



Karen S. Conard
City Manager

CITY OF PORTSMOUTH

Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801
kconard@cityofportsmouth.com
(603) 610-7201

April 7, 2022

John E. Kelly, Director
Office of Real Property Utilization & Disposal
Public Buildings Service
U.S. General Services Administration
Thomas P. O'Neill, Jr. Federal Building
10 Causeway Street, 11th Floor
Boston, MA 02222

Re: Federal McIntyre Property & Portsmouth's Application to the Historic Monument Program

Dear Mr. Kelly:

As requested at our meeting held in your Boston office on March 24, 2022, the City of Portsmouth is pleased to submit this project update outlining the City's scope and schedule for submission of a formal application to the National Park Service (NPS) by November 1, 2022 to acquire the Thomas J. McIntyre Property located at 80 Daniel Street in downtown Portsmouth through the Historic Monument Program. As part of the application process, we continue to appreciate the support from the General Services Administration (GSA) and your staff. In particular, the City recognizes and appreciates your support for this project in providing an interim license agreement with the City to ensure ongoing maintenance of the property as well as your continued willingness to afford the City the time needed to develop wider public support for the proposed project design and to settle the protracted legal dispute with our development partner.

At this time, we have a signed settlement agreement with our development partner, Redgate/Kane, and have reached a formal agreement between the City and Redgate/Kane on implementation of the so-called "Community Plan" design that was developed with more than 14,000 hours of public input and collaboration over a seven-month timeframe. Attached you will find a copy of the executed document which will resolve the litigation. (See attached Docket Markings.)

We acknowledge that there have been significant delays over the past few years due to the pandemic, community concern over the project design and actions taken by the previous City Council. Such actions have caused delays to address myriad legal issues. However, with the formal settlement agreement in place with Redgate/Kane, we are working in partnership and have reengaged our project design team in order to move forward in an expedited manner to complete and submit a revised application to the NPS by the November 1, 2022 target deadline.

As you will recall, a draft application was presented to the Portsmouth City Council in January 2019 and was later formally submitted to the NPS in August 2019. The application contained substantially completed sections including, but not limited to, the following:

- Section I – Request for Property
- Section II – Program of Preservation & Utilization
 3. Description of Property

4. Narrative Description
5. Utilities
6. Related Personal Property
7. Significance
8. Preservation Plan
9. Use Plan
10. Financial Plan

Although the current project design has been modified, many sections of the 2019 Application are substantially complete. The major updates will focus on the Use and Financial Plan components. The attached Project Work Plan provides a current assessment of the level of completion for each of these sections as well as a timeline and milestones for updating and resubmitting an application to the NPS by November 1, 2022.

As noted in the Project Work Plan, significant portions of the plan, especially Sections 7 and 8, are already completed and have been vetted by NPS staff. NPS staff also toured the site with the project team and the City in the summer of 2018 and had extensive dialogue with the City team, including its preservation consultants, on the Preservation Plan and its relationship to the Use Plan. Accordingly, a significant level of effort was invested into developing these sections including schematic design, landscape design, geotechnical, preservation, parking, transportation, and public realm issues. Much of that material has already been developed and can be reused in the revised application.

The work that has been undertaken since the 2019 draft has only furthered our understanding of the property and has engaged the public in an inclusive planning and design process that has generated wide-ranging support for the Community Plan. Naturally, revisions to the plan will have some impact on the previously-drafted sections but overall, the 2019 Application remains substantially complete. Thus, the additional work completed since 2019 only requires updates to Sections 9 and 10 allowing for submission of a revised application by November 1, 2022.

In closing, we acknowledge the numerous delays experienced in advancing this project. However, with a settlement agreement, broad public support and design team now in place, we are confident in our ability to move this application forward to completion. As you know, this is a significant opportunity for the citizens of the City of Portsmouth and the City has made a tremendous investment in time, money, and other resources as we endeavor to repurpose and transform this iconic property into another successful redevelopment opportunity in our historic downtown. As such, it is with the full endorsement of our Congressional delegation as well as the Portsmouth City Council that we respectfully request your support for providing a six-month extension as contemplated in the existing interim license agreement to continue our efforts and submit a revised application for the Community Plan to the NPS by November 1, 2022.

We thank you for your time and consideration of this request. After so many years of the City anticipating the acquisition of this important property, we look forward to working with GSA and NPS to realize this transfer. I await any questions or comments on this matter.

Respectfully,



Karen S. Conard
City Manager

Cc: Honorable Deaglan McEachern, Mayor
Michael Kane, Kane Company
Steve Perdue, Redgate Company
Sarah Holmes, Office of US Senator Jeanne Shaheen
Corey Garry, Office of US Senator Maggie Hassan
Kari Thurman, Office of US Congressman Chris Pappas

DOCKET #: 218-2020-CV-00352

SOBOW SQUARE, LLC

v.

CITY OF PORTSMOUTH

AGREEMENT FOR DOCKET MARKINGS

NOW COME the parties in the above-captioned action and agree that the docket for all claims against and among the parties may be marked as follows:

“NEITHER PARTY. NO COSTS. NO INTEREST. NO ATTORNEY’S FEES. NO FURTHER CLAIMS FOR ANY CAUSE OF ACTION ARISING PRIOR TO APRIL 5, 2022. WITH PREJUDICE.”

Respectfully submitted,

CITY OF PORTSMOUTH, NH
By its attorneys,

Dated: April 5, 2022

By: /s/ Michael J. Connolly
Michael J. Connolly, Esq. (#14371)
Owen R. Graham, Esq. (#266701)
Hinckley, Allen & Snyder LLP
650 Elm Street, Suite 500
Manchester, NH 03101
Tel. (603) 225-4334
mconnolly@hinckleyallen.com
ograham@hinckleyallen.com

SOBOW SQUARE, LLC
By its attorneys,

DLA PIPER LLP (US)

Dated: April 5, 2022

By: /s/ Bruce E. Falby
Bruce E. Falby, Esq.
Admitted pro hac vice
33 Arch Street, 26th Floor
Boston, MA 02110-247
bruce.falby@dlapiper.com

DONAHUE, TUCKER & CIANDELLA, PLLC

Dated: April 5, 2022

By: /s/ Christopher T. Hilson

Christopher T. Hilson, Esq. (#17116)

16 Acadia Lane, PO Box 630

Exeter, NH 03833-4936

Tel. (603) 778-0686

chilson@dtclawyers.com

Reviewed and So Ordered and Approved

Date: _____

_____, **Presiding Justice**

