

1. Agenda & Meeting Materials

Documents: [AGENDA 4.14.16.PDF](#), [MEETING MINUTES 3 10 16.PDF](#), [LB PRIORITIES UPDATE LIST - APRIL 2016.PDF](#), [MEMO TO TAPC.PDF](#), [REDLON PARK DUE DILIGENCE.PDF](#), [REDLON PARK MAP.PDF](#)



Land Bank Commission

Agenda

April 14, 2016

5 PM

City Hall

**389 Congress Street ~ Room 24
(Basement)**

I. Agenda Items

- A. Welcome – Public Comment (5 min)
- B. Approval of Minutes – March 2016 (5 min)
- C. New Business:
 - 471 Danforth St - Review request to purchase part or all of a parcel that is part of the Western Prom (10 min.)
 - Redlon Road update (10-15 min.)
 - Complete the review of Commission priorities list - (60 min.)
There are 20 left on the list, but it should go fast if we stay focused. We need to get this done so that we can update our maps and be ready to work on the annual report.

LAND BANK COMMISSION

Thursday March 10, 2016

City Hall ~ Room 24

5:00 p.m.

Attendees: Meri Lowry, Simon Rucker, Doug Roncarati, Roger Berle, Michael Goldman, Tom Jewell, Colleen Tucker, Pat Bailey, Justin Costa, Bryan Wentzell, Dick Perry, Laurie Mondor.

Acceptance of Meeting Minutes February 2016

Motion made by Colleen Tucker to approve said meeting minutes. Motion was seconded and passed with two members abstaining from vote.

Old Business

Update on efforts to acquire lots within Oatnuts Park – letter has been authorized and signed stating that we would welcome donation and is going out ASAP.

Discussion about the uses of Land Bank funds – Land Bank Fund stems from TPL and does provide provision to spend 10% of funds on maintenance. The balance of the fund is approximately \$400,000. Michael stated that the ordinance is not clear regarding 10% of Land Bank fund or capital improvement budget but believes 10% of fund. It was discussed regarding taking steps to clarify for future which types of expenditures. Michael stated that the Director of Finance was comfortable with use on repairing bridges, trails, nature identification signs, etc. Limited capital improvements are allowed if within 10% and do not need council approval. Tom discussed putting a subcommittee in place for a list of property and improvements needed. It was also discussed to invite Jaime Parker to the next meeting to discuss potential projects. Tom mentioned that he believes Ocean Avenue trails and wooded area need a lot of attention and he will discuss with Jaime to get his ideas. Brian stated that the season is now to do improvement. Pat asked who is responsible to get the bids but Tom would like to get a project first and then figure out how the process will work. Discussed the possibility of asking Ethan Hipple to come to the next meeting as well as he has extensive trail knowledge. Meri expressed concern that we are just focusing on trails and it was agreed that we need to see where the need is and make sure we are not missing. It was felt that we should get a list of land bank properties to Jaime and Ethan to get their opinion at the next meeting.

Interurban rail line parcels subcommittee report – Subcommittee has met. Major owner is CMP. Colleen is to get in touch with CMP. Dough stated that there are a lot of wetlands in this area and we are trying to protect those. We will continue to work on this.

New Business

Update from Parks Commission – Meri stated that the TPL report was gone over with the appendix listing 63 parks and map showing 68 parks. Meri wants to get clarification of what is a park. Separate assignments were given and Meri went with inventory. Tom asked if Amethyst Lot was going to become a park to which Meri said yes.

Redlon Road Parcels – An abutter on June St. approached Portland Trails and wants to sell/donate. Portland Trails contacted Tom. Tom was unsure what the woman was willing to do; fair market or donate. Tom will follow up with Portland Trails and hopes to have more information on this by next month.

Ongoing review of parcels on priority list –

HP-15 Land West of Murray Street – privately owned and has had multiple owners. Tom would like to keep on the list. Meri then asked if we should establish a level of interest and Tom would like to get rid of the attempt to rank. Doug would like to have 3 or so each year on the list and make attempt at those and so on.

HP-14 Baxter School Woods – Tom felt there was no sense to keep this on the list; it is owned by the City. There are still some woods out there and it is a small parcel. It was agreed to take off and Doug mentioned that there was no watershed nearby.

HP-13 Rocky Hill Parcel – City had owned this parcel at one time and then gave to CN Brown. Tom walked the land with Mike Bobinsky. CN Brown is not interested. Tom would like to keep on the list as it is a very unique open space and he stated that Colleen loves this property as well.

Pat then asked when our annual report was due. Meri stated the last one was in 2004. Tom was hoping to get to this after we were done reviewing the list of parcels so we will have an updated list. Doug also would like to finish the list. It was then agreed to finish the list of parcels and wait on inviting Jaime and Ethan. Tom then motioned to adjourn.

LB Priorities List for Review 4-14-2016

“Highest Current Priority”

HCP-1 Glickman, GDI: *Need update on status of this property*

- ☒ HCP-2 Mercy Hospital Site: *Remove – Fore River Parkway & Trail completed*

HCP-3 Sisters of Mercy, LDI: *Need update on status of this property*

HCP-4 Jewell Falls Area

- ☒ HCP-5 Harvard St Parcels by University Park: *Remove*
- ☒ HCP-7 Delicata Property: *Remove – Under development*

HCP-8 Brackett Pond Area, Peaks

HCP9 Brackett St Lots at Indian Trail, Peaks

- ☒ HCP-10 Presumpscot River Corridor: *Keep on Priority List*
- ☒ HCP-11 Riverton Trolley Park Parcels: *Keep on Priority List; Need to reach out to landowner again*
- ☒ HCP-12 Fairpoint Pines: *Keep on Priority List; Need to reach out to landowner again*
- ☒ HCP-13 Redlon Road Parcels: *Keep on Priority List; Update focus area; Actively pursuing*

HCP-14 Union Water & Power Land

HCP-15 Stroudwater River Corridor

“High Priority”

- ☒ HP-1 Bayside Trail: *Remove – Trail constructed*
- ☒ HP-2 ACE Ballfield, Cliff Is.: *Remove – Fully protected by Cliff Island Corporation for Athletics, Conservation and Education (ACE)*

HP-3 ACE Griffin’s Cove, Cliff Is.: *Need update on status of Bunk’s Wharf parcel and ACE protection efforts*

- ☒ HP-4 Kensington St Parcel: *Keep on Priority List*
- ☒ HP-5 Sheridan St-Poplar St ROW: *Remove – Developed*

HP-6 RPZ 1601-1660 Congress St

HP-7 Waynflete School Property

HP-8 Hall School Wooded Area: *New school under design with possible impacts to this parcel*

HP-9 MTA Land Holm Ave

HP-10 PTC Land Holm Ave

- ☒ HP-11 410 Auburn St: *Keep on Priority List; Under some development pressure*
- ☒ HP-12 1831 Washington Ave: *Keep on Priority List*
- ☒ HP-13 Rocky Hill: *Keep on Priority List; Lower priority*
- ☒ HP-14 Baxter School Woods: *Remove from Priority List*
- ☒ HP-15 Land West of Murray St

HP-16 CMP-PTC Property

- ☒ HP-17 Waxler Property on Farnham St: *Remove – Part of Warren Ave land purchase for Capisic Brook Watershed*
- ☒ HP-18 Iffley St Buffer: *Remove – Part of Warren Ave land purchase for Capisic Brook Watershed*
- ☒ HP-19 Inter-urban Line: *Keep on Priority List; Form subcommittee to research status of parcels*

HP-20 Land Behind 188-206 Capisic St

HP-21 Fore River Corridor on Yellowbird Ln

HP-22 International Blvd Open Space – *Under easement?*

HP-23 Stroudwater Dam parcel: *Remove from Priority List?*

HP-24 Salem St Parcels

- ☒ Indicates that a parcel has been reviewed



Economic Development Department
Gregory A. Mitchell, Director

MEMORANDUM

TO: TAPC

FROM: Lori Paulette

DATE: February 18, 2016

SUBJECT: Application to Purchase All or a Portion of City-Owned 471 Danforth Street (71-A-2)

The City has received an application to purchase all or a portion of the above lot (portion would be approx. 30' x 77' sq. ft.) as the applicants own the abutting property at 467 Danforth. The applicants noted that the prior owner had encroached on the City's property for over 60 years, and they now would like purchase all or a portion to help with easements of the existing placement of the garage, driveway, and drainage. They would like to use it as enhanced garden and yard space – not changing its current use.

471 Danforth Street is City-owned vacant land, containing .35 acres (15,360 sq. ft.), with an assessed value of \$76,800, and zoned ROS – minimum lot size is 2 acres; it is currently in the Land Bank.

City engineering notes that to their knowledge, there are no deed restrictions to this parcel of City land, unlike other City-owned Western Prom parcels.

A Department wide survey has been done, with the survey results indicating that it would not be in the best interest of the City to sell all or a portion of this lot in order for the City to continue to have access for drainage work, as well as a potential trail through the property connecting to Western Prom (see map of potential trail from Portland Trails).

In the alternative to a sale, in speaking with City Arborist Jeff Tarling, he would be in favor of providing a 10' wide easement to the Applicants. This would take care of the current drainage encroachment onto the City's property.

This is being submitted to TAPC for its recommendation to the City Manager, and ultimately to the City Council, as to whether to move forward with an easement, or sell a 10-foot portion, or advise the Marshalls that the City is not interested in selling any of this property and no easement either.

existing tobogan run trail

DANFORTH ST

525

proposed danforth connector

52

48

50

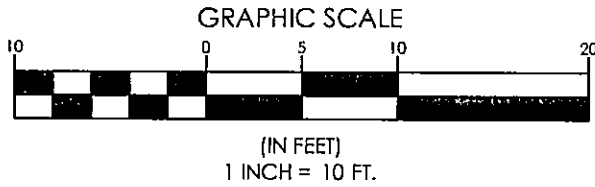
501

481

467

future
xwalk/connection to
W. Commercial Trail

COMME



GENERAL NOTES:

1. THE RECORD OWNERS OF THE PARCEL ARE WILLIAM AND KATHERINE MARSHALL BY DEED RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 31098, PAGE 81.
2. THE PROPERTY IS SHOWN AS LOT 3 WITHIN BLOCK A ON THE CITY OF PORTLAND TAX MAP 71.
3. TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON AN ON THE GROUND FIELD SURVEY BY SEBAGO TECHNICS, INC. PERFORMED IN NOVEMBER OF 2014.
4. THE BOUNDARY INFORMATION SHOWN HEREON IS BASED SOLELY UPON PLAN REFERENCE A AND FOUND CONTROL POINTS FROM PLAN REFERENCE A, PROVIDED TO THIS SURVEYOR IN AUTOCAD FORMAT BY THE CITY OF PORTLAND.
5. PLAN REFERENCES:
 - A. PLAN OF CITY PROPERTY AT 54 WESTERN PROMENADE AND 471 DANFORTH STREET, VALLEY STREET TO VAUGHN STREET, BY THE CITY OF PORTLAND, MAINE PUBLIC SERVICES DEPARTMENT, ENGINEERING DIVISION, DATED JANUARY 31, 2013.
6. PLAN ORIENTATION IS GRID NORTH, MAINE STATE PLANE COORDINATE SYSTEM, BASED SOLELY UPON PLAN REFERENCE A. ELEVATIONS DEPICTED HEREON ARE NGVD29 CITY DATUM, BASED ON MONUMENT 100 SHOWN ON PLAN REFERENCE A, BEING ELEVATION 47.045 FEET PER EMAIL FROM BILL SCOTT OF THE CITY ENGINEERING DIVISION.
7. UTILITY INFORMATION DEPICTED HEREON IS COMPILED USING PHYSICAL EVIDENCE LOCATED IN THE FIELD. UTILITIES DEPICTED HEREON MAY NOT NECESSARILY REPRESENT ALL EXISTING UTILITIES. CONTRACTORS AND OWNER NEED TO CONTACT DIG-SAFE SYSTEMS, INC. (1-888-DIG-SAFE) AND FIELD VERIFY EXISTING UTILITIES PRIOR TO CONSTRUCTION AND/OR EXCAVATION.

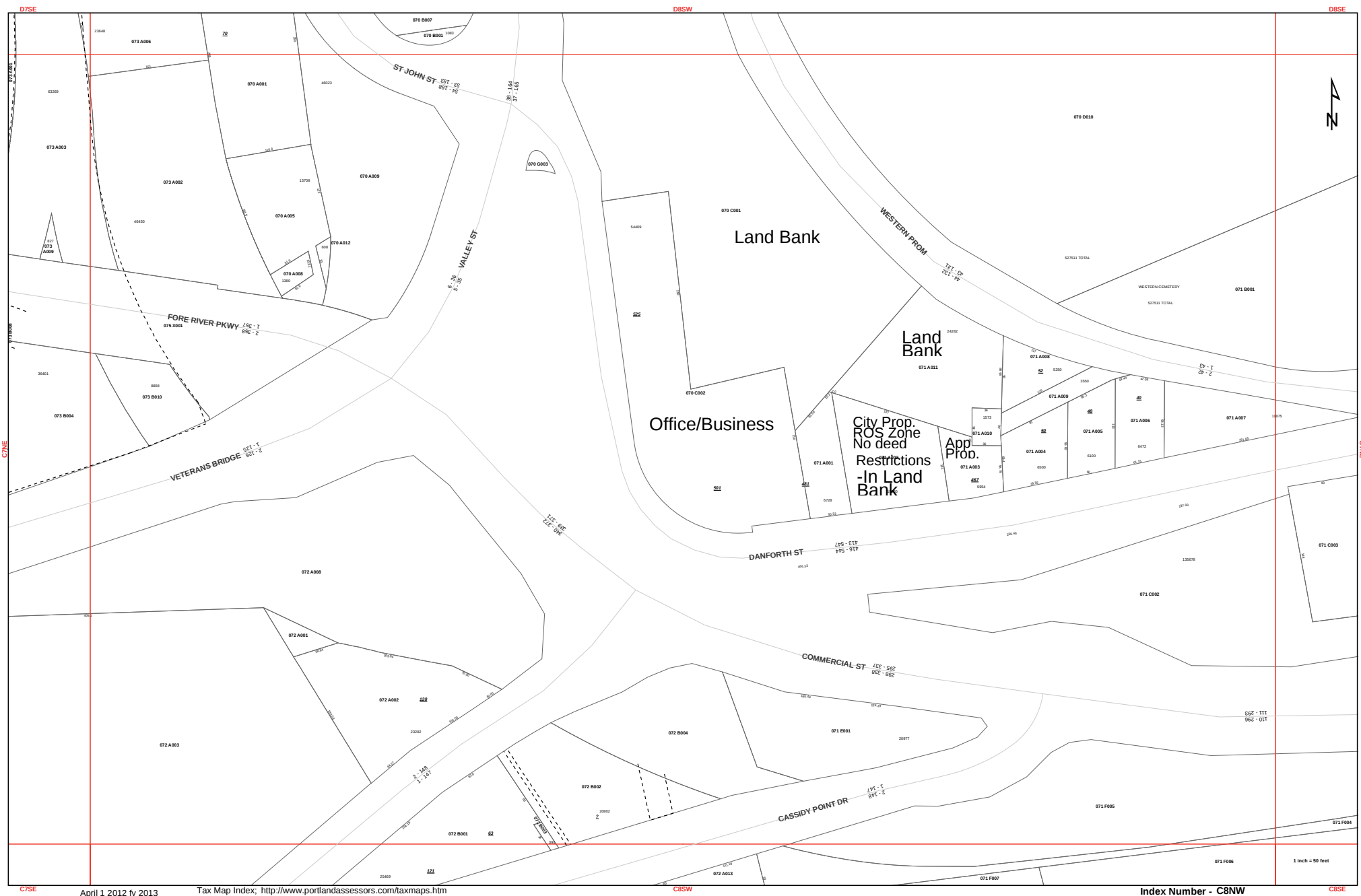
SEBAGO
TECHNICS

WWW.SEBAGOTECHNICS.COM

75 John Roberts Rd., Suite B
1A South Portland, ME 04106
Tel. 207-203-2100

250 Goddard Rd., Suite B
Levittown, ME 04240
Tel. 207-783-5656

AS-BUILT SURVEY PLAN
 OF
 MARSHALL PROPERTY
 460 DANFORTH STREET
 PORTLAND, MAINE
 FOR:
 MAST CONSTRUCTION CORPORATION
 100 WEST ROAD
 SCARBOROUGH, MAINE 04074



City of Portland
Application for Purchase of City Acquired Property

Please complete this form and return to:

Economic Development Department
City of Portland
389 Congress Street Rm. 308
Portland ME 04101

If you have any questions regarding this form, the City's rules for disposition of tax acquired property or City owned property, please contact the Economic Development Department at (207) 874-8683, Ext. 5, or via email at ljn@portlandmaine.gov

Please print clearly or type:

I. Property Address for acquisition from the City:

Chart, Block & Lot Number(s)
(From Assessor's Maps)

Map 71, Block A, Lot 2
471 Danforth St. Portland ME
04102

(Phone number for City Tax Assessor's Office (207) 874-8486)

II. Applicant Information

Name William H. Katherine Phone 620.747.0116

Address M. Marshall
467 Danforth St. Portland ME 04102

Years at current address 2 years

Are you or have you ever been employed by the City of Portland? Yes ☐ No ☒

If yes, indicate dates employed and position: / / to / /

Position _____ Dept. _____

Please list any relatives employed by the City of Portland

III. Property Profile of City-Controlled Lots Being Requested to Purchase

Please circle the type of property

Vacant Lot

Residential

Commercial/Indust.

Do you currently own abutting property?

Yes

No

If yes, please indicate the Chart, Block and Lot Number(s) and Street Address:

Map 71, Block A, lot 3

467 Danforth St.

Portland, ME 04102

State in detail your proposed use for the property you are interested in purchasing. If the proposed use of the property is changed from its current use or if a building is proposed, attach a sketch and measurements. Add another sheet if additional space is needed.

We are interested in purchasing all or part of the adjoining property to ours at 467 Danforth, which will help with the easements of the existing placement of the garage, driveway and drainage. The previous owners occupied much of this abutting lot during their 60 years of ownership. Rather than just occupy this space, we would like to purchase it and use it as enhanced garden and yard space, not changing its current use. At a later time, we would consider returning the garage to a double garage per the 1924 historical photo of the 467 Danforth property.

IV. Purchase Price

What price are you offering for the property?

How do you intend to pay for the property?

Cash

X Financing

If you intend to obtain financing for the property, please indicate the name, contact name, address and telephone number of the institution or company providing the loan.

If you intend to use cash for the purchase, please provide proof of funds to close by attaching a copy of your financing source, such as bank statements, gift letters, etc.

When would you be prepared to take possession of the property?

Immediately.

V. Contingencies

If there are any contingencies as part of the proposed purchase, please indicate below

VI. Applicant's Acknowledgement

The applicant acknowledges that this is an application for the purpose of acquiring City property and only represents an expression of interest in property which the City of Portland holds a title interest. The applicant further acknowledges that all sales of City property may require final approval by the Tax Acquired Property Committee, Finance Director, City Manager, Housing or Community Development Committees and the City Council. This document is merely an expression of interest on the part of the applicant.

Applicant acknowledges and understands that the process of acquiring tax acquired property, or City-owned property, requires several steps as outlined below:

1. This is a buyer beware process. Prior to submitting an application, the prospective buyer should perform research on the property to assess what can be done with the property. With respect to vacant lots, the buyer should check with the City's Zoning Administrator to assess whether or not the proposed use is compatible with the City Zoning Requirements. If a building is involved, the buyer should inquire about building codes with the City's Building Inspection Office.
2. The buyer should understand that there is no guarantee that the City will accept the offer. Furthermore, the City may decide not to sell the property based on a review of City needs for the property at the time the offer is made.
3. In accordance with State and local regulations, each owner of property that is in jeopardy of losing this property through real estate tax foreclosure is given 60 days to redeem the property. In most cases, this has already been done. There may be cases however, where this has not been done and the applicant may have to wait until the re-

quired sixty days have expired.

4. In accordance with City rules, abutters and nearby property owners must be notified of a proposed sale of both tax-acquired and City-owned property. This provides abutters and nearby owners an opportunity to submit an offer of their own or to make the case that the City should retain the property. The amount of each offer submitted is not shared with anyone until such time as the appropriate committees have reviewed the offers.

5. The applicant acknowledges that the disposition of tax acquired and City owned property must adhere to rules adopted by the City Council. These rules are attached to this application for your review.

6. The buyer will be required to sign a Purchase and Sale Agreement and may be required to submit a deposit.

7. Once a sale is approved via an executed Purchase and Sale Agreement, the buyer should perform a title search, a property survey and other "due diligence" tasks deemed necessary to assess any other potential liabilities that may be associated with the property. In most cases, the City will provide a quit claim deed only.

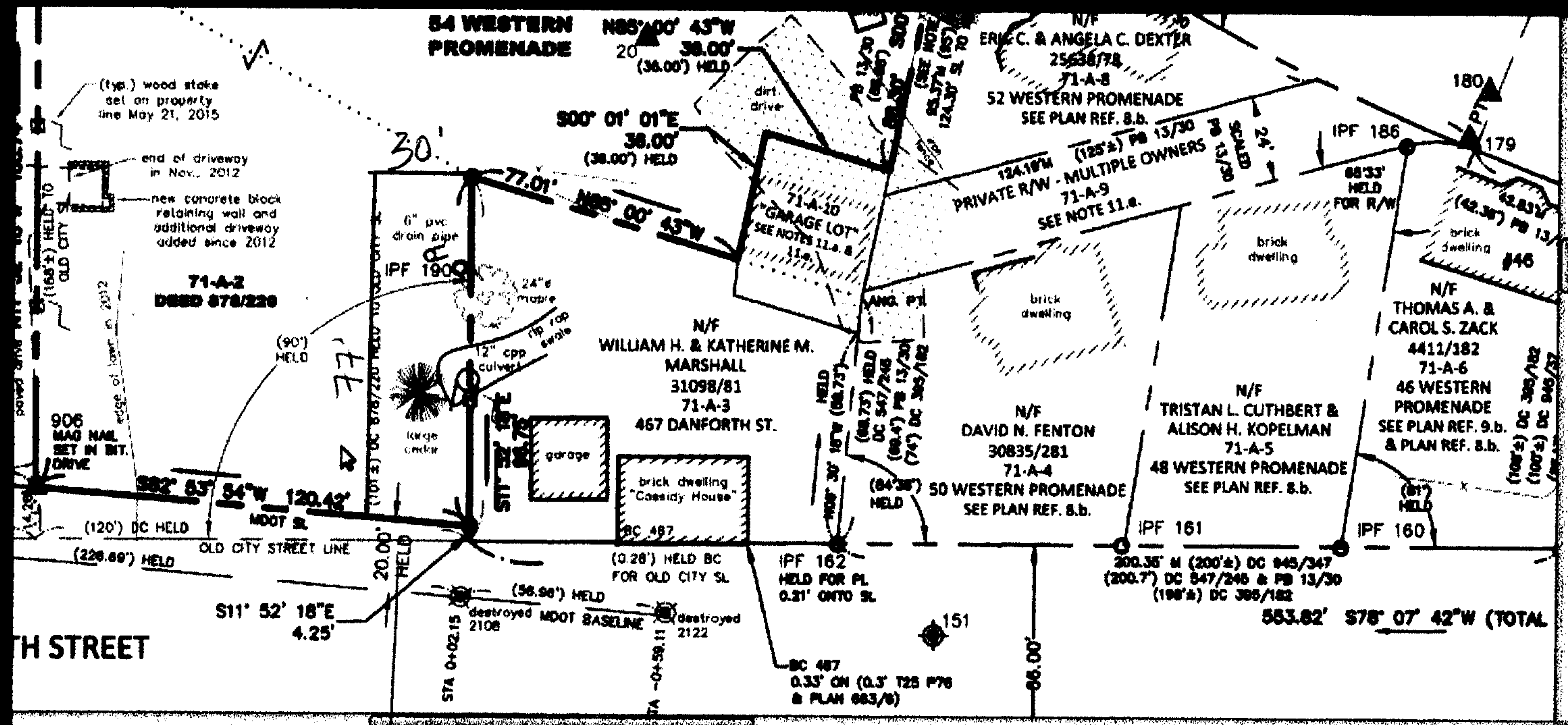
>>>>>>>>>THIS IS A BUYER BEWARE PURCHASE. THE BUYER ASSUMES ANY AND ALL R ASSOCIATED WITH THE PROPERTY.

8. Any land sold for development purposes shall be subject to site plan and/or subdivision review. In particular, any residential property on which three (3) or more houses will be constructed shall be subject to subdivision review, whether or not such development constitutes a subdivision under te or loacl statutes or ordinances.

Applicant/buyer has read and understands the accompanying rules adopted by the City Council and the process and risks described herein.

Applicant Signature

Date



30' x 77'
= 2310 sq ft.

71 A002 City-Owned Vacant Land



Google Maps 467
467 Danforth St



Image capture: Oct 2015 © 2016 Google

Portland, Maine

Street View - Oct 2015

Redlon Park
Due Diligence Report
March 24, 2016
Prepared by: Pat Bailey-Land Bank Commissioner

Background

Last month it was noted that Portland Trails had been contacted by Janet Berry concerning her property within Redlon Park. I volunteered to assist Doug in gathering information about the landowners for the properties known as Redlon Park. I have had discussions with Doug, Roger, Jaime of Portland Trails, Janet Berry-land owner, Virginia Taylor-land owner and homeowners of the Redlon Park Road Homeowners Association.

For purposes of this discussion I have attached a colored coded/lettered map

Information about Parcels in Redlon Park

Parcels (a)-blue

Parcel ID: 193D005-12 and 193D012-25
Total size: 1.69 acres
Land assessed value: \$140,400

Parcels (b)-red

Parcel ID: 193D013-18
Total size: .6887 acres
Land assessed value: \$22,500

The parcels are owned/controlled by Janet and Steve Berry (a) and Janet's mother Nancy Warnock (b). Janet is interested in preserving the land as open space but she is not in a position to donate the land. She is currently caring for her elderly mother in her home on 36 June St. She wants to keep lots 19 and 20 and sell the remaining land controlled by her and her mother. Then she will eventually sell her home which sits on lots 19 and 20. Lots 19 and 20 are 11,848 sq ft. What is currently under consideration for the Land Bank Commission is the remaining 2.11 acres of land. While walking the site, Ms Berry came outside and greeted me. She explained to me that it was a high priority for her to sell the land and eventually the house. She reiterated she is not in a position to donate the land and is looking to obtain \$85k in exchange for the lots. She has been approached by developers but would like to keep the space open. The house was originally occupied by her grandfather.

Parcels (c)-green

Parcel ID: 178-C002-4 and 178-C055
Total size: .5848 acres
Land assessed value: \$19,100

The parcels are owned by Virginia Taylor Trustees. I spoke with Ms. Taylor in early March, 2016. Ms Taylor lives in Annandale, Va and is currently in the process of moving to Richmond, Va. She grew up on June St. in the 1950's. Her family lived in 24 June St and her dad built 14 June St and they moved into that house. In 2003, Ms. Taylor sold the house but did not sell the lots behind her childhood home. She is also interested in preserving the lots as open space.

She does not visit Maine but she reports to me that she has been approached by developers who are interested in her land.

Parcels (d)-purple

Parcel ID: 193-D003-4, 193-C001, 193-C003-7, 193-C014-20

Total size: 1.6696 acres

Land assessed value: \$53,800

The parcels are owned by Denise Dyer. I have made several attempts to contact her to no avail.

Parcels (e)-orange

Parcel ID: 193D026-7

Total size: .2135 acres

Land assessed value: \$6,900

The parcels are owned by Pine Tree Acres with an address on Forest Ave. The concern expressed by the Redlon Park Road Homeowners Association is that this parcel can be developed with access from newly developed Redlon Park Road.

Parcels (f)-brown

Parcel ID: 193-E042

Total size: .3238 acres

Land assessed value: \$10,400

The parcel is owned by Square One Construction, Inc. 198 Saco Ave Old Orchard Beach, ME 04064. This is also the address for King Real Estate. The Redlon Park Road Homeowners Association is concerned that this parcel could also be developed. Pomeroy Rd. was extended when the CHABAD LUBAVITCH OF MAINE INC property was developed. This could provide access for this parcel to be developed.

Parcels (g)-yellow

Parcel ID: 177-F-011-12, 177-F-020-22

Total size: .5644 acres

Land assessed value:

The parcels are owned by Skyline Real Estate 84 Middle St. Portland. These parcels could be developed from the Motley St side since this road is extended as a dirt road.

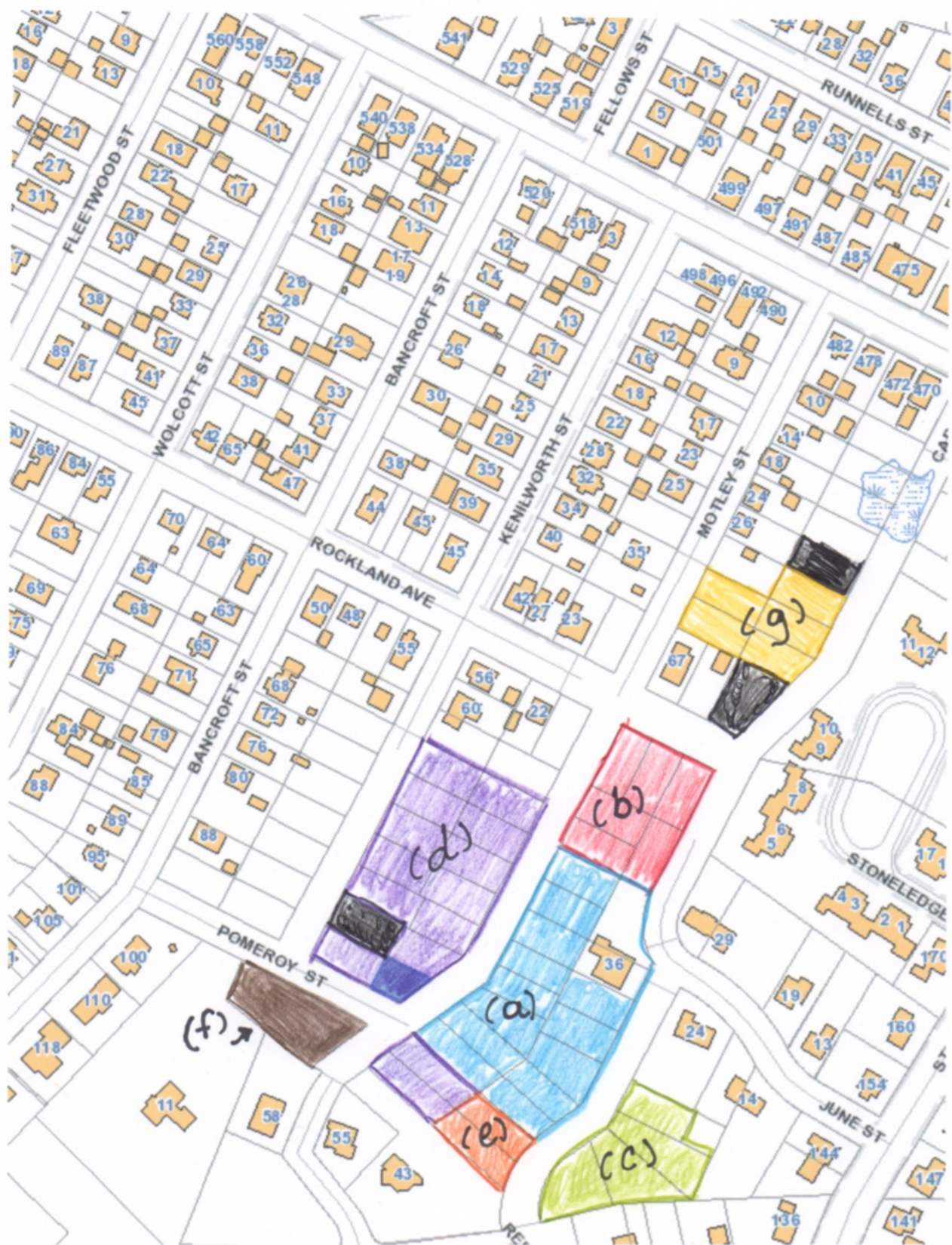
Parcels colored Black-owned by the city

Recommendation

Assuming we want to keep the land as open space and pursue this purchase opportunity:

1. Write a letter to Janet Berry as a follow up to my meeting indicating that we have met and voted to pursue a "transaction" for the land controlled by Janet Berry and Nancy Warnock. Assuming we must pay, we should obtain a valuation of some kind.

2. Write a letter to Virginia Taylor as a follow up to my discussion with her on the phone and indicate we have voted to pursue a “transaction” for the land controlled by her. First request would be to ask her to donate the land.
3. Discuss amongst commissioners and decide who is the best person to approach Denise Dyer to ask her about her interest/concerns/desire for the land she owns in Redlon Park.



Redlon Park