



CITY OF PORTLAND, MAINE

MEETING NOTICE

CITY COUNCIL WORKSHOP

DATE: March 24, 2014

TIME: 5:30 p.m.

PLACE: Room 24

AGENDA

1. Discussion of Parks Ordinance with Parks Commission and Land Bank Commission

CITY OF PORTLAND MEMORANDUM

TO: Mayor Brennan and Members of the City Council
CC: Parks Commission; Land Bank Commission; Mark Rees, City Manager; Michael Bobinsky, Department of Public Services Director; Anita LaChance, Recreation and Facilities, Director
FROM: Danielle P. West-Chuhta, Corporation Counsel *DWC*
DATE: March 21, 2014
RE: **Parks Ordinance**

This memo is provided in response to several questions presented at the City Council Workshop on March 3, 2014 on the Parks Ordinance and to provide some background information regarding the Parks Commission and Land Bank Commission. I have attached a copy of the most recent edited version of the Parks Ordinance (see the draft ordinance attached hereto as Exhibit A), as well as copies of the Land Bank Ordinance, the Friends of Congress Square proposed ordinance, and various other documents to assist in your next workshop discussion. Finally, as you requested, the rezoning of the City's urban squares has been referred to the Planning Board for its review.

I. Existing Restrictions

As I indicated at the March 3rd Workshop, there are current zoning, deed and statutory restrictions that protect most of the City's parks. We have included the current zoning designations for City parks, public grounds and Land Bank holdings in lists that are attached hereto as Exhibits B and C. In addition, the following list is a list of some of the deed restrictions we have found on various City parks:

- (1) The Eastern and Western Promenades are perpetually protected and dedicated as City park lands pursuant to a Council order and a Private and Special Law enacted by the Maine Legislature. See deeds attached hereto as Exhibit D).
- (2) Baxter Woods and Baxter Pines are also required to be perpetually maintained as municipal forests and parks. See Exhibit D.
- (3) Deering Oaks is required to forever be held by the City as a public park and would revert back to the grantors in the event that was not used for that purpose. See Exhibit D.
- (4) Riverside Golf Course also has restrictions placed on a portion of it since some of the course was purchased with land and water conservation funds, which requires the City to continue to use the property for outdoor recreational use in perpetuity. See Exhibit D.
- (5) Payson Park also has restrictions placed on it that required that it be only used for park purposes. See Exhibit D.
- (6) Stroudwater Park has a restriction placed on it that requires that it be used for recreational and park purposes. See Exhibit D.

- (7) University Park has a restriction placed on it that requires that it too be used for and by the public and be maintained in its relatively unimproved state. See Exhibit D.
- (8) Bedford and Fesseden Parks also have a restriction placed on them that requires them to be used for park purposes by the public. See Exhibit D.

II. Matrix re: Two Parks Proposals

You requested that I provide a matrix showing the components of the Friends of Congress Square proposal and the City Council's proposal re: an Ordinance that further protects the City's Parks (see proposals attached hereto as Exhibit A and Exhibit E).

A. Friends of Congress Square Parks Proposal

- Places 35 parks in the Land Bank and has the Land Bank Commission advise the City Council on the disposition and use of Land Bank property.
- Requires 8 votes of the City Council or 6 votes and voter approval in a municipal election for the sale or use of a Land Bank property.
- The proposed ordinance is retroactive, and would therefore (if passed) go into effect as of September 6, 2013 (a date prior to the City Council's approval of the sale of a portion of Congress Square).

B. City Council Parks Ordinance Parks Proposal

- Designates and protects the City's Parks by making them inalienable.
- Has the Parks Commission advises the Council re: city parks.
- Requires 7 votes of the City Council for the sale of a designated park.

III. Should City Cemetery Land Be Included in the Parks Ordinance?

You additionally requested information about the City's cemeteries. As described below, a review of the City's cemetery ordinance (and the protections provided therein), and the on-going nature of the sales that occur at each cemetery, all lead me to conclude that such properties should not be included in the proposed Parks Ordinance.

First, Chapter 7 of the Portland City Code (attached hereto as Exhibit F) already provides protections for the City's cemeteries. It specifically seeks to maintain the cemeteries "as peaceful and beautiful areas as well as reverent symbols of respect for the dead." Chapter 7 at section 7-1. Of special note is section 7-48 which requires that [t]he general care of the cemeteries is the responsibility of the city . . . and includes reasonable and practical care of the unsold areas of the cemeteries, such as park and lawn areas, roads, shrubs and trees . . ." The City Code also specifies that unleashed dogs, sports, games, signs, etc. are prohibited from the city's cemeteries. City Code, Chapter 7, sections 1-133, 135, 137 and 138.

Next, the City on a regular basis sells grave sites and so placing an inalienability restriction on the cemetery property would not be consistent with the proposed language in the Parks Ordinance.

Finally, it should be noted that the land behind Evergreen Cemetery is also already protected through the placement of a conservation easement and is part of the City's Land Bank holdings. See Exhibit C.

IV. Land Bank Commission

Recently, questions have arisen regarding the differences between the Land Bank Commission and the Parks Commission. The Land Bank Ordinance provides a good summary of the distinctions between the two organizations and why the review of city parks should fall within the purview of the City's Parks Commission.

First, the Land Bank ordinance specifies that the Land Bank means and includes property interests, which are purchased, acquired or dedicated for conservation and open spaces purposes. See Land Bank Ordinance, Chapter 2, section 2-41, attached hereto as Exhibit E. The ordinance additionally makes it clear that the Land Bank was formed not to (and should not) duplicate "the efforts of other public and private groups include the Portland Planning Board, Portland Trails and the Portland Parks Commission." See Exhibit E at section 2-42(a)(3).

Furthermore, the Land Bank ordinance indicates that the Land Bank Commission's goal is to preserve land that allows for passive outdoor uses including, but not limited to, wooded areas, wildlife habitats, vacant properties or wetlands, but does not specifically mention or include city parks in this preservation goal. See Exhibit E at section 2-42(a)(3).

Conversely, the City's parks ordinance specifies that the Parks Commission should be the body preserving parks and making recommendations to the City Council regarding disposition of trust funds held for parks, undertaking activities to enhance the parks, and recommending goals and priorities for parks capital improvement projects to the City Council. See Exhibit A at section 18-10(c).

Please note that under the current Land Bank Ordinance, land bank holdings/properties can be sold if approved by six (6) members of the City Council. To be more consistent with the proposed Parks Ordinance, it may be appropriate (if the City Council so chooses) for the Land Bank Ordinance to also be amended to require the approval of seven (7) members of the City Council before such holdings/properties could be sold. See Exhibit E at section 2-43(b)(7).

DRAFT

Chapter 18 PARKS, RECREATION AND PUBLIC BUILDINGS AND GROUNDS

ARTICLE I. IN GENERAL

Sec. 18-1. Reserved.
Sec. 18-2. Reserved.
Sec. 18-3. Reserved.
Sec. 18-4. Reserved.
Sec. 18-5. Reserved.
Sec. 18-6. Reserved.
Sec. 18-7. Reserved.
Sec. 18-8. Reserved.
Sec. 18-9. Reserved.

Sec. 18-10. Parks Commission.

(a) *Established.* There shall be a commission composed of thirteen (13) members which shall be known as "Parks Commission," hereinafter referred to as the "commission."

(b) *Composition.* One (1) member of the city council, who is on the Transportation, Sustainability and Energy~~Health and Recreation~~ Committee, shall be appointed annually by the city council. One (1) member representing Friends of Deering Oaks; one (1) member representing Friends of the Eastern Promenade; one (1) member representing Friends of Evergreen Cemetery; and one (1) member representing Portland Trails shall be appointed for three-year terms by the city council. Seven~~Eight~~ (7)~~8~~ members representing the public-at-large and one (1) member representing the Land Bank Commission shall be appointed for three-year terms by the city council. Such three-year terms shall be staggered so that no more than three (3) members representing the public-at-large are appointed in any one (1) year. All members shall serve until their successors are appointed, for a period, however, not to exceed sixty (60) days after expiration of the term. The commission may from time to time establish such subcommittees as it deems appropriate.

(c) *Duties.* The duties of the commission shall include:

- (1) Soliciting, encouraging and accepting private contributions to the city, in cash or in kind, whether by gift, trust, or subject to conditions; provided any gift in kind and that the form of any trust or

conditions has been approved by the city council or is ratified by the city council;

- (2) Making recommendations to the city council as to the sale of dedicated parks and public grounds (as described in section 18-14 below) and disposition of trust funds held for parks, trails and open space;
- (3) Maintaining inventories of parks, trails and open space needs as it determines to be desirable;
- (4) Encouraging educational programs, through the schools or otherwise, in forestry education or other relevant subjects it determines to be beneficial to the parks programs of the city;
- (5) Undertaking such other activities as to enhance the parks, trails and open space programs of the city as it deems appropriate from time to time; and-
- (6) Conducting an annual meeting of all parks, trails and open space advocacy groups to discuss annual projects and to recommend goals and priorities for capital improvement projects to the city council.

Article II. DEDICATION OF PARKS AND PUBLIC GROUNDS

Sec. 18-11. ~~Reserved.~~ Parks and Public Grounds Dedicated. The following parks and public grounds are hereby subject to the provisions within this Article:

Back Cove Park and Trail;

Barrow's Park/Baxter Sundial;

Bayside/Stone Street Park;

Baxter Pines;

Baxter Woods;

Bell Buoy Park;

Belmeade Park;

Boothby Square;

Bramhall Square;

Capisic Pond Park;

Clark Street Park;

Congress Square (specifically the remaining 1/3 of Congress Square);

Deering Oaks Park;

Dougherty Field;

Eastern Promenade Park (including East End Beach);
Fessenden Park;
Fort Allen Park;
Fort Gorges;
Fort Sumner Park;
Fox Field/Kennedy Park;
Harborview View and Tate-Tyng Park;
Heseltine Park;
Lincoln Park;
Longfellow Park;
Longfellow Square;
Lobsterman Park;
Monument Square;
Munjoy South Playground;
Oatnuts Park;
Payson Park;
Peppermint Park;
Pleasant Street Park;
Post Office Park;
Riverside Golf Course;
Riverton Park;
Stroudwater Park;
Taylor Street Park;
Tommy's Park;
University Park; and
Western Promenade Park.

Sec. 18-12. ~~Reserved.~~ Use and Maintenance of Parks and Public Grounds. The City shall retain all parks and public grounds dedicated in section 18-11 predominantly in its, natural, scenic, open and/or intended condition. Notwithstanding the foregoing, this provision shall not prevent the City from the following:

(a) Improving or maintaining dedicated parks and public grounds in a manner consistent with the design of the park or public ground or approved master plan;

(b) Using dedicated parks or public grounds for any of the following:

- (1) Athletic contests;
- (2) Playgrounds and/or recreational structures;
- (3) Outdoor restaurant seating;
- (4) Outdoor markets;
- (5) Outdoor performance spaces or performances;

- (6) Signs and other advertising;
- (7) Food trucks or vendors; and/or
- (8) Festivals; or

(c) Granting permits, licenses or leases (one (1) continuous year or less in length) for the use, maintenance and/or improvement of dedicated parks or public grounds.

Sec. 18-13. ~~Reserved.~~ Inalienability of Parks and Public Grounds. Except as authorized in sections 18-12 and 18-14, dedicated parks and public grounds may not be removed from the list in section 18-11, or used, sold and/or permanently disposed of for non-recreational purposes.

Sec. 18-14. ~~Reserved.~~ Disposition of Parks and Public Grounds. Any request to, remove a dedicated park or public ground from the list in section 18-11, sell or otherwise permanently dispose of a dedicated park or public ground for non-recreational purposes, or establish a use and/or improvement other than those listed in 18-12, shall be reviewed by the Parks Commission who shall provide an advisory opinion on any such request and shall only become effective upon review and approval by seven (7) members of the City Council.

Sec. 18-15. Reserved.

#	Area	Zoning	Notes:
1	Post Office Park	B3	
2	Tommy's Park	B3	
3	Bell Buoy Park	WCZ	
4	Lobsterman's Park	B3	
5	Lincoln Park	B3	
6	Eastern Promenade	ROS	(Fort Allen Park is IN Eastern Prom)
7	Fort Sumner Park	R6	
8	Fox Field	ROS	Bayside & Kennedy Park names
9	Deering Oaks	ROS	Deed Restrictions Protecting
10	Western Promenade	ROS	Council Order and State Law Protecting
11	Taylor Street Park	R6	
12	Harbor View Memorial Park	ROS	
13	Back Cove	ROS	
14	Winslow Park	ROS	Preble St Ext @ Baxter Boulevard
15	Pedro Field	ROS	Oakleigh Park?
16	Baxter Boulevard	ROS	Only official Parkway
17	Burrow's Park (Preble St) no longer a park	R5 (inc w street)	Lost most of land to Preble Street Ext.
18	Belmeade Park	R5	
19	Baxter Sundial Park	ROS	Barrows Park alternative name
20	Bedford Park	R5	Deed Restrictions Protecting
21	Fessenden Park	R5	Deed Restrictions Protecting
22	Longfellow Park	R5	
23	Payson Park & Arbor	ROS	Deed Restrictions Protecting
24	Dougherty Field	ROS & R5	
25	Stoudwater Park - Waldo Street	R2	Deed Restrictions Protecting
26	Stroudwater Park - Westbrook Street	R2	Deed Restrictions Protecting
27	Capisic Pond Park	ROS & R3	area south of Macy Street nic (update map)
28	Baxter Pines	ROS	Deed Restrictions Protecting
29	Mayor Baxter Woods	ROS	Deed Restrictions Protecting
30	University Park	R3	Deed Restrictions/Planning Bd Approval Protecting
31	Heseltine Park	R5	
32	Trinity Park	B2b	Forest Ave @ Coyle St (PR RR deed protected)
33	Quaker Park	IM	Forest Ave @ Industrial PW / DEED Protected
34	Oatnuts Park	RPZ	
36	Riverton Trolley Park	ROS	
37	Martin's Point Park	RP	National Park Service Easement Protecting
38	Nayson's Corner Park	R3	Breakwater School
39	Pine Grove Park	ROS	add Land Bank lots to or create RPZ space
40	Riverside Golf Course	ROS	Grant Restrictions Protecting
41	Boyd Street Gardens	R6	Franklin @ Cumberland Ave
Playgrounds			
42	Stone Street Playground	R6	
43	South Street Playground	R6	
44	Peppermint Park	R6	
45	Pleasant Street Playground	B3	
46	Tyng Tate Playground	R6	
47	Clark Street Playground	R6	
Trails			
48	Eastern Prom Trail	ROS & WSUZ	
49	Bayside Trail	B5	
50	Back Cove Trail	ROS	
Land Bank			
51	Hobart Street - Fore River Park	R5 & RPZ	
52	Ocean Avenue Open Space	ROS	
53	Presumpscot River Preserve	RPZ	
54	Letson's Purchase	IM	Across from Riverside GC / near range
	(see LB list)		
Squares			
55	Andrews Square	R6	Pine @ West (former school)

56	Boothby Square	B3		
57	Bramhall Square	B2b		
58	Caldwell Square	R5	Woodfords @ Stevens Avenue	
59	Congress Square	B3		
60	Longfellow Square	B3		
61	Lobsterman's Park	B3		
62	Monument Square	B3		



Existing Land Bank Holdings - 3/20/2014					
Code	Name	Approximate Area*	Zone(s)	Notes	
E-1	Natick Street Parcels	1.5 AC	R2, IM	Along Riverton Rail Trail & Dole Brook	
E-2	Pineloch Drive Parcels	5 AC	RPZ	Owned by PWD; Sewer ROW; Included in Land Bank by permission	
E-3	City RPZ Land on Starbird Lane	14.7 AC	RPZ	Contiguous with the Fore River Sanctuary	
E-4	City RPZ Land on Rand Road	30.8 AC	RPZ	Behind Rand Road Technology Park, Adjacent to Fore River Sanctuary	
E-5	Hobart Street Area	7 AC	R5	Fore River Trail access, Next to sewer pump station site	
E-6	Pine Grove Park	8.3 AC	ROS, R3	Also on Park list	
E-7	Blueberry Road Parcel	2 AC	RPZ, IM	Parking & access to Stroudwater River Trail	
E-8	Conservation Area at Evergreen Cemetery	36.6 AC	ROS	Undeveloped wooded wetland area towards rear of cemetery	
E-9	Oatnuts Park	23 AC	RPZ	Also on Park list; Many tax-acquired lots and some private, landlocked parcels	
E-10	Presumpscot River Preserve	48 AC	Not Zoned**, RPZ	Under conservation easement held by Portland Trails	
E-11	Sheridan Street Property	1.3 AC	R6, C46	Next to Fort Sumner Park	
E-12	PATHS Wooded Area	15 AC	R3	Behind PATHS; Critical headwater wetlands of Dole Brook	
E-13	Virginia Street Parcels	31.2 AC	R3	Mostly wet, tax-acquired lots; Part of "Ocean Avenue Recreation Area"	
E-14	Ocean Avenue Open Space	64.2 AC	ROS, R3	Includes land fill area & Quarry Run Dog Park; Part of "Ocean Avenue Recreation Area"	
E-15	Maggie Lane Lot	0.15 AC	R5	Access to Riverton Rail Trail	
E-16	Beverly Street Lots - North	0.9 AC	R2	Along Riverton Rail Trail	
E-17	Beverly Street Lots - South	0.35 AC	R2	Along Riverton Rail Trail & Dole Brook	
E-18	Goodridge Avenue Lots	0.47 AC	R5	Riverton Rail Trail corridor	
E-19	North Deering/Riverton Parcels	17.5 AC	R2, R3	Tax-acquired property; Critical headwater wetlands of Dole Brook	

E-20	Castine Pines	0.36 AC	R3	Accepted land donation	
E-21	Ocean Avenue Recreation Area - Pine Grove Avenue Lots	0.79 AC	R3	Purchased to add to the Ocean Avenue Recreation Area	
E-22	Ocean Avenue Recreation Area - Belfast Street Lots	0.41	R3	Purchased to add to the Ocean Avenue Recreation Area	
E-23	Ocean avenue recreation Area - Marlborough Road/Trapelos Street Lots	0.29	R3	Purchased to add to the Ocean Avenue Recreation Area	
E-24	Dole Brook Driving Range Property	27.4 AC	IM	Purchased to protect the Dole Brook stream buffer & corridor	
E-25	Canco Woods	12.9 AC	IL	Collaborative effort between neighborhood, Trust for Public Land & City to protect: Owned by City, but under conservation easement held by Portland Trails	
* Size was estimated using GIS information, including parcel data where available. Since not all of the lots within each holding conform to parcel boundaries or are owned by the City, the actual size of each holding is likely to be smaller.					
** Appears that most of this property was not zoned after it was split off as a separate parcel and placed in conservation easement.					

EXHIBIT

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#352

City of Portland, 200000
IN THE CITY COUNCIL

APRIL, 1974

E/W Promenades =
Are perpetually
dedicated as park

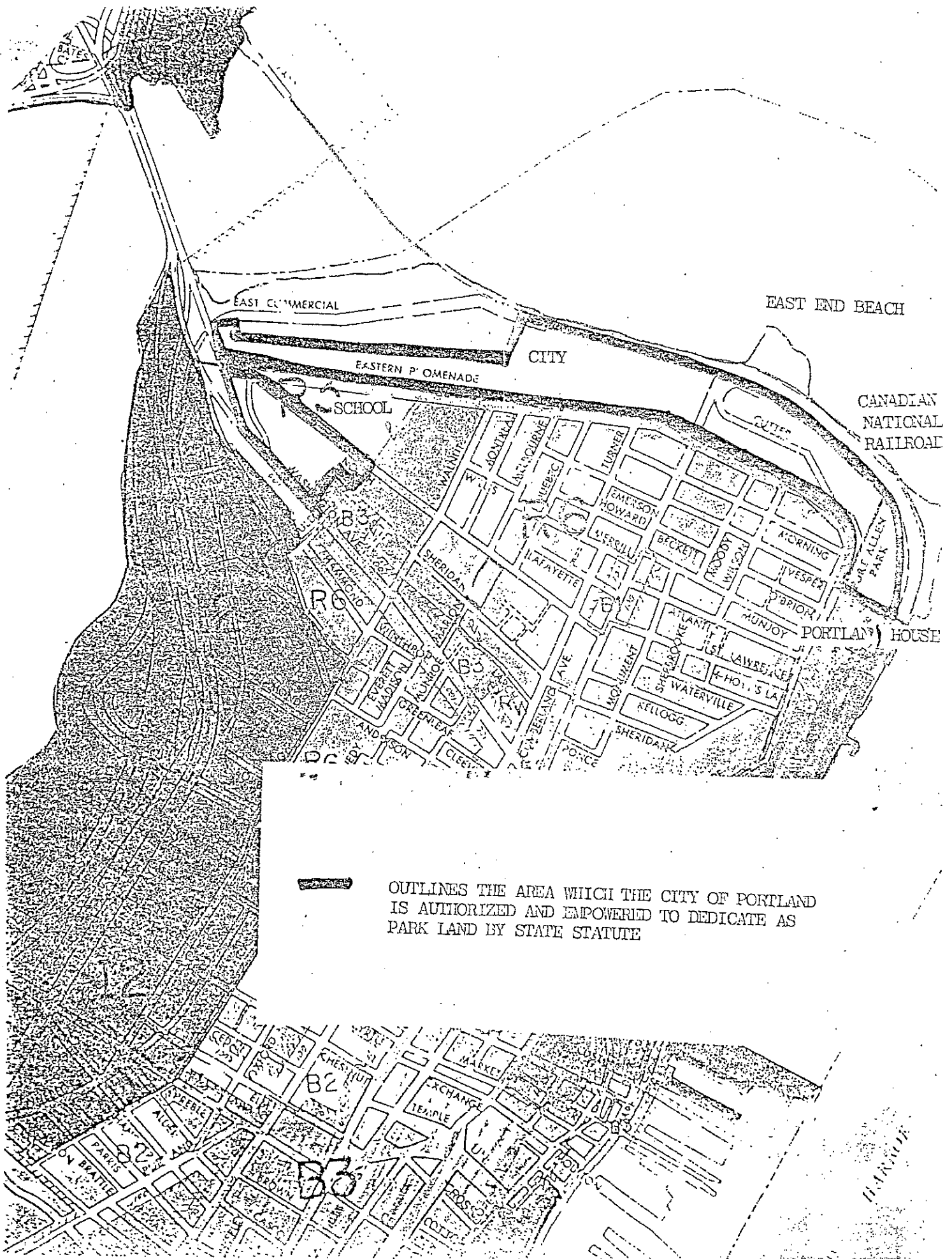
lands by
the city

council

and the

ME Legislature

Ordered, that city-owned lands on the northeasterly side of Eastern Promenade now developed and used for park and recreational purposes, excluding the area designated for use by the Portland Water District, and city-owned lands on the southwesterly side of Western Promenade developed and used for park and recreational purposes be and hereby are dedicated as park land to be forever used only for park and recreational purposes, and that an appropriate document of dedication be submitted to this Council when definitive legal boundaries can be prepared.



OUTLINES THE AREA WHICH THE CITY OF PORTLAND
IS AUTHORIZED AND EMPOWERED TO DEDICATE AS
PARK LAND BY STATE STATUTE

CHAPTER 42

AN ACT Converting Dallas Plantation into the Town of Dallas.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. Town of Dallas, incorporated. Dallas Plantation with the inhabitants therein is hereby incorporated into a town by the name of Dallas. The inhabitants of said town are hereby vested with the powers, privileges and immunities which the inhabitants of towns within the State do or may enjoy. The town hereby created shall take the effects belonging to Dallas Plantation and shall also assume all the obligations thereof.

Sec. 2. First meeting; how called. The board of assessors of the plantation shall issue their warrant, in accordance with the general laws, for an annual meeting to be held, at a time consistent with the normal annual meeting time in 1976. Notification of such meeting shall be filed by the plantation clerk with the Secretary of State for determining the effective date of sections 1 and 3.

Sec. 3. Legislative district. Until the next legislative apportionment of Representatives, the Town of Dallas shall remain in the same legislative district in which Dallas Plantation is now classed.

Sec. 4. Referendum; effective date; certificate to Secretary of State. This Act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters within the territory embraced within the limits of said proposed Town of Dallas, voting by ballot at an election to be specially called and held for that purpose concurrent with the regular 1975 election in November. This meeting shall be called, advertised and conducted according to the Revised Statutes of 1964, Title 30, sections 2061 to 2065. The plantation clerk shall prepare the required ballots, on which he shall reduce the subject matter of sections 1 and 3 of this Act to the following question: "Shall 'An Act converting Dallas Plantation into the Town of Dallas,' passed by the 107th Legislature, be accepted?" The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. Upon its acceptance by a majority of the legal voters voting at said meeting, sections 1 and 3 of this Act shall take effect for all purposes hereof at the annual meeting in 1976; provided that the total number of votes cast for and against the acceptance of sections 1 and 3 of this Act at said meeting equaled or exceeded 50% of the total number of votes cast in the plantation at the last gubernatorial election.

The result of the vote shall be declared by the board of assessors of the Plantation of Dallas and due certificate shall be filed by the plantation clerk with the Secretary of State.

Effective October 1, 1975

CHAPTER 43

AN ACT to Specify the Future Use of Certain Lands in the City of Portland.

Be it enacted by the People of the State of Maine, as follows:

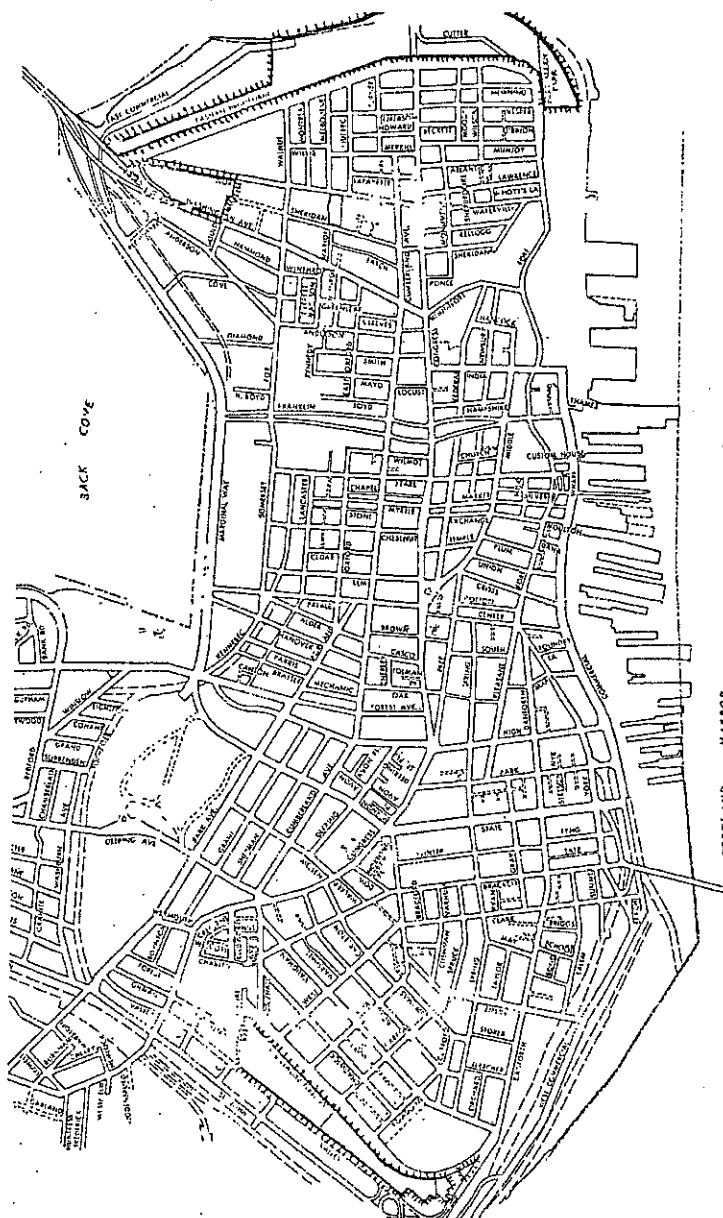
Sec. 1. Dedication of certain lands for park purposes. The City of Portland is authorized and empowered to dedicate the hereinafter described property for perpetual use as park lands, such property having been acquired by condemnation or through the expenditure of public funds by a majority vote

1998
CHAP. 43

PRIVATE AND SPECIAL, 1975

of its city council. Such property, if so dedicated, shall remain and be used solely for park purposes in perpetuity.

Sec. 2. Description. This Act refers only to those certain pieces or parcels of land located in the City of Portland, comprising areas therein commonly known as the Eastern and Western Promenades and shown more particularly as highlighted on the attached plat marked Exhibit "A", which plat is expressly made a part hereof.



Effective October 1, 1975

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City of Portland, Oregon
IN THE CITY COUNCIL

Ordinance, that city-owned lands on the northeasterly side of Eastern Promenade now developed and used for park and recreational purposes, excluding the area designated for use by the Portland Water District, and city-owned lands on the southeasterly side of Western Promenade developed and used for park and recreational purposes be and hereby are dedicated as park land to be forever used only for park and recreational purposes, and that an appropriate document of dedication be submitted to this Council when definitive legal boundaries can be prepared.

D.H. 4/24/74

Area Briefs

State Action On Promenades Pondered

Three Eastern Promenade residents say they may have to go to the Legislature to ensure that the Eastern and Western Promenades are properly and perpetually dedicated as parklands.

Mrs. John Irace, Miss Dorothy Plummer and retired Portland High School Principal Howard C. Reiche said Tuesday they weren't satisfied with last week's promenades parkland dedication by the City Council. Reiche said city dedication "isn't granted in perpetuity" and wants the state to enforce the dedication.

The movement to dedicate the promenades as parklands was supported by 3,000 Portland petitioners. The purpose of perpetual dedication, the trio said, would be to prevent future development of the areas.

Baxter
to
Port-
land
City of
Deed

Baxter
Woods



Required to
be perpetually
maintained
as a park

KNOW ALL MEN BY THESE PRESENTS, That I, Percival Proctor Baxter of Portland, County of Cumberland, State of Maine, in consideration of one (\$1.00) dollar and other valuable considerations paid by the CITY OF PORTLAND, a Municipal Corporation incorporated under the laws of the State of Maine and a body politic located in said County of Cumberland, the receipt whereof I do hereby acknowledge, and in furtherance of my desire to convey and donate to the CITY OF PORTLAND an area of land in the Deering District of said Portland, to be held forever by said CITY as TRUSTEE IN TRUST for the benefit of the people of Portland do hereby remise, release, sell, convey and forever quit-claim unto the said CITY OF PORTLAND and its successors to be forever held in trust the following described land located in said CITY, bounded and described as follows -

All my right title and interest in and to a certain tract or parcel of land with the buildings thereon situated between Forest and Stevens Avenues, Hartley Street and Baxter Road, so called in the City of Portland, State of Maine and located and described as follows:

Beginning on the westerly side of Forest Avenue at the northeast corner of the lot of land conveyed by Francis O. J. Smith to Owen Durgin by deed dated August 1875 and recorded in Cumberland County Registry of Deeds in Book 418, Page 501; thence northerly by the westerly side of Forest Avenue 523.0 feet more or less to the south-east corner of the lot of land conveyed by James P. Baxter to Saint Elizabeth's Roman Catholic Asylum by deed dated March 10, 1908, and recorded in said Registry in Book 821, Page 58; thence westerly by land of said Saint Elizabeth's Roman Catholic Asylum and by the lot of land conveyed by James P. Baxter to Roman Catholic Bishop Corporation Sole by deed dated March 10, 1908, and recorded in said Registry in Book 821, Page 59, a distance of 1850.81 feet to the easterly side of Stevens Avenue; thence southerly by the easterly side of Stevens Avenue 253.15 feet to a stone monument marking an angle in said easterly side of Stevens Avenue; thence southerly by said easterly side of Stevens Avenue 290.84 feet to the lot of land conveyed by James P. Baxter to John H. Fogg by deed dated June 14, 1899, and recorded in said Registry in Book 680, Page 31; thence easterly by land formerly of said Fogg 125 feet to a point; thence southerly by land formerly of said Fogg 10 feet to the lot of land conveyed by James P. Baxter to Charles Rich by deed dated July 7, 1879, and recorded in said Registry in Book 461, Page 117; thence easterly by land formerly of said Rich 2.0 feet to the northeasterly corner of said Rich lot; thence southerly by the land formerly owned by said Rich 39.7 feet more or less to the lot of land conveyed by James P. Baxter to Mark F. Fogg by deed dated June 13, 1900, and recorded in said Registry in Book 692, Page 53; thence easterly by land formerly of said Fogg and by the lot of land conveyed by James P. Baxter to Arthur D. Parkhurst by deed dated July 20, 1914, and recorded in said Registry in Book 934, Page 287, a distance of 99.44 feet to the northeast corner of said Parkhurst lot; thence southerly by the easterly line of land now or formerly of said Parkhurst and its continuation across the easterly end of Percival Street and its continuation southerly by other land of said

Grantor a distance of 250 feet to the northerly line of the lot of land conveyed by James P. Baxter to Alvin E. Plummer by deed dated April 13, 1885 and recorded in said Registry in Book 517, Page 372, said point being distant 100 feet from the northerly side of Hartley Street; thence easterly on a line parallel with and distant 100 feet from said northerly line of Hartley Street and by the rear line of lot formerly owned by said Plummer and by the lot of land conveyed by James P. Baxter to Charles E. Spear on October 27, 1899, recorded in said Registry in Book 682, Page 153, and by the lot of land conveyed by James P. Baxter to Fred P. Freeman and William L. Turner by deed dated May 18, 1885, recorded in said Registry in Book 517, Page 479, and by other land of said Grantor and by the lot of land conveyed by James P. Baxter to Alvin E. Plummer by deed dated June 15, 1885, and recorded in said Registry in Book 520, Page 117 a distance of 235.14 feet to the northeasterly corner of the lot formerly owned by said Plummer; thence southerly by the easterly line of land formerly owned by said Plummer 100 feet to the northerly side of Hartley Street; thence easterly by said northerly side of Hartley Street 878.23 feet to the southwesterly corner of the lot of land conveyed by Percival P. Baxter to George I. Geer by deed dated August 19, 1944, and recorded in said Registry in Book 1757, Page 109; thence northerly by the westerly line of land of said Geer 100 feet to the northwest corner of said Geer lot; thence easterly on a line parallel with said northerly side of Hartley Street and by land of said Geer and by the lot of land conveyed by James P. Baxter to Albert F. Mann by deed dated May 10, 1888, recorded in said Registry in Book 546, Page 141, and by the lot of land conveyed by James P. Baxter to Abram H. Milliken and George A. Lovell by deed dated December 7, 1897, recorded in said Registry in Book 660, Page 10 and by the lot of land conveyed by James P. Baxter to Ebenezer M. Gay and John Archibald by deed dated August 6, 1894, recorded in said Registry in Book 613, Page 456, and by the lot of land conveyed by James P. Baxter to the Delano Planing Mill Company by deed dated August 21, 1895, recorded in said Registry in Book 629, Page 117 a distance of 245.4 feet to the northeast corner of said Delano Planing Mill Company lot; thence southerly by land formerly of said Delano Planing Mill Company 8.15 feet to the lot of land conveyed by Martha A. Gray to Mary E. Gray by deed dated July 19, 1894 and recorded in said Registry in Book 615, Page 280; thence easterly by land formerly of said Mary E. Gray and by the lot of land conveyed by Martha A. Gray to Mary E. Gray by deed dated August 31, 1900, recorded in said Registry in Book 692, Page 423, and by the lot of land conveyed by Martha A. Gray to Margaret O'Connor by deed dated April 8, 1903, and recorded in said Registry in Book 733, Page 31 and by the lot of land conveyed by Martha A. Gray to Lillie B. Rowe by deed dated December 16, 1892 recorded in said Registry in Book 604, Page 217 and by the lot of land conveyed by Martha A. Gray to Lillie B. Rowe by deed dated June 30, 1891 recorded in said Registry in Book 582, Page 15 and by the lot of land conveyed by Martha A. Gray to Alvah E. Plummer by deed dated April 30, 1885 recorded in said Registry in Book 517, Page 464 a distance of 387.85 feet to the southwesterly corner of the Owen Durgin lot above mentioned; thence northerly by

the westerly line of the lot formerly owned by said Durgin 75 feet to an iron stake; thence easterly by land formerly owned by said Durgin 86.78 feet to said westerly side of Forest Avenue and the point of beginning.

Together with a right of way 33 feet in width in common with others from Forest Avenue to Stevens Avenue over land of said Saint Elizabeth's Roman Catholic Asylum and land of Roman Catholic Bishop Corporation Sole adjoining the northerly line of the lot above described lot and subject however to a right of way 33 feet in width from Forest Avenue to Stevens Avenue over said above described lot and adjoining the northerly side line of the above described lot.

Said above two strips each 33 feet in width are to be used together for street purposes and were conveyed and reserved in the deeds from James P. Baxter to Saint Elizabeth's Roman Catholic Asylum and to Roman Catholic Bishop Corporation Sole dated March 10, 1908, and recorded in said Registry in Book 821, Pages 58 and 59.

TO HAVE AND TO HOLD the above described premises with all the privileges and appurtenances thereto to said CITY OF PORTLAND as TRUSTEE as aforesaid and its successors in trust and the same shall not be conveyed or encumbered by said City but shall be held forever for the benefit of the people of said Portland

subject to the following terms, restrictions, reservations and conditions

- 1 - shall forever be retained and used by said City in trust for the benefit of the people of Portland as a Municipal Forest and Park and for public recreational and educational purposes the same forever to be known as "MAYOR BAXTER WOODS";
- 2 - shall forever be kept in its natural wild state and as a sanctuary for wild birds, with no streets for public conveyances and no cement walks therein and with only paths and trails for pedestrians, and any trees that shall fall or that may become a menace to life may be removed, but no other trees therein shall be taken down;
- 3 - shall forever be maintained for the sole use of pedestrians; and horses, automobiles and all motor vehicles, except those of the City used solely in caring for said woods, shall forever be excluded therefrom;
- 4 - that the heavy ornamental iron gates now in possession of said City shall be erected by said City either at the Forest Avenue or Stevens Avenue entrance within one year after the date of this deed;
- 5 - that said City shall erect within one (1) year after the date of this deed and shall forever maintain on the land hereby conveyed a suitable bronze marker the said marker to recite the conditions of this gift, the same to be attached to a granite boulder located on said land and provided by said City;

This conveyance is made subject to all of the above mentioned terms, restrictions, reservations and conditions, and I the said PERCIVAL PROCTOR BAXTER COVENANT with the said CITY OF PORTLAND as such Trustee and its successors in trust that I will WARRANT and DEFEND the said premises to the said City and its successors in trust against the lawful claims and demands of all persons claiming by through or under me.

IN WITNESS WHEREOF, I the said PERCIVAL PROCTOR BAXTER being unmarried hereby set my hand and seal this eighth day of April in the year of our Lord one thousand nine hundred and forty-six.

Signed and Sealed in the Presence of

Alice M. Gurney .

Percival Proctor Baxter Seal

STATE OF MAINE :

SS.

CUMBERLAND :

Portland, April 8, 1946

Personally appeared the above named PERCIVAL PROCTOR BAXTER and acknowledged the above instrument to be his free act and deed.

Before me, Alice M. Gurney

Notary Public Notarial Seal

Received April 17, 1946, at 10h 25m A. M., and recorded according to the original

MAINE
FULL DISCHARGE
FORM 21-117

Me. 10-206

Federal
Ld.Bk.
of
Spr'g.
to
Larrabee
&
Disch.

KNOW ALL MEN BY THESE PRESENTS, That THE FEDERAL LAND BANK OF SPRINGFIELD, 310 State Street, Springfield, Massachusetts, owner of a certain mortgage given by Joseph S. Larrabee and Susan E. Larrabee to the said THE FEDERAL LAND BANK OF SPRINGFIELD, dated December 31, 1925, and recorded in Cumberland County Registry of Deeds, in Book 1220 at Page 105, does hereby acknowledge that it has received full payment and satisfaction of the same and of the debt thereby secured, and in consideration thereof it does hereby cancel and discharge said mortgage and releases unto the said Joseph S. Larrabee and Susan E. Larrabee and their heirs and assigns forever the premises therein described.

IN WITNESS WHEREOF the said THE FEDERAL LAND BANK OF SPRINGFIELD has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by Edward M. Whitaker, its Assistant Treasurer, this 3rd day of April 1946.

THE FEDERAL LAND BANK OF SPRINGFIELD CORPORATE
SEAL

By Edward M. Whitaker

Assistant Treasurer

Signed and Sealed in Presence of

I. B. Welch

COMMONWEALTH OF MASSACHUSETTS COUNTY OF HAMPDEN, SS.

On this 3rd day of April 1946, before me personally appeared Edward M. Whitaker to me personally known, who, being by me duly sworn, did say that he is the Assistant Treasurer of THE FEDERAL LAND BANK OF SPRINGFIELD and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that the said instrument was signed and sealed in behalf of said corporation by authority of its board of directors, and the said Edward M. Whitaker acknowledged said instrument to be the free act and deed of said corporation and his own free act and deed.

dms Before me, Allyn K. Talmadge Notary Public Notarial Seal

Received April 17, 1946, at 11h 50m A. M., and recorded according to the original

by waived; and out of all the moneys arising from a sale to retain the amount then due or to become due according to the conditions of this instrument together with the costs and charges of making such sale, and the overplus, if any there be, shall be paid by the party or parties making such sale to the Grantor, its successors and assigns.

NOW, THEREFORE, if the Grantor shall well and truly pay the aforesaid principal sum and interest, ground rents, taxes, insurance or assessments, and all advances which may be made by the Grantee for ground rents, taxes, insurance or assessments, or otherwise, as above provided, according to the tenor and effect of this instrument, and shall faithfully perform all the other conditions and covenants contained in this mortgage and in the note secured hereby, then this mortgage shall be void, otherwise the same shall remain in full force and virtue.

The covenants herein contained shall bind, and the benefits and advantages shall inure to, the respective successors and assigns of the parties hereto. Whenever used, the singular number shall include the plural and the plural the singular.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be signed in its name by its Treasurer, and its corporate seal to be hereunto affixed this 15th day of February, 1944.

Signed, sealed and delivered

in the presence of

D. W. Philbrick

LINDSAY CONSTRUCTION, INC. CORPORATE SEAL

By John C. Lindsay Treasurer

Attest: Donald W. Philbrick Secretary.

STATE OF MAINE,

COUNTY OF CUMBERLAND

SS:

February 15, 1944.

Then personally appeared the above-named John C. Lindsay, the person who signed the foregoing mortgage as Treasurer of Lindsay Construction, Inc., and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

Witness my hand and official seal

Donald W. Philbrick

My commission expires May 20, 1949.

Notary Public Notarial Seal

Received February 16, 1944, at 1h-m P.M., and recorded according to the original.

forever used for recreational / non-tree grove purposes.

KNOW ALL MEN BY THESE PRESENTS, That I Percival Proctor Baxter of Portland, County of Cumberland, State of Maine in consideration of one (\$1.00) dollar and other valuable considerations but not exceeding one hundred dollars paid by the City of Portland a body corporate and politic located in said County of Cumberland, the receipt whereof I do hereby acknowledge, and in furtherance of my desire to convey and donate to the City of Portland an area of land in the Deering District of said Portland to be held forever by said City as Trustee in Trust for the benefit of the people of Portland do hereby remise, release, sell and forever quit-claim unto the said City of Portland and its successors in trust the following described land located in said City, bounded and described as follows -

These deeds release P/O land to be used as "Baxter Field".

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See
Book 6689
Page 15, 9, 13, 17
21, 25, 27, 33, 37
41, 43, 47, 53, 57

5 pages
separated
for each
family to
sign

*Baxter
Pines*

*forever
used*

BK
1742

All my right, title and interest in and to a certain lot or parcel of land with the buildings thereon if any, situated in the Deering District of said Portland, bounded and described as follows: Beginning on Leland Street, formerly called Smith Street, at its intersection with the northeasterly side line of Mabel Street, said point of beginning being also the most southerly corner of lot No. 2 on plan of land made by Jordan and Richardson, recorded in said Registry of Deeds, plan book 8, page 41; thence southwesterly along Leland Street three hundred ninety-six (396) feet more or less, to land now or formerly of one Conant, formerly known as Presumpscot Park; thence in a westerly direction along the northerly line of said Conant land formerly known as Presumpscot Park to land now or formerly of Artemas Richardson; thence easterly by said Richardson land five hundred thirteen (513) feet more or less, to land now or formerly of Richardson Land Company, said last named point being the most northerly corner of lot No. 34 as indicated on said plan as above referred to; thence southeasterly by said land of Richardson Land Company which direction is along the line of said lot No. 34, seventy-six (76) feet more or less to an angle in the land now or formerly of said Richardson Land Company above mentioned; thence northeasterly by land formerly of said Richardson and across Mabel Street as laid out, to the northeasterly side line of said Mabel Street, said point being also the northwesterly corner of lot No. 11 as indicated on said plan; thence southeasterly along said line of Mabel Street to the point of beginning, excepting and reserving from the said described parcel the lot or land conveyed by James P. Baxter to Abiezer C. Wilson by deed dated August 16, 1911, and recorded in said Registry of Deeds, book 879, page 289; together with any and all my right, title and interest in the fee in Leland Street, Mabel Street, Madeleine Street, Bartlett Street and all other ways or streets, whether they are now projected or hereafter may be projected on the above described land, is hereby conveyed. All streets and ways on the above described parcel are subject to such rights as adjoining lot owners may have or subject to such rights as the public may have in same.

This conveyance is made in Trust upon and subject to the following reservations and conditions namely that said land 1 - forever shall be retained and used by said City for a Municipal Grove and for public recreational purposes, the same to be known as the "Baxter Pines", 2 - forever shall be kept as a sanctuary for wild birds and 3 - that said City shall erect and maintain on the land hereby conveyed a suitable bronze marker the said marker to recite the conditions of this gift and bearing thereon the name of the donor, the same to be attached to a granite boulder located on said land; the cost of said reforestation and of said tablet and boulder to be paid by the grantor herein.

TO HAVE AND TO HOLD the above described premises with all the privileges and appurtenances thereto to said City of Portland as Trustee as aforesaid and its successors in trust to be held forever in trust for the benefit of the people of Portland for and as a Municipal Grove and for public recreational purposes the same to be known as "Baxter Pines" and to be forever kept as a sanctuary for wild birds

BK 1742
P 10

with the said tablet and boulder thereon all as above defined and subject to the above mentioned reservations and conditions, and I the said Percival Proctor Baxter covenant with the said City of Portland and its successors in trust that I will Warrant and Defend the said premises to the said City and its successors in trust against the lawful claims and demands of all persons claiming by through or under me.

IN WITNESS WHEREOF I the said Percival Proctor Baxter being unmarried hereby set my hand and seal this fifteenth day of February in the year of our Lord one thousand nine hundred and forty-four.

Signed and Sealed in the

presence of

Charles J. Nichols

Percival Proctor Baxter

Seal

STATE OF MAINE: SS

CUMBERLAND:

Portland, February 15, 1944.

Personally appeared the above named Percival Proctor Baxter and acknowledged the above instrument to be his free act and deed.

Before me Alice M. Gurney Notary Public Notarial Seal.

Received February 16, 1944, at 11h 25m A.M., and recorded according to the original.

Portland
City of
To
Baxter
Resolu-
tion

CITY OF PORTLAND, MAINE

IN THE CITY COUNCIL

RESOLUTION

Whereas, Honorable Percival P. Baxter offers to donate to the City of Portland a tract of land in the Deering District comprising an area in excess of six acres and being located on Leland, Madeline, Mabel and Bartlett Streets, with a proposal that he, the said donor, will reforest said land at a proper time; and,

Whereas, Honorable Percival P. Baxter further requests that his name be associated with this project by a modest tablet to be erected upon the tract; and,

Whereas, Honorable Percival P. Baxter has long been a benefactor of the people of the State of Maine by numerous gifts of properties to be held in trust for the people of this state; and,

Whereas, he has also been a public benefactor by his many years of service to the people of this state and of this city,

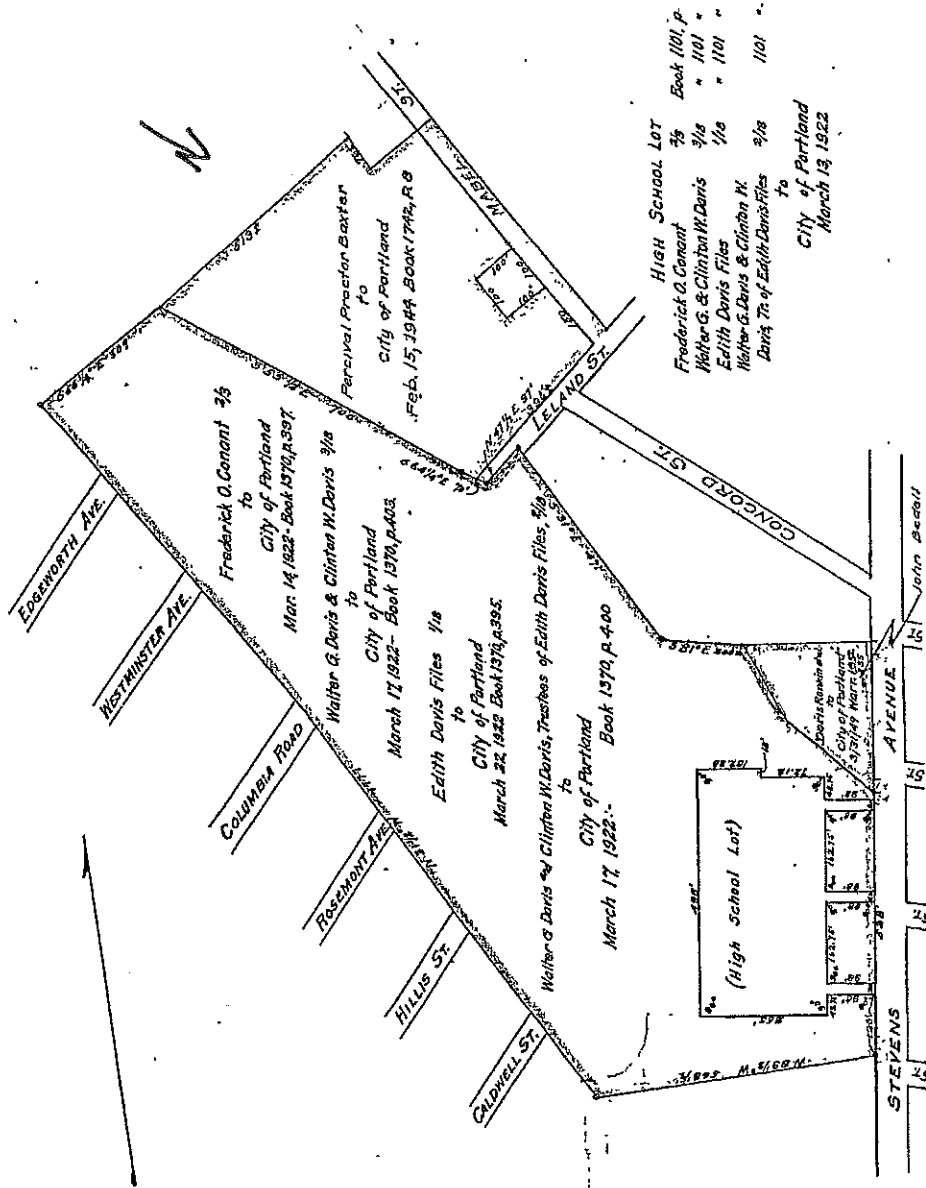
Now, Therefore, Be It Resolved, by the City Council of the City of Portland, in City Council assembled, as follows:

That the City Council does on behalf of the City of Portland express the deep and sincere gratitude of the people of this city to Honorable Percival P. Baxter for his generosity and for his farsighted effort to create this natural beauty spot in the City of Portland,

And Be It Further Resolved that the said City Council does on behalf of the municipality and of the people of said City of Portland accept his gift as aforesaid in accordance with the terms of his letter of January 27, 1944, and the plan

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CITY OF PORTLAND
CITY PROPERTY
REVALUATION SHEET NO. 1
SCALE 1"=200'



To have and to hold the aforegranted and bargain-
gained premises with all the privileges and appurte-
nances thereof, for the purposes and subject to the con-
ditions hereinbefore set forth, to the said City of Port-
land its use and behoof forever. And I do covenant
with the said grantee that I am lawfully seised in
fee of the premises that they are free of all incum-
brances except as hereinbefore set forth, that I have
good right to sell and convey the same to the said
grantee to hold as aforesaid and that I and my
heirs shall and will warrant and defend the same
to the said grantee forever against the lawful claims
and demands of all persons.

In Witness Whereof I the said Grantor and Jenny
M. wife of the said William H. in testimony of her
relinquishment of her right of dower in the above de-
scribed premises have hereunto set our hands and seals
this eleventh day of November A.D. 1879.

William H. Fessenden. Seal.

Jenny M. Fessenden. Seal.

State of Maine.

Cumberland ss. November 11th 1879. Personally appeared
the above named William H. Fessenden and Jenny
M. Fessenden and acknowledged the within instrument
to be their free act and deed.

Before me James B. Fessenden
Justice of the Peace.

Approved Clarence Hale
City Solicitor.

Received Dec 3^d 1879. at 12 h. 19 m. P. M. and recorded
according to the original.

Attest
Francis L. Stevens. Register.

Conveyed to the
City w/ the condition
that it would
never be a
City Park.

P/O

Deering Oaks
Park

Deering & Know all Men by these Presents, That We Nathaniel
Deering, Harriet H. Deering, and Henry Deering all
City of Deering in the County of Cumberland, and State
of Maine Margaret B. Gilman, wife of Augustus H.
Gilman, Georgiana B. Wpham wife of Edward C.
Wpham, and Marion B. Noyes all of Portland.
Warranty.

in said County and State, in consideration of One Dollar paid by the said City of Portland, the receipt whereof we do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said City of Portland forever, all our right, title and interest in and to all that tract of land known as Deerings Oaks situated in said Portland, together with certain portions of the stream and marsh adjoining, situated in the town of Deering, being such portions as are included in the proposed new laying out of the Marginal way now pending before the City Council of said Portland, and as shown upon a plan of said new laying out of said way in the office of the City Civil Engineer of said City, with certain flats in said Deering, all of said premises being bounded and described as follows, viz. beginning at the corner formed by the Northerly line of Portland Street, and the Easterly line of Grove Street, in said Portland, thence Northerly by said Grove Street to the centre of the channel of the creek between said Deerings Oaks and the town of Deering, thence Easterly by the centre of the channel of said creek to the Northerly line of the new laying out of said Marginal way, thence Easterly by said Northerly line of said Marginal way till it again strikes the centre of said channel, thence Easterly by the centre of said channel to the Northwestern corner of the lot of the late Daniel Winslow in said Deering, thence Southerly by the rear or Westerly line of the lot on the Westerly side of the County Road which leads from Deerings Bridge to Woodfolds corner, to a point opposite to and one hundred (100) feet Westerly from the Northerly end of said Deerings Bridge, thence Southerly, parallel with said Deerings Bridge and one hundred (100) feet Westerly therefrom, to land of J. S. Ricker at the foot of Green Street in said Portland, thence Westerly and Southerly by said Ricker's land to land of Larrabee, thence Southerly by said Larrabee's land to said Portland Street, thence Westerly by said Portland Street to point of beginning. Provided however, and this conveyance is made upon the condition that the premises herein described shall be forever held by said City of Port-

land as a public park. otherwise shall revert to said Grantors or their heirs. and provided further that the lands of said Grantors in the vicinity known as Deering's pasture shall not have their valuation for taxation as existing in the year A. D. 1878. increased during the next ten years while in the possession of the said Grantors, the said premises herein conveyed being subjects to a right of way herewith reserved to the said Grantors and their heirs for the Portland and Rochester Railroad as now used.

The foregoing premises being conveyed subject to the taxes of the - 1879. which are to be assessed by said City of Portland.

To have and to hold the aforegranted and bargained premises with all the privileges and appurtenances thereof for the purposes and subject to the conditions hereinbefore set forth to the said City of Portland its use and behoof forever. And we do covenant with the said grantee that we are lawfully seized in fee of the premises. that they are free of all incumbrances except as hereinbefore set forth. that we have good rights to sell and convey the same to the said grantee to hold as aforesaid. and that we and our heirs shall and will warrant and defend the same to the said grantee forever against the lawful claims and demands of all persons.

In Witness Whereof We the said Grantors and Anna M. wife of the said Nathaniel. Edward C. husband of the said Georgiana D. and Augustus H. husband of the said Margaret D. in testimony of their relinquishment of their rights of dower in the above described premises. have hereunto set our hands and seals this twelfth day of November A. D. 1879.

Signed Sealed and
Delivered in presence of
Jno W. Dana. to H. D.
Edward Deering Noyes.

N. Deering Seal.
Harriet W. Deering. Seal.
Henry Deering. Seal.
Margaret Deering Gilman Seal.
Georgiana Deering Whipple Seal.
Marion Deering Noyes. Seal.
Anna M. Deering. Seal.

Edward E. Upham. Seal.
 By his Attorney Henry Deering.
 Augustus H. Gilman. Seal.
 By his Attorney Henry Deering.

Lewistown, Me. Nov 12th 1879. Personally appeared the
 above named Henry Deering and acknowledged the
 above instrument to be his free act and deed.

Before me

A. A. Strout

Justice of the Peace.

Approved Clarence Hale

City Solicitor.

Received Dec 3rd 1879. at 12 h. 19 m P. M. and recorded
 according to the original.

Attest

Frank G. Stevens.

Register.

Know all Men by these Presents. That We Alice F. Anderson & Co.
 Anderson wife of W. H. Anderson of Portland, County of To
 Cumberland, and State of Maine, and Mary A. F. City of Portland
 Tucker wife of Edgar Tucker of New York City, Coun-
 ty and State of New York, in consideration of Six Warrantly
 thousand Dollars paid by the said City of Portland,
 the receipt whereof we we do hereby acknowledge, do
 hereby give, grant, bargain, sell and convey unto the
 said City of Portland forever, all our right title and
 interest in and to all that tract of land known as
 Deering's Cakes situated in said Portland, and bound-
 ed and described as follows, beginning at the corner
 formed by the intersection of the Northerly line of
 Portland Street, and the Easterly line of Grove Street
 in said Portland, thence Northerly by said Grove Street
 to the centre of the channel of the creek, between
 said Deering's Cakes, and the town of Deering, thence
 Easterly by the centre of the channel of said creek
 to a point opposite the centre of the channel where
 it passes under the mill on the Westerly side of
 Green Street, and one hundred feet Westerly from
 said Green Street, or Deering's Bridge, thence Southerly
 parallel with said Deering's Bridge and one hun-
 dred feet Westerly therefrom, to land of J. S. Bicker.

edged the within instrument to be his free act and deed,

Before me

James G. Fessenden
Justice of the Peace.

Approved Clarence Hale
City Solicitor.

Received Dec 3^d 1879. at 12 h. 19 m. P. M. and recorded according to the original.

Attest

Francis B. Stevens Register.

Know all Men by these Presents, That We James G. Fessenden, and Francis Fessenden, both of Portland, in the County of Cumberland, and State of Maine, in consideration of One Dollar paid by the City of Portland in said County and State, the receipt whereof we do hereby acknowledge, do hereby give, grant, bargain, sell, and convey unto the said City of Portland forever, all our right, title and interest in and to all that tract of land known as Deering's Oaks situated in said Portland together with certain portions of the stream and marsh adjoining situated in the town of Deering, being such portions as are included in the proposed new laying out of the Marginal way now pending before the City Council of said Portland and as shown upon a plan of said new laying out of said way in the Office of the City Civil Engineer of said City together with certain plate in Deering in said County, all of said premises being bounded and described as follows beginning at the corner formed by the intersection of the Northerly line of Portland Street, and the Easterly line of Grove Street, in said Portland, thence Northerly, by said Grove Street, to the centre of the channel of the creek between said Deering's Oaks, and the town of Deering, thence Easterly by the centre of the channel of said creek to the Northerly line of the new laying out of said Marginal way, thence Easterly by said Northerly line of said way till it again strikes the centre of said channel, thence Easterly by the centre of said channel to the Northwestern corner of the lot of the late Daniel Winslow in said Deering, thence Southerly by

Fessenden & al

To

City of Portland,

L.C.

Warranty. P/O

Deering Oaks
Park

the rear or Westerly line of the lots on the Westerly side of the County road which leads from Deering's Bridge to Woodford's corner to a point opposite to and one hundred (100) feet Westerly from the Northerly end of said Deering's Bridge. thence Southerly parallel with said Deering's Bridge and one hundred feet Westerly therefrom to land of J. S. Ricker at the foot of Green Street. in Portland. thence Westerly and Southerly by said Ricker's land to land of Larrabee. thence Southerly by said Larrabee's land to a point on the Northerly side of said Portland Street. thence Westerly by said Portland Street to the point of beginning.

Provided however and this conveyance is made upon the condition that the premises herein described shall be forever held by said City of Portland. as a public park. otherwise shall revert to said grantors or their heirs. and provided further that the lands of said grantors in the vicinity known as Deering's pasture shall not have their valuation for taxation as existing in the year A. D. 1878. increased. during the next ten years while in possession of the said grantors or their heirs. the said premises herein conveyed. being subject to a right of way herewith reserved to the said grantors and their heirs for the Portland and Rochester Railroad as now used. The foregoing premises being conveyed subject to the taxes for the year A. D. 1879. which are to be assumed by said City of Portland.

To have and to hold the aforegranted and bargained premises with all the privileges and appurtenances thereof. for the purposes and subject to the conditions hereinbefore set forth to the said City of Portland its use and behoof forever. and we do covenant with the said grantee that we are lawfully seized in fee of the premises that they are free of all incumbrances except as hereinbefore set forth. that we have good right to sell and convey the same to the said grantee to hold as aforesaid and that we and our heirs shall and will warrant and defend the same to the said grantee forever against the lawful claims and demands of all persons.

In Witness Whereof We. the said Grantors. and Frances L. wife of the said James D. and Ellen F. wife

of the said Francis, in testimony of their relinquish-
ment of their right of dower in the above described
premises have hereunto set our hands and seals this
----- day of ----- A. D. 1879.

The words "In their heirs"
interlined before signing.

Witness

George M. Clark
to J. D. F. & F. F.

James D. Fessenden. Seal
Francis Fessenden. Seal
Frances C. Fessenden. Seal
Ellen F. Fessenden. Seal

State of Maine.

Cumberland ss. November 18, 1879. Then personally appear-
ed the above named James D. Fessenden and Francis
Fessenden and acknowledged the above instrument
to be their free act and deed.

Before me George M. Clark,
Justice of the Peace.

Approved Clarence Hale
City Solicitor.

Received Dec 3^d 1879. at 12 h. 19 m. P. M. and recorded
according to the original.

Attest

Frank B. Stevens

Register.

Extract from the Will of
John Libby, 4th

Libby
To
Libby & al.

State of Maine.

Cumberland County.

Probate Office.

Devise.

Portland December 3^d A. D. 1879.

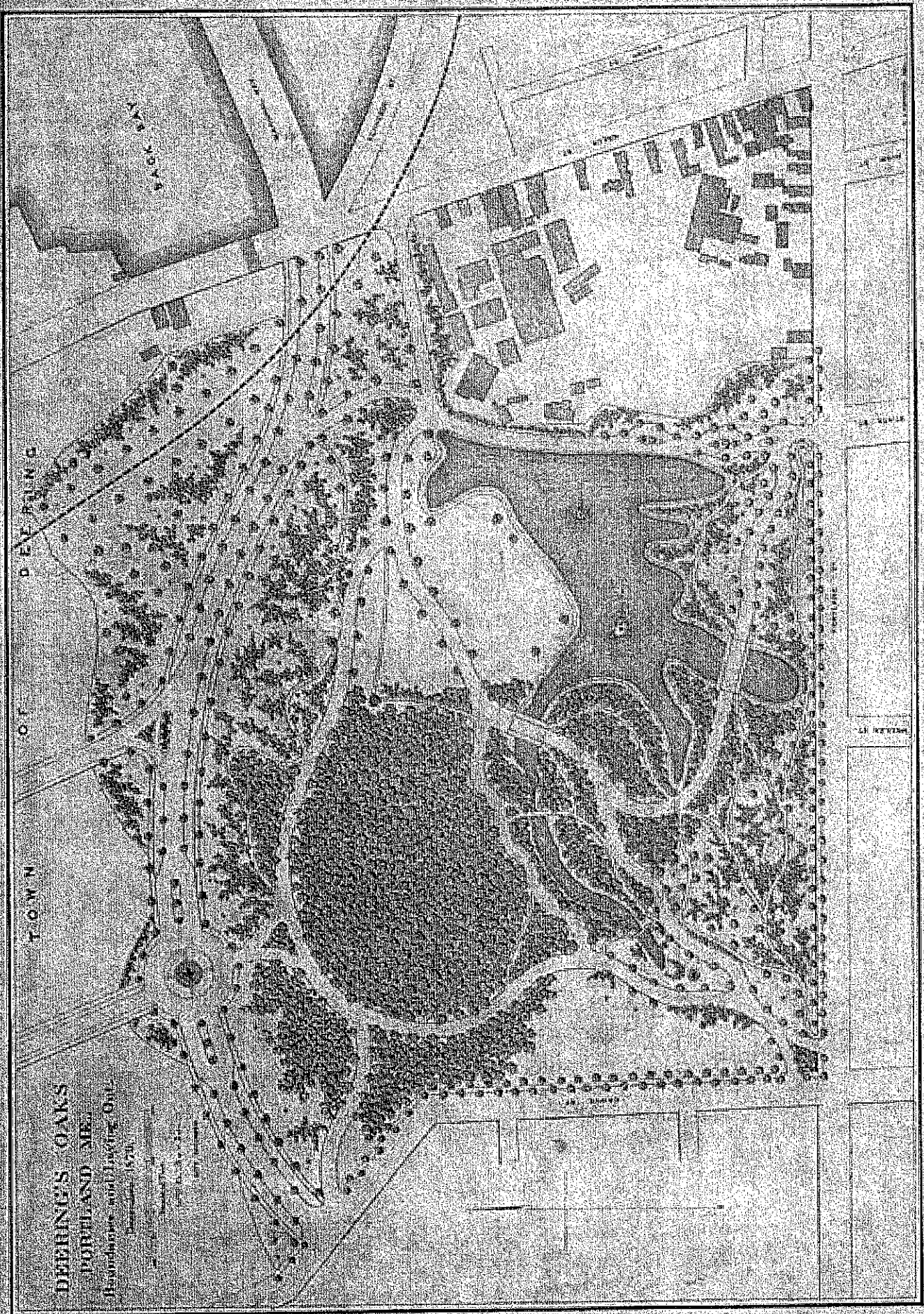
I hereby certify that the last Will and Testament of
John Libby 4th late of Scarborough in said County
deceased, was proved, approved and allowed by the
Judge of Probate for said County, at a Court held
at Portland, on the First Tuesday of December 1879,
and that the following is a true copy of so much
of said Will as devised real Estate in the County a-
foresaid.

First I give and bequeath to my beloved wife Lu-

DEERING'S OAKS
PORTLAND, ME.

Residence and Living Oak
Dedicated 1920

TOWN OF DEERING



were "quite successful." The park was also used as an area to transplant trees from the City nursery. Many of the trees along Baxter Boulevard were transplanted from the park.

It was reported in the 1933 annual municipal report that two tennis courts were in the process of being marked out. Two new park drives had recently been cut through making accessible 15 to 20 acres of the park. A year later, the report stated "it is recommended that the present playground be put in better condition. There has been some demand for a soccer field in this park."

By 1943, things hadn't changed too much. There were two tennis courts, one baseball diamond and a small children's playground. Only approximately five acres out of the 47 acres in the park were developed for active recreation. The 1943 recreation report recommended two additional tennis courts, a multi-use hard surface area for a variety of sports, outdoor basketball courts and facilities for field games. Five years later, a road was constructed connecting the park with Baxter Boulevard. An ice skating rink was added to the park the same year.

In 1964, the The Fourth "R" Recreation plan reported the same number of facilities at the park as in 1943.

In 1976, the Longfellow Arboretum was established as a cooperative effort between the Longfellow Garden Club and the City of Portland. The arboretum is on a 3 acre parcel on the southwesterly corner of the park. The arboretum grows exotic plant material for the enjoyment and education of the public.

During the early 1970's, significant changes were made to Payson Park. Two tennis courts were added adjacent to the existing ones, a softball field and additional playground equipment were provided. In the 1980's, changes to the roadway parking and baseball field were undertaken.

The role of Payson Park has evolved through the years. It was originally used as a site for community gardens and a nursery. Gradually, improvements were made to the park but for the first 50 years of the park's existence it had a limited number of facilities. As the largest park adjacent to Baxter Boulevard, it was inevitable that it has become a popular park for the City as a whole as well as adjoining neighborhoods.

Today Payson Park's predominant use is directed to active recreation facilities, including a lighted softball field, baseball field, two little league fields, four tennis courts, a basketball court, a skating rink and a tot lot. A prominent winter use in the park is the sledding hill extending from Ocean Avenue into the park.

Riverside Golf Course *

The opening of the Riverside Golf Course represented a new type of recreation facility for the City. Although the first golf courses in this country were not built until the 1880's, golf very quickly became the craze. Unlike other sports, such as baseball and tennis, that could be quickly accommodated within existing park facilities, a golf course could not because of its inordinately large land requirements.

The Riverside Golf Course was opened in 1929 as a nine hole course. Three years later, US Open Champion Jesse Guilford performed in the first golf exhibition at Riverside. By 1937, the course was expanded to 18 holes using Workers Progress Administration funding. Today, the course is 6,309 yards with a par of 72. The main part of the golf course is about 240 acres.

The 1938 annual municipal report indicated that "in the winter, skiing is enjoyed over the rolling terrain of the course, and a toboggan slide is erected, and an ice pond is provided. In the winter, the course is a popular place for informal winter sports."

The 1943 recreation plan found that "at the present time there is one excellent 18-hole course which apparently has been adequate to meet the past and present needs. If interest in this spirit should broaden in the future, it may be desirable to consider the construction of an additional course of nine holes in some other section of the city."

In 1961, 25 acres of land was purchased adjoining the course for use as a practice driving range and additional parking.

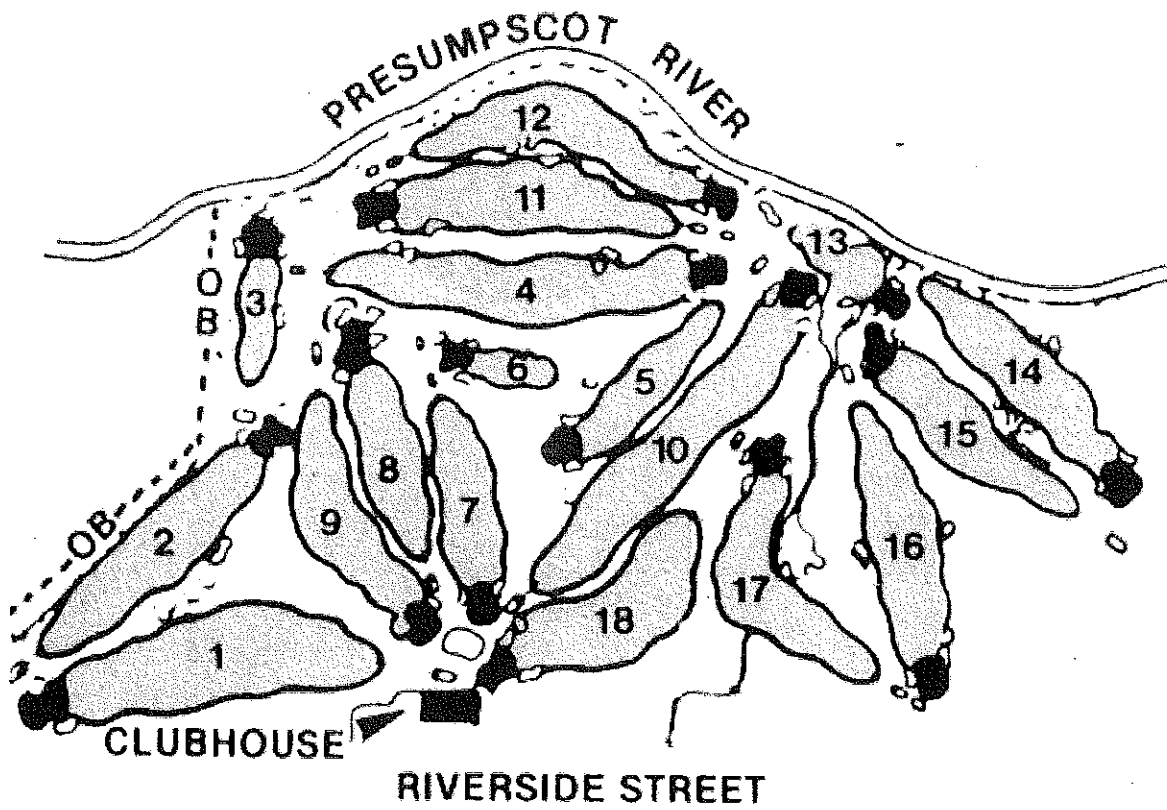
In 1975, the City acquired Hamlin's Pit. This parcel (22 acres) is adjacent to the golf course. With the acquisition of this parcel, the old Riverton Park land was now linked to the golf course (except for a small interruption), providing a continuous tract of recreational land over 1 1/2 miles long and containing about 280 acres. Hamlin's Pit, a former quarry, is currently being used as a reclamation area for construction debris. Long-term plans call for the property to be used as open space. During the early 1960's there was discussion of using this land for an additional nine holes.

A new clubhouse was constructed in 1976. The 6,400 sq. ft. clubhouse includes a restaurant, bar, pro shop, and locker rooms.

A long-term strategy to improve the golf course was outlined in the Ten Year Master Plan for Riverside North Municipal Golf Course. The 1983 plan (see Appendix A) provided a comprehensive list of needed improvements estimated to cost a total of \$956,000.

The Riverside Golf Course and adjacent City-owned land represents a significant resource. Although the site is a bit remote from most of Portland's developed neighborhoods, it is used by residents on a community-wide basis. With Evergreen Cemetery, it is one of the two largest open spaces in the City. The property has the most continuous length of shorefrontage of any city-owned parcel except for Back Cove. The site was originally designed and improved as a golf course, but it is also popular for winter sports. The Portland Shoreway Access Plan recommends that a riverside trail and canoe trail be considered for this property.

Riverside North Course Map



335

RESOLUTION
AUTHORIZING APPLICATION FOR GRANT
FOR ACQUISITION OF LAND FOR GOLF
COURSE EXTENSION

(City Manager)

IN THE CITY COUNCIL

JULY 7, 1965

Read twice and adopted, 8 Yeas.

Attest *Carolee M. Longfellow*
City Clerk.

RESOLUTION OF CITY OF PORTLAND, MAINE AUTHORIZING
FILING OF APPLICATION TO ACQUIRE OPEN-SPACE LAND

WHEREAS Title VII of the Housing Act of 1961 provides for the making of grants by the Housing and Home Finance Administrator to States and local public bodies to assist them in the acquisition of permanent interests in land for open-space purposes where such acquisition is deemed essential to the proper long-range development and welfare of urban areas in accordance with plans for the allocation of land to such purposes; and

WHEREAS the City of Portland, Maine desires to acquire a warranty deed to certain land known as the Hamlin Property adjacent to Riverside Municipal Golf Course, which land, in accordance with the Riverside Golf Course Extension adopted by the Portland City Planning Board, is to be held and used for permanent open-space land as a Golf Course; and

WHEREAS Title VI of the Civil Rights Act of 1964, and the regulations of the Housing and Home Finance Agency effectuating that Title, provide that no person shall be discriminated against because of race, color, or national origin in the use of the land proposed to be acquired; and

WHEREAS it is estimated that the total consideration to be paid for the acquisition of said interest will be \$25,734.00:

NOW, THEREFORE, BE IT RESOLVED BY THE City of Portland, Maine AS FOLLOWS:

1. That an application be made to the Housing and Home Finance Agency for a grant in an amount authorized by Title VII of the Housing Act of 1961, which amount is presently estimated to be \$5,000, and that the City of Portland, Maine will pay the balance of the consideration for the acquisition of such interest and the total of all related costs from other funds available to it.
2. That the City Manager is hereby authorized and directed to execute and to file such application with the Housing and Home Finance Agency, to provide additional information and to furnish such documents as may be required by said Agency, to execute such contracts as are required by said Agency, and to act as the authorized correspondent of the City of Portland, Maine.
3. That the proposed acquisition is in accordance with the Riverside Golf Course Extension adopted by the Portland City Planning Board for the preservation of permanent open-space land, and that, should said grant be made, the City of Portland, Maine will retain said land for the use designated in said application and approved by the Housing and Home Finance Agency.

NC STATE UNIVERSITY



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LIST SERV



Land & Water Conservation Fund

The Land & Water Conservation Fund (LWCF)

LWCF is a Federal grant program managed through the National Park Service and the NC Division of Parks and Recreation (DPR). The program began in 1965 and has funded 874 park projects in North Carolina providing more than \$74,700,000 in Federal grant funds for outdoor recreation. To learn more about the program and see a list of projects, visit <http://www.nps.gov/lwcf/>

Have an Active LWCF Grant?

Contact your regional RRS consultant for more information about managing your project or to get the required forms to submit reimbursement requests.

For more information check out the:
[LWCF Post Completion Responsibilities: Local Sponsor's Handbook](#)



Have a Park with LWCF Restrictions?

Check our FAQ list below to learn more about management requirements for your park.

FAQs for LWCF funded facilities

DISCLAIMER: *The answers below only provide basic information about LWCF restrictions and conversions. Every situation is different and must be evaluated through the proper channels. Always contact your regional RRS consultant to discuss your situation and get information on how to proceed.*

Does our park have LWCF Restrictions?

You may check the NPS website to see a list of projects by county. <http://waco-lwcf.ncrc.nps.gov/public/index.cfm> Keep in mind that some park names may have been changed over the years. The local project sponsor (incorporated municipality or county) should have information about the project on file. Also, all funded projects are required to have an official LWCF sign posted in the park. If you are still not sure, please contact your regional RRS consultant to find out.

What does a 6(f) boundary restriction mean?

When a project is assisted with LWCF funds, the grantee submits a site plan depicting funded facilities and outlining the boundaries of the project. Typically, the boundaries are the metes and bounds of the entire park. This boundary is the 6(f) boundary defining the park site as outlined in the LWCF act. The property is restricted to **public outdoor recreation use in perpetuity**. The land may not be used for any other purpose. Doing so results in a **conversion** from the signed project agreement, or contract.

How long are restrictions in place?

In perpetuity; LWCF restricts use of the property for outdoor recreation use forever. If your grant was awarded in the early years of the program when development was allowed on leased property, it is possible that the restrictions expire with the lease term. Contact your regional RRS consultant to confirm and discuss the option to continue with restrictions or request they be removed.

*L+W Cons. Fund
 grant for
 job at
 part of
 Riverside
 requires
 that we
 use the
 property
 for public
 outdoor recreational use in perpetuity.*

If LWCF only funded one facility, is the entire park restricted?

Yes. To determine the exact 6(f) boundaries, we will need to review the original project agreement and application file. That file documents the metes and bounds of the restricted property. If you have added park property since your grant, the new property may not hold 6(f) restrictions. Contact your regional RRS consultant to confirm.

What is a conversion?

There are two types of conversions; one associated with the property, the other with a funded facility.

1. A **property conversion** means that the park site (within the 6(f) boundaries) is being used for purposes other than public outdoor recreation. Examples include, but are not limited to: utility or road easements, sale of property, construction of non-recreation facility such as a pump station, town hall, or fire station within the boundaries.
2. **Facility conversions** occur when a facility constructed with LWCF assistance, such as tennis or basketball courts, playgrounds or trails have been removed from the site or are no longer in proper repair for public use. It may also occur when indoor recreation facilities are constructed on site. This includes enclosing an outdoor pool, even with a bubble.

When should I contact my RRS consultant about proposed changes in my LWCF park?

- LWCF funded facilities in disrepair, outdated or no longer in use
- Proposed changes to park boundaries, including sell of property
- Relocation of facilities within park boundaries
- Development of indoor recreation facilities (including enclosing a pool)
- Utility easement proposed through park property
- Non-recreation use within park boundaries

What if the facility has reached the end its lifetime or usefulness?

Many facilities were constructed with LWCF assistance over 30 years ago. Local sponsors are required to properly maintain and/or replace facilities as needed. If you have a facility (tennis court, for example) that has reached the end of its estimated lifespan and the public no longer needs that facility, the local sponsor may request that it be removed from LWCF restrictions. Contact your regional RRS consultant to discuss the request and get a list of the required documentation to make that request.

What is the process to request a conversion?

Contact your regional RRS consultant to discuss your LWCF site and the potential conversion. He or she will be able to provide conversion instructions based on your particular situation.

May we proceed with changes prior to official conversion approval?

No. Before any changes that are a conversion are made to a project site, approval to proceed must be received from the National Park Service. Keep in mind that not all requests are approved for conversion.

How long does a conversion request take?

Depending on the complexity of your request, the completeness of the documentation you submit and the time of year, your request may take from 3 to 6 months for approval. The request is submitted from the State of NC to the National Park Service.

What happens if we have a conversion without approval?

Contact your regional RRS consultant immediately to discuss the conversion and procedures to follow to remedy the situation. Many times, simple documentation is sufficient. However, if a conversion is unresolved your County or Town is "out of compliance" with their LWCF agreement. This status may negatively effect any other grant applications through the state or Federal system.

Recreation Resources Service
Campus Box 8004
Raleigh, NC 27695-8004
(919) 515-7118 (Phone)
(919) 513-4531 (Fax)



Edward Payson Park

249.

KNOW ALL MEN BY THESE PRESENTS, that I, William M. Payson Payson of Boston, County of Suffolk, Commonwealth of Massachusetts, upon the conditions to and for the considerations hereinafter set forth, and for public park purposes only City of Portland do hereby give, grant, bargain, sell and convey unto the City of Portland, in the County of Cumberland and State of Maine, a municipal corporation duly established under the laws of said State of Maine, the estate where my father lived for nearly the half century before his decease in 1890, comprising the greater part of the premises described in deed Gerry Cook to Edward Payson, of June 15, 1847, Cumberland Registry of Deeds, Book 203, Page 150, this conveyance being in accordance with what I know would be the wishes of my late brother, Edward Payson, in memory of our late father; and, excepting the part thereof taken for the Back Cove Boulevard, includes the premises between Ocean Avenue and Back Cove in said Portland, bounded as follows, viz: On the northwest seven hundred and sixty (760) feet more or less by said Ocean Avenue; thence on the west and south by land formerly of John G. Warren, deceased, about nineteen hundred and fifty (1950) feet to mean high water mark on Back Cove; thence easterly and northerly along mean high water mark of Back Cove to first boundary line in said Gerry Cook deed and along said line eleven hundred and twenty (1120) feet more or less to land formerly of Benjamin Adams, deceased, and along such land and land formerly owned or occupied by one Wescott to said Ocean Avenue, together with the house and buildings thereon and flats in Back Cove appurtenant thereto; the area of said described premises, supposedly some forty acres, more or less, to be determined by survey as hereinafter provided.

The conditions and considerations of this conveyance above mentioned are that the premises aforesaid shall always be named "The Edward Payson Park" and used for only public park purposes; that before delivery of this deed to said grantee the laws of the State of Maine, to wit, chapter 276 of the Private and Special Laws approved March 30, 1911, which might permit the use of said premises for other than park purposes shall at the next session of the Maine Legislature be either repealed or so amended as to except said premises from the operation thereof, and that such legislative action shall not be changed by referendum; that a survey shall be made of said bounded premises, not including said flats, to determine the number of acres thereof and that the area so determined shall be paid for by said grantee at the rate of five hundred and fifty dollars (\$550) per acre, as follows, viz: Five thousand dollars on delivery of this deed of said City or its Park Commission and the balance at the rate of five thousand dollars (\$5,000) per year until paid, with the right of earlier payment in whole or part at the option of said Park Commission, and that so much of the whole amount as remains unpaid on April 1, 1917, shall thereafter, until paid, bear five per cent. yearly interest, payable October 1st in each year; and that said grantor shall be relieved from the payment of all kinds of tax assessments made after the date hereof on said premises or any considerations named herein.

TO HAVE AND TO HOLD the aforegranted and bargained premises, for public park

purposes and subject to the conditions above stated, with all the privileges and appurtenances thereof to the said City of Portland and its successors as municipal corporations, forever, to its and their use and behoof forever. And I do covenant with the said grantee and its successors as municipal corporations, that I am lawfully seized in fee of the premises; that they are free from all encumbrances; that I have good right to sell and convey the same to said grantee to hold as afore said; and that I and my heirs shall and will warrant and defend the same to the said grantee and its successors as municipal corporations forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the said grantor, being unmarried has hereunto set his hand and seal this twenty-third day of December, in the year of our Lord one thousand nine hundred and sixteen.

Signed, sealed and delivered in the presence of

Franklin C. Payson	William M. Payson	Seal
State of Maine. Cumberland, ss. Portland, December 23, 1916. Personally appeared William M. Payson, the above named grantor, and acknowledged the above instrument to be his free act and deed.		

Before me, Franklin C. Payson
Justice of the Peace.

Received July 9, 1917, at 2h 20m P. M. and recorded according to the original

Baldwin
to
Scribner
N. of F.

WHEREAS Frank E. Baldwin, of Portland, County of Cumberland and State of Maine, by his mortgage deed dated the twenty-ninth day of September 1916 and recorded in Cumberland County Registry of Deeds, Book 970, Page 236, conveyed to Geo. T. Edwards Real Estate Co. of said Portland, a certain lot or parcel of land located at Avalon Highlands in said Portland, bounded and described as follows: Beginning at a point on the southwesterly side of Ardmore Street, distant southeasterly thereon one hundred and forty (140) feet from the southeasterly side of Avalon Road; thence southwesterly and at right angles to Ardmore Street one hundred (100) feet to a point; thence southeasterly and parallel with Ardmore Street forty (40) feet to a point; thence northeasterly and again at right angles to Ardmore Street one hundred (100) feet to said Ardmore Street; thence northwesterly along the southwesterly side line of Ardmore Street forty (40) feet to the point of beginning. Being lot numbered twenty-four (24) as shown on plan of Averlon Highlands, recorded in said Registry, Plan Book 12, Page 11, which mortgage was assigned to me by said Geo. T. Edwards Real Estate Co. by its assignment dated October 11th, 1916, and recorded in said Registry, Book 980, Page 43.

And Whereas the conditions of said mortgage have been broken. Now, therefore, by reason of the breach of the condition thereof I claim a foreclosure of said mortgage.

Portland, Maine, July 5, 1917.	Fred G. Scribner
State of Maine. Cumberland, ss. Portland, July 6th, A. D. 1917. I this day made service of this notice of Foreclosure on the within named Frank E. Baldwin of	

Stroudwater Park

WARRANTY DEED

KNOW ALL PERSONS BY THESES PRESENTS, that the Stroudwater Village Association, a Maine not for profit corporation with a place of business at 12 Garrison Street, Portland, Maine, in consideration of one dollar (\$1.00) and other valuable consideration paid by the City of Portland, a body politic and corporate with a place of business at 389 Congress Street, Portland, Maine, the receipt whereof is hereby acknowledged, does hereby remise, bargain, sell and convey with Warranty Covenants, to said City of Portland, its successors and assigns, a certain lot or parcel of land described in Schedule A, attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, the said Stroudwater Village Association has hereunto caused this instrument to be signed by Elizabeth Hoglund, its duly authorized President, this 10th day of November, 2004.

WITNESS

STROUDWATER VILLAGE ASSOCIATION

Donna M. Katsiaficas

Elizabeth Hoglund
By: Elizabeth Hoglund
Its: President

STATE OF MAINE
CUMBERLAND, ss.

11-10, 2004

Personally appeared the above-named Elizabeth Hoglund, the President of the Stroudwater Village Association, and acknowledged the foregoing to be his/her free act and deed and the free act and deed of the Stroudwater Village Association.

Before me,

Donna M. Katsiaficas
Notary Public/Attorney at Law

Donna M. Katsiaficas
Printed Name

Printed Name

SCHEDULE A

Certain real property, together with any improvements thereon located in the City of Portland, Cumberland County, Maine and more particularly described as follows:

A certain lot or parcel of land with the buildings thereon situated in Portland, at Stroudwater Village, so-called, Cumberland County, State of Maine, bounded and described as follows:

Beginning at an iron pin in the northerly line of Congress Street at the southwesterly corner of land now or formerly owned by William Leavitt; running thence in a southwesterly direction along said northerly line of Congress Street eight-eight and eight-nine hundredths (88.89) feet to the easterly line on Westbrook Street; thence along said easterly line of Westbrook Street ninety-eight and five hundredths (98.05) feet to a stake; thence turning and continuing along said easterly line of Westbrook Street with an interior angle of one hundred seventy-one degrees and four minutes ($171^{\circ} 4'$) one hundred eighty-five and seventy-five hundredths (185.75) feet to a stake in the southerly line of land formerly of one Daniel Dole; thence easterly with an interior angle of fifty-three degrees and fifty-five minutes ($53^{\circ} 55'$) and along the southerly line of said land of said Daniel Dole one hundred sixty-four and sixty-five hundredths (164.65) feet to a stake; thence in a southwesterly direction and along the westerly line of the land now or formerly owned by William Leavitt, two hundred forty-three and eighty-one hundredths (243.81) feet, more or less, to the point or place of beginning.

Less and except that portion of the above-described parcel subject to a taking by the State of Maine by instrument dated September 15, 1987 and recorded in the Cumberland County Registry of Deeds in Book 7992, Page 8.

The property herein conveyed is subject to an easement conveyed by C. Hasty Thompson to Portland Water District dated June 25, 1982 and recorded in said Registry of Deeds in Book 4981, Page 249.

Being the same premises conveyed to the Grantor and Portland Trails herein by deed from January to September 19, 2002 and recorded in the Cumberland County Registry of Deeds in Book 18105, Page 178. Portland Trails conveyed its interest to Grantor herein by deed of even date to be recorded in the Cumberland County Registry of Deeds.

→ This property is subject to the conditions that Grantee, its successors and assigns shall maintain said property for public use, and shall maintain it in the same relatively unimproved state as exists on the date of this conveyance.

This conveyance is further subject to all easements of record and a conservation easement granted by this Grantor to Portland Trails, of even date, to be recorded in the Cumberland County Registry of Deeds. This conveyance is also subject to the condition that Grantor may use the property for its events providing that such events are not inconsistent with the terms of the conservation easement granted to Portland Trails.

This property is further subject to a maintenance agreement of even date on file in the office of the Director of Finance at the City of Portland.

Received
Recorded Register of Deeds
Nov 22, 2004 09:55:16A
Cumberland County
John B O'Brien

University Park

125

Know all Men by these Presents, That

Portland Wharf & Land Company a corporation organized and existing under the laws of the State of Maine and located at Portland in the County of Cumberland and State of Maine

in consideration of one dollar and other valuable considerations paid by City of Portland; a municipal corporation organized and existing under the laws of the State of Maine, and located in said County of Cumberland

the receipt whereof it does hereby acknowledge, does hereby remise, release, bargain, sell and convey, and forever quit-claim unto the said City of Portland, its successors and assigns forever, a certain lot or parcel of land situated in said City of Portland, and bounded and described as follows, viz: Beginning at a point in the northerly side line of Harvard Street, as laid out and accepted November 19, 1934, said point being distant 72.60 feet westerly along the northerly side line of Harvard Street, from the second angle in the said northerly side line of Harvard Street easterly of Allen Avenue and said point of beginning being also the point of intersection of the said northerly side line of Harvard Street with the southerly side line of Yale Street as laid out and accepted November 19, 1934; thence southeasterly by the said northerly side line of Harvard Street, as laid out and accepted as aforesaid, a distance of 72.60 feet to the second angle in the said northerly side line of Harvard Street easterly of Allen Avenue; thence easterly by the said northerly side line of Harvard Street and making an included angle of $136^{\circ} 25\frac{1}{2}'$ with the northwesterly direction of the last described course, a distance of 2030.55 feet to the third angle in the said northerly side line of Harvard Street easterly of Allen Avenue; thence northeasterly by the northwesterly side line of Harvard Street and making an included angle of $101^{\circ} 08\frac{1}{2}'$ with the westerly direction of the last described course, a distance of 263.88 feet, more or less, to its intersection with the southerly side line of Yale Street as laid out and accepted as aforesaid; thence westerly by the said southerly side line of Yale Street and making an included angle of $74^{\circ} 43'$ with the southwesterly direction of the last described course, a distance of 2086.06 feet to the first angle in the said southerly side line of Yale Street easterly of Harvard Street; thence southwesterly by the said southerly side line of Yale Street, and making an included angle of $136^{\circ} 54'$ with the easterly direction of the last described course, a distance of 78.29 feet to the intersection of the said southerly side line of Yale Street with the northerly side line of Harvard Street, and the point of beginning. Containing 8.66 acres, more or less.

Meaning and intending to convey the lot of land included within the northerly and westerly side lines of Harvard Street and the southerly side line of Yale Street, as laid out and accepted as public streets or ways on November 19, 1934.

To have and to hold the same for recreational and park purposes; for the erection of school houses, fire stations or other buildings used for strictly municipal purposes.

On June and in Hold the same, together with all the privileges and appurtenances thereunto belonging, to the said City of Portland, its successors so long as the same may be used for the aforesaid purposes. And the said Grantor Corporation does hereby covenant with the said City of Portland, its successors heirs and assigns, that it will warrant and forever defend the premises to the said Grantee, its successors heirs and assigns forever, against the lawful claims and demands of all persons claiming by, through or under me, it.

U.S.I.R.
\$1.50
D.E.M.--
12/4/34

In Witness Whereof, the said Portland Wharf & Land Company has caused this instrument to be sealed with its corporate seal and signed in its corporate name by David E. Moulton, Treasurer, and Willis B. Moulton, President, thereunto duly authorized,

have hereunto set hand and seal this twenty-seventh day of November in the year of our Lord one thousand nine hundred and thirty-four.

Signed, Sealed and Delivered in presence of

PORTLAND WHARF & LAND CO.
CORPORATE SEAL
By David E. Moulton Treasurer.
Willis B. Moulton President.

County of
State of Maine, Cumberland, ss. December 3, 1934
Then Personally appeared the above named David E. Moulton Treasurer of said Grantor Corporation as foregoing and acknowledged the foregoing to be his free act and deed, in his said capacity, and the free act and deed of said corporation.
BEFORE ME,
Harry C. Wilbur
Justice of the Peace.

An Ordinance to Strengthen the Portland Land Bank Commission

I. BE IT ORDAINED BY THE CITIZENS OF PORTLAND AS FOLLOWS:

That Chapter 2, Article III-A of the Portland City Code is hereby amended to read as follows:

ARTICLE III-A. PORTLAND LAND BANK COMMISSION; FUND

Sec. 2-41. Definitions.

As used in this article, unless the context indicates otherwise, the following terms have the following meanings:

Commission means the Portland land bank commission established pursuant to section 2-42.

Land bank means property interests of the types provided in section 2-43(a) which are purchased, acquired or dedicated for the conservation and open space purposes hereunder.

Land bank fund means the fund established hereunder for the purchase of property interests for the conservation and open space purposes hereunder or for making grants or loans for such purposes.

Property interest means any fee simple interest in real property and any lesser interest therein, including without limitation, conservation restrictions and easements.
(Substitute Ord. No. 233, § 1, 4-5-99)

Sec. 2-42. Commission Established.

a) *Findings*. The City Council hereby finds that:

1. There is a need to balance development within the municipality with conservation of open space important for wildlife, ecological, environmental, scenic or outdoor recreational values;

2. there are insufficient financial resources currently in place to plan for, and acquire significant open space lands or easements which are or may become available within the municipality or in adjoining buffer areas; and

3. there is a need to supplement the city's open space conservation efforts, without duplicating the efforts of other public and private groups including the Portland Planning Board,

Portland Trails and the ~~Friends of the Portland Parks Commission~~. Therefore, in order to ensure the conservation and preservation of limited open space with important wildlife, ecological, environmental, scenic or outdoor recreational values, there is hereby established a Portland Land Bank Commission, Portland Land Bank and a Portland Land Bank Fund.

(b) *Purposes.* It shall be the purpose of the commission to:

1. work for the acquisition and conservation of open space within the City, as defined in §2-43(a) below;
2. cooperate with other agencies and parties on wetlands mitigation projects;
3. recommend on a priority basis the acquisition of various interests in real estate in order to effectuate the goals of this article;
4. accept gifts and funds from both private and public sources and to disburse such funds in accordance with the commission's approved budget for the purposes hereunder;
5. act as a liaison to other public and private nonprofit agencies involved in planning, acquisition, disposition, and management of conservation and open space land within the municipality; and
6. recommend an annual budget to the City Manager and City Council to carry out its purposes.

(c) *Appointment of commission.* The Portland Land Bank Commission shall consist of and be administered by nine (9) persons appointed by the City Council for staggered three-year terms. Except as provided below for non-voting members, the members must be legal residents of the municipality and shall serve without compensation. One member of the commission shall be appointed from the City Council. Neither a municipal employee nor member of the Planning Board or Board of Appeals may be a member of the commission. To the extent feasible, representation on the board shall be diversified, including without limitation, members representing environmental or conservation interests, economic development, business and financial interests, and the public generally. There shall be a resident from each of the City Council districts on the commission.

(d) *Non-voting members.* In addition to the nine voting members, the Board of Directors of Portland Trails and of Maine Audubon

Society shall each appoint one person from each of their memberships to serve as non-voting members of the commission for three (3) year terms. The only eligibility requirement for appointment to the non-voting positions shall be membership in the respective group which they represent. Such non-voting members shall serve at the pleasure of their appointing Board of Directors.

(e) *Vacancies.* In the event of a permanent vacancy in the voting members, the City Council shall, within 120 days of its occurrence, appoint a person to serve for the unexpired term.

(f) *Removal.* Voting members of the commission may be removed by the City Council for cause, after notice and hearing. Without limiting the foregoing, excessive absences from regularly scheduled meetings shall be considered cause for removal.

(g) *Organization of commission.* The commission shall annually elect a chair, a secretary and a treasurer from among its voting members and shall adopt reasonable rules for the conduct of its meetings, which rules shall include provisions for public comment substantially the same as those provided by City Council rules for standing council committees. The decisions of the commission shall be by majority vote of those present and voting and no business may be transacted without a majority of the voting members present; provided, however, five (5) votes shall always be required to authorize a grant or loan for acquisition of, or to recommend to the council the disposition of, any property interest acquired or disposed of hereunder. The Commission shall keep accurate records of its meetings and actions and shall file an annual report with the City Manager.

(h) *Powers and duties of commission.* The Commission:

1. Shall file annually with the City Council a registry of all open space of the types in section 2-43(a), publicly or privately owned, located within the city or abutting the City as potential buffer areas, for the purpose of providing information pertinent to property utilization, protection, development or use of such open space. The registry must show all property interests then currently held by the city, including a description of the use of those interests and all acquisitions, improvements or dispositions of all property interests held by the city at any time during the year preceding each filing. The commission shall determine and list in the registry the open space lands which meet the criteria in section 2-43(a) and which have significant value for preservation

through the land bank, and those which are of lesser or no value for preservation and those which are more appropriate for other uses. The foregoing determinations shall include a prioritized list of any recommended acquisitions for the Land Bank, as well as the commission's rationale for its determinations. The commission shall actively seek comments on the proposed registry from the Planning Board, Friends of the Parks, city departments, and the general public at a public hearing prior to adopting the registry or revision to the registry and forwarding it to the council for review. Said registry or revision thereto shall be subject to the approval of the City Council;

2. May solicit and recommend to the City Council the acceptance of gifts of any real property interests or of funds to further the conservation and open space goals of this article;

3. May recommend to the City Council the disposition of all or any portion of the property interests listed in the registry and held by the city; may review any proposed disposition of city tax-acquired property interests and make its own recommendations thereon to the City's tax acquired property committee, council committees and/or the City Council;

4. May obtain such professional services as are necessary in order to perform its duties, including development and updating of the Commission's registry, provided, however, to the extent possible, City staff shall assist the Commission;

5. May act as a liaison for the activities of public and private conservation bodies organized for similar purposes;

6. May make recommendations to, and participate with, the city and other agencies and parties in regard to wetlands mitigation plans and projects;

7. May apply for federal, state and local funds for which it may be eligible, subject to the approval of the City Council;

8. May advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary; and

9. Shall submit to the City Manager annually an operating and capital budget for all expenses and projects of the Commission, which shall include a separate budget for expenditures from the Land Bank fund, which expenditures will be limited to the purposes for which this fund is dedicated.

Commission expenditures shall not exceed its annual operating and capital budget, unless otherwise amended by the City Council.

(Substitute Ord. No. 233-99, §1, 4-5-99)

Sec. 2-43. Establishment of Land Bank.

(a) *Acquisition of property interests.* Property interests acquired and held for the purposes hereunder shall be considered as the land bank and may consist of any of the following types of land and interests in land:

1. Ocean, harbor, river, stream, or pond frontage and adjoining back lands;
2. Fresh or saltwater marshes, estuaries, flood plains and adjoining uplands;
3. Islands;
4. Land for future passive public outdoor recreational use, including hiking trails, bicycle paths, green belts and high elevations with a view;
5. Aquifers, aquifer recharge areas and other ecologically fragile or significant property;
6. Properties with unique historical or geological characteristics or otherwise important to the community's cultural welfare;
7. Woods or forest land;
8. Farmland or wildlife habitat;
9. Open spaces which help to shape the settlement pattern of the community by promoting the neighborhood concept and discouraging sprawl;
10. Vacant parcels of land, vacant buildings and properties or buildings and properties in significant disrepair which may be reclaimed for the purpose of establishing natural areas for conservation and open space land; ~~or~~
11. Conservation or trail easements and other similar interests in land; or

12.. "Urban open public spaces" such as parks, plazas and squares where people have the opportunity to recreate and hold events.

Said Land Bank property interests may be held in the name of the city or in the name of a private nonprofit organization when acquired from the City or with the assistance of a grant or loan from the land bank fund. All acquisitions of property interests under this article shall be subject to the approval of the City Council, unless previously approved through adoption of the Commission's annual budget.

(b) Maintenance of land. The Commission and the City government shall retain any land bank property interest acquired pursuant to this article and maintained in the land bank predominantly in its natural, scenic or open condition, except as otherwise provided in this article. Except upon the approval, in accordance with section 2-43(c), of the commission, the City Council, and, where applicable, the voters in a municipal election, or where required by state or federal law, and where appropriate, subject to the Constitution of Maine or state law, the commission or the City government shall not allow:

1. Construction or placing of buildings; roads, other than paths for recreational use; signs; billboards; other advertising, utilities or other structures on or above the surface, except in furtherance of the conservation, ~~and open space, and~~ recreation purposes of this article. Notwithstanding the foregoing, this provision shall not prohibit any of the following within any predominantly improved or non-forested areas of a Land Bank property interest: recreational structures, outdoor restaurant seating, outdoor markets, outdoor performance spaces, signs, and other advertising. Furthermore, predominantly unimproved or forested Land Bank property interests, or portions thereof, shall remain in their existing unimproved and forested condition. For the purposes of this subsection, a golf course shall be deemed a predominantly improved and non-forested area;

2. Dumping or placing of trash, waste or unsightly or offensive material;

3. Removal or destruction of trees, shrubs or other vegetation, except where necessary for management purposes and to enhance natural systems or open-space uses;

4. Excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance in such manner as to affect the surface, except limited grading to enhance the open-space uses of the land;

5. Surface use except for purposes permitting the land or water area to remain predominantly in its natural, scenic or open condition; or to permit the land to continue to support the cultural or recreational values for which it was acquired;

6. Activities detrimental to drainage, flood control, water conservation, erosion control or soil conservation, except as may be necessary or convenient in urban open public spaces described in section 2-43(a)(12); or

7. Other acts or uses detrimental to the cultural, natural, scenic or open condition of the land or water areas.

(c) Disposition of property interests.

- (1) Except as set forth in section 2-43(c)(2), Any request to use, improve, sell or otherwise dispose of, or the City's lease, use or improvement in a manner otherwise prohibited by this article, of any property interest in the Land Bank, in a manner otherwise prohibited by this article, or the removal of any property interest from Land Bank designation or dedication, shall become effective only after review and recommendation thereon by the commission, -and and -approval of either (i) the approval of six (6) members of the City Council and the approval of the majority of votes cast in a municipal election through the process set forth for an ordinance initiated by the City Council in section 9-45; or (ii) the approval of eight (8) members of the City Council; provided, however, such use, improvement or disposition must be legally consistent with the terms of any gift or grant of funds or property which was used for the acquisition of that property interest. Nothing herein is intended, nor shall it be deemed, to prevent or prohibit the sale or development of all or a portion of any property interest purchased with land bank funds to the extent legally consistent with the terms of its acquisition and approved by six (6) members of the City Council; provided, however, that the fund shall be reimbursed all of its costs and expenses for such purchase from such sale or development, including without limitation the purchase price, or pro rata share thereof,

of the property interest. Further provided, however, that no voter approval in a municipal election shall be required in the event of a sale or disposition to a nonprofit corporation having a primary purpose of land conservation, or for a transaction in which there is no net loss of land to the entire contiguous area of the Land Bank Property interest.

(Substitute Ord. No. 233-99, §1, 4-5-99)

- (2) Notwithstanding the requirements set forth in section 2-43(c)(1), for any request to lease, use or improve a Land Bank property interest, in a manner otherwise prohibited by this article, which, in isolation or when aggregated with other such actions within the previous five (5) years, comprises less than five thousand (5,000) square feet or less than ten percent (10%) of the total area of the Land Bank property interest, whichever is smaller, shall become effective only after review and recommendation thereon by the commission and the approval of six (6) members of the City Council, and shall not require voter approval in a municipal election. For the purpose of this subsection, the total area of the property interest shall be the entire contiguous area of that Land Bank Property interest, as measured by the City's tax assessor office.

Sec. 2-44. ~~Reserved.~~ Specific Properties Dedicated as Land Bank Property Interests.

In addition to those properties currently designated or dedicated as Land Bank property interests, the following properties are hereby dedicated as Land Bank property interests:

- a) Back Cove Park and Trail (429 K001, 166 X001, 165 X001, 158 X001, 157 X001, 139 X001, 128 X001, 440 A001, 442 B001, 442 X001, 441 X001, 009 X001, 008 X001, 440 X001)
- b) Barrow's Park/Baxter Sundial (128 F001)
- c) Bayside Park (026 H001, 026 H002, 026 H008)
- d) Baxter Pines (133 A001-A017, 133 B001-B013, 133 B016-B020)
- e) Baxter Woods (137 E012, 136 D004, 135 A005)
- f) Bell Buoy Park (444 A001) (including only the existing brick and grass area around bell buoy) (urban open public space)
- g) Belmeade Park (111 A001)
- h) Capisic Pond Park (224A X001, 224A E016, 224 X001, 192 C001, 192 H018, 192 H019, 192 H020, 192 H029, 223 A002, 223 A003)
- i) Clark Street Park (057 K010)
- j) Congress Square Park (037 E001) (urban open public space)

- k) Deering Oaks Park (050 A001, 049 B001, 035 I001, 035 G001, 035 F001)
- l) Dougherty Field (080 L001, 079 B001, 066 A002)
- m) Eastern Promenade Park, East End Beach, Fort Allen Park (008 A003, 008 A007, 010 B006, 015 G001, 006 A001, 006 A002, 006 A006, 006 B003, 005 E004, 005 E001, 005 E002, 006 B001, 005 E008, 004 C002, 004 C001, 004 A001, 001 A001, 001 A003, 001 C007, 001 C006, 001 C005, 001 C004, 001 C001, 002 A014)
- n) Fessenden Park (081 C006)
- o) Fort Gorges (110 A010)
- p) Fort Sumner Park (012 Q015, 013 K015)
- q) Fox Field/Kennedy Park (023 B001)
- r) Harbor View Park and Tate-Tyng Park (043 A001, 043 A002, 043 A003, 043 A004, 043 A005, 043 A006, 043 A007, 043 A008, 043 A009, 043 A010, 043 A011, 043 A013, 044 D001)
- s) Heseltine Park (129 C001)
- t) Lincoln Park (028 B001) (urban open public space)
- u) Lobsterman Park (032 X002 - only including land south of the entrance to parking garage) (urban open public space)
- v) Longfellow Square (no separate tax parcel) (only including statue and circular grassy area immediately surrounding statue) (urban open public space)
- w) Monument Square (027 G001) (urban open public space)
- x) Munjoy South Playground (017 G008)
- y) Payson Park (159 G001, 163 L006, 164 A001, 165 A001, 166 A001, 166 A009, 167 B009, 167 B010)
- z) Peppermint Park (021 F002)
- aa) Pleasant Street Park (039 F025)
- bb) Post Office Park (032 D005) (urban open public space)
- cc) Riverside Golf Course (but excluding land on or within three hundred (300) feet of the parking lots and land on and within three hundred (300) feet of the existing clubhouse (building 1158) and three other buildings (buildings 1140, 1200, and 1260) and excluding any land on or within three hundred (300) feet of the Riverside Recycling Facility) (361 A002, 360 A001, 362 A001, 363 A001, 359 A001, 358, A001, 364 A001, 357 A001, 365 A001, 366 A001, 367 A001)
- dd) Riverton Park (325 C008, 361 A001)
- ee) Stroudwater Park (213 E003, 213 E004)
- ff) Taylor Street Park (057 A006, 057 A009, 057 A010, 057 A018)
- gg) Tommy's Park (032 H009) (urban open public space)
- hh) University Park (436 B001, 438 B001) and
- ii) Western Promenade Park (064 E024, 068 E001, 070 C001, 071 A011, 071 A002, 071 A007).

Dedication of the above-listed properties as Land Bank property interests shall not affect any rights and interests of record held by third parties existing on the effective date of this ordinance. The above-listed properties may be removed from such dedication by the same process set forth in section 2-43(c).

Sec. 2-45. Land Bank Fund.

(a) *Establishment of fund.* The City shall establish a municipal land bank fund to be set up as a separate account within the city to be used to carry out the purposes of this article pursuant to the commission's approved annual budget. Deposits into the fund shall include:

1. Funds appropriated to be deposited into the fund by vote of the City Council;
2. Voluntary contributions of money or other liquid assets to the fund;
3. Any federal, state or private grant or loan funds provided to the land bank fund;
4. Interest from fund deposits and investments;
5. Repayments of loans authorized by the commission and reimbursement upon the sale of property interests from the land bank or acquired with land bank funds; and
6. An annual appropriation of .5% of the total annual capital improvement program.
7. The City Council must approve any expenditure from this fund for the acquisition of property, including but not limited to the cost of options to purchase.

(b) *Authority to grant or loan funds.* In addition to any other authority granted hereunder and subject to its annual budget, the Commission shall have the authority to make grants and loans to private nonprofit groups for the purpose of acquiring property interests in accordance with the purposes of this article. Such grants or loans shall be on such terms as provided by rules of the commission.

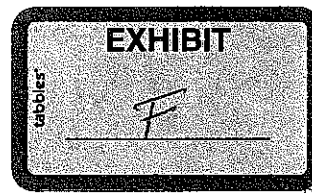
(c) *Land bank property management.* The Commission may expend land bank funds for administration, maintenance, management and limited capital improvement of land bank property, provided,

however, such expenditures shall not exceed 10% of the commission's budget without a 2/3 vote of the commission and approval by the City Council.

(d) *Payments; records.* All expenses lawfully incurred carrying out this article must be evidenced by proper vouchers and shall be paid by the City only upon submission of records duly approved by the commission and in a form satisfactory to the City's Finance Director. The City shall prudently invest available assets of the fund and all income from any investment or repayment of any loans shall accrue to the fund. Records of all meetings and transactions under this article shall be kept in accordance with City policies and procedures.

(Substitute Ord. No. 233-99, §1, 4-5-99; Ord. No. 19 03/04, 7-21-03)

II. This Ordinance shall apply and have an effective date, notwithstanding the provisions of 1 M.R.S.A. § 302 and in accordance with section 9-42 hereof, as of September 6, 2013.



Chapter 7 CEMETERIES*

*Cross reference(s)--Streets, sidewalks and other public places, Ch. 25.

State law reference(s)--Cemetery corporations, 13 M.R.S.A. § 1031 et seq.

- Art. I. In General, §§ 7-1--7-20
- Art. II. Lot Ownership, §§ 7-21--7-45
- Art. III. Care of Lots, §§ 7-46--7-65
- Art. IV. Interments, §§ 7-66--7-85
- Art. V. Plants, Shrubs and Flowers, §§ 7-86--7-105
- Art. VI. Monuments, Tombs, Mausoleums and Other Structures, §§ 7-106--7-122
- Art. VII. Rules of Conduct, §§ 7-123--7-139

ARTICLE I. IN GENERAL

Sec. 7-1. Purpose and intent.

For the mutual protection of lot owners and the cemeteries as a whole, the rules and regulations in this chapter are hereby established for all municipal cemeteries. All lot owners and persons visiting the cemeteries shall abide by such rules and regulations as herein enacted and as hereafter amended, which are intended to assist in maintaining our cemeteries as peaceful and beautiful areas as well as reverent symbols of respect for the dead.

(Code 1968, § 502.1; Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-2. Hours.

Cemetery offices will be open from 8:00 a.m. to 4:30 p.m. Monday through Friday, except holidays. The cemeteries themselves will be open from 8:00 a.m. to sunset each day, except from November first to April first when they will be open from 8:00 a.m. to 4:30 p.m.

(Code 1968, § 502.2(a)(1); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-3. Employees.

(a) Cemetery employees shall not work on Saturdays, Sundays and holidays except that Saturday employment may be permitted by the superintendent of cemeteries for an additional

charge as established by the city council or that employment may be required at times as determined by the department head.

(b) Cemetery employees are not permitted to do any work for lot owners or other persons except upon order of the superintendent of cemeteries but are required to be civil and courteous to all persons visiting the cemeteries.

(c) No gratuity shall be accepted by any cemetery employee.

(Code 1968, § 502.2(a)(2), (a)(3), (a)(5); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-4. Fees.

All fees or charges for services are payable at the cemetery offices, except that interment charges may be payable through any reputable funeral director and any foundation charges for monuments or marker emplacement may be payable through any reputable monument dealer.

(Code 1968, § 502.2(a)(4); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-5. Use of Wilde Memorial Chapel.

Wilde Memorial Chapel located at Evergreen Cemetery is open to the public without charge. Applications for use of the chapel must be made at least twelve (12) hours prior to time desired. The remains of any persons dying from any contagious disease cannot be brought into the chapel for funeral services.

(Code 1968, § 502.10)

Sec. 7-6. Correction of errors.

The cemeteries reserve the right to correct any errors that may be made by them in making interments, disinterments or removals, or in the description, transfer or conveyance of any lot. Errors of lot owners in failing to specify proper interment position, or of monument dealers in failing to clearly specify monument or marker foundation positions will be cause once work is in progress by the cemeteries for a fair additional charge in the event a change is requested.

(Code 1968, § 502.9)

Sec. 7-7. Enforcement.

The superintendent of cemeteries is hereby empowered to enforce the rules and regulations of this chapter and to exclude from the cemeteries any person deliberately violating such rules

and regulations. The superintendent shall have charge of the grounds and buildings within city cemeteries and shall have supervision and control of employees and all persons visiting the cemeteries, whether lot owners or otherwise.

(Code 1968, § 502.11)

- Sec. 7-8. Reserved.
- Sec. 7-9. Reserved.
- Sec. 7-10. Reserved.
- Sec. 7-11. Reserved.
- Sec. 7-12. Reserved.
- Sec. 7-13. Reserved.
- Sec. 7-14. Reserved.
- Sec. 7-15. Reserved.
- Sec. 7-16. Reserved.
- Sec. 7-17. Reserved.
- Sec. 7-18. Reserved.
- Sec. 7-19. Reserved.
- Sec. 7-20. Reserved.

ARTICLE II. LOT OWNERSHIP

Sec. 7-21. Prospective purchasers to visit cemeteries.

Persons desiring to purchase lots should visit the cemeteries where the superintendent of cemeteries will aid them in making a selection. Special rules relating to such lots will be explained and a copy of this chapter will be made available to prospective purchasers.

(Code 1968, § 502.3(a))

Sec. 7-22. Details of purchase.

The purchase price must be paid in full at the time of purchase and receipt for such purchase price will be given to the purchaser at that time. Within ten (10) days thereafter a deed and perpetual care bond will be sent to the purchaser by the director of finance. A description of lots contained in such deeds shall be in accordance with cemetery plots which are kept on file in the cemetery offices. It shall be the duty of the lot owner to notify the respective cemetery office of any change in address after purchase.

(Code 1968, § 502.3(b))

Sec. 7-23. Lots not subdivided or sold jointly.

Lots of various sizes are available in the cemeteries and, therefore, no lots will be subdivided. No single lot will be sold to joint purchasers.

(Code 1968, § 502.3(c))

Sec. 7-24. Purchasers-rights in roads, drives or paths.

No easement or right of interment is granted to any lot owner in any road, drive or path within the cemeteries, but such road, drive or path may be used as a means of access to the cemetery or buildings so long as it shall be devoted to such purpose.

(Code 1968, § 502.3(d))

Sec. 7-25. Rights reserved to cemeteries.

The right to enlarge, reduce, replot or change the boundaries or grading of the cemeteries, or a section or sections thereof, from time to time, including the right to modify or change the location of, or remove or regrade roads, drives, or walks, or any part thereof, is hereby reserved. The right to lay, maintain and operate, or alter or change, pipe lines or gutters for sprinkler systems and drainage purposes is also expressly reserved, as well as is the right to use cemetery property, not sold to lot owners, for cemetery purposes, including interment of the dead, or for anything necessary, incidental, or convenient thereto. The cemeteries reserve to themselves, and to those lawfully entitled thereto, a perpetual right of ingress and egress over lots for the purpose of passing to and from other lots.

(Code 1968, § 502.3(e))

Sec. 7-26. Cemeteries not responsible for loss or damage.

All reasonable precautions will be taken to protect lot owners and the property rights of lot owners within the cemeteries from loss or damage, but the cemeteries will not be responsible for loss or damage from causes beyond their reasonable control, and especially from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief-makers, explosions, unavoidable

accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than is hereby provided.
(Code 1968, § 502.3(f))

Sec. 7-27. Terms of agreement with lot owners.

The deed, perpetual care bond and this chapter constitute the sole agreement between the cemeteries, the city and lot owners. The statement of any employee or agent, unless confirmed in writing by an authorized representative of the cemeteries or the city shall in no way bind the cemeteries or the city.
(Code 1968, § 502.3(g))

Sec. 7-28. Repurchase or exchange of lots by superintendent.

The superintendent of cemeteries shall have the authority to purchase outright, or by exchange for other lots on behalf of the city, any unoccupied lot at such price as may be agreed upon by the owner and the superintendent.
(Code 1968, § 502.3(h))

Sec. 7-29. Transfer of lots.

Transfer of lots will not be recognized without the consent of the superintendent of cemeteries, and transfer deeds may be obtained at the offices of the cemeteries.
(Code 1968, § 502.3(i))

Sec. 7-30. Lost or destroyed deeds.

A lost or destroyed deed will be replaced by a new deed upon request upon payment of one dollar (\$1.00).
(Code 1968, § 502.3(j))

Sec. 7-31. Descent of title.

The laws of the state govern the descent of title to cemetery lots, as well as other matters relating to their ownership. It is important that, on the decease of an owner of a lot, the heirs or devisees of such person should file in the office of the respective cemetery full proof of ownership for the purpose of correcting the record. Notarized statements as to relationship and certified copies of wills are normally sufficient.

(Code 1968, § 502.8)

Sec. 7-32. Reserved.
Sec. 7-33. Reserved.
Sec. 7-34. Reserved.
Sec. 7-35. Reserved.
Sec. 7-36. Reserved.
Sec. 7-37. Reserved.
Sec. 7-38. Reserved.
Sec. 7-39. Reserved.
Sec. 7-40. Reserved.
Sec. 7-41. Reserved.
Sec. 7-42. Reserved.
Sec. 7-43. Reserved.
Sec. 7-44. Reserved.
Sec. 7-45. Reserved.

ARTICLE III. CARE OF LOTS*

*State law reference(s)--Care and maintenance of cemeteries, 13
M.R.S.A. § 1305.

Sec. 7-46. Perpetual care classification.

There are the following four (4) types of perpetual care which may be obtained from the city for the permanent maintenance of lots in cemeteries: (Classes 2nd, 3rd and 4th apply only to Evergreen Cemetery)

- (a) *1st class.* 1st class perpetual care includes keeping the turf even and in good condition, the grass properly cut, and the trees and shrubs, as duly authorized, trimmed.
- (b) *2nd class.* 2nd class perpetual care embraces any or all divisions in first class care, as well as the proper care and cleaning of all granite, stone, marble, or bronze structures on the lot at the time care is assumed, as well as any future erections expressly specified, but does not include replacement of any such structures.

(c) *3rd class.* 3rd class perpetual care assumes the same care as 2nd class care and, in addition, includes replacement of structures as described above when necessary.

(d) *4th class.* 4th class perpetual care includes all divisions in 1st class care and the care of any tombs, vaults or mausoleums, such as the pointing of joints, keeping walls in place, and the structure as a whole in a suitable and sanitary condition.

(Code 1968, § 502.4(a))

Sec. 7-47. Perpetual care required; may be purchased.

All lots sold after August 19, 1970, must include 1st class perpetual care, except in cases of Sections OO, MM and LL (a) in Forest City Cemetery and Section SG in Evergreen where such requirement is optional, and perpetual care may be purchased to cover any lots previously sold without care.

(Code 1968, § 502.4(b); Ord. No. 441-70, § 1, 7-20-70)

Sec. 7-48. Nature of care provided by cemeteries without cost.

The general care of the cemeteries is the responsibility of the city by and through its superintendent of cemeteries and includes reasonable and practical care of the unsold areas of the cemeteries, such as park and lawn areas, roads, shrubs and trees, which have been established by the cemeteries. In no case shall it mean the maintenance, repair or replacement of any memorial, tomb or mausoleum erected or placed upon a lot, nor the performing of any special or unusual work in the cemeteries.

(Code 1968, § 502.4(c))

Sec. 7-49. Additional care may be purchased.

(a) *By agreement.* Lot owners desiring additional care of their lots may arrange for such care with the superintendent of cemeteries who shall give an estimate of the cost of the work desired. This care may be provided for by annual payments made by the lot owner or by the establishment of a trust fund under such agreement as may be determined between the superintendent and the lot owner. The limitations of this type of care may vary according to the capabilities of the individual cemeteries.

(b) *By bequest.* In addition to the foregoing, the superintendent of cemeteries is authorized to accept testamentary bequests for additional lot care including, but not limited to, trust funds, upon his determination that the purpose of the bequest can be financially and lawfully implemented. In the event that it cannot be so implemented, the superintendent shall notify the estate's representative to that effect.

(Code 1968, § 502.4(d); Ord. No. 16-90, 6-18-90)

Sec. 7-50. Investment of trust and care funds.

All care funds held by the city, whether trust or perpetual care will be invested by the city as provided by law and will be expended only as provided by the trust or perpetual care agreement.

(Code 1968, § 502.4(e))

Sec. 7-51. Semi-active cemeteries.

Semi-active cemeteries of the city will be maintained as prescribed by the parks authority.

(Code 1968, § 502.4(f))

Sec. 7-52. Who may provide care for lots.

No person except a lot owner, his or her authorized representative, or an employee of the cemeteries, acting under the direction of the superintendent of cemeteries, is permitted to enter the cemeteries for the purpose of caring for lots without special permission of the superintendent of cemeteries secured in advance.

(Code 1968, § 502.4(g))

Sec. 7-53. Lot boundaries not to be defined.

No new lot or grave shall be defined by a fence, rail, curb, hedge, trees or shrubs for the purpose of describing its corners or boundaries.

(Code 1968, § 502.4(h))

Sec. 7-54. Reserved.

Sec. 7-55. Reserved.

Sec. 7-56. Reserved.

Sec. 7-57. Reserved.

Sec. 7-58. Reserved.

Sec. 7-59. Reserved.
Sec. 7-60. Reserved.
Sec. 7-61. Reserved.
Sec. 7-62. Reserved.
Sec. 7-63. Reserved.
Sec. 7-64. Reserved.
Sec. 7-65. Reserved.

ARTICLE IV. INTERMENTS*

*State law reference(s)--Disposal of bodies, 13 M.R.S.A. § 1032.

Sec. 7-66. Funerals in charge of cemeteries.

All funerals entering the cemeteries shall be under the direction of a funeral director who shall abide by the rules and regulations of the respective cemetery, and funeral directors upon arrival at a cemetery must present to the superintendent of cemeteries the necessary burial permit from the city clerk.
(Code 1968, § 502.5(b))

Sec. 7-67. Previous notices required for interments, etc.

The right is reserved by the cemeteries to insist upon at least twenty-four (24) hours' notice of any interment and at least one (1) week's notice of any disinterment or removal. The cemeteries reserve the right to postpone interment time due to acts of nature, God, civil and national emergencies.
(Code 1968, § 502.5(i))

Sec. 7-68. Times for interments.

The cemeteries will be open for interments from 8:00 a.m. to 4:30 p.m., Monday through Friday. Requests for openings prior to 10:00 a.m. on Mondays must reach the cemetery offices before noon on Friday. Any services extending beyond these hours, or Saturday interments, will require an additional charge above the regular interment fee. No interments will be made on Sundays or legal holidays, except on proclamation of an emergency.
(Code 1968, § 502.5(a))

Sec. 7-69. Interments to be authorized by lot owners.

All orders for interments in lots must be signed by the owner of the lot, or his or her authorized representative. When this is impossible because of absence from the city, telegraphic permission will be accepted in lieu of signed authorization.

(Code 1968, § 502.5(d))

Sec. 7-70. Number of interments in single grave.

No interment of two (2) or more bodies shall be made in one (1) grave, except in the case of mother and child, or two (2) infants, buried in one (1) casket. Further variation may be made in the case of cremations within family lots subject to the placing of markers and upon prior approval of the superintendent of cemeteries.

(Code 1968, § 502.5(e))

Sec. 7-71. Location within lot to be designated by owner.

When an interment is to be made in a lot, the location of such interment shall be designated by the lot owner, or his or her authorized representative. Should he or she fail or neglect to make such designation, the cemeteries reserve the right to make the interment in a location designated by the superintendent of cemeteries. The cemeteries shall not be responsible for errors from telephone information lacking precise and proper instructions as to the particular space, size of grave, and location in a lot, where interment is desired.

(Code 1968, § 502.5(f))

Sec. 7-72. Caskets opened only when.

Once a casket containing a body is within the confines of a cemetery, it shall not be opened except by a funeral director or his or her assistants or on an order signed by a court of competent jurisdiction.

(Code 1968, § 502.5(c))

Sec. 7-73. Graves opened only when.

Once an interment has been made, graves will be opened only by officials and employees of the cemeteries in the sole and exclusive judgment of the superintendent of cemeteries that such

opening is proper, necessary, and duly authorized or when the cemetery is directed to make a disinterment by an order of a court of competent jurisdiction and a certified copy of such order has been filed with the superintendent of cemeteries. In all cases the responsibility of the cemetery shall be limited to opening of the grave only and the actual disinterment must be made by the person authorized to do so.

(Code 1968, § 502.5(g))

Sec. 7-74. Outside containers required.

In order to maintain a high standard of care and to eliminate sunken graves caused by the collapse of wooden boxes, all burials must be made in outside containers constructed of natural stone, or of metal, or of reinforced concrete, or approved synthetics. All such containers must be made and installed so as to meet the specifications established by the superintendent of cemeteries. Outside containers may be procured from any source provided they meet the established specifications. Cement liners may be purchased and installed through the cemeteries, if so desired.

(Code 1968, § 502.5(h))

- Sec. 7-75. Reserved.
- Sec. 7-76. Reserved.
- Sec. 7-77. Reserved.
- Sec. 7-78. Reserved.
- Sec. 7-79. Reserved.
- Sec. 7-80. Reserved.
- Sec. 7-81. Reserved.
- Sec. 7-82. Reserved.
- Sec. 7-83. Reserved.
- Sec. 7-84. Reserved.
- Sec. 7-85. Reserved.

ARTICLE V. PLANTS, SHRUBS AND FLOWERS*

*Cross reference(s)--Vegetation generally, Ch. 29.

Sec. 7-86. Responsibility of cemeteries.

The cemeteries will undertake to maintain, to the extent practicable, the planting of trees and shrubs to preserve its landscape features, but will not undertake to maintain individual plantings, or urns of plants, except when so contracted to do so by special arrangement.

(Code 1968, § 502.6(a))

Sec. 7-87. Plantings; permission may be granted.

No individual beds of shrubbery or flowers shall be permitted on the grounds of the cemeteries, except by special permission of the superintendent of cemeteries, and request for such permission should be accompanied by a scaled sketch of the proposed planting, showing the location and name of the proposed plantings.

(Code 1968, § 502.6(b))

Sec. 7-88. Care of evergreens where authorized.

In the monumental sections of the cemeteries where certain areas allow the planting of evergreens, thought must be given to selection of a hardy variety and one (1) that will not exceed the limits of the location. All evergreens and shrubs must be kept trimmed to within six (6) inches of the lot borders. The cemeteries will, to the extent practicable, trim all evergreens properly placed on lots. Any trees or shrubs exceeding the six (6) inch mark will be severely cut back or removed.

(Code 1968, § 502.6(c))

Sec. 7-89. Plantings on single lots, etc.

No shrubs or evergreens will be permitted on a single grave lot. No plantings of any shrubs or trees will be permitted at individual headstones or flush markers. Plantings on two (2) grave or larger plots must first be approved by the superintendent of cemeteries.

(Code 1968, § 502.6(d))

Sec. 7-90. Floral displays on graves.

Only one (1) floral display is permitted on a grave at any one (1) time. Exceptions to this rule will be permitted during

one (1) week prior to and one (1) week following Memorial Day and at the time of interment. No glass jars, unsightly metal receptacles or breakable flower containers shall be placed on lots. True floral containers, recessed holders and rustic baskets are recommended.

(Code 1968, § 502.6(e))

Sec. 7-91. Regulations covering Memorial Park or nonmonumental areas.

In the Memorial Park or nonmonumental sections of the cemeteries, the primary aim is to create a beautiful expanse of park-like grounds, bordered by appropriate shrubs, trees and gardens. Within such areas all markers shall be flush with the surface. No individual plants within the burial areas will be permitted. Only one (1) floral display shall be permitted on a grave at any one (1) time, with the exceptions as set forth under section 7-90. Except for recessed containers, all plant and flower holders shall be placed upon the individual marker. In the absence of a marker, permission may be granted for the placement of memorial flowers or plants above ground on the normal location of a marker space. Cooperation of lot owners in this area will permit better maintenance and opportunities to improve the appearance and quality of the turf within these areas.

(Code 1968, § 502.6(f))

Sec. 7-92. Right of cemeteries to remove flowers and plants.

The cemeteries shall have the right to remove all floral designs, flowers, weeds, trees, shrubs, plants, or herbage of any kind from the cemeteries as soon as, in their judgment, they become unsightly, dangerous, detrimental, or diseased, or when they do not conform to the standard maintained in the cemeteries.

(Code 1968, § 502.6(g))

Sec. 7-93. Cemeteries not responsible for flowers and plantings.

The cemeteries shall not be responsible for floral pieces, baskets or frames in which or to which floral pieces are placed or attached beyond their acceptance for services held in the cemeteries, and shall not be responsible for frozen plants or herbage of any kind, or for plantings damaged by the elements,

thieves, vandals or by other causes beyond their control. The cemeteries reserve the right to prevent the removal of any flowers, floral designs, trees, shrubs, plants or herbage of any kind without prior approval.
(Code 1968, § 502.6(h))

Sec. 7-94. Removal of unsightly vases, urns.

The cemeteries reserve the right to remove from lots vases or urns not properly painted or otherwise cared for or not filled with plants by June thirtieth.
(Code 1968, § 502.6(i))

- Sec. 7-95. Reserved.
- Sec. 7-96. Reserved.
- Sec. 7-97. Reserved.
- Sec. 7-98. Reserved.
- Sec. 7-99. Reserved.
- Sec. 7-100. Reserved.
- Sec. 7-101. Reserved.
- Sec. 7-102. Reserved.
- Sec. 7-103. Reserved.
- Sec. 7-104. Reserved.
- Sec. 7-105. Reserved.

ARTICLE VI. MONUMENTS, TOMBS, MAUSOLEUMS AND OTHER STRUCTURES*

*State law reference(s)--Mausoleums and vaults, 13 M.R.S.A. § 1341 et seq.

Sec. 7-106. One monument per lot permitted; one marker per grave permitted.

The owner of any lot shall have the right to erect thereon any proper stone or monument upon authorization by the superintendent of cemeteries. Only one (1) monument shall be permitted on a lot which must be located in the center or center rear, unless special permission is granted by the superintendent for placing it otherwise. Only one (1) individual marker per grave is allowed in any of the cemeteries. In certain areas, however, a monument and individual headstones are permitted.

(Code 1968, § 502.7(a))

Sec. 7-107. Site and plans of structures to be approved.

Tombs, vaults or mausoleums can be constructed only in such places and be of such design as shall be approved by the superintendent of cemeteries. Complete plans and specifications must be furnished when request for permission to build is made.
(Code 1968, § 502.7(b))

Sec. 7-108. Single apartments required.

No bodies shall be placed in tombs, vaults or mausoleums except in hermetically sealed, single apartments in a manner satisfactory to the superintendent of cemeteries.
(Code 1968, § 502.7(c))

Sec. 7-109. Materials, size and design of structures.

No monument or other structure on a lot above ground shall be constructed of any other material than cut marble, granite, natural stone, or real bronze. In general, no monument or marker shall exceed a base size from end to end of sixty (60) percent of the width of the lot. However, in certain areas of the cemeteries, the specific design of particular sections has been planned to accept a certain type or size marker. These sections are familiar to local monument dealers, and more detailed information may be had at the offices of the cemeteries concerning such requirements or specifications.
(Code 1968, § 502.7(d))

Sec. 7-110. Foundations required; by whom constructed.

No stone, monument, tomb, vault or other superstructure shall be erected until a suitable foundation is laid. All foundations for monuments shall be not less than four (4) feet in depth. Deeper foundations will be used when deemed advisable by the superintendent of cemeteries. As a guarantee of good work, for the general welfare of the cemeteries, and for protection to lot owners, the cemeteries reserve the right to construct all foundations for such structures. The superintendent of cemeteries may, however, if deemed advisable, authorize under his supervision the construction of such foundation by other qualified contractors.
(Code 1968, § 502.7(e))

Sec. 7-111. Perpetual care required.

All tombs, mausoleums or vaults constructed after August 19, 1970, shall have such provision made for perpetual care as is adequate in each case.

(Code 1968, § 502.7(f))

Sec. 7-112. Reserved.
Sec. 7-113. Reserved.
Sec. 7-114. Reserved.
Sec. 7-115. Reserved.
Sec. 7-116. Reserved.
Sec. 7-117. Reserved.
Sec. 7-118. Reserved.
Sec. 7-119. Reserved.
Sec. 7-120. Reserved.
Sec. 7-121. Reserved.
Sec. 7-122. Reserved.

ARTICLE VII. RULES OF CONDUCT*

*Cross reference(s)--Offenses and miscellaneous provisions, Ch. 17.

Sec. 7-123. Trespass.

No person other than a cemetery employee on authorized duties shall enter any cemetery after the hours or times specified in section 7-2 and any person so entering shall be guilty of trespass.

(Code 1968, § 502.2(b)(1); Ord. No. 591-7, § 1, 11-3-75)

Sec. 7-124. Malicious mischief.

No person shall destroy, mutilate, deface, injure or remove any tomb, monument, gravestone, marker or other structure placed within any cemetery, or any fence, railing, or other work for the protection or ornamentation of any tomb, monument, gravestone, marker or other structure aforesaid, or any cemetery lot within any cemetery.

(Code 1968, § 502.2(b)(3); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-125. Manner of travel by pedestrians.

Persons visiting the cemeteries shall use only the avenues, walks and alleys provided, and no person shall walk upon or across lots or lawns unless necessary and where such avenues, walks or alleys are not provided. The city expressly disclaims responsibility for any injury sustained by any person violating this section.

(Code 1968, § 502.2(b)(2); Ord. No. 59175, § 1, 11-3-75)

Sec. 7-126. Manner of travel by vehicles.

Motor cars and vehicles must be kept under complete control at all times. When meeting a funeral cortege, they must stop until the procession passes. They must not pass a funeral cortege, either stopped or in motion. Mufflers must not be opened, nor the horn sounded within the cemeteries, and all such vehicles shall comply with the following rules:

- (a) Maximum speed limit: Fifteen (15) miles per hour.
- (b) No vehicle may be driven or parked across or upon any grave, lot or lawn.
- (c) Parking or leaving any vehicle on any road or drive in such a way as to prevent any car or vehicle from passing is prohibited and a violation of this section will be cause for the removal of such vehicle by the superintendent of cemeteries at the owner's expense.
- (d) Making a complete or partial reverse turn of any vehicle on any road or drive is forbidden.

(Code 1968, § 502.2(b)(4); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-127. Commercial vehicles prohibited.

No commercial vehicle shall be permitted within the limits of any cemetery except those directly involved in the business of the cemetery. The words "commercial vehicle" as used in this particular subsection shall mean a motor vehicle which bears a "Com" license plate as issued by the state or motor vehicle bearing commercial plates issued by any other state.

(Code 1968, § 502.2(b)(5); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-128. Alcoholic beverages prohibited.

No person shall be in possession of or consume any alcoholic beverage within any cemetery.

(Code 1968, § 502.2(b)(6); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Alcoholic beverages generally, Ch. 3.

Sec. 7-129. Commercial enterprises prohibited.

No person shall sell or offer for sale, hire, lease or rent any object, merchandise, property, service or other thing in any cemetery nor shall any person engage in any commercial enterprise in any cemetery except such as is directly involved in the business of the cemetery.

(Code 1968, § 502.2(b)(7); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-130. Solicitations prohibited.

Solicitations, charitable, political or otherwise are prohibited in any cemetery.

(Code 1968, § 502.2(b)(8); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Peddlers and solicitors generally, Ch. 19.

Sec. 7-131. Litter.

No person shall deposit in any cemetery any garbage, sewage, refuse, waste, vegetables, foodstuffs, boxes, tin cans, paper, or other litter or waste material or obnoxious material, except in containers designed for such purposes.

(Code 1968, § 502.2(b)(9); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Garbage, wastes and junk generally, Ch. 12.

Sec. 7-132. Disorderly conduct prohibited.

No person shall behave in a loud, indecent or disorderly manner in any cemetery or except as provided by section 7-138, create any unnecessary disturbance therein.

(Code 1968, § 502.2(b)(10); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Offenses against public peace, § 17-16 et seq.

Sec. 7-133. Sports, games prohibited.

No person shall conduct or participate in any sport, game or contest in any cemetery, except ice skating.
(Code 1968, § 502.2(b)(11); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Parks, recreation and public buildings, Ch. 18.

Sec. 7-134. Minors prohibited in cemeteries; exception.

Children under fifteen (15) years of age are not permitted within the cemeteries, except when accompanied by their parents, guardian or other adult person or by a written note of permission signed by a parent or guardian, giving their telephone number or address.
(Code 1968, § 502.2(b)(12); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-135. Unleashed animals prohibited.

No person shall cause or permit any animal or dog owned by him or her, in his or her custody, or under his or her control, to go at large within any cemetery unless on the walkways and roadways only and held in leash by a responsible person, the leash not to exceed eight (8) feet in length, except as otherwise provided in section 5-15.1 of this Code for control of dogs in city-owned cemeteries.
(Ord. No. 176-96, § 8, 3-4-96)

Editor's note--Pursuant to the adoption of § 5-15.1 of this Code, § 7-135, which prohibited unleashed animals in cemeteries, has been deleted, treated as repealed by said § 5-15.1. Formerly, § 7-135 derived from § 502.2(b)(13) of the city's 1968 Code as amended by Ord. No. 591-75, § 1, adopted Nov. 3, 1975. Subsequently, Ord. No. 176-96, § 8, adopted Mar. 4, 1996, enacted similar new provisions as herein set out.

Sec. 7-136. Unauthorized items removed from lots.

The placing of boxes, shells, toys, ornaments, chairs, settees or similar unauthorized items upon lots will not be permitted, and the superintendent of cemeteries reserves the right to remove any such unauthorized items.
(Code 1968, § 502.2(b)(14); Ord. No. 591-75, § 1, 11-3-75)

Sec. 7-137. Signs prohibited.

No sign, notice or advertisement of any kind except directional, identification signs placed by cemetery personnel shall be permitted in any cemetery and the superintendent of cemeteries shall remove same.

(Code 1968, § 502.2(b)(15); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Signs and billboards generally, § 14-366 et seq.

Sec. 7-138. Firearms, fireworks, weapons, etc., prohibited.

The bringing of firearms into any cemetery, except by a military escort, is prohibited. The discharging of, or carrying, offensive weapons of any type, or the hurling of rocks or pellets, or the discharging of fireworks therein is strictly prohibited. This is not to be construed as prohibiting ceremonial volleys with blank charges by properly supervised honor guards as a tribute to a deceased person if such ceremonial undertaking has been previously scheduled with the superintendent of cemeteries.

(Code 1968, § 502.2(b)(16); Ord. No. 591-75, § 1, 11-3-75)

Cross reference(s)--Fire prevention and protection, Ch. 10; weapons generally, § 17-41 et seq.

Sec. 7-139. Fishing prohibited.

In cemeteries containing natural or artificial ponds, the act of fishing or carrying tackle is prohibited.

(Code 1968, § 502.2(b)(17); Ord. No. 591-75, § 1, 11-3-75)

