

FINDINGS

A. Ralph W. Ashmore and Jean A. Ashmore own the property rights described herein.

B. The public exigency required the immediate taking of the property interest of Ralph W. Ashmore and Jean A. Ashmore described herein, for the public uses describe herein.

NOW, THEREFORE,

Pursuant to 23 M.R.S.A. § 2022 and 30-A M.R.S.A. § 3402, the Municipal Officers of the Municipality of Portland, Maine **do hereby lay out the easement and take certain property rights in the Municipality, located as follows and for the following purposes:**

A parcel of land on Peaks Island in the City of Portland, Cumberland County, Maine, for the purposes herein stated; the area or location of said easement area being bounded and described as follows:

An unnamed road or way now known as Winding Way and shown on a plan entitled “Plan of the Henry M. Brackett Estate” prepared by J. B. Jones dated October 1900 and recorded in the Cumberland County Registry of Deeds in Plan Book 9, Page 57, extending from the road now known as Maple Street easterly to the road now known as 3rd Street all as shown on the above described plan. The sources of title to the above road are deeds to the one or both of the Owners of Record, recorded in the Cumberland County Registry of Deeds in Book 16626, Page 172, and Book 16626, Page 174.

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.

MOREOVER, REGARDING DAMAGES,

The Municipal Officers of the Municipality of Portland, Maine determine the amount of damages to be paid to the owner(s) of record as just compensation therefor, as follows:

\$ 85.00 to the Ralph W. Ashmore and Jean A. Ashmore (4 Winding Way).

\$ 85.00 to the Ralph W. Ashmore (8 Winding Way)

BE IT ORDERED that, based upon the above, the previously described interest of Ralph W. Ashmore and Jean A. Ashmore in the previously described real estate of the City is hereby taken by power of eminent domain as conferred upon the City by 23 M.R.S.A. §3022 and 30-A M.R.S.A. §3402; and

BE IT FURTHER ORDERED that the City Clerk cause an attested copy of this Order to be filed and recorded in the Cumberland County Registry of Deeds.

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

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