

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

SPECIAL CITY COUNCIL MEETING

The Portland City Council will hold a City Council meeting in City Council Chambers. The Honorable Ethan K. Strimling, Mayor, will preside.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

RECOGNITIONS:

ORDERS:

Order 14-19/20 Approving an Easement to Central Maine Power for Lyseth School Construction -- Sponsored by Jon P. Jennings, Manager

Construction at Lyseth School has begun and as part of the project, electrical power supply is being reconfigured. This easement will allow Central Maine Power (CMP) to set a new pole and allow the electrical contractor to begin work in a substantive way on the Lyseth School expansion and renovation project.

Staff is requesting that this easement be approved as an emergency, to keep the project under deadline. Seven affirmative votes are required for passage as an emergency after public comment.

AMENDMENTS:

5:45 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

ADJOURN:

MEMORANDUM
City Council Agenda Item

FROM: Jon Jennings, City Manager

DATE: July 18, 2019

SUBJECT: **Order 14-19/20 Approving an Easement to Central Maine Power for Lyseth School Construction -- Sponsored by Jon P. Jennings, Manager**

SPONSOR: **Jon P. Jennings, Manager**
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading **Final Action 7/23/2019**

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

II. AGENDA DESCRIPTION

Construction at Lyseth School has begun and as part of the project, electrical power supply is being reconfigured. This easement will allow Central Maine Power (CMP) to set a new pole and allow the electrical contractor to begin work in a substantive way on the Lyseth School expansion and renovation project.

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III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

The Office of Corporation Counsel and the Chief Engineer of the Department of Public Works have reviewed and revised the easement language, and it has been accepted by Central Maine Power. Corporation Counsel recommends approval.

VIII. LIST ATTACHMENTS

1. Approving Lyseth School Easement to Central Maine Power 7.23.2019
2. Email from Xavier Botana, School Superintendent, 7.18.2019

Prepared by:

Jon Jennings, City Manager

Date: 7/18/2019

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CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING AN EASEMENT
TO CENTRAL MAINE POWER AT LYSETH SCHOOL**

ORDERED, that the attached easement from the City of Portland to Central Maine Power is hereby approved in substantially the form attached hereto; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or his or her designee to execute said document and any other related documents necessary or convenient to carry out the intent of said document.

WO# 10300513975
Form 1199, Rev. 07/08

Easement
Underground Line

City of Portland, a Maine Municipality with a mailing address of 389 Congress St, Portland, ME, 04101 (Grantor(s)), for consideration given, grants to **CENTRAL MAINE POWER COMPANY**, a Maine Corporation with an office at 83 Edison Drive, Augusta, Maine 04336, and their respective successors and assigns (collectively Grantees), with quitclaim covenants, the right and easement in common with others to erect, bury, maintain, rebuild, respace, patrol, operate, and remove and do all other actions involving electric and communication distribution equipment and facilities, consisting of wires and cables, together with all necessary fixtures and appurtenances under a portion of the surface of the land of the Grantor(s) in the City/Town of Portland, Cumberland County, Maine. The said equipment and facilities are attached to a line commencing at Pole/Pad 6, Lyseth Moore Line aka Auburn Street, Portland and extending to include Pole(s)/Pad(s) JB 6H.1, JB 6H.2 & PM 6H.3, Lyseth Moore Line aka Auburn Street, Portland. This easement affects land conveyed to the Grantor(s) in a deed from Augusta J. Hazlett, Paul S. Hazlett and Mary E. Hazlett, dated March 27, 1951, and recorded in the Cumberland County Registry of Deeds in Book 2040 Page 125 and in a deed from Maurice E. Willey and Ada E. Willey, dated March 27, 1951, , and recorded in the Cumberland County Registry of Deeds in Book 2037 Page 427. This easement is an easement in gross and is not for the sole purpose of serving the Grantor(s) or Grantor's land. The rights granted herein include the right to keep the surface of ground above its underground cables and other electrical equipment free from structures, improvements and growth which, in the judgment of the Grantees, may interfere with the proper operation or maintenance of said underground cables; and the right to enter upon the land of the Grantor(s) for any and all of the foregoing purposes.

Grantee shall promptly remove all waste, tools, and all material and equipment after each permitted entry upon the Grantor's property pursuant to this easement.

The rights herein granted are subject to any leases, easements, rights, restrictions, and/or mortgages of record, insofar as the same are now in force and applicable.

WITNESS the hand(s) and seal(s) of Grantor(s) duly authorized representatives on _____, ____.

Signed, Sealed and Delivered in the presence of:

City of Portland

Jon Jennings, City Manager

State of Maine

County of Cumberland

The above-named Jon P. Jennings, City Manager of the City of Portland, personally appeared before me this ____ day of _____, 2019 and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said City of Portland.

Notary Public/Attorney

Printed Name:

My Commission Expires:

Xavier Botana <botanx@portlandschools.org>

Thu, Jul 18, 2019 at 8:52 PM

To: Justin Costa <jcosta@portlandmaine.gov>, Ethan Strimling <estrimling@portlandmaine.gov>

Cc: Michael Goldman <mig@portlandmaine.gov>, Danielle West-Chuhta <DWCHUHTA@portlandmaine.gov>, "English, Nancy" <NLE@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>, Steven Stilphen <stilps@portlandschools.org>

Mayor,

Thanks for looping me in. This has been in permitting for weeks now. CMP needs to relocate and replace the utility pole from the backside of Lyseth to the right front side. Permitting required Harriman's engineers and CMP to provide property deed information to allow the for the easement which was problematic/inaccurate due to age and available records. The easement deed information is now acceptable to the City as indicated by Mr. Goldman's e-mail.

Our architects, Harriman, our Owner's Rep, and our facilities team will be able to attend and answer any questions that the Council may have. I have copied our facilities director, Mr. Stilphen here.

The project will be delayed until we have this approval. We appreciate having it on the agenda.

Let me know if you have any questions.

Best,
Xavier