

Order 138-12/13

Passage: 9-0 1/23/13

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES (A/L)

ORDER OF CONDEMNATION

Pursuant to 17 M.R.S. § 2851

- I. WHEREAS** the Municipal Officers of the City of Portland, after receiving testimony and other evidence from City officials and other interested parties, have determined and hereby find that:
- A. The owner and all other parties of record claiming an interest in the premises at 15 Walton Street, Portland, Maine (the “Premises”), have received notice of these proceedings in accordance with the requirements of 17 M.R.S. § 2851. These premises are more particularly described as set forth in Exhibit A (attached).
 - B. A true and correct copy of the notice of these proceedings was filed with the Cumberland County Registry of Deeds in Book 30319, Page 201 and in accordance with the requirements of 17 M.R.S. § 2857; and that
 - C. Based upon the findings enumerated below, the building on the premises at 15 Walton Street (the “Building”) is a dangerous building or structure as defined in 17 M.R.S. § 2851:
 - 1. The Building has been substantially destroyed by fire, water damage and other, necessary fire control methods;
 - 2. The Building is structurally unsafe and unstable, its roof, joists, and framing having been substantially destroyed by fire and further deteriorated by long-term exposure to weather;
 - 3. The Building constitutes a fire hazard, being substantially destroyed by fire, and open and accessible to weather, vandals and arsonists;
 - 4. The Building is unsuitable and improper for use and occupancy; and
 - 5. Because of its substantial destruction, dilapidation, and abandonment, the Building constitutes a hazard to the health and safety of any occupants, abutters, and the general public, and is dangerous to life and property.
- II. NOW, THEREFORE, IT IS HEREBY ORDERED** by the Municipal Officers of the City of Portland that the Owner(s) of the Premises, shall, by no later than 7:00 a.m. on February 25, 2013, commence the demolition or repair of the building(s) on 15 Walton

Street, while simultaneously taking all appropriate precautions to safeguard the public, and adjoining and/or nearby structures and/or public infrastructure.

In the event that the Owner(s) have not commenced the demolition of the Building on or before the aforementioned deadline, the Municipal Officers hereby direct the City Manager to take such actions as he deems necessary, including the demolition of the Building, and to recover all expenses, including attorneys' fees, as provided under 17 M.R.S. § 2853 or other applicable law or regulations.

This Order may be appealed to the Superior Court as provided under Rule 80B of the Maine Rules of Civil Procedure.

III. IT IS FURTHER ORDERED that the City Clerk shall cause a copy of this Order to be recorded in the Cumberland County Registry of Deeds, and shall cause attested copies of this Order to be served on the owner of the premises and all of the parties-in-interest as provided in 17 M.R.S. § 2851.

ATTESTATION:

I attest this is a true and exact copy of the original document that was approved by the Portland City Council during their meeting of January 23, 2013, and that this is a true and exact copy of the original document that we have on file in the Portland City Clerk's Department, at 389 Congress Street in Portland, Maine.

Attest:

Katherine Jones,
City Clerk
City of Portland, Maine

State of Maine
Cumberland, ss.

January_____, 2013

Personally appeared the above named Katherine Jones in her capacity as City Clerk for the City of Portland and made oath that the foregoing instrument is based upon her personal knowledge and is true.

Before me,

Notary Public/Attorney-at-Law