

CITY OF PORTSMOUTH
PORTSMOUTH, NEW HAMPSHIRE
TWO THOUSAND TWENTY ONE

RESOLUTION # -

BE IT RESOLVED:

RESOLUTION REGARDING PUBLIC NECESSITY TO LAYOUT ROADWAY AND
ACQUIRE PROPERTY FOR PEVERLY HILL ROAD IMPROVEMENT PROJECT

1. WHEREAS, the City of Portsmouth (“City”) began a formal design process to improve Peverly Hill Road in 2016, with the first public information meeting occurring June 2, 2016 and an alternatives workshop meeting occurring July 27, 2016;
2. WHEREAS, the improvements to Peverly Hill Road include the addition of a sidewalk on the north side of the road, a shared use path (bicycle and pedestrian) on the south side of the road, drainage improvements and road layout changes (the “Project”);
3. WHEREAS, the Project extends from the intersection of Peverly Hill Road with Middle Road to the intersection of Peverly Hill Road and West Road and includes drainage improvements along a portion of Greenleaf Avenue;
4. WHEREAS, the design is consistent with the City’s Complete Streets Policy (adopted October 2013); the Bicycle Friendly and Walk Friendly Community Policy (adopted October 2013) and the Portsmouth Complete Street Design Guidelines (adopted July 2017);
5. WHEREAS, the Project is identified in the 2014 Bicycle and Pedestrian Master Plan;
6. WHEREAS, the City has received Congestion Mitigation Air Quality funding through New Hampshire Department of Transportation for this Project, NH DOT project number 20254;
7. WHEREAS, the Project meets the NHDOT identified purpose, namely to reconstruct Peverly Hill Road from Middle Road to West Road in order to provide a safer roadway for all users in conformance with the City of Portsmouth’s Complete Street Policy.
8. WHEREAS, the Portsmouth City Council, the governing body for the City of Portsmouth, held a duly noticed public hearing on October 14, 2021 at the Eileen Dondero Foley Council Chambers at City Hall, 1 Junkins Avenue, Portsmouth NH;
9. WHEREAS, that hearing included a site visit to the Project area as well as a presentation describing the history of the project, the proposed layout of

improvements, and the property impacts both temporary and permanent (Attachment A);

10. WHEREAS, the City Council heard testimony from all interested parties;
11. WHEREAS, pursuant to NH RSA 231:8 et seq. the City Council has the authority to layout roads, sidewalks, bicycle paths and construct related drainage improvements; and
12. WHEREAS, the City has authority to layout drain and stormwater infrastructure pursuant to RSA 149-I:1 et seq. and general authority to acquire property in the public interest pursuant to NH RSA 31:92.

NOW THEN, after notice and public hearing, the City Council of the City of Portsmouth:

- A. Declares that there is a public necessity for the acquisition of the property interests set forth in Attachment A and that such interests are for the public use and public benefit;
- B. Resolves that the property acquired will be for public use;
- C. Finds it necessary and useful for the public benefit to acquire the property interests described in Attachment A for roadway, sidewalk, bicycle and pedestrian path and stormwater management purposes;
- D. Finds that in balancing the public interest in the acquisition with the private interest of the property owners, the public interest outweighs the private interests;
- E. Finds that in balancing the public interest in the acquisition against the burden it imposes on the City, the public interest is greater than the burden; and

WHEREFORE, the City Manager is authorized to engage an appraiser, to negotiate in good faith the acquisition of property by mutual agreement, and to pursue condemnation as may be necessary pursuant to RSA 498-A in order to secure the property interests set forth in Attachment A to this Resolution.

This Resolution shall take effect upon passage.

Approved:

Rick Beckstead, Mayor

Adopted by the City Council

2021

Kelli L. Barnaby, City Clerk

Attachment A to Resolution

Peverly Hill Road Property List				
TABLE OF PROPERTY ACQUISITION				
LOT NO.	BOOK & PAGE	PROPERTY OWNER	ADDRESS	EASEMENT TYPE
232-90	B6029 P1942	B & B Properties, LLC	968 MIDDLE ROAD	TEMP. CONST.
232-91	B5483 P1059	MICHAEL J. MOSCA	46 PEVERLY HILL ROAD	TEMP. CONST.
242-4	B5066 P1603	STELLA B. STOKEL, TRUSTEE / NANCY A. STOKEL, TRUSTEE / PHILIP J. STOKEL	83 PEVERLY HILL ROAD	PERM. SLOPE PERM. DRAINAGE
243-51	B5887 P0463	AJEI REAL ESTATE, LLC	100 PEVERLY HILL ROAD	TEMP.
242-3	B2269 P0663	NEW HOPE BAPTIST CHURCH	263 PEVERLY HILL ROAD	TEMP. CONST.
243-54-1	B6210 P0664	JOAN V LOOR	248 PEVERLY HILL RD #1	TEMP. CONST.
243-54-2	B6015 P1746	EVAN JAMES WILLIAM	248 PEVERLY HILL ROAD #2	
243-55	B5800 P0530	CURT F. MURRAY / ERIN E. MCGANN	260 PEVERLY HILL ROAD	TEMP. CONST.
243-56	B5536 P2616	THE CHILDREN'S GARDEN PROPERTY, LLC	290 PEVERLY HILL ROAD	TEMP. CONST.
255-8	B5881 P0981	MERRIMACK VALLEY HOMES, INC.	293 PEVERLY HILL ROAD	TEMP. CONST.
243-57	B2369 P1541	DONALD E. JONES / MONA M. JONES	296 PEVERLY HILL ROAD	TEMP. CONST.

Attachment A to Resolution

255-5	B5560 P2148	THOMAS E. & MARYBETH B REIS	305 PEVERLY HILL ROAD	PERM. S/W
		JAMES B. & MEEGAN C. REIS		TEMP. CONST.
243-8	B5711 P0124	DONNA FLEMMING / SHARON A. FLEMING	433 GREENLEAF AVE	TEMP. CONST.
244-9	B4438 P2631	535 PEVERLY HILL LLC	535 PEVERLY HILL ROAD	TEMP. CONST.
255-3	B4553 P0436	MAUD HETT REVOCABLE TRUST	PEVERLY HILL ROAD	PERM. S/W
		WALTER D., HETT TRUSTEE		TEMP. CONST.
244-11	B5475 P2399	LAURA FRAZER	539 PEVERLY HILL ROAD	TEMP. CONST.
255-4	B3313 P1813	JULIA A. RUSSEL REV. TRUST	515 PEVERLY HILL ROAD	PERM. S/W
		JULIA A. RUSSEL REV. TRUSTEE		TEMP. CONST.
244-10-C	B4639 P1735	RUESSWICK FAMILY TRUST OF 2000	545 PEVERLY HILL ROAD	TEMP. CONST.
		WAYNE D. RUESSWICK, TRUSTEE		
		CAROL R. RUESSWICK, TRUSTEE		
255-3-1	B5846 P0160	STEVEN L. RUSSELL/ VI RUSSELL	575 PEVERLY HILL ROAD	PERM. S/W
				TEMP. CONST.
255-2	B4553 P0432	MAUD HETT REVOCABLE TRUST	PEVERLY HILL ROAD	TEMP. CONST.
		WALTER D. HETT TRUSTEE	(0 BANFIELD ROAD)	

Attachment A to Resolution

244-10-A		YOUNG MENS CHRISTIAN ASSOC.	550 PEVERLY HILL ROAD	PERM. DRAINAGE
				TEMP. CONST.
253-7	B5733 P0507	GSG REALTY PORTSMOUTH LLC	1 MIRONA ROAD	TEMP. CONST.
254-7	B3192 P1085	PIKE INDUSTRIES, INC.	BANFIELD ROAD	TEMP. CONST.
			(650 PEVERLY HILL RD)	
253-4	B4258 P2635	DPH REALTY, LLC	30 MIRONA ROAD EXT	PERM. SIDEWALK
				PERM. DRAIN
				TEMP. CONST.
252-2-10	B3656 P0744	JMK REALTY, LLC	700 PEVERLY HILL ROAD	TEMP. CONST.
252-7	B5391 P0638	4 AMIGOS, LLC	1400 LAFAYETTE ROAD	TEMP. CONST.
243-7	B4505 P0647	JUSTIN KRUPP	375 GREENLEAF AVE.	PERM. DRAINAGE
		ELIZABETH M. KRUPP		