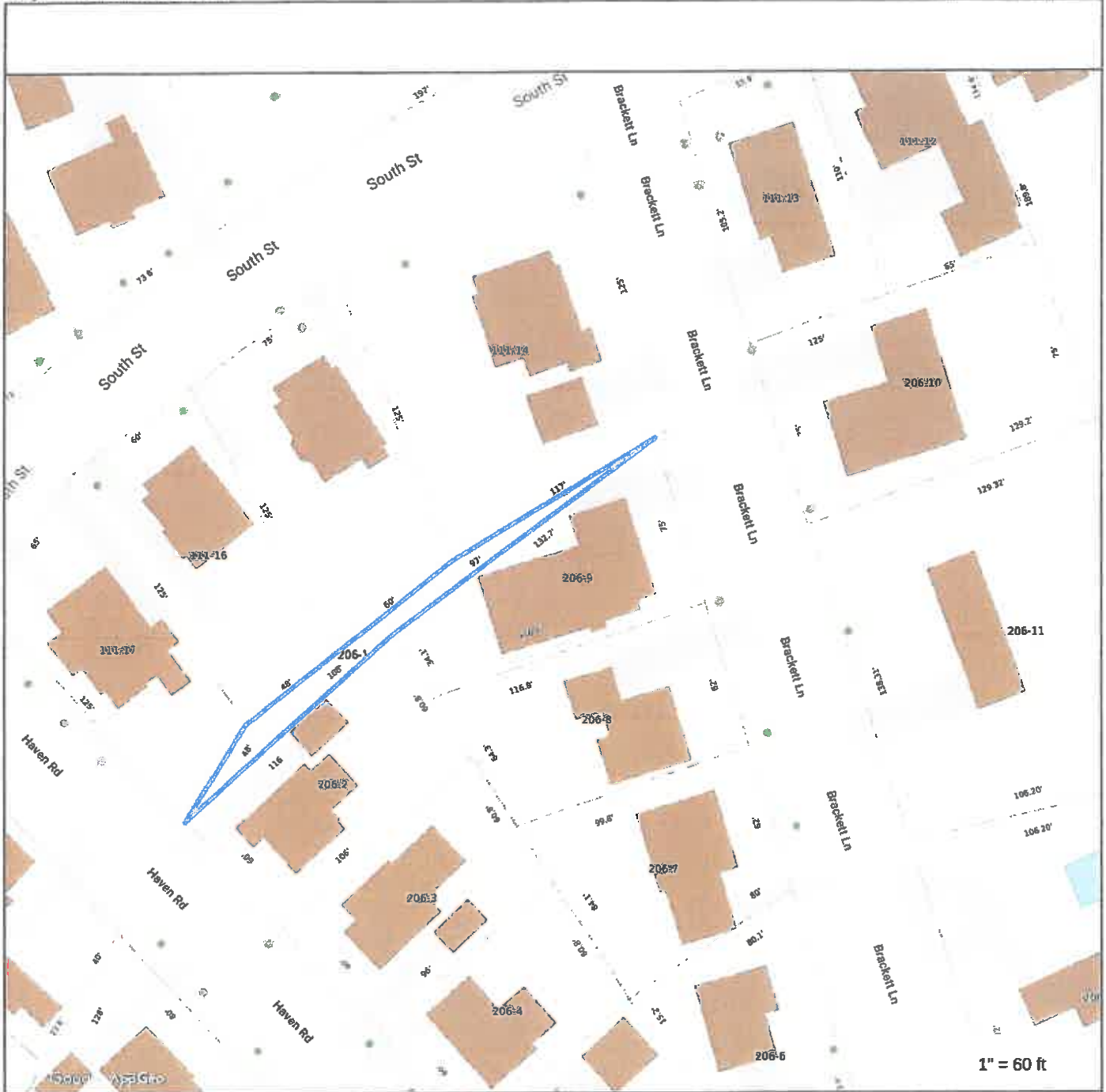
Mr. Pappas and I appreciate the Council's consideration of this request and hope that it will ultimately be approved.

Sincerely,



Derek R. Durbin, Esq.

Enclosure(s)

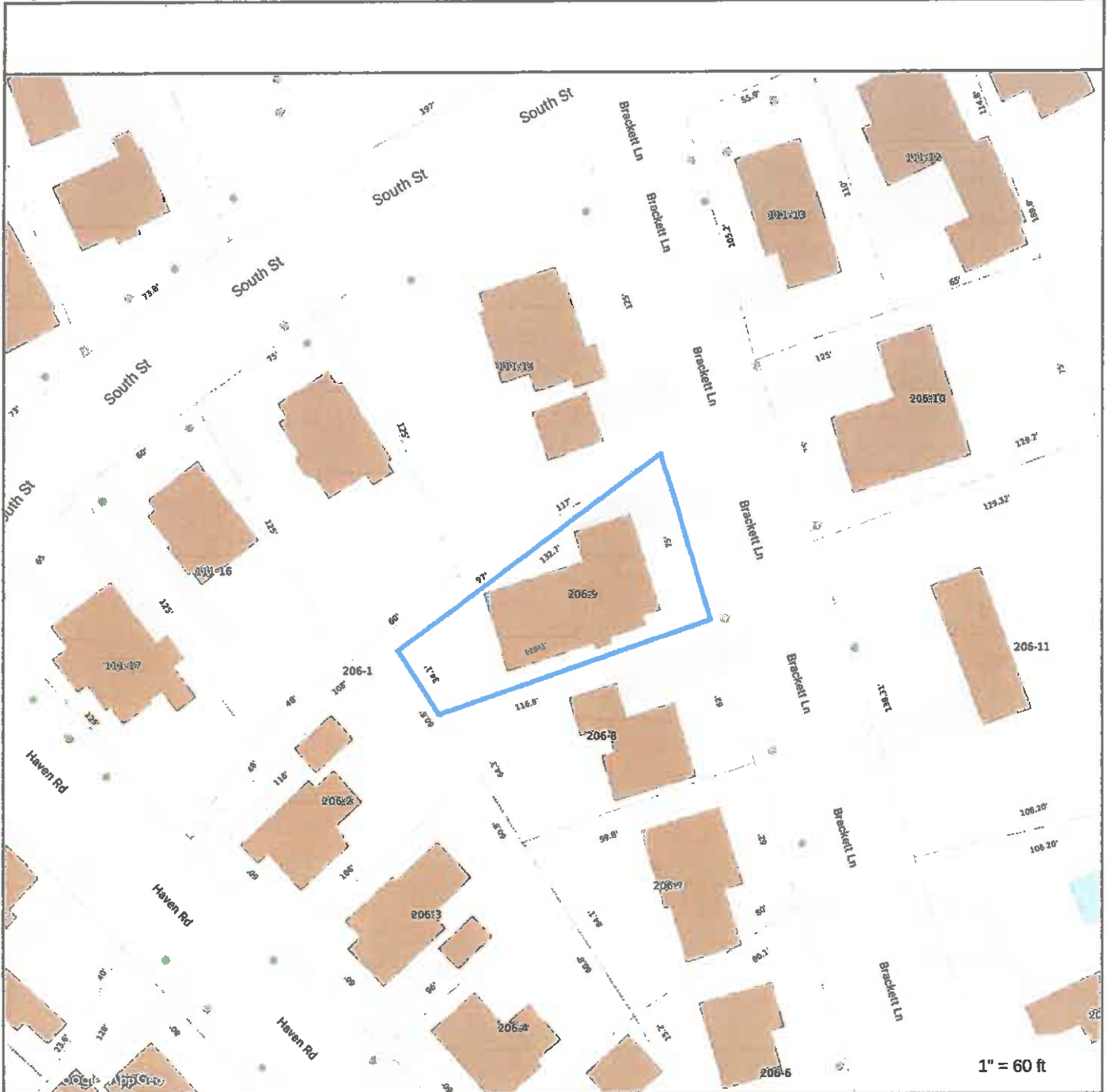


**Property Information**  
Property ID 0206-0001-0000  
Location HAVEN RD  
Owner UNKNOWN



**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.  
Geometry updated 4/1/2019  
Data updated 7/17/2019



**Property Information**

Property ID 0206-0009-0000  
 Location 2 BRACKETT LN  
 Owner PAPPAS BRYAN C LIVING TRUST



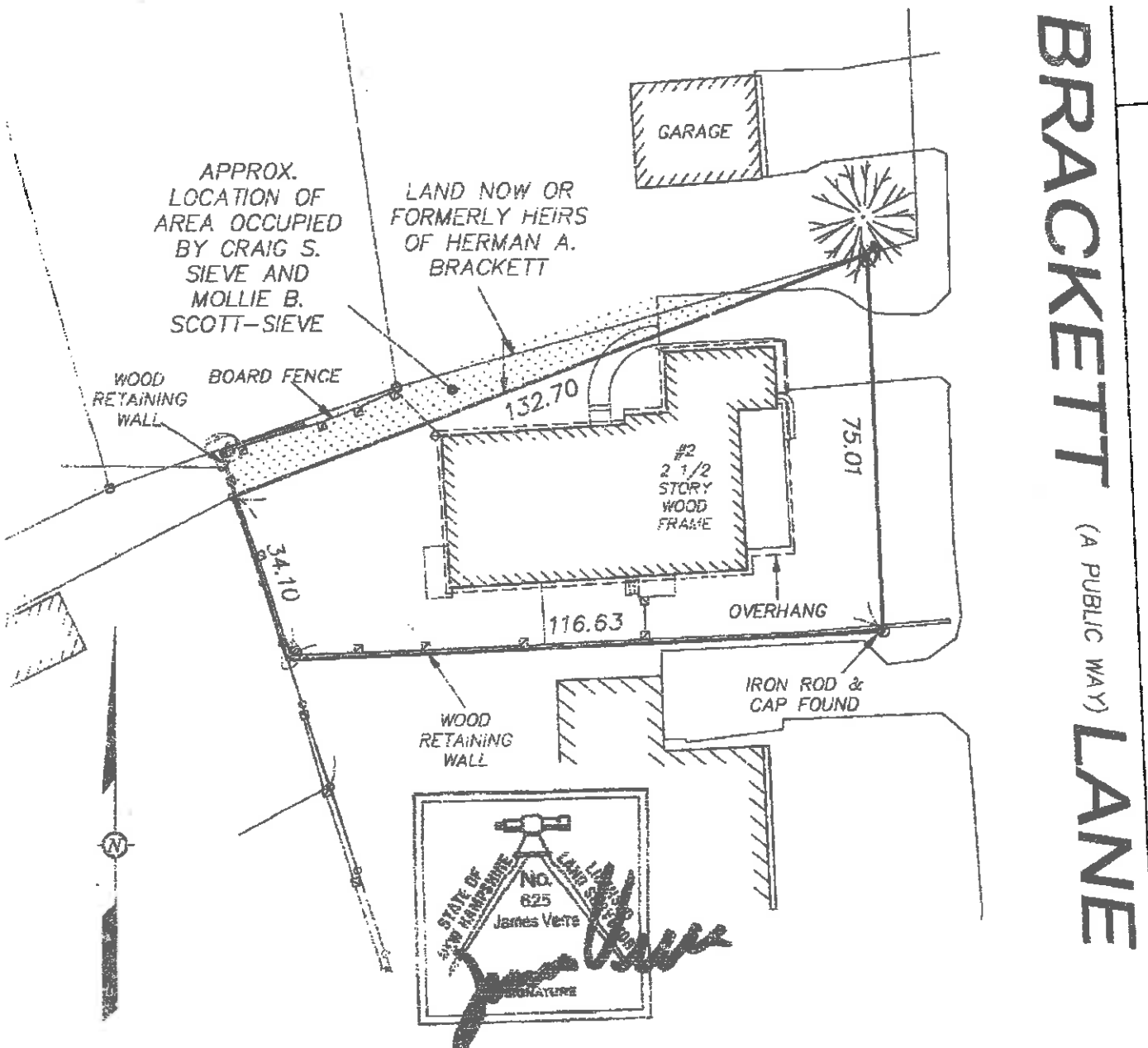
**MAP FOR REFERENCE ONLY  
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Geometry updated 4/1/2019  
 Data updated 7/17/2019

**James Verra and Associates, Inc.**

101 CHAFFUCK WAY, SUITE 8, NEWINGTON, NH, 03801-7876 : 603.436.3557 : (c) 2008 by James Verra and Assoc., Inc.



OWNER OF RECORD: CRAIG S. SIEVE & MOLLIE B. SCOTT-SIEVE  
 DEED REFERENCE: BK 3112 PAGE 1190 ROCKINGHAM COUNTY REGISTRY OF DEEDS  
 ASSESSOR'S TAX SHEET/LOT #: 206-009.  
 EASEMENTS OF RECORD, IF ANY, ARE NOT SHOWN HEREON.

THE PURPOSE OF THIS SKETCH IS TO SHOW THE MONUMENTS SET/FOUND AND IS NOT INTENDED FOR RECORDATION OR FOR SUBMITTAL TO ANY REGULATORY AGENCY.



**Monumentation Sketch**  
**2 Brackett Lane, Portsmouth, N.H.**  
 for: **Mollie B. Sieve**

DATE:	7-18-2008
JOB NO.	23196
PLAN NO.	23195SKH
SCALE:	1" = 30'

**2 BRACKETT LN**

**Location** 2 BRACKETT LN

**Mblu** 0206/ 0009/ 0000/ /

**Acct#** 28634

**Owner** PAPPAS BRYAN C LIVING TRUST

**PBN**

**Assessment** \$712,000

**Appraisal** \$712,000

**PID** 28634

**Building Count** 1

**Current Value**

Appraisal			
Valuation Year	Improvements	Land	Total
2019	\$362,000	\$350,000	\$712,000

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$362,000	\$350,000	\$712,000

**Owner of Record**

**Owner** PAPPAS BRYAN C LIVING TRUST  
**Co-Owner** PAPPAS BRYAN C TRUSTEE  
**Address** 2 BRACKETT LN  
 PORTSMOUTH, NH 03801

**Sale Price** \$0  
**Certificate**  
**Book & Page** 5563/2924  
**Sale Date** 09/30/2014  
**Instrument** 44

**Ownership History**

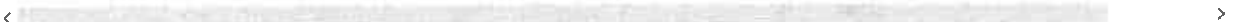
Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
PAPPAS BRYAN C LIVING TRUST	\$0		5563/2924	44	09/30/2014
PAPPAS BRYAN	\$559,000		5225/2896	00	06/30/2011
SIEVE CRAIG S	\$0		3112/1190		08/03/1995

**Building Information**

**Building 1 : Section 1**

**Year Built:** 1944  
**Living Area:** 1,752  
**Replacement Cost:** \$423,099  
**Building Percent** 83  
**Good:**

**Building Photo**



Replacement Cost  
Less Depreciation: \$351,200

Building Attributes	
Field	Description
Style	Bungalow
Model	Residential
Grade:	B
Stories:	1
Occupancy	1
Exterior Wall 1	Wood Shingle
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F GlS/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	Ceram Clay Til
Heat Fuel	Gas
Heat Type:	Hot Water
AC Type:	None
Total Bedrooms:	3 Bedrooms
Total Bthrms:	2
Total Half Baths:	0
Total Xtra Fixtrs:	2
Total Rooms:	6
Bath Style:	Avg Quality
Kitchen Style:	Avg Quality
Kitchen Gr	
WB Fireplaces	1
Extra Openings	1
Metal Fireplaces	0
Extra Openings	0
Bsmt Garage	



(<http://images.vgsi.com/photos2/PortsmouthNHPhotos/\00\00>)

**Building Layout**



(<http://images.vgsi.com/photos2/PortsmouthNHPhotos//Sketch>)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1,752	1,752
FGR	Garage, Attached	252	0
FOP	Porch, Open	287	0
UAT	Attic	1,752	0
UBM	Basement, Unfinished	1,752	0
		5,795	1,752

**Extra Features**

Extra Features				Legend
Code	Description	Size	Value	Bldg #
REC	REC ROOM	556 S.F.	\$10,800	1

**Land**

**Land Use**

Use Code 1010  
Description SINGLE FAM MDL-01

**Land Line Valuation**

Size (Acres) 0.15  
Frontage

**Zone** SRB  
**Neighborhood** 103B  
**Alt Land Appr Category** No

**Depth**  
**Assessed Value** \$350,000  
**Appraised Value** \$350,000

**Outbuildings**

<b>Outbuildings</b>	<b>Legend</b>
No Data for Outbuildings	

**Valuation History**

<b>Appraisal</b>			
<b>Valuation Year</b>	<b>Improvements</b>	<b>Land</b>	<b>Total</b>
2018	\$323,700	\$318,200	\$641,900
2017	\$323,700	\$318,200	\$641,900
2016	\$285,100	\$249,600	\$534,700

<b>Assessment</b>			
<b>Valuation Year</b>	<b>Improvements</b>	<b>Land</b>	<b>Total</b>
2018	\$323,700	\$318,200	\$641,900
2017	\$323,700	\$318,200	\$641,900
2016	\$285,100	\$249,600	\$534,700

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**HAVEN RD**

**Location** HAVEN RD

**Mblu** 0206/ 0001/ 0000/ /

**Acct#** 38075

**Owner** UNKNOWN

**PBN**

**Assessment** \$0

**Appraisal** \$0

**PID** 38075

**Building Count** 1

**Current Value**

Appraisal			
Valuation Year	Improvements	Land	Total
2019	\$0	\$0	\$0

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$0	\$0	\$0

**Owner of Record**

**Owner** UNKNOWN

**Sale Price** \$0

**Co-Owner**

**Certificate**

**Address** HAVEN RD

**Book & Page**

PORTSMOUTH, NH 03801

**Sale Date**

**Ownership History**

Ownership History				
Owner	Sale Price	Certificate	Book & Page	Sale Date
UNKNOWN	\$0			

**Building Information**

**Building 1 : Section 1**

**Year Built:**

**Building Photo**

**Living Area:** 0

**Replacement Cost:** \$0

**Building Percent**

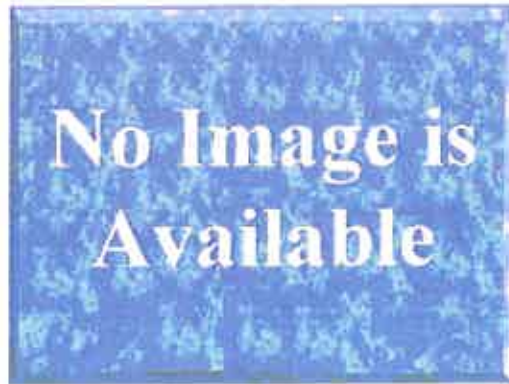
**Good:**

**Replacement Cost**

**Less Depreciation:** \$0

Building Attributes	
Field	Description
Style	Varant Land

Model	
Grade:	
Stories:	
Occupancy	
Exterior Wall 1	
Exterior Wall 2	
Roof Structure:	
Roof Cover	
Interior Wall 1	
Interior Wall 2	
Interior Flr 1	
Interior Flr 2	
Heat Fuel	
Heat Type:	
AC Type:	
Total Bedrooms:	
Total Bthrms:	
Total Half Baths:	
Total Xtra Fixtrs:	
Total Rooms:	
Bath Style:	
Kitchen Style:	
Kitchen Gr	
WB Fireplaces	
Extra Openings	
Metal Fireplaces	
Extra Openings	
Asmt Garage	



(<http://images.vgsi.com/photos2/PortsmouthNHPhotos/\00\0>)

**Building Layout**

(<http://images.vgsi.com/photos2/PortsmouthNHPhotos/Sketch>)

Building Sub-Areas (sq ft)	Legend
No Data for Building Sub-Areas	

**Extra Features**

Extra Features	Legend
No Data for Extra Features	

**Land**

**Land Use**

**Use Code** 9030  
**Description** MUNICIPAL MDL-00  
**Zone** SRB  
**Neighborhood** 103B  
**Alt Land Appr** No  
**Category**

**Land Line Valuation**

**Size (Acres)** 0.05  
**Frontage**  
**Depth**  
**Assessed Value** \$0  
**Appraised Value** \$0

**Outbuildings**

<b>Outbuildings</b>	<b>Legend</b>
No Data for Outbuildings	

**Valuation History**

<b>Appraisal</b>			
<b>Valuation Year</b>	<b>Improvements</b>	<b>Land</b>	<b>Total</b>
2018	\$0	\$0	\$0
2017	\$0	\$0	\$0
2016	\$0	\$0	\$0

<b>Assessment</b>			
<b>Valuation Year</b>	<b>Improvements</b>	<b>Land</b>	<b>Total</b>
2018	\$0	\$0	\$0
2017	\$0	\$0	\$0
2016	\$0	\$0	\$0

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560/144  
PAGE  
DEED

# Know all Men by these Presents,

That John W. Emery of Portsmouth in the County of Rockingham and State of New Hampshire

Emery  
to  
Brackett

for and in consideration of the sum of One Dollar  
to him hand before the delivery hereof, well and truly paid by  
Herman A. Brackett of said Portsmouth

Delivered to  
Calvin Sage  
by

have received, released and forever Quitclaimed, and by these presents do renounce, release and forever quitclaim unto the said  
Herman A. Brackett and his heirs and assigns forever.

A certain tract of land in said Portsmouth lying upon the southerly side of South Road or South Street and bounded and described as follows, viz, beginning on the south side of South Road or South Street at the northwesterly corner of land of James N. Sanborn and running southeasterly by said Street to the northwesterly corner of the gravel pit of the City of Portsmouth, thence running southeasterly four hundred and twenty two feet more or less, thence westerly two hundred twenty seven feet more or less, all by said gravel pit, thence southeasterly one hundred seventy seven feet more or less by said gravel pit, and thence westerly by said gravel pit and Cotton's Burying Ground three hundred and eighty one feet more or less to the Proprietors Burying Ground, thence by said last named Burying Ground six hundred and eighty four feet more or less to Harmony Grove Cemetery, thence easterly by said Cemetery three hundred and seventy feet more or less to Piscataqua River or an inlet thereof, thence by said River or inlet northerly and easterly to land of the Heirs of Francis Marden, thence northerly and westerly by said Marden's land to Balls Burying Ground thence southwesterly by said Burying Ground and land owned or occupied by Richard T. Ball three hundred and ninety nine feet more or less and thence northerly by said Ball's land and said Sanborn's land two hundred and ninety nine feet more or less to the point begun at, all as the division lines now stand. The premises I intend to convey are the same that are conveyed to me by the deed of William W. Rollins, Charles F. Shillaber and John S. Rand, all of Portsmouth, Executors of the wills of Eliza W. Haven, Eliza A. Haven and Charlotte M. Haven, dated this day,

To HAVE and to HOLD the said premises, with all the privileges and appurtenances thereto belonging, to the said Herman A. Brackett and his heirs and assigns forever; and I do hereby covenant with the said Brackett that I will warrant and defend the said premises to him the said Brackett and his heirs and assigns, against the lawful claims and demands of any person or persons claiming by, from or under me -

And I, Mary E. Emery wife of said John W. Emery for the consideration aforesaid, do hereby release by right of dower in said premises And we, the said Emery with of said Emery

in consideration aforesaid, do hereby grant and release to said all the right, title, interest, claim or demand which we, or either of us have in or to the above described premises, by virtue of an act of the Legislature of the State of New Hampshire, entitled "An act to exempt the Homestead of Families from attachment and levy or sale on execution," passed July 4, 1861.

And we and each of us do hereby release, discharge and waive all such rights of exemption from attachment and levy or sale on execution, and such other rights whatsoever in said premises, and in each and every part thereof, as are reserved or secured to us, or either of us, by the Statute of the State of New Hampshire, passed July 4, 1861, entitled "An act to exempt the Homestead of Families from attachment and levy or sale on execution," or by any other Statute or Statutes of said State.

In presence witness H.A. have heretofore set our hand and seal 5, this twenty third day of July in the year of our Lord 1897.

signed, sealed and delivered in presence of us:  
Calvin Sage } John W. Emery  
John W. Bartlett } Mary E. Emery  
Mary M. Deane }

State of New Hampshire, Rockingham, ss. July 23<sup>rd</sup> A. D. 1897.  
Personally appeared the above named John W. Emery and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:  
Calvin Sage Justice of the Peace.  
William Merrill Register.

Received and Recorded, July 23. 7 P.M. 1897.

1358 / 236

211  
T. Linn  
U.S. Post  
Stamp  
8 ?



Book 1358 Page 0236

1358 236

KNOW ALL MEN BY THESE PRESENTS

That we, CHESTER A. BRACKETT, of Methuen, in the County of Essex and Commonwealth of Massachusetts; GUY H. BRACKETT, of West Springfield, in the County of Hampden and Commonwealth of Massachusetts; CHARLES E. BRACKETT, of Manchester, in the County of Hillsborough and State of New Hampshire, and VIOLET B. PRESCOTT, of Portsmouth, in the County of Rockingham and State of New Hampshire, for and in consideration of the sum of ONE DOLLAR to us in hand, before the delivery hereof, well and truly paid by RAYMOND COTILLO and HELEN E. COTILLO, of Kittery, in the County of York and State of Maine, the receipt whereof we do hereby acknowledge, have given, granted, bargained, sold, and by these presents do give, grant, bargain, sell, alien, enfeoff, convey and confirm unto the said RAYMOND COTILLO and HELEN E. COTILLO, and their heirs and assigns forever:

A certain parcel of land with the buildings thereon, situate in South Street, in Portsmouth, in the County of Rockingham and State of New Hampshire, bounded and described as follows, viz:

NEVER RECORDED

BEGINNING in said South Street at land of David L. Conyer, formerly of John E. Harmon, thence running Easterly by said Street to land conveyed by the heirs of Herman A. Brackett to the said City of Portsmouth by deed dated May 5, 1955, thence turning and running southerly by said land of said City one hundred and twenty-five (125) feet to land of said heirs; thence turning and running westerly by said last named land to said land of said Conyer; thence turning and running Northerly by said land of said Conyer one hundred and twenty-five (125) feet to said South Street to the point begun at; the Northerly and Southerly lines of said lot being one hundred seventeen (117) feet, more or less.

BEING the same premises described in the Covenant to Stand Seized Herman A. Brackett with Virginia V. Brackett, dated March 27, 1941, and recorded in Rockingham County Registry of Deeds, Book 983, Page 178; and a narrow strip of land between the same and said land of said City, which the grantors convey as the heirs of Herman A. Brackett.

Taxes for the year 1955 are to be apportioned between the grantors and grantees as of June 1, 1955.

K



**Right side yard view of arborvitae in front of Pappas fence taken from back yard of Pappas property (arborvitae are located within the subject strip of land)**



**Right side yard view of entrance to Pappas fence taken from right front corner of Pappas property (shows strip of land fenced in and incorporated into right side yard of Pappas property)**



**Rear view of Pappas fence and wood retaining wall running along property boundary with rear abutter taken from back right corner of Pappas property (location of retaining wall shown on Monumentation Sketch by James Verra submitted with release request)**



**View of right side of Pappas back yard (arborvitae are located in front of wooden fence and retaining wall within the subject strip of land)**