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June 3, 2016

Carlos P. Baia, Deputy City Manager – Development  
City of Concord  
41 Green Street  
Concord, New Hampshire 03301

***Re: Merrimack County Superior Court – 163 North Main Street, Concord, NH***

Dear Carlos:

As you know, this firm represents Merrimack County in connection with its proposal to construct a new Merrimack County Superior Court facility on the existing courthouse site at 163 North Main Street. During construction of the new courthouse, a significant number of parking spaces on the county's property will be taken out of use to accommodate the new courthouse. In order to ensure that the Superior Court will be able to continue its current operations to the greatest extent possible during construction, the State is requiring that the County provide the Superior Court with the use of at least 100 parking spaces on or adjacent to the county's property during construction.

To that end, we met with you recently to explore the possibility of some on-street parking arrangements that the County proposes during the period when the courthouse work is occurring, as well as the permanent on-street parking conditions that may exist once construction of the courthouse project has been completed. This letter outlines the County's specific requests of the City to accommodate its parking needs, addresses the City's requested encumbrance fee and includes a discussion of the management and enforcement of parking in the spaces which we hope will be temporarily dedicated during construction.

1. On-Street Parking Request.

(a) *Temporary Designation of Certain City-Owned Street Spaces for Courthouse Use.* The County requests that, during the construction of the courthouse project, the City temporarily designate certain on-street parking spaces for courthouse use only, during the hours of 8:00 a.m. to 5:00 p.m. in the following locations, as set forth on the conceptual plan attached hereto as Exhibit A:

(i) *North Main Street.* The 7 parking spaces on North Main Street fronting the County's property between Pitman Street and Court Street.

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(ii) *Court Street.* The 8 parking spaces on Court Street between North Main Street and North State Street across Court Street from the County's property.

(iii) *Montgomery Street.* The County requests the City's permission to convert the existing parallel parking spaces adjacent to the western boundary of the County's property to angled parking spaces. This conversion would result in a total of 22 parking spaces on this section of Montgomery Street. A portion of the County's property would be encumbered by these spaces, because of their length. Following the completion of construction, the County proposes making these angled parking spaces available for use by the general public and releasing them from their "courthouse only" designation.

(b) *Partial Discontinuance of Pitman Street.* The County requests that the portion of the north side of the Pitman Street right of way which abuts the County's property be discontinued by the City. Following the partial discontinuance, the County proposes to construct approximately 25 head-in parking spaces along Pitman Street extending from North Main Street to the access drive running in front of the existing courthouse, as shown on the conceptual plan attached hereto as Exhibit A. Unlike the other spaces, above, these spaces will ultimately be conveyed to the State to satisfy its requirement that at the close of construction, at least 150 parking spaces be granted to the State in fee.

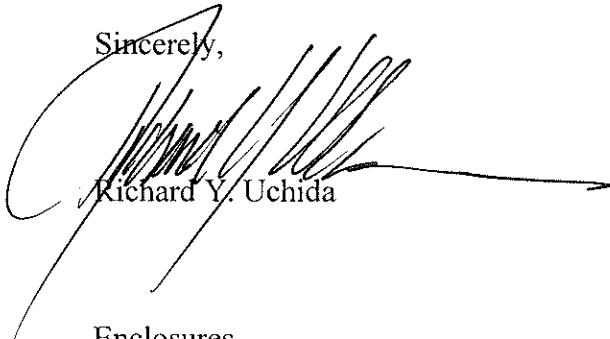
2. Proposed Compensation to the City. We acknowledge that the City typically charges an encumbrance fee in connection with the closure of public parking spaces for construction projects. However, in the case of the courthouse project, the parking spaces in question will not be blocked off and made unavailable to the public in order to facilitate the staging of equipment, excavation, utility work or the like. Rather, these spaces will remain available to members of the public visiting the courthouse during courthouse business hours, and will remain open for use by all members of the public outside of courthouse business hours. Given that the spaces will continue to be available for public use during the period of the requested encumbrance, the County respectfully requests that the City waive the requirement of an encumbrance fee in this instance. By way of additional context, it is the County's intention that the portion of the courthouse parking lot unaffected by construction and the County's parking lot located at 4 Court Street will be used by court personnel during construction. The County intends to make arrangements for its own employees to park off-site and be transported to the county offices during construction. Through this effort, the on-street parking spaces will not be monopolized by courthouse and county employees.

3. Management and Enforcement. The County will be responsible for the management and enforcement of all parking spaces temporarily designated for courthouse use. An individual from the Merrimack County Sheriff's office will be available on-site during all courthouse business hours and will be specifically charged with carrying out parking management and enforcement duties. The County will be happy to provide a more detailed plan to address its management and enforcement of the parking spaces upon the City's request.

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We understand that this request will need to be reviewed and approved by the relevant committees in the City governing parking encumbrances. We also understand that in the instance of the partial discontinuance, we will need City Council action. We would appreciate it if these requests could be directed toward the appropriate committees and governing bodies as soon as possible. Should you have any questions or require any further information, please do not hesitate to contact us.

Sincerely,



Richard Y. Uchida

Enclosures

cc: Stephen Marro  
Stephen M. Duprey  
Ari Pollack, Esq.  
Matthew Walsh  
Edward Roberge  
James Bouley