

Order 199-12/13

Passage: 8-0 (Anton absent) 4/22/13

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 APPROVING NOTICE OF INTENTION
TO LAY OUT A PUBLIC EASEMENT
PURSUANT TO 23 M.R.S.A. § 3022 AND 30-A M.R.S.A. §3402
RE: DIAMOND PASS, PEAKS ISLAND**

ORDERED, that the Notice of Intention to Lay out a Public Easement, and to Condemn the Property Right Necessary for such Public Easement, attached hereto, is hereby approved.

AND ALSO ORDERED, THAT NOTICE IS GIVEN THAT THE CITY COUNCIL INTENDS TO MEET for this purpose on the _____ day of _____, 2013 at 7:30 p.m. in City Council Chambers, 389 Congress Street, Portland, at which all persons interested therein may be present.

By the Municipal Officers of the City of Portland, Maine.

Dated this ___ day of _____, 2013.

Mayor Michael F. Brennan

John R. Coyne, City Councilor

Cheryl A. Leeman, City Councilor

Kevin J. Donoghue, City Councilor

David A. Marshall, City Councilor

Nicholas M. Mavodones, City Councilor

John M. Anton, City Councilor

Jill C. Duson, City Councilor

Edward J. Suslovic, City Councilor

Note: This notice must be posted at least 7 days in at least 2 public places in the municipality and in the vicinity of the way, per 23 M.R.S.A. §3022

Notice of Intentions to Lay Out a Public Easement
(23 M.R.S.A. §3022 and 30-A M.R.S.A. §3402)

To the Inhabitants of the City of Portland, Maine and the following Owners of Record and Parties in Interest:

- Bruce T. Astarita and Susan G. Astarita (Owners of Record)

Pursuant to 23 M.R.S.A. §3022 and 30-A M.R.S.A. §3402, notice is hereby given of the intentions of the Municipal Officers of the City of Portland, Maine to lay out a public easement, as follows:

A public easement on property located on Peaks Island in the City of Portland, Cumberland County, Maine, the area or location of said easement area being bounded and described as follows:

The road or way known as Diamond Pass and shown on Plan No. 2 of a set of plans entitled "Plan of Land Peak's Island Maine" and recorded in the Cumberland County Registry of Deeds in Plan Book 8, Page 51. The source of title to the Owners of Record interest in the above road is a deed to Owners of Record, which is recorded in the Cumberland County Registry of Deeds in Book 10122, Page 292.

The rights of use in, under and over said easement area, hereby condemned and taken are:

1. the right to install, maintain, replace and remove conduits or pipelines for conveying water, wastewater and storm water, with all necessary fixtures and appurtenances, including electric or other energized control lines; and
2. the right to make connections with the conduits or pipelines on land adjacent to the easement area; and
3. the right to trim, cut down, and/or remove bushes, grass, crops, trees or any other vegetation, to such extent as is necessary for any of these purposes in the sole judgment of the City or its assigns; and
4. the right to change the existing surface grade of the easement area as is reasonably necessary for any of these purposes; and
5. the right to enter on the easement area at any and all times for any of these purposes; and

6. the right to enforce the following restrictions, with respect to the easement area:

a. No buildings or any other permanent structures shall be allowed, except pavement and utilities.

b. No earth shall be removed, no fill may be added, and no other change shall be made to the surface grade of the easement area.

c. No conduits, pipelines or facilities shall be installed within 5 feet of or above any conduit or pipeline installed in the easement area, except that pipelines and conduits may be installed if they cross perpendicular to other conduits and pipelines with a minimum vertical clearance of one foot.

Meaning and intending to describe a portion of said land or rights in land now or formerly of Bruce T. Astarita and Susan Astarita (Deed Book 10122, Page 292).

AND TO MEET for this purpose on the _____ day of _____, 2013 at 7:30 p.m. in City Council Chambers, 389 Congress Street, Portland, at which all persons interested therein may be present.

By the Municipal Officers of the City of Portland, Maine.

Dated this ___ day of _____, 2013.

Mayor Michael F. Brennan

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Note: This notice must be posted at least 7 days in 2 public places in the municipality and in the vicinity of the way, per 23 M.R.S.A. §3022