

Order 79 -08/09

Referred to Transportation Committee on 10/6/08

Passage: 12/1/08 as an emergency 8-0 (Leeman absent)

EDWARD J. SUSLOVIC (MAYOR)  
KEVIN J. DONOGHUE (1)  
DAVID A. MARSHALL (2)  
DANIEL S. SKOLNIK (3)  
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND**  
IN THE CITY COUNCIL

JAMES I. COHEN (5)  
JOHN M. ANTON (A/L)  
JILL C. DUSON (A/L)  
NICHOLAS M. MAVODONES (A/L)

**ORDER DISCONTINUING A PORTION  
OF HOOPER/SEWALL STREET; CITY DEED OUT OF LAND;  
CITY ACCEPTANCE OF EASEMENT**

**IT IS HEREBY ORDERED**, that, pursuant to 23 M.R.S.A. § 3026, having given best practicable notice to all abutting land owners and to the City of Portland Planning Office, a portion of Hooper/Sewall Street, as described on Attachment 1, be and hereby is discontinued as a city street or town way, the City reserving a public utility easement for all existing public utilities, to include but not be limited to water, sanitary and stormwater. The City does not reserve a public easement for pedestrian or vehicular passage; and

**BE IT FURTHER ORDERED**, no damages are to be paid in connection with this Order to Discontinue; and

**BE IT FURTHER ORDERED**, the City hereby authorizes the City Manager to execute a quitclaim deed to the discontinued portion of Hooper/Sewall Street to Langdon Street Real Estate Inc. as described on Attachment 2; and

**BE IT FURTHER ORDERED**, the City accepts a public utility easement over the westerly vacated portion of Sewall Street as described on Attachment 3.

## Attachment 1

A certain lot or parcel of land located in the City of Portland, Cumberland County, State of Maine, and bounded and described as follows:

**BEGINNING at the intersection of the centerline of Hooper Street** as laid out on the plan entitled "Plan Showing Land and House Lots Belonging to the West End Land Co. and P.H. and J.M. Brown" dated 1887 and recorded in the Cumberland County Registry of Deeds in Plan Book 10, Page 65 (hereinafter referred to as "said Plan") and as accepted by order of the City of Deering Council on January 27, 1893 and recorded in the City of Deering Records, Volume 1, Pages 158 and 165 **with the 1893 centerline of Sewall Street** as laid out on said Plan and as accepted by order of the City of Deering Council on January 27, 1893 and recorded in the City of Deering Records, Volume 1, Pages 159 and 165;

**THENCE, S74°26'48"E a distance of fifteen and thirty-one hundredths feet (15.31')** along the centerline of said Hooper Street to the westerly street line of 1954 Sewall Street as accepted by order of the Portland City Council on December 20, 1954 and recorded in the City of Portland Clerk Records, Volume 72, Page 180;

**THENCE, southerly along the westerly street line of said 1954 Sewall Street and a non-tangent curve to the left with a radius of four hundred and no hundredths feet (400.00'), an arc length of fourteen and eighty-six hundredths feet (14.86')** to a point of reverse curvature in the westerly street line of said 1954 Sewall Street, said non-tangent curve has a chord bearing of S11°27'21"E and a chord distance 14.86';

**THENCE, continuing southerly along the westerly street line of said 1954 Sewall Street and along a reverse tangent curve to the right with a radius of four hundred fifty and no hundredths feet (450.00'), an arc length of thirteen and twenty-three hundredths feet (13.23')** to a point in the southerly street line of said Hooper Street, said reverse curve has a chord bearing of S11°40'40"E and a chord distance of 13.23';

**THENCE, N74°26'48"W a distance of twenty-eight and eleven hundredths feet (28.11')** along the southerly street line of said Hooper Street to the centerline of said 1893 Sewall Street;

**THENCE, N15°33'12"E a distance of twenty five and no hundredths feet (25.00')** along the centerline of said 1893 Sewall Street to the **POINT OF BEGINNING**.

Reserving, however, to the City of Portland, an easement for any and all utility lines

currently within the above described parcel of land. This easement shall allow the holder to use, repair and replace the utility improvements, provided that should the holder need to enter onto the above described parcel of land for any work on the utility improvements, then the land shall be restored to its previous condition after the work is completed. The holder may transfer these easement rights to other public and quasi-public bodies which may own and operate the utility improvements now or in the future.

This deed description is based on a "Plot Plan of Concord Trailway Facility for Langdon Street Real Estate, Inc.," dated January 17, 2002 and recorded in the Cumberland County Registry of Deeds in Plan Book 203, Page 307.

Bearings referenced herein are Grid North NAD83 Maine State Plane West Zone as based on said "Plot Plan of Concord Trailway Facility".

**Attachment 2**

**DEED**

**KNOW ALL PERSONS BY THESE PRESENTS**, that the **CITY OF PORTLAND**, a body politic and corporate with a mailing address of 389 Congress Street, Portland, Maine, does hereby remise and release and forever quitclaim to **LANGDON STREET REAL ESTATE, INC.**, a New Hampshire corporation, having a place of business in Concord, New Hampshire (“LSRE”), all its right, title and interest in the following parcel of land as described in Exhibit A attached hereto and incorporated herein by reference.

The City of Portland has caused this deed to be executed by \_\_\_\_\_, its duly authorized \_\_\_\_\_, as a document under seal, on \_\_\_\_\_, 2008.

WITNESS:

CITY OF PORTLAND

\_\_\_\_\_

by: \_\_\_\_\_

Print Name:

Title:

STATE OF MAINE

\_\_\_\_\_ County

\_\_\_\_\_, 2008

\_\_\_\_\_, as \_\_\_\_\_ of City of Portland, personally appeared before me and acknowledged the foregoing instrument to be his/her free act and deed on behalf of the City of Portland.

\_\_\_\_\_  
Notary Public/Maine attorney

Print Name: \_\_\_\_\_

My commission expires: \_\_\_\_\_

## Exhibit A

A certain lot or parcel of land located in the City of Portland, Cumberland County, State of Maine, and bounded and described as follows:

**BEGINNING at the intersection of the centerline of Hooper Street** as laid out on the plan entitled “Plan Showing Land and House Lots Belonging to the West End Land Co. and P.H. and J.M. Brown” dated 1887 and recorded in the Cumberland County Registry of Deeds in Plan Book 10, Page 65 (hereinafter referred to as “said Plan”) and as accepted by order of the City of Deering Council on January 27, 1893 and recorded in the City of Deering Records, Volume 1, Pages 158 and 165 **with the 1893 centerline of Sewall Street** as laid out on said Plan and as accepted by order of the City of Deering Council on January 27, 1893 and recorded in the City of Deering Records, Volume 1, Pages 159 and 165;

**THENCE, S74°26’48”E a distance of fifteen and thirty-one hundredths feet (15.31’)** along the centerline of said Hooper Street to the westerly street line of 1954 Sewall Street as accepted by order of the Portland City Council on December 20, 1954 and recorded in the City of Portland Clerk Records, Volume 72, Page 180;

**THENCE, southerly along the westerly street line of said 1954 Sewall Street and a non-tangent curve to the left with a radius of four hundred and no hundredths feet (400.00’), an arc length of fourteen and eighty-six hundredths feet (14.86’)** to a point of reverse curvature in the westerly street line of said 1954 Sewall Street, said non-tangent curve has a chord bearing of S11°27’21”E and a chord distance 14.86’;

**THENCE, continuing southerly along the westerly street line of said 1954 Sewall Street and along a reverse tangent curve to the right with a radius of four hundred fifty and no hundredths feet (450.00’), an arc length of thirteen and twenty-three hundredths feet (13.23’)** to a point in the southerly street line of said Hooper Street, said reverse curve has a chord bearing of S11°40’40”E and a chord distance of 13.23’;

**THENCE, N74°26’48”W a distance of twenty-eight and eleven hundredths feet (28.11’)** along the southerly street line of said Hooper Street to the centerline of said 1893 Sewall Street;

**THENCE, N15°33’12”E a distance of twenty five and no hundredths feet (25.00’)** along the centerline of said 1893 Sewall Street to the **POINT OF BEGINNING.**

Reserving, however, to the City of Portland, an easement for any and all utility lines currently within the above described parcel of land. This easement shall allow the holder to use, repair and replace the utility improvements, provided that should the holder need to enter onto the above described parcel of land for any work on the utility improvements, then the land shall be restored to its previous condition after the work is completed. The holder may transfer these easement rights to other public and quasi-public bodies which may own and operate the utility improvements now or in the future.

Meaning and intending to release any interest the City of Portland may have in the five hundred forty-two square foot (542 s.f.±) parcel of land by virtue of the incipient dedication of Sewall Street and Hooper Street to the City of Portland by the recording of the said 1887 subdivision plan in Plan Book 10, Page 65 and by virtue of the 1893 acceptances by the City of Portland of Sewall Street and Hooper Street.

This deed description is based on a “Plot Plan of Concord Trailway Facility for Langdon Street Real Estate, Inc.,” dated January 17, 2002 and recorded in the Cumberland County Registry of Deeds in Plan Book 203, Page 307.

Bearings referenced herein are Grid North NAD83 Maine State Plane West Zone as based on said “Plot Plan of Concord Trailway Facility”.

### Attachment 3

#### EASEMENT DEED

**LANGDON STREET REAL ESTATE, INC.**, a New Hampshire corporation with a place of business in Concord, New Hampshire, and **CENTRAL MAINE POWER COMPANY**, a Maine corporation with a place of business in Augusta, Maine, for full value and consideration paid, hereby grant to the **CITY OF PORTLAND**, a body politic and corporate with a mailing address of 389 Congress Street, Portland, Maine, with quitclaim covenant, certain easements described below over certain land on Thompson's Point in Portland, Maine and more particularly bounded and described as follows:

A certain utility easement for use and maintenance of underground sewer and stormwater drainage improvements as now located across land now or formerly of the Central Maine Power Company ("CMP") in the former location of Sewall Street, situated in the City of Portland, Maine, County of Cumberland, State of Maine, bounded and described as follows:

**BEGINNING** at the intersection of the west sideline of Sewall Street with the south sideline of Hooper Street as laid out on the plan entitled "Plan Showing Land and House Lots Belonging to the West End Land Co. and P.H. and J.M. Brown" dated 1887 and recorded in the Cumberland County Registry of Deeds in Plan Book 10, Page 65 (hereinafter referred to as "said Plan");

**THENCE**, southwest along the west sideline of Sewall Street as laid out on said Plan, to the north sideline of the railroad right of way now or formerly of the Portland and Ogdensburg Railroad;

**THENCE**, southeast along the Portland and Ogdensburg Railroad right of way to the centerline of Sewall Street, as laid out on said Plan;

**THENCE**, northeast along the centerline of Sewall Street as laid out on said Plan to the south sideline of said Hooper Street as laid out on said Plan;

**THENCE**, west along the south sideline of said Hooper Street as laid out on said Plan to the **POINT OF BEGINNING**.

Meaning and intending to grant to the City of Portland, Maine, its successors and assigns an easement for existing sewer and stormwater drainage improvements currently within the entire west half of Sewall Street that is south of the southern sideline of Hooper Street. This western half of Sewall Street was dedicated by virtue of said Plan, but unaccepted by the City of Portland and appears to have reverted to the west abutter to Sewall Street, the Central Maine Power Company, by virtue of M.R.S.A. 23 §3032 and by virtue of a recorded City Council Order from the City of Portland, Maine's City Council, dated September 16, 1997 and recorded in the Cumberland County Registry of Deeds in Deed Book 13326, Page 19. This easement shall allow the holder to use, repair, replace and install existing underground sewer and stormwater drainage improvements, provided that should the holder need to enter onto said portion of Sewall Street for any work on the utility improvements, then the land shall be promptly restored to its previous condition after the work is completed. The holder may transfer these easement rights to other public and quasi-public bodies which may own and operate utility improvements now or in the future.

LANGDON STREET REAL ESTATE, INC. and CENTAL MAINE POWER COMPANY, have caused this deed to be executed as a document under seal on \_\_\_\_\_, 2008.

WITNESS:

LANGDON STREET REAL ESTATE, INC.

\_\_\_\_\_

By: \_\_\_\_\_

Print Name:

Title:

STATE OF \_\_\_\_\_  
\_\_\_\_\_ County

\_\_\_\_\_, 2008

\_\_\_\_\_, as \_\_\_\_\_ of Langdon Street Real Estate, Inc, personally appeared before me and acknowledged the foregoing instrument to be his free act and deed on behalf of Langdon Street Real Estate, Inc.

\_\_\_\_\_  
Notary Public/Maine attorney

Print Name: \_\_\_\_\_

My commission expires: \_\_\_\_\_

WITNESS:

CENTRAL MAINE POWER COMPANY

\_\_\_\_\_

By: \_\_\_\_\_

Print Name: Kenneth H. Freye

Title: Manager, Real Estate Services

STATE OF MAINE

Kennebec County

\_\_\_\_\_, 2008

Kenneth H. Freye, as Manager, Real Estate Services of Central Maine Power Company, personally appeared before me and acknowledged the foregoing instrument to be his free act and deed on behalf of Central Maine Power Company.

\_\_\_\_\_  
Notary Public/Maine attorney

Print Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

O:\JLC\13952 Central Maine Power\Substation\Sewall Street Substation\Sewall Street easement to City\_9\_08\_08\_clean.doc  
H:\OFFICE\PENNY\orders\StreetDiscontinuanceHooperSewallStreet080608.doc