



March 5, 2020

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

Subject: Petition for Release of Interest in Paper Street contiguous to 276 Dennett Street (Tax Map 143, Lot 13) pursuant to RSA 231:51 and 231:52.

Dear Mr. Mayor:

My wife, Anne C. Shiembob, and I are the owners of 276 Dennett Street. I write to request that City formally release its interest in a portion of the paper street abutting our property at 276 Dennett Street.

This land was dedicated as a portion of Ruth Street pursuant to a plan recorded in 1902 at the Rockingham County Registry of Deeds titled, "Plan of Lots of Land Belonging to C.I Pinkham and J.M Marden," (the "Plan"), which also created our lot.

When lots are sold with reference to a recorded plan that shows existing or proposed streets, a deed to the lot will convey title to the centerline of the street unless otherwise stated in the deed. *See Gagnon v. Moreau*, 107 N.H. 507, 509, (1967) (stating, "It is familiar law that where lots are sold by reference to a recorded plat or plan showing existing or proposed streets which constitute boundaries of the lots, a conveyance ordinarily operates to convey to the grantee the fee simple to land underlying adjoining streets and rights of way to the center line thereof. . . .")

The original deed for our property was recorded in the Rockingham County Registry of Deeds at Book 799, Page 287 (see copy attached) and did not exclude our interest in the proposed street, making us the fee simple owners out to the centerline of the proposed street.

In 1913, RSA 231:51 was enacted to require that municipalities accept paper streets within twenty years of their dedication or lose the right of acceptance. Prior to 1945, the only methods of acceptance were for the public to use the land as a street for a period of twenty years or for a public authority to construct the street. *See Polizzo v. Hampton*, 126 N.H. 398, 402 (1985) (stating that "in 1945, RSA 229:1 was amended to provide that a dedicated street would become a public highway when it was 'accepted' by a city or town, independent of a laying out by public authority or twenty years' use by the public.")


In this case, the land shown as Ruth Street on the 1902 Plan, located between our property and Tax Map 143, Lot 126 (294 Dennett Street), was never used as a street by the

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public and never laid out as a street by a public authority. Consequently, the City's right to accept this proposed street was terminated in 1922.

We respectfully request that the City recognize these circumstances and formally relinquish its rights in this portion of Ruth street in accordance with RSA 231:52, in order to eliminate any lingering questions regarding the status of our title to this land.

Very truly yours,



Craig M. Steigerwalt

\$ 1.00
Per

Know all Men by these Presents,

THAT I, Charles I. Pinkham, of Portsmouth in the County of Rockingham and State of New Hampshire

for and in consideration of the sum of one dollar
to me in hand, before the delivery hereof well and truly paid by Arthur W. Hensley of said
Portsmouth

Pinkham
to
Hensley

the receipt whereof I do hereby acknowledge, have given, granted, bargained and sold, and by these presents
do give, grant, bargain, sell, alien, enfeoff, convey and confirm unto the said Hensley and his
heirs and assigns forever,

del. to
C. H. Batchelder.

Two certain lots of land in said Portsmouth, being lots numbered one (1) and two (2)
on a plan recorded in Rockingham Registry of Deeds, Book 631, Page 481, and bound-
ed and described as follows: - northwesterly by Bennett Street one hundred feet,
more or less; northeasterly by land of M^r Court, formerly of Harry J. Freeman,
one hundred four feet six inches, more or less; southeasterly by lot number
three (3) on said plan one hundred fifteen feet, more or less; and southwestly
by a proposed street one hundred feet, more or less.

Being a part of the premises acquired by me by deeds recorded in said Reg-
istry, Book 584, Page 229, and Book 664, Page 272.

To have and to hold the said granted premises, with all the privileges and appurtenances to the same
belonging, to him the said Hensley
his heirs and assigns, to his and their only proper use and benefit forever. And I the
said Pinkham and my heirs, executors and adminis-

trators, do hereby covenant, grant and agree, to and with the said Hensley
and his heirs and assigns, that until the delivery hereof I am
the lawful owner
of the said premises, and seized and possessed thereof in my own right and fee simple; and have full
power and lawful authority to grant and convey the same in manner aforesaid; that the said premises are free
and clear from all and every incumbrance whatsoever; and that I and my heirs, executors and
administrators, shall and will warrant and defend the same to the said Hensley
and his heirs and assigns, against the lawful claims and demands of any person or persons whomsoever.

And I, Lydia L. Pinkham, wife of the said Charles I.
in consideration aforesaid, 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
or secured to us, or either of us, by the Statute of the State of New Hampshire, passed July 27, 1842, entitled "An Act to exempt the
Homestead of Families from attachment and levy or sale or execution" or by any other Statute or Statutes of said State.

And we 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
or secured to us, or either of us, by the Statute of the State of New Hampshire, passed July 27, 1842, entitled "An Act to exempt the
Homestead of Families from attachment and levy or sale or execution" or by any other Statute or Statutes of said State.

In Witness whereof we have hereunto set our hands and seals this twenty ninth
day of August in the year of our Lord one thousand nine hundred and 25

SIGNED, SEALED AND DELIVERED IN PRESENCE OF US:

Chas. H. Batchelder

Charles I. Pinkham (L.S.)
Lydia L. Pinkham (L.S.)

STATE OF NEW HAMPSHIRE, ROCKINGHAM, ss. Aug. 29. A. D. 1925.
Personally appeared the above named Charles I. Pinkham and Lydia L. Pinkham
and acknowledged the foregoing instrument to be their
voluntary act and deed.

BEFORE ME,

Chas. H. Batchelder

Justice of the Peace.

Aug. 31st

Received and recorded Aug. 31st 1925

John W. Green Register.