

1. Land Bank Commission

Documents: [AGENDA 5 12 16.PDF](#), [LAND BANK 4.14.16 MINUTES.PDF](#), [4-11-2016 MEMO TO LBC.PDF](#), [REDLON PARK DUE DILIGENCE.PDF](#), [REDLON PARK MAP-UPDATED 1.PDF](#)



Gregory A. Mitchell
Director, Economic Development Department

Land Bank Commission Agenda

May 12, 2016

5 PM

City Hall

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

- I. Citizen Comment Period (5 min)
- II. Agenda Items
 - A. Acceptance of Meeting Minutes- April, 2016 (5 min)
 - B. New Business (20 min)
 - Annual Report Process
 - Introduce new Park Manager, Ethan Hipple
 - C. Old Business (30 min)
 - Update on Redlon Park Parcels
 - Update on 471 Danforth St.
 - Priority Parcel Review – Update from subcommittee

LAND BANK COMMISSION
Thursday, April 14, 2016
City Hall ~ Room 24
5:00 p.m.

Attendees: Doug Roncarati, Simon Rucker, Pat Bailey, Sally DeLuca, Bryan Wentzell, Renee Perry, Jeff Tarling, Tom Jewell, Roger Berle, William Mann, Colleen Tucker, Laurie Mondor

Meeting Minutes approval – Tom motioned to adopt, motioned by Pat and seconded by Bryan – all in favor.

Public Comment - Stephen Robbins; Tom and Mr. Robbins spoke about his land in Oatnuts Park, three different parcels. Group of 5 is located all the way down Talbot St close to the river. Group of three is located in the corner Talbot St. and are outside of Land Bank area. Tom said it was of interest to acquire all 9 lots if numbers are right/fair price. It is up to City approval after an appraisal. Residential appraisal needed on these. Motion made by Pat to get an appraisal on the two Rene seconded- all in favor. We will be in touch with Mr. Robbins.

471 Danforth St. – Lori Paluette, economic development. Marshalls came to them but short story is since it is Land Bank the dept. survey determined that it will stay in Land Bank and recommended 10ft wide easement.

Jeff Tarling spoke that we have been looking at this parcel for years. We are working at maintaining that lot. Current owner put in drainage system and some of this system is on city property; it is working well. Rain garden feature looking to be installed; we are working to solve the issue. He recommended that we keep the 30ft so we can get in there and do maintenance. Pat walked this area and says the drainage issue is unbelievable and met with current owner of the house and had conversation. City has been trying to maintain and planting some buffer with little trees. City does mow area. Tom asked if this was planned as a trail we are being asked to sell or give drainage easement. Jeff stated that 30ft makes it too narrow so City cannot get in. Proposal to allow 10ft drainage easement.

Doug stated that we have an obligation to keep up same standard. Jeff said when the issue started we put a stop work order pending review. Final inspection noted that it was not accurately represented on plan. So they did start without a plan as we could not just let them wait so as a result the 10ft overlap happened.

Tom stated that if we are inclined to grant the easement we should not just give for free; should be sold to them. After discussion and pointing out on map what exactly we are talking about he feels appropriate to support the easement. Corp Council will review this. Motion as made by exhibit said easement to be drafted by Corporation Council for approval of Parks Commission and city council – second by Renee. Lori added would be brought to Parks Commission – All in favor.

Redlon Park Update – It was stated that this was the reason that Land Bank was founded. Development of adjoining Redlon Extension is reason the Commission was created. There is an offer from Mrs. Berry to sell some of her property who is here in attendance with her husband Scott. Doug gave overview of parcels. The area is very popular for walking and biking. It has been very hard to develop. Pat interviewed some of the owners and looked at land records. The Berry's are willing to sell parcels for open space. The other owner is also interested in keeping it open space. Berry's are not in position to donate and would like to consider transaction. Pat was thinking that we could consider an appraisal for various lots and consider giving a letter to Berry's stating that we are interested in purchasing baring all the information we need to gather. Pat then read a letter she had drafted. Virginia Taylor has expressed donating her property. Nancy Warnack is also interested in a transaction.

There are a few properties that tax has not been paid on for few years and quite possibly are on the TAPC; we could recommend and see what happens. Doug believes he can make a case for this for water protection reasoning. Pat said Bancroft St has severe water issues, after a good rain a house would most likely be under water.

Doug Babcock, friends Redlon Park, very behind this. Friends would possibly help financially. Rene mentioned that we should get a councilor involved.

Pat would like to get an appraisal on these lots, except for the two lots that the Berry's live on, and then proceed. Simon asked if the appraiser would identify the ability to build on these lots, he was answered with a yes on this. Tom mentioned that this could go into fall before this appraisal gets done especially if private funding needed. Friends of Redlon Park then questioned whether this would be a collective package or done piecemeal. Tom was unsure and believes it depends on the Dyer property. Colleen then questioned if on lot #36 the owner may want to keep one little block of land for setback and zoning compliance. Pat felt that we should get the value first and then survey. Colleen is concerned and does not want to add D021 lot into the appraisal. Doug then mentioned that the same could be said on the rear. Pat then motioned to engage in appraisal and get a final letter sent out to both parties (Berry's and Taylor's) which Colleen seconded and all agreed. Tom mentioned that he would get in touch with Corporation Counsel to get an update on Dyer lot status especially with TAPC changes. Doug said he did try and knows that the Dyer lot is on the list. It was then discussed on who calls for the appraisal and Doug said he would look into this.

Interurban rail line parcels – Colleen mentioned that she has heard this has gone to upper management within CMP.

Commission Priorities List – Doug would like to finish this list as it is holding up other things and questioned if we could finish via a sub-committee. There are 20 parcels left.

Jewell Falls HCP-4; adjoins Portland Trails and has a river running through it. It is privately owned. Tom mentioned that the land owner wanted a lot of money. It was put on the market but it is still owned by same woman. It was agreed for this to stay on list.

Union Water & Power Land HCP-14; this is a wetland area and is extension of salt marsh. We do have a trial easement. There is at least 20 acres of wildlife habitat between two sanctuaries. It was agreed to leave on priority list.

Stroudwater River Corridor HCP -15; trail systems already here. Colleen thought it should stay on list but not a high priority. The land on the north side is privately owned and on the right side is a farm. Doug thought that we could put feelers out and maybe reassess what we want.

Sally then mentioned to the group about the Green Space Gathering and what the plans were for this year. It is being planned for October 6, 2016 at the Expo. Tom mentioned talking to Diane Davidson about cosponsoring event.



Economic Development Department
Gregory A. Mitchell, Director

MEMORANDUM

TO: Land Bank Commission

FROM: Lori Paulette, Senior Executive Assistant

DATE: April 11, 2016

SUBJECT: Request to Purchase all or a portion of 471 Danforth Street/71-A-2

The Tax-Acquired Property Committee reviewed and discussed the request by the Marshalls to purchase the above property currently in the Land Bank. After discussion, it recommended that the Land Bank property be preserved, and that the City grant a drainage easement to the Marshalls on that portion that encroaches on the Land Bank Property, marked with an "XXX" on the attached map – p. 4 of 12.

It also noted that this would need review by the Land Bank Commission and Parks Commission for a recommendation to the City Council.

Enclosure



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

proposed danforth connector

525

501

481

52

50

48

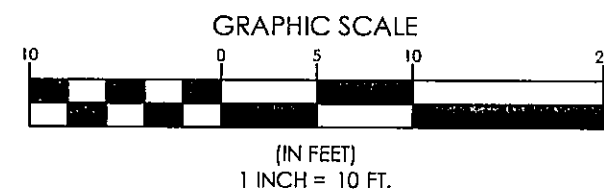
future
xwalk/connection to
W. Commercial Trail

467

COMME

Applicant Property

DANFORTH STREET



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 TECHINCS, 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 VALLEY 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 474.05 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. UTILITY DEPICTED HEREON MAY NOT NECESSARILY REPRESENT ALL EXISTING UTILITIES. CONTRACTORS AND/OR DESIGNERS NEED TO CONTACT DIG-SAFE SYSTEMS, INC. (1-888-GO-SAFE) AND FIELD VERIFY EXISTING UTILITIES PRIOR TO CONSTRUCTION AND/OR EXCAVATION.

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TECHNICS

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John Roberts Rd. - Suite
250 Gossard Rd. - 04106
Lewiston, ME 04240-2406
Tel. 207-783-5656

Tel. 207-200-2100

AS-BUILT SURVEY PLAN
OF:
MARSHALL PROPERTY
467 DANFORTH STREET
PORTLAND, MAINE
FOR:
MAST CONSTRUCTION CORPORATION
17 MAIST ROAD
SCARBOROUGH, MAINE 04074

PROJECT NO.	SCALE
14405	1"=10'

SHEET 1 OF 1

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

M. Marshall
Address 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.

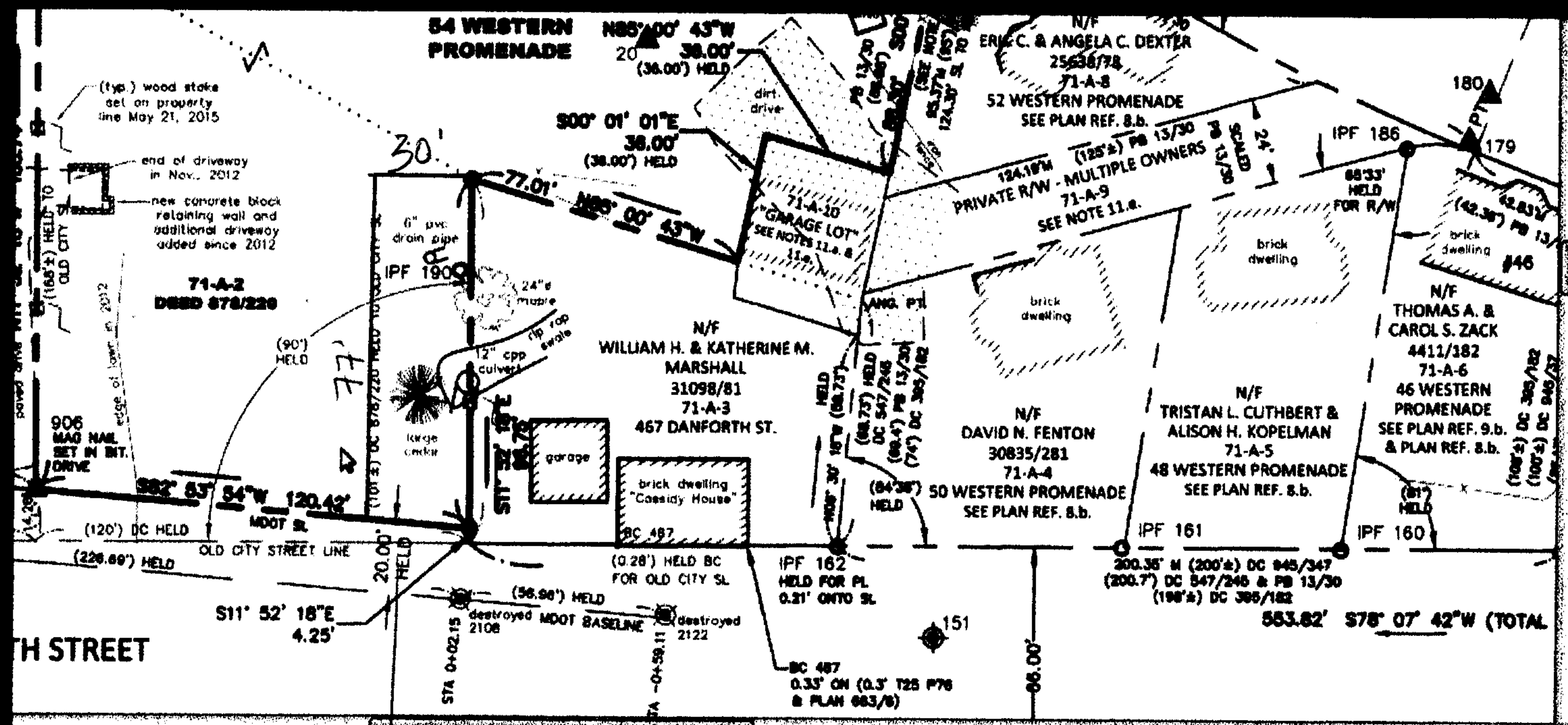
>>>>>>>>>THIS IS A BUYER BEWARE PURCHASE. THE BUYER ASSUMES ANY AND ALL R ASSOCIATED WITH THE PROPERTY.

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
Update: April 26, 2016

Update:

At our last Land Bank Commission meeting we voted to proceed with 1. obtaining an appraisal for various parcels in Redlon Park, 2. sending a letter to the Berry's indicating that we are interested in purchasing the land surrounding their home, and 3. send a letter to the Taylors asking if they have any interest in donating their parcels to the City of Portland. (map and report attached for referencing)

A notice in yesterday's Press Herald (April 25, 2016) indicates that a foreclosure sale will take place on June 2, 2016 for the parcels owned by the Berrys. (see attached) The subject property and land is listed as Parcel (a) on the map. Although the Berry's are speaking directly with the bank, there is no certainty about being able to avoid the foreclosure sale. I did receive a call from Janet and she is looking for the letter from The Land Bank Commission indicating our interest. Doug is expediting the completion of the letter. A few details about the foreclosure documents I read. The foreclosed loan amount is far less than the value of the house and the lots.

One of the neighbors in Redlon Park called me and wants to donate two parcels of land within Redlon Park. The striped parcel identified as (h) is a parcel owned by Bob Cott, a resident of Redlon Park Neighborhood Association. He wants to donate this land (h) to the Land Bank Commission. It would make sense if we include these parcels as part of the appraisal process.

The land identified as (d) and owned by Denise Dyer is on the TAPC list. Staff members are reviewing the list and know of our interest for these parcels to be maintained as open space.

I spoke with the president of Redlon Park to make sure he was aware of the foreclosure sale. He is focused on working with his homeowners association and adjacent neighbors to raise funds to contribute to/match the Land Bank Commission's efforts to purchase/acquire land in Redlon Park.

What can we do as a Commission to acquire the Berry land and avoid the foreclosure sale? I'm trying to come up with ideas. Please share any comments you may have.

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 is not in a position to donate the land. 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:

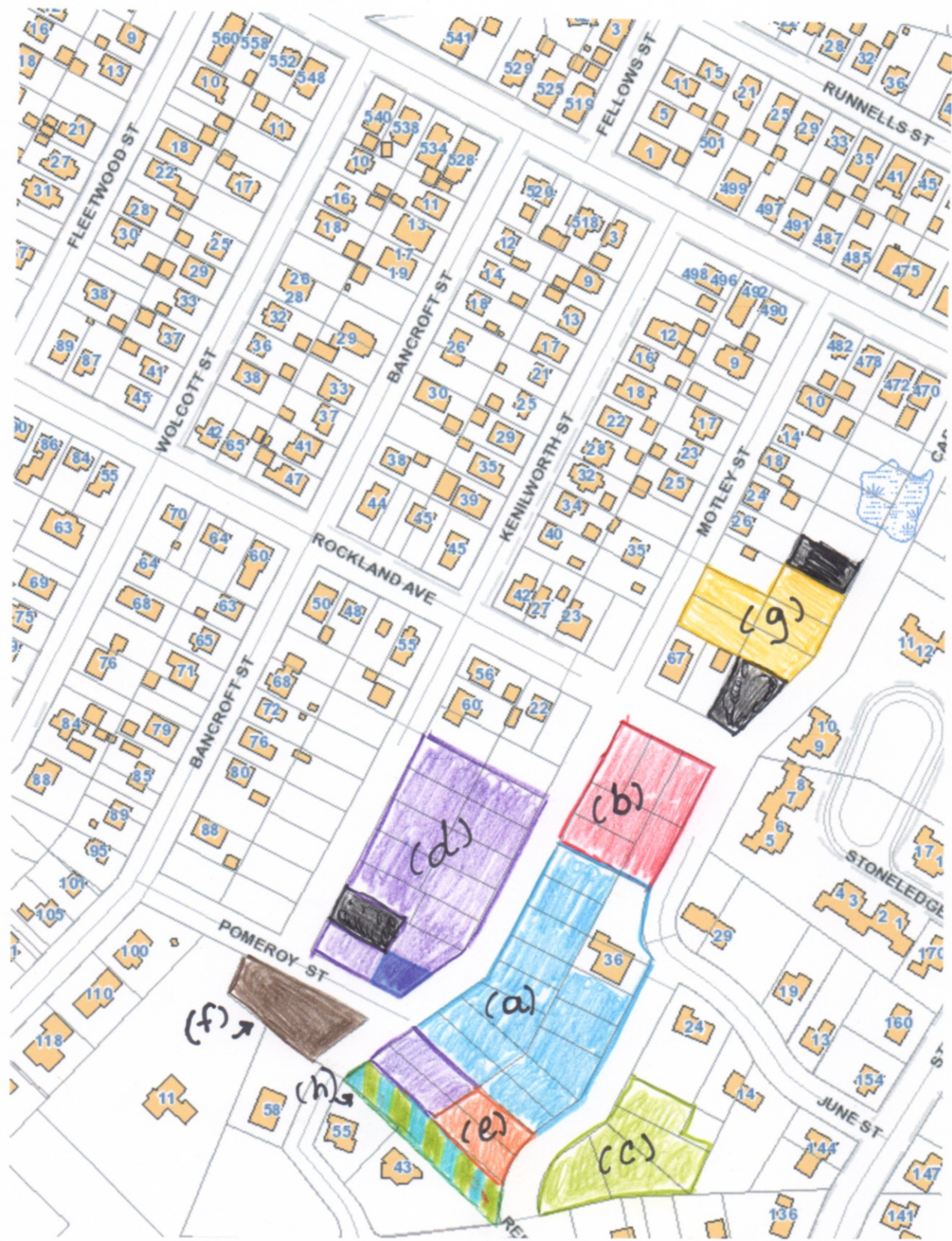
The parcels are owned by Skyline Real Estate 84 Middle St. Portland. These parcels could be developed from the Motley St side since this road is extended as a dirt road.

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

78-3-24-2016
updated 4-26-2016