

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
JUNE 3, 2014**

6:00 p.m. Workshop - Kennedy Park Bandstand Update

6:30 p.m. Executive Session - To discuss Acquisition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag.
Moment of Silence.

Presentation of scholarship award from Lewiston Firefighters Association
Acceptance of minutes of the meetings of April 15 and May 6, 2014.

Public Comment period - Any member of the public may make comments regarding issues pertaining to Lewiston City Government (maximum time limit is 15 minutes for all comments)

ALL ROLL CALL VOTES FOR THIS MEETING WILL BEGIN WITH THE COUNCILOR OF WARD 4.

CONSENT AGENDA: All items with an asterisk (*) are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

- * 1. Adoption of meeting schedule for the months of July and August.
- * 2. Order authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 23 Lincoln Drive.
- * 3. Order authorizing the City Administrator to execute various documents to clarify the property lines and to provide for easements allowing exterior maintenance and repair and outside dining for the property located at 64 Lisbon Street.

REGULAR BUSINESS:

- 4. Public Hearing for approval of outdoor concerts located around the City for the Bands on the Run half marathon event.
- 5. Public Hearing for approval of outdoor concerts sponsored by L/A Arts at Dufresne Plaza and Kennedy Park.
- 6. Public Hearing and Final Passage for an amendment to the Conditional Rezoning Agreement for 33 Roger Street.
- 7. Public Hearing and Adoption of the FY2015 Lewiston Capital Improvement Program Bond Issue Order.
- 8. Condemnation Hearing for the building located at 111 Pine Street.
- 9. Order of Condemnation for eminent domain proceedings of Beech Street.
- 10. Resolve indicating support for the Lewiston Police Department's Standard Operating Procedure on response to "Disorderly" Properties.

11. Resolve extending the term of the Kennedy Park Bandstand Restoration Committee, reducing the required funding ratio, and providing specific City services.
12. Resolve appointing Runyon Kersteen Ouellette as the City's Independent External Auditors.
13. Reports and Updates.
14. Any other City Business Councilors or others may have relating to Lewiston City Government.
15. Executive Session to discuss a legal matter with the City Attorney.
16. Executive Session to discuss labor negotiations regarding the International Association of Firefighters, Local 785.

LEWISTON CITY COUNCIL
WORKSHOP AGENDA
TUESDAY, June 3, 2014
6:00 P.M.

1. Kennedy Park Bandstand Update (30 minutes)

Individuals involved in the effort to raise funds to replace the Kennedy Park Bandstand will update the Council on progress to date and modifications which are being made to the original plan to reduce overall costs. An item appears on the regular agenda which would extend the term of the Committee and modify some of the original levels of support to be provided by the City.

2. Executive Session – Property Acquisition – Beech Street (15 minutes)

LEWISTON CITY COUNCIL
MEETING OF JUNE 3, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6:30pm

SUBJECT:

Executive Session to discuss Acquisition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/KMM

REQUESTED ACTION:

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To enter into an Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Acquisition of Property, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

LEWISTON CITY COUNCIL

MEETING OF JUNE 3, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Adoption of meeting schedule for the months of July and August.

INFORMATION:

Due to summer vacations and other commitments, it is recommended the City Council hold only one regular meeting during the month of July and one regular meeting during the month of August.

The Council has been following a summer meeting schedule of one meeting during the months of July and August for many years. It is recommended that the July meeting be held on Tuesday, July 15th at 7:00pm and the August meeting be held on Tuesday, August 12th at 7:00pm.

The above dates are subject to change should circumstances arise and the dates need to be adjusted.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To suspend Section 1,(a) of the Rules Governing the City Council, and to only hold one regular meeting during the month of July, said meeting to be held on Tuesday, July 15th at 7:00pm and to hold only one regular meeting during the month of August, said meeting to be held on Tuesday, August 12th at 7:00pm.

LEWISTON CITY COUNCIL

MEETING OF JUNE 3, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 23 Lincoln Drive.

INFORMATION:

The Council is asked to approve a municipal quitclaim deed for the property located at 23 Lincoln Drive. The quitclaim deed will release any interest the City may have by virtue of undischarged real estate tax liens or utility liens on this property.

Please see the memorandum from Finance Director Heather Hunter for additional information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

ETAB/KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 23 Lincoln Drive.



**City of Lewiston Maine
City Council Order
June 3, 2014**

Order, Authorizing Execution of a Municipal Quitclaim Deed – Real Estate Located at 23 Lincoln Drive.

WHEREAS, Roger Henry Poulin, Jr., the owner of the property at 23 Lincoln Drive (Tax Map 209, Lot 027, Parcel 00-008398) failed to pay his tax bill on a timely basis; and

WHEREAS, a tax lien in the amount of \$254.35 was filed on June 13, 2012 (Book 8418 Page 14) and matured on December 13, 2013; and

WHEREAS, payment was received in full on April 29, 2014;

NOW, THEREFORE, BE IT ORDERED by the CITY COUNCIL of the CITY of LEWISTON, that a quitclaim for 23 Lincoln Drive is hereby authorized to release the City's interest in the property back to the owner.



Finance Department

Heather Hunter
Director of Finance/Treasurer
hhunter@lewistonmaine.gov



TO: Mayor Robert E. Macdonald
And Members of the City Council

FROM: Heather Hunter, Finance Director/Treasurer

SUBJECT: **Quitclaim Deeds**

DATE: May 28, 2014

One of the most powerful collection tools in a municipality's arsenal is the ability to lien properties for delinquent taxes (real and special only), water and sewer balances, and most recently stormwater balances. Once a lien is recorded, eighteen months must lapse without payment before the lien matures. Prior to maturity, the City Council may waive the right to foreclose on a maturing lien, as you have done in the past. If the lien is permitted to mature, the municipality may elect to foreclose on the property or, if subsequent payment is received, return the property to its owner via a quitclaim deed.

At your June 3rd meeting, there will be a quitclaim deed requiring your action for the following property with a matured tax lien. The property taxes in the amount of \$254.35 have been paid.

Former Owner: Roger Henry Poulin Jr.
Deed Released to: Roger Henry Poulin Jr.
Address: 23 Lincoln Drive
Tax Map: 209 Lot 027 Parcel: 00-008398
Type of Lien: Tax Lien Filed: 6/13/12 (B8418 P14)
Matured: 12/13/13 Paid: 4/29/14

At this time, I am requesting you approve the order authorizing the quitclaim for the above account so the property can be released from the City to the owner.

Please feel free to contact me with any questions or concerns you may have. I will also be available at the meeting to address comments.

LEWISTON CITY COUNCIL
MEETING OF JUNE 3, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Order authorizing the City Administrator to execute various documents to clarify the property lines and to provide for easements allowing exterior maintenance and repair and outside dining for the property located at 64 Lisbon Street.

INFORMATION:

The property at 64 Lisbon Street is occupied by Argo Marketing. In the process of securing financing for their building improvements, some discrepancies arose during a title search regarding property boundary lines. The owner is seeking an easement across Dufresne Plaza for building access, exterior maintenance and repair and outdoor dining.

Please see the attached material for additional information on this issue.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EABIKMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To adopt the Order authorizing the City Administrator to execute various documents to clarify the property lines and to provide for easements allowing exterior maintenance and repair and outside dining for the property located at 64 Lisbon Street.



**City of Lewiston Maine
City Council Order
June 3, 2014**



Order, Authorizing the City Administrator to Execute Various Documents to Clarify the Property Lines and to Provide for Easements Allowing Exterior Maintenance and Repair and Outside Dining for the Property Located at 64 Lisbon Street.

Whereas, the property at 64 Lisbon Street is currently occupied by Argo Marketing and is owned by 64 Lisbon Street, LLC; and

Whereas, part of that process for securing permanent financing for the improvements to the property required the owner to complete a title and boundary survey which identified a number of title and property boundary discrepancies which need to be addressed to secure financing; and

Whereas, the owner has also requested easements across Dufresne Plaza for purpose of building access, exterior maintenance and repair, and to provide outdoor dining;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that

the City Administrator is hereby authorized to execute the necessary boundary and easement deeds between the City of Lewiston and 64 Lisbon Street, LLC.



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Honorable Mayor and Members of the City Council
FROM: David Hediger, City Planner
DATE: May 21, 2014
RE: 64 Lisbon Street: boundary and easement deed request from City

The property at 64 Lisbon Street is currently occupied by Argo and is owned by 64 Lisbon Street, LLC. The owner is in the process of securing financing for the improvements being made to the property. Part of that process required the owner to complete a title and boundary survey of the property. In doing so, a number of discrepancies were identified with respect to the title and property boundary and need to be addressed to secure financing. These include:

- Clarifying boundaries along portions of Park Street Alley where it appears the building may lie within the limits of said right-of-way.
- Securing easement for existing encroachments and appurtenances of the building at 64 Lisbon Street, such as signs, siding, lighting, roof caps, etc.
- Providing access across Dufresne Plaza to access the building at 64 Lisbon Street.
- Providing access across Dufresne Plaza for purposes of maintenance and repairs to the property at 64 Lisbon Street.
- Providing an easement to a limited portion of Dufresne Plaza immediately adjacent to 64 Lisbon Street for purposes of outdoor dining.

The City Attorney has been reviewing the proposed easement language to ensure that any agreements indemnify, defend and hold the City harmless from any and all claims or liabilities arising out of or relating to 64 Lisbon Street, LLC's use of said easements, that they shall at all times maintain a policy of liability insurance, and that said easements include provisions for the restoration of any plantings or surfaces impacted within easement areas.

This item was presented at the Council's May 20, 2014 workshop. At this time, staff is requesting the Council to authorize the City Administrator to execute the necessary boundary and easement deeds between the City of Lewiston and 64 Lisbon Street, LLC.

CLIFFORD & GOLDEN, P.A.

Attorneys At Law

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John D. Clifford, IV
Richard Golden
Joshua Klein-Golden
John D. Clifford, V

May 19, 2014

David Hediger
City Planner/Deputy Director Planning and Code Enforcement
City of Lewiston
27 Pine Street
Lewiston, ME 04240-7201

Via email and regular mail

Re: Boundary & Easement Deeds 64 Lisbon Street

Dear David:

Thank-you for taking the time to review the three deeds between 64 Lisbon Street, LLC and the City. As I explained to you when we met, SBA, which is providing a substantial part of the final financing for the project, requires that we provide it with an elegant and, frankly, very detailed survey of what is now the Argo Marketing building. When that survey was completed, we discovered that ever so much of the building metal siding extended over the assumed side, front and rear sidelines of the property by as much as 0.59' +/- . We also discovered that small parts of the old Park Street Alley now inside the building had not been properly described in the old vacation proceedings and so elements of it arguably remained unvacated, though certainly abandoned. The fact that the present structure has been there for more than 50 years, actually closer to 60 years, and the City has in no way maintained the alley, lead us to the conclusion that whatever rights to pass or repass over the alley within the building may have once existed, along with any title to the underlying real estate not already in 64 Lisbon Street, LLC, have ceased to exist.

Title insurance and the SBA, however, want assurances that no claim will be brought by the City on account of the apparent siding encroachments or the interior fragments of Park Street Alley. Two of the deeds presented establish the actual boundary lines between the 64 Lisbon Street, LLC parcel and the City, while at the same time releasing any claims the City might have to the alley within the building.

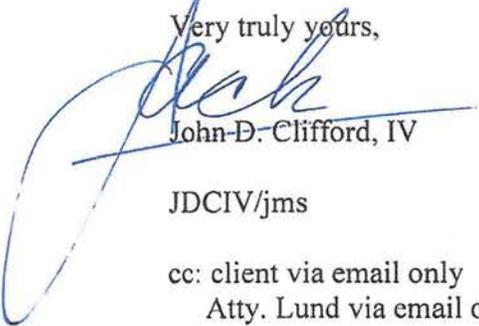
The third deed, from the City to 64 Lisbon Street, LLC., grants to 64 Lisbon an easement as described and shown on the Revised Preliminary Plan situated along the south side of the 64 Lisbon building. The easement has 12' wide openings at both the Lisbon Street and Park Street ends of the property for ingress and egress, if ever it becomes necessary, for the purposes outlined in the easement deed. You will note that 64 Lisbon has undertaken to indemnify the

City for certain claims arising from use of the easement as well as to restore the condition of the property in the event that in using it, for example to make repairs to the side of the building, it destroys or disturbs the existing landscaping. The easement also provides for outside seating in the area so designated on Exhibit A to the easement deed.

Once the Council approves the deeds and the City Administrator and Jason Levesque sign them, they will be recorded, the plan will be finalized and we will obtain the appropriate Title Insurance for the SBA closing, which we anticipate will occur about June 11.

Once again, Dave, please accept my thanks and that of my client for your attention and assistance in this matter.

Very truly yours,



John D. Clifford, IV

JDCIV/jms

cc: client via email only

Atty. Lund via email only

QUITCLAIM DEED WITH COVENANT

THAT **64 LISBON ST., LLC**, a limited liability company organized and existing under the laws of the State of Maine and having a place of business at Lewiston, County of Androscoggin, State of Maine, for consideration, **GRANTS TO, the Inhabitants of the City of Lewiston**, County of Androscoggin, State of Maine, **WITH QUITCLAIM COVENANT**, a certain lot or parcel of land located in the City of Lewiston, County of Androscoggin, State of Maine, described as follows:

Beginning at a point located on the assumed/apparent easterly sideline of Lisbon Street, at point "A-3" as shown in "Detail-A" of a plan entitled "ALTA/ACSM LAND TITLE/BOUNDARY SURVEY" prepared for 64 Lisbon Street, LLC by Cornerstone Professional Land Surveying, Inc., dated 1/21/2014 and revised 4/23/2014, said point "A-3" and true point of beginning lies within a new façade attached to the southerly face of the building owned by the grantor, and is further described as lying S 9°-52'-58" E a distance of Fifty-One and 37/100 (51.37) feet from a chiseled "X" made in the top of the east side of the rim of a utility access cover found flush in the easterly sidewalk of Lisbon Street, and lying N 69°-57'-06" E a distance of Seventeen and 04/100 (17.04) feet from a chiseled "X" made in the top of the northeast corner of a catch basin rim found flush in the pavement of Lisbon Street, thence from the said true point of beginning by the following courses and distances:

- 1) N 88°-42'-27" E a distance of Ninety-Seven and 58/100 (97.58) feet to a point labeled "H" in "Detail-H" of said Cornerstone Plan. Said point "H" is further described as lying N 35°-49'-45" E a distance of Eight and 75/100 (8.75) feet from a chiseled "X" made in the top of the northwest corner of a catch basin rim found flush in an open courtyard, and lying N 86°-45'-23" W a distance of One Hundred Ten and 44/100 (110.44) feet from a chiseled "X" made in the top northeast side of the rim of a manhole cover found flush in the pavement of Park Street, all as shown on said Cornerstone Plan.
- 2) N 0°-47'-30" W a distance of Seven and 86/100 (7.86) feet to a point labeled "G" in "Detail-G" of said Cornerstone Plan, at the southerly face of the existing cinder block wall of the building owned by the grantor (said cinder block wall now being partially covered by an exterior façade). Said point "G" is further described as lying N 18°-32'-09" E a distance of Fifteen and 77/100 (15.77) feet from a chiseled "X" made in the top northwest corner of said catch basin rim found flush in said open courtyard, and lying N 82°-42'-56" W a distance of One Hundred Eleven and 27/100 (111.27) feet from a chiseled "X" made in the top northeast side of the rim of a manhole cover found flush in the pavement of Park Street, all as shown on said Cornerstone Plan.
- 3) N 89°57'-41" E following the southerly face of said cinder block wall of the building owned by the grantor as it runs, a distance of Seventy-Seven and 92/100

(77.92) feet to a point labeled "I" in "Detail-I" of said Cornerstone Plan. Said point "I" is further described as laying N 72°-12'-43" E a distance of Sixty-Two and 82/100 (62.82) feet from a chiseled "X" made in the top northeast corner of a catch basin rim found flush in a concrete walk along the edge of said open courtyard, and lying N 66°-25'-33" W a distance of Thirty-Five and 41/100 (35.41) feet from said chiseled "X" made in the top northeast side of the rim of said manhole cover found flush in the pavement of Park Street, all as shown on said Cornerstone Plan.

- 4) S 89°-29'-44" E following the southerly face of the said building owned by the grantor as it runs (said portion of wall now being composed of brick) and an extension S 89°-29'-44" E of the southerly face of said wall (said brick portion of the wall now covered by an exterior façade,) a distance of Nineteen and 75/100 (19.75) feet to the assumed/apparent westerly sideline of Park Street at point "F" as shown in "Detail-F" of said Cornerstone Plan. Said point "F" is further described as lying N 42°-14'-35" W a distance of Eighteen and 89/100 (18.89) feet from said chiseled "X" made in the top northeast side of the rim of said manhole cover found flush in the pavement of Park Street, and lying S 28°-24'-40" W a distance of Eighty-Five and 82/100 (85.82) feet from a chiseled "X" made in the top of the northeast corner of a manhole rim found flush in the pavement of Park Street, all as shown on said Cornerstone Plan.

The purpose of this deed and a deed of even or recent date (to be recorded) from the grantees to the grantor, being to establish a common division line between land of the grantor and land of the grantees. The further purpose and intent being to extinguish any rights the City may have gained (by virtue of any means) to the land and improvements located within the boundaries of the land of the grantor as shown on said Cornerstone Plan, as said additional purpose and intent is more particularly described in said deed of even or recent date to be recorded.

Bearings are referenced to said Cornerstone Plan. Reference is made to a deed to the grantor 64 Lisbon Street, LLC as recorded in the Androscoggin County Registry of Deeds in Book 8749, Page 100.

Witness my hand and seal this ____ day of _____, 2014.

In Witness Whereof **64 Lisbon St., LLC** has caused this instrument to be signed in its corporate name by _____, its _____, thereunto duly authorized on this ____ day of _____, 2014.

By:
Its: _____

STATE OF MAINE
ANDROSCOGGIN, ss.

_____, 2014

Personally appeared the above-named _____ in his/her capacity as _____ of 64 Lisbon St., LLC, duly authorized, and acknowledged the

foregoing instrument to be its free act and deed, before me,

Attorney at Law/Notary Public

Typed/Printed Name

QUITCLAIM DEED WITH COVENANT

THAT **the Inhabitants of the City of Lewiston**, County of Androscoggin, State of Maine, for consideration, GRANTS TO, **64 LISBON ST., LLC**, a limited liability company organized and existing under the laws of the State of Maine and having a place of business at Lewiston, County of Androscoggin, State of Maine, WITH QUITCLAIM COVENANT, a certain lot or parcel of land located in the City of Lewiston, County of Androscoggin, State of Maine, described as follows:

Beginning at a point located on the assumed/apparent easterly sideline of Lisbon Street, at point "A-3" as shown in "Detail-A" of a plan entitled "ALTA/ACSM LAND TITLE/BOUNDARY SURVEY" prepared for 64 Lisbon Street, LLC by Cornerstone Professional Land Surveying, Inc., dated 1/21/2014 and revised 4/23/2014, said point "A-3" and true point of beginning lies within a new façade attached to the southerly face of the building owned by the grantee, and is further described as lying S 9°-52'-58" E a distance of Fifty-One and 37/100 (51.37) feet from a chiseled "X" made in the top of the east side of the rim of a utility access cover found flush in the easterly sidewalk of Lisbon Street, and lying N 69°-57'-06" E a distance of Seventeen and 04/100 (17.04) feet from a chiseled "X" made in the top of the northeast corner of a catch basin rim set flush in the pavement of Lisbon Street, thence from the said true point of beginning by the following courses and distances:

- 1) N 1°-29'-35" W through said façade and by the assumed/apparent easterly sideline of said Lisbon Street a distance of 09/100 (0.09) feet to point "A-2" as shown on "Detail-A" of said Cornerstone Plan, at the southerly face of the existing brick wall of the building owned by the grantee (said brick wall now being partially covered by said exterior façade). Said point "A-2" is further described as lying S 9°-53'-51" E a distance of Fifty-One and 28/100 (51.28) feet from said chiseled "X" made in the top of the east side of the rim of said utility access cover found flush in the easterly sidewalk of Lisbon Street, and lying N 69°-39'-49" E a distance of Seventeen and 07/100 (17.07) feet from said chiseled "X" made in the top of the northeast corner of said catch basin rim found flush in the pavement of Lisbon Street, all as shown on said Cornerstone Plan.
- 2) S 88°-43'-27" W by the said assumed/apparent sideline of said Lisbon Street, following the southerly face of said brick wall of the building owned by the grantee as it runs, a distance of 32/100 (0.32) feet to point "A-1" as shown on "Detail-A" of said Cornerstone Plan, at the southwesterly corner of the said brick building owned by the grantee (said brick wall now being partially covered by said exterior façade). Said point "A-1" is further described as lying S 9°-32'-27" E a distance of Fifty-One and 24/100 (51.24) feet from said chiseled "X" made in the top of the east side of the rim of said utility access cover found flush in the easterly sidewalk of Lisbon Street, and lying N 69°-18'-12" E a distance of Sixteen and 76/100 (16.76) feet

from said chiseled "X" made in the top of the northeast corner of the rim of said catch basin rim found flush in the pavement of Lisbon Street, all as shown on said Cornerstone Plan.

- 3) N 1°27'-10" W by the said assumed/apparent easterly sideline of Lisbon Street, following the westerly face of said brick wall of the building owned by the grantee as it runs (said brick wall now being covered by an exterior facade,) a distance of Seventy-Four and 91/100 (74.91) feet to point "B" as shown in "Detail-"B" of said Cornerstone Plan, at the northwesterly brick corner of said building owned by the grantee, and near the southwesterly corner of land now or formerly owned by Gilbert A. Poliquin as recorded in the Androscoggin County Registry of Deeds in Book 4842, Page 15. Said point "B" is further described as lying N 40°-34'-31" E a distance of Seventy-Three and 67/100 (73.67) feet from a chiseled "X" made on the top of the base flange on the southerly side of the fire hydrant in the westerly sidewalk of Lisbon Street, and lying N 15°-08'-46" E a distance of Twenty-Five and 23/100 (25.23) feet from said chiseled "X" made in the top of the east side of the rim of said utility access cover found flush in the easterly sidewalk of Lisbon Street, all as shown on said Cornerstone Plan.

- 4) N 88°-42'-27" E by the southeasterly line of land now or formerly of said Poliquin, in part following the northerly face of the brick wall of the said building of the grantee as it runs to a junction with a cinder block wall, and continuing in the same direction along or near the northerly face of the said cinder block wall of said building, a total distance of Ninety-Eight and 76/100 (98.76) feet to point "C" as shown in "Detail-"C" of said Cornerstone Plan, at the southeasterly corner of land now or formerly of said Gilbert A. Poliquin. Said point "C" is further described as lying S 16°-24'-15" E a distance of Twenty-Five and 74/100 (25.74) feet from a chiseled "X" made in the top of the westerly side of the rim of a gas valve cover found flush in the pavement of Park Street Alley, and lying S 61°-41'-56" E a distance of Seven and 79/100 (7.79) feet from said chiseled "X" made in the top of the northeast corner of the rim of a catch basin set flush in the pavement of said Park Street Alley, all as shown on said Cornerstone Plan.

- 5) N 0°-47'-30" W through Park Street Alley and by the easterly line of land now or formerly of said Poliquin a distance of Twenty-Three and 00/100 (23.00) feet to point "D" as shown in "Detail-"D" of said Cornerstone Plan, at the southwesterly corner of land now or formerly of 37 Park LLC as recorded in the said Registry of Deeds in Book 7936, Page 193. Said point "D" is further described as lying S 76°-17'-39" E a distance of Seven and 16/100 (7.16) feet from said chiseled "X" made in the top of the westerly side of the rim of said gas valve cover found flush in the pavement of Park Street Alley, and lying N 18°-43'-15" E a distance of Twenty and 38/100 (20.38) feet from said chiseled "X" made in the top of the northeast corner of the rim of said catch basin set flush in the pavement of said Park Street Alley, all as shown on said Cornerstone Plan.

- 6) N 89°-59'-40" E through Park Street Alley and continuing on the same course through a cinder block wall to the southwesterly corner of the southerly brick wall of the building owned by said 37 Park LLC, and continuing on the same course by the said southerly brick wall as it runs (excluding the brick chimney southerly of and attached to said wall) a total distance of Ninety-Eight and 77/100 (98.77) feet to point "E" as shown in "Detail-"E" of said Cornerstone Plan, at the southeasterly corner of land now or formerly of said 37 Park LLC and the assumed/apparent westerly sideline of Park Street. Said point "E" is further described as lying S 70°-34'-32" W a distance of Twenty-One and 52/100 (21.52) feet from a chiseled "X" made in the top of the southerly side of the rim of a manhole cover found flush in the pavement of said Park Street, and lying N 7°-01'-30" W a distance of One Hundred Five and 02/100 (105.02) feet from a chiseled "X" made in the top of the northeast side of the rim of a manhole cover found flush in the pavement of said Park Street, all as shown on said Cornerstone Plan.
- 7) S 0°-05'-25" E by the said assumed/apparent westerly sideline of Park Street a distance of Ninety and 25/100 (90.25) feet to point "F" as shown in "Detail-"F" of said Cornerstone Plan. Said point "F" is further described as lying S 28°-24'-40" W a distance of Eighty-Five and 82/100 (85.82) feet from a chiseled "X" made in the top of the northeast corner of a manhole access cover rim found flush in the pavement of said Park Street, and lying N 42°-14'-35" W a distance of Eighteen and 89/100 (18.89) feet from said chiseled "X" made in the top of the northeasterly side of the rim of said manhole cover found flush in the pavement of said Park Street, all as shown on said Cornerstone Plan.
- 8) N 89°-29'-44" W by an easterly extension of the southerly brick wall of said building owned by the grantee, and continuing by the southerly face of said brick wall as it runs (said brick wall now being partially covered by an exterior façade,) a total distance of Nineteen and 75/100 (19.75) feet to point "I" as shown in "Detail-"I" of said Cornerstone Plan. Said point "I" is further described as lying N 72°-12'-43" E a distance of Sixty-Two and 82/100 (62.82) feet from a chiseled "X" made in the top northeast corner of a catch basin rim found flush in a concrete walk along the edge of an open courtyard, and lying N 66°-25'-33" W a distance of Thirty-Five and 41/100 (35.41) feet from said chiseled "X" made in the top northeast side of the rim of said manhole cover found flush in the pavement of Park Street, all as shown on said Cornerstone Plan.
- 9) S 89°-57'-41" W following the face of said southerly wall of the building owned by the grantee as it runs (this portion of said wall being made of cinder block) a distance of Seventy-Seven and 92/100 (77.92) feet to a point labeled "G" in "Detail-"G" of said Cornerstone Plan. Said point "G" lies under a new exterior façade and is further described as lying N 18°-32'-09" E a distance of Fifteen and 77/100 (15.77) feet from said chiseled "X" made in the top northwest corner of a

catch basin rim found flush in said open courtyard, and lying N 82°-42'-56" W a distance of One Hundred Eleven and 27/100 (111.27) feet from said chiseled "X" made in the top northeast side of the rim of said manhole cover found flush in the pavement of Park Street, all as shown on said Cornerstone Plan.

- 10) S 0°-47'-30" E a distance of Seven and 86/100 (7.86) feet to a point labeled "H" in "Detail-H" of said Cornerstone Plan. Said point "H" is further described as lying N 35°-49'-45" E a distance of Eight and 75/100 (8.75) feet from said chiseled "X" made in the top of the northwest corner of said catch basin rim found flush in an open courtyard, and lying N 86°-45'-23" W a distance of One Hundred Ten and 44/100 (110.44) feet from said chiseled "X" made in the top northeast side of the rim of said manhole cover found flush in the pavement of Park Street, all as shown on said Cornerstone Plan.
- 11) S 88°-42'-27" W through said exterior façade a distance of Ninety-Seven and 58/100 (97.58) feet to the said true point of beginning.

Excepting and reserving the existing rights of the public to the use of that portion of said Park Street Alley that lies within the boundaries of the above described parcel, said portion of Park Street Alley being bounded and described as follows:

Beginning at the point labeled "C" in "Detail-C" of said Cornerstone plan as described previously above, thence by the following courses and distances:

- 1) N 0°-47'-30" W through Park Street Alley and by the easterly line of land now or formerly of said Poliquin a distance of Twenty-Three and 00/100 (23.00) feet to point "D" as shown in "Detail-D" of said Cornerstone Plan, at the southwesterly corner of land now or formerly of 37 Park LLC as recorded in the said Registry of Deeds in Book 7936, Page 193 all as described previously above and all as shown on said Cornerstone Plan.
- 2) N 89°-59'-40" E through Park Street Alley and by the southwesterly line of land now or formerly of said 37 Park LLC a distance of 55/100 (0.55) feet to a point on the face of the westerly cinder block wall of the said building now owned by the grantee, and the assumed/apparent easterly sideline of Park Street Alley, all as shown on said Cornerstone Plan (reference being made to "Detail-D" thereon).
- 3) S 2°-20'-06"E following the face of the said westerly cinder block wall of the building now owned by the grantee and the assumed/apparent easterly sideline of Park Street Alley a distance of Twenty-Two and 99/100 (22.99) feet to a point, all as shown on said Cornerstone Plan (reference being made to "Detail-C" thereon).

- 4) S 88°-42'-27" W a distance of One and 17/100 (1.17) feet the point of beginning, all as shown on said Cornerstone Plan (reference being made to "Detail-C" thereon).

The purpose of this deed and a deed of even or recent date (to be recorded) from the grantee to the grantors, being to establish a common division line between land of the grantors and land of the grantee. The further purpose and intent being to extinguish any rights the City may have gained (by virtue of any means,) to the land and improvements located within the boundaries of the land of the grantee as shown on said Cornerstone Plan (with the exception of the existing public easement laying within the small portion of Park Street Alley as described immediately above).

Bearings are referenced to said Cornerstone Plan. Reference is made to deeds to the grantors as recorded in the said Androscoggin County Registry of Deeds in Book 4318, Page 58, and in Book 4265, Page 165.

Witness my hand and seal this ___ day of _____, 2014.

Edward A. Barrett,
City Administrator, City of Lewiston

STATE OF MAINE
ANDROSCOGGIN, ss.

_____, 2014

Personally appeared the above-named **Edward A. Barrett, City Administrator** and acknowledged the foregoing instrument to be the free act and deed of the grantor herein, before me,

Attorney At Law/Notary Public

Typed/Printed Name

QUITCLAIM DEED WITH COVENANT

THAT **the Inhabitants of the City of Lewiston**, County of Androscoggin, State of Maine, for consideration, GRANTS TO, **64 LISBON ST., LLC**, a limited liability company organized and existing under the laws of the State of Maine and having a place of business at Lewiston, County of Androscoggin, State of Maine, WITH QUITCLAIM COVENANT, a certain lot or parcel of land located in the City of Lewiston, County of Androscoggin, State of Maine, described as follows:

Beginning at a point located on the assumed/apparent easterly sideline of Lisbon Street, at point "A-3" as shown in "Detail-A" of a plan entitled "ALTA/ACSM LAND TITLE/BOUNDARY SURVEY" prepared for 64 Lisbon Street, LLC by Cornerstone Professional Land Surveying, Inc., dated 1/21/2014 and revised 4/23/2014, said point "A-3" and true point of beginning lies within a new façade attached to the southerly face of the building owned by the grantor, and is further described as lying S 9°-52'-58" E a distance of Fifty-One and 37/100 (51.37) feet from a chiseled "X" made in the top of the east side of the rim of a utility access cover found flush in the easterly sidewalk of Lisbon Street, and lying N 69°-57'-06" E a distance of Seventeen and 04/100 (17.04) feet from a chiseled "X" made in the top of the northeast corner of a catch basin rim found flush in the pavement of Lisbon Street, thence from the said true point of beginning by the following courses and distances:

- 1) N 88°-42'-27" E a distance of Ninety-Seven and 58/100 (97.58) feet to a point labeled "H" in "Detail-H" of said Cornerstone Plan. Said point "H" is further described as lying N 35°-49'-45" E a distance of Eight and 75/100 (8.75) feet from a chiseled "X" made in the top of the northwest corner of a catch basin rim found flush in an open courtyard, and lying N 86°-45'-23" W a distance of One Hundred Ten and 44/100 (110.44) feet from a chiseled "X" made in the top northeast side of the rim of a manhole cover found flush in the pavement of Park Street, all as shown on said Cornerstone Plan.
- 2) N 0°-47'-30" W a distance of Seven and 86/100 (7.86) feet to a point labeled "G" in "Detail-G" of said Cornerstone Plan, at the southerly face of the existing cinder block wall of the building owned by the grantor (said cinder block wall now being partially covered by an exterior façade). Said point "G" is further described as lying N 18°-32'-09" E a distance of Fifteen and 77/100 (15.77) feet from a chiseled "X" made in the top northwest corner of said catch basin rim found flush in said open courtyard, and lying N 82°-42'-56" W a distance of One Hundred Eleven and 27/100 (111.27) feet from a chiseled "X" made in the top northeast side of the rim of a manhole cover found flush in the pavement of Park Street, all as shown on said Cornerstone Plan.
- 3) N 89°-57'-41" E following the southerly face of said cinder block wall of the building owned by the grantor as it runs, a distance of Seventy-Seven and 92/100 (77.92) feet to a point labeled "I" in "Detail-I" of said Cornerstone Plan. Said point

"I" is further described as laying N 72°-12'-43" E a distance of Sixty-Two and 82/100 (62.82) feet from a chiseled "X" made in the top northeast corner of a catch basin rim found flush in a concrete walk along the edge of said open courtyard, and lying N 66°-25'-33" W a distance of Thirty-Five and 41/100 (35.41) feet from said chiseled "X" made in the top northeast side of the rim of said manhole cover found flush in the pavement of Park Street, all as shown on said Cornerstone Plan.

- 4) S 89°-29'-44" E following the southerly face of the said building owned by the grantor as it runs (said portion of wall now being composed of brick) and an extension S 89°-29'-44" E of the southerly face of said wall (said brick portion of the wall now covered by an exterior façade,) a distance of Nineteen and 75/100 (19.75) feet to the assumed/apparent westerly sideline of Park Street at point "F" as shown in "Detail-F" of said Cornerstone Plan. Said point "F" is further described as lying N 42°-14'-35" W a distance of Eighteen and 89/100 (18.89) feet from said chiseled "X" made in the top northeast side of the rim of said manhole cover found flush in the pavement of Park Street, and lying S 28°-24'-40" W a distance of Eighty-Five and 82/100 (85.82) feet from a chiseled "X" made in the top of the northeast corner of a manhole rim found flush in the pavement of Park Street, all as shown on said Cornerstone Plan.
- 5) S 0°-05'-25" E by the said assumed/apparent westerly sideline of Park Street a distance of Twelve and 00/100 (12.00) feet to a point, all as shown on said Cornerstone Plan.
- 6) N 89°-54'-48" W a distance of Eighty-Five and 52/100 (85.52) feet to a point, all as shown on said Cornerstone Plan.
- 7) S 0°-47'-30" E a distance of Seven and 60/100 (7.60) feet to a point, all as shown on said Cornerstone Plan.
- 8) S 88°-42'-27" W a distance of Forty-Eight and 19/100 (48.19) feet to a point, all as shown on said Cornerstone Plan.
- 9) Southwesterly following a non-tangent curve to the left having a radius of Eighty-Four and 16/100 (84.16) feet an arc distance of Twenty-Six and 27/100 (26.27) feet to a point. The chord bearing and distance of said non-tangent curve being S 63°-25'-44" W a distance of Twenty-Six and 16/100 (26.16) feet, all as shown on said Cornerstone Plan.
- 10) S 54°-29'-26" W a distance of Six and 89/100 (6.89) feet to a point, all as shown on said Cornerstone Plan.

- 11) Westerly following a curve to the right having a radius of Four and $93/100$ (4.93) feet an arc distance of Seven and $29/100$ (7.29) feet to a point, all as shown on said Cornerstone Plan.
- 12) Northwesterly following a compound curve to the right having a radius of One Hundred One and $52/100$ feet an arc distance of Seventeen and $15/100$ (17.15) feet to a point, all as shown on said Cornerstone Plan.
- 13) S $88^{\circ}-42'-27''$ W a distance of Fifteen and $58/100$ (15.58) feet to the point of beginning, all as shown on said Cornerstone Plan.

Said right of way and easement to be for ingress and egress by any means as required: (1) to use and maintain the existing building and all attached improvements, including building or façade modifications and the installation of signage; (2) to install and maintain future improvements located on the Grantee's property; and (3) to place and use tables and seating in the area marked as "Seating Area on the attached plan marked Exhibit A.

The Grantee shall indemnify, defend and hold the Grantor harmless from any and all claims or liabilities arising out of or relating to the Grantee's use of the easement, including costs of enforcement and reasonable attorneys' fees.

The Grantee shall at all times maintain a policy of liability insurance endorsed to name the Grantor as an additional insured, with minimum combined policy limits of \$5 million, which provides that the policy cannot be cancelled or reduced without 10 days' notice to the Grantor. The Grantee releases the Grantor from any liability or responsibility (to the Grantee or anyone claiming through or under the Grantee by way of subrogation or otherwise) for any loss or damage to any tangible property, or any resulting loss of income, or losses under any workers' compensation laws and benefits, notwithstanding the fact that such loss or damage shall have been caused by the fault or negligence of the Grantor, or anyone for whom the Grantor may be responsible. The Grantee shall include in the insurance policy a provision that such release shall not adversely affect the policy or prejudice any right to recover. The Grantee shall provide the Grantor with a certificate of insurance showing the required coverage and a copy of the declaration page of the policy and the additional insured endorsement.

Grantee further agrees that in the event that Grantee's use of the aforegranted easement shall disturb the surface and/or any of the plantings in said easement area, then and in that event the Grantee shall restore said surface and plantings to their original condition once the reason for said disturbance has been terminated.

Bearings are referenced to said Cornerstone Plan. Reference is made to deeds to the grantors as recorded in the said Androscoggin County Registry of Deeds in Book 4318, Page 58, Book 4265, Page 165.

Witness my hand and seal this ____ day of _____, 2014.

WITNESS:

Edward A. Barrett,
City Administrator, City of Lewiston

STATE OF MAINE
ANDROSCOGGIN, ss.

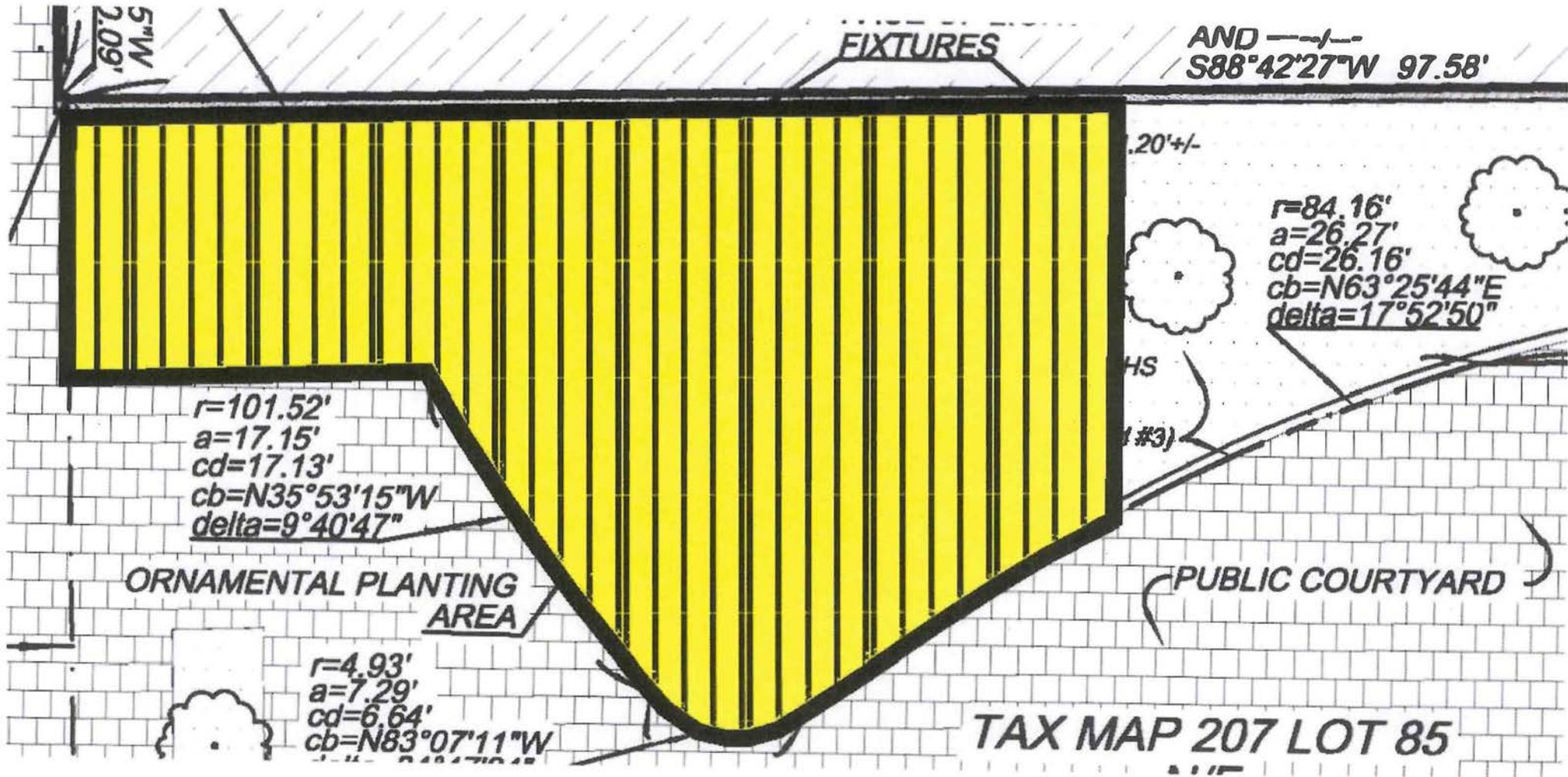
_____, 2014

Personally appeared the above-named **Edward A. Barrett, City Administrator** and acknowledged the foregoing instrument to be the free act and deed of the grantor herein, before me,

Attorney At Law/Notary Public

Typed/Printed Name

Exhibit A - Seating Area



SEATING AREA

LEWISTON CITY COUNCIL

MEETING OF JUNE 3, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Public Hearing for approval of outdoor concerts located around the City for the Bands on the Run half marathon event.

INFORMATION:

Museum L/A has submitted an application requesting permission to hold outdoor concerts on City property as part of their June 29 Bands on the Run half marathon fund raising event. Live musical entertainment will be held on Sunday, June 29 from 8am - 2pm at various locations around the City. Some properties are city owned and some are private properties. The information on the specific city locations will be available at the Council meeting.

Per the City Code, an outdoor concert cannot be held on city property without approval by a majority of the Council after a public hearing. Staff recommendations are being sought from the Recreation Department, Police Department, Fire Department, Code Enforcement/Health Officer and the Land Use Code Officer for compliance.

The Recreation Director and Police Department do not have any concerns regarding these concerts.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/Kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To conduct a public hearing on an application from Museum L/A for the outdoor concerts to be held at several city park locations on Sunday June 29, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to Museum L/A for the outdoor concerts, contingent upon positive recommendations from the Recreation Department, Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances.

CITY OF LEWISTON

Special Event Application

Applications must be submitted at least 14 days prior to the event, unless an * appears next to the permit type. *Application must be turned in 30 days prior to the event due to public hearing requirement.

Application Date 2-10-2014

SPONSOR INFORMATION

Name of Sponsoring Organization: Museum LA

Name of Contact Person for Event: Eric Cobb

Title of Contact Person: Race Director

Mailing Address: 35 Canal St Lewiston Maine 04240

Daytime Telephone: 207-212*-4044 Cell Phone: same

Email Address: back40timing@gmail.com

Contact Name and Cell Phone Number DURING the Event: Eric Cobb 207-212-4044

Is your organization incorporated as a non-profit organization? Yes No

Non-Profit Number: 01-0504257

EVENT INFORMATION

Name of Event: Bands on the Run Half Marathon and 5K

Type of Event (walk, festival, concert, etc.): Running Race

Date of Event: June 29, 2014 Rain Date: none

Times of Event: Start Time including set-up: 7am Ending time including clean up: 5pm
Actual Event Start Time: 8am Actual Event End Time: 2pm

Estimated Attendance: 1200

Location of Event: Simard Payne Park

If location is a city park, have you applied for use of the property with the Recreation Department and has your request been approved? Yes No Pending

Date request submitted to the Recreation Department: June 29

TYPES OF PERMITS/PERMISSIONS NEEDED – PROVIDE AN ANSWER FOR EACH LINE:

Permit Fee	Permission/Permit Type	YES	NO	NOT SURE
Separate fee and permit possible	FOOD – Will food or beverages be sold or given away? If yes, list what types of food or beverages: Note - A food service license may be required.	X		
Separate fee and permit possible	NON-FOOD ITEMS – Will products be sold or given away (such as t-shirts, crafts, cds, etc.)? If yes, list what items: Note- A peddling permit may be required.	X		
\$11	*LIVE MUSIC – Will there be any outdoor musical performances? If yes, please describe:	X		
\$16/day	SOUND AMPLIFICATION – Will there be a microphone or speaker system to project sound?	X		
Separate fee and permit required	ALCOHOLIC BEVERAGES – Will alcoholic beverages be served?	X		
Separate fee and permit required	*CARNIVAL – Will carnival rides be offered? If yes, attach a copy of the state permit. A city permit is required as well.		X	
Separate fee and permit required	FIREWORKS – Will there be a fireworks display? If yes, a permit from the Fire Department is required.		X	
N/A	PARADE – Will there be a parade? If yes, describe route: Note – A permit from the Police Department is required.		X	
N/A	RUN/WALK/CYCLE – Will event involve participants doing a walk-a-thon, road race, etc? If yes, describe route: See Map	X		
Separate permit required	BURN PERMIT – Will there be any open flame such as a bon fire? If yes, describe activity: Note - A permit from the Fire Department is required.		X	
N/A	TENT/CANOPY – Will you be setting up a tent or canopy? If yes, list number and sizes: 40x80	X		
N/A	ROAD/INTERSECTION CLOSURE – Will any roads need to be closed to accommodate your event? If yes, please list: Oxford St. Mill St.	X		
N/A	MAP/DIAGRAM – Is a map or diagram attached detailing this event and depicting the placement of such items as tables, tents, port-a-potties, stage, parking, etc.? This is a mandatory requirement for this application and must be included with the application form.	X		

N/A	PARKING ACCOMODATIONS – What will be the anticipated need for parking and what is your parking plan? Use parking garages lincoln-Main Lincoln - Chestnut	X		
N/A	TOILETS – Please list amount at event and/or nearest location: Porto Toilets 10 2 ADA Units	X		
N/A	WASTE DISPOSAL – Please list process and location: Dumpster Museum LA site at the park 10 Trash Barrells	X		
N/A	HAND WASHING FACILITIES – Please list amount at event and/or nearest location:	X		
N/A	POTABLE WATER – Please list amount at event and location: Poland Spring Water	X		
N/A	FIRST AID FACILITIES – Please list location at event: Medical tent staffed w/ medical personnel from Dr. Sedjwick EMS on standby	X		
\$	TOTAL FEE AMOUNT INCLUDED – Checks payable to “City of Lewiston”			

EVENT LIABILITY INSURANCE COVERAGE FOR EVENT

For an event such as a walk-a-thon, race, festival, concert, etc. the City requires insurance coverage – general liability. The City of Lewiston needs to be named as additionally insured in regards to the event activities on that date. Once the event is approved, the Certificate of Insurance will need to be received before the event permits can be issued. Please have “City of Lewiston” listed as additionally insured on the Certificate of Insurance (minimum coverage \$1,000,000) and have your insurance company fax a copy to: City Clerk 207-777-4621

DESCRIPTION OF EVENT – Please describe what will occur during your event

13.1 mile and 3.1 mile running races Kids obstacle course

Signature of Applicant:

Eric D. Cobb

Printed Name:

Eric Cobb

Date Submitted:

2-10-2014

Please note that you will be contacted by City Staff if you require additional permitting.

LEWISTON CITY COUNCIL

MEETING OF JUNE 3, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Public Hearing for approval of outdoor concerts sponsored by L/A Arts at Dufresne Plaza and Kennedy Park.

INFORMATION:

L/A Arts has submitted an application requesting permission to hold outdoor concerts on City property. They plan to hold evening outdoor concerts at Dufresne (Courthouse) Plaza or Kennedy Park on several Fridays from June - November, most to be held in conjunction with the Lewiston Art Walk. L/A Arts has been hosting noon time outdoor concerts for several years and these have been well attended, and wanted to expand to offer the evening events as well.

Per the City Code, an outdoor concert cannot be held on city property without approval by a majority of the Council after a public hearing. Staff recommendations are being sought from the Recreation Department, Police Department, Fire Department, Code Enforcement/Health Officer and the Land Use Code Officer for compliance.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EARB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To conduct a public hearing on an application from L/A Arts for the evening outdoor concerts to be held at Dufresne Plaza or Kennedy Park on May 30, June 27, July 25, August 29, September 26, October 31, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to L/A Arts for the outdoor concerts, contingent upon positive recommendations from the Recreation Department, Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances.

Sent Clerk
3/4/14

CITY OF LEWISTON Special Event Application

Applications must be submitted at least 14 days prior to the event, unless an * appears next to the permit type. *Application must be turned in 30 days prior to the event due to public hearing requirement.

Application Date 3/3/14

SPONSOR INFORMATION

Name of Sponsoring Organization: L/A Arts

Name of Contact Person for Event: Joshua Vink

Title of Contact Person: Executive Director

Mailing Address: 221 Lisbon Street Lewiston ME 04240

Daytime Telephone: 782-7228 Cell Phone: _____

Email Address: josh.vink@laarts.org

Contact Name and Cell Phone Number DURING the Event: Josh Vink 3476783231

Is your organization incorporated as a non-profit organization? Yes No

Non-Profit Number: 01-0391208

EVENT INFORMATION

Name of Event: Artwalk Lewiston/Auburn

Type of Event (walk, festival, concert, etc.): Artwalk + Music

Date of Event: 05/30, 06/27, 7/25, 8/29, 9/26, 10/31 Rain Date: None

Times of Event: Start Time including set-up: 3pm Ending time including clean up: 10pm
Actual Event Start Time: 5pm Actual Event End Time: 8:30pm

Estimated Attendance: 500-1500 people

Location of Event: Dufresne and W Kennedy Park

If location is a city park, have you applied for use of the property with the Recreation Department and has your request been approved? Yes No Pending

Date request submitted to the Recreation Department: 3/3/14

TYPES OF PERMITS/PERMISSIONS NEEDED – PROVIDE AN ANSWER FOR EACH LINE:

Permit Fee	Permission/Permit Type	YES	NO	NOT SURE
Separate fee and permit possible	FOOD – Will food or beverages be sold or given away? If yes, list what types of food or beverages: <i>Water, Coffee, Snacks given Away</i> Note - A food service license may be required.	✓		
Separate fee and permit possible	NON-FOOD ITEMS – Will products be sold or given away (such as t-shirts, crafts, cds, etc.)? If yes, list what items: Note - A peddling permit may be required.		✓	
\$11	*LIVE MUSIC – Will there be any outdoor musical performances? If yes, please describe:	✓		
\$16/day	SOUND AMPLIFICATION – Will there be a microphone or speaker system to project sound?	✓		
Separate fee and permit required	ALCOHOLIC BEVERAGES – Will alcoholic beverages be served?		✓	
Separate fee and permit required	*CARNIVAL – Will carnival rides be offered? If yes, attach a copy of the state permit. A city permit is required as well.		✓	
Separate fee and permit required	FIREWORKS – Will there be a fireworks display? If yes, a permit from the Fire Department is required.		✓	
N/A	PARADE – Will there be a parade? If yes, describe route: Note – A permit from the Police Department is required.		✓	
N/A	RUN/WALK/CYCLE – Will event involve participants doing a walk-a-thon, road race, etc? If yes, describe route:		✓	
Separate permit required	BURN PERMIT – Will there be any open flame such as a bon fire? If yes, describe activity: <i>May have fire spinners</i> Note - A permit from the Fire Department is required.	✓		
N/A	TENT/CANOPY – Will you be setting up a tent or canopy? If yes, list number and sizes: <i>Canopy 2-4 (12x6)</i>	✓		
N/A	ROAD/INTERSECTION CLOSURE – Will any roads need to be closed to accommodate your event? If yes, please list:		✓	
N/A	MAP/DIAGRAM – Is a map or diagram attached detailing this event and depicting the placement of such items as tables, tents, port-a-potties, stage, parking, etc.? This is a mandatory requirement for this application and must be included with the application form.	✓		

N/A	PARKING ACCOMODATIONS – What will be the anticipated need for parking and what is your parking plan? Parking will take place at downtown lots: Chestnut, Canal - and on street	✓		
N/A	TOILETS – Please list amount at event and/or nearest location:		✓	
N/A	WASTE DISPOSAL – Please list process and location:		✓	
N/A	HAND WASHING FACILITIES – Please list amount at event and/or nearest location:		✓	
N/A	POTABLE WATER – Please list amount at event and location: Bottled water may be given out to audience as needed.	✓	✓	
N/A	FIRST AID FACILITIES – Please list location at event: Yes - tabled by LA Arb volunteers	✓		
\$	TOTAL FEE AMOUNT INCLUDED – Checks payable to “City of Lewiston”			

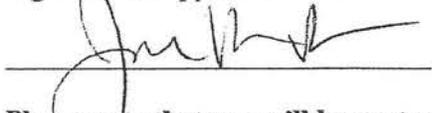
EVENT LIABILITY INSURANCE COVERAGE FOR EVENT

For an event such as a walk-a-thon, race, festival, concert, etc. the City requires insurance coverage – general liability. The City of Lewiston needs to be named as additionally insured in regards to the event activities on that date. Once the event is approved, the Certificate of Insurance will need to be received before the event permits can be issued. Please have “City of Lewiston” listed as additionally insured on the Certificate of Insurance (minimum coverage \$1,000,000) and have your insurance company fax a copy to: City Clerk 207-777-4621

DESCRIPTION OF EVENT – Please describe what will occur during your event

Artwalk will consist of self-guided tours of over twenty participating businesses and/or empty storefronts converted into visual art galleries. In addition there will be live music & performances in accompanying noted parks during event.

Signature of Applicant:



Printed Name:

Joshua Vink

Date Submitted:

3/3/14

Please note that you will be contacted by City Staff if you require additional permitting.

LEWISTON CITY COUNCIL

MEETING OF JUNE 3, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Public Hearing and Final Passage for an amendment to the Conditional Rezoning Agreement for 33 Roger Street.

INFORMATION:

The owners of Marshwood Nursing Care Center have submitted a petition requesting that the existing Conditional Rezoning Agreement for 33 Roger Street be amended to increase the number of residents allowed to live in the Center from 100 to 108 to conform with the number of beds allowed under their license by the Maine Department of Health and Human Services. See memorandum from City Planner David Hediger for additional information.

This petition was presented to the Planning Board at their meeting on May 12, 2014 and it was voted unanimously to send a favorable recommendation to the City Council on the adoption of the proposed amendment to the Conditional Rezoning Agreement for this property.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/1/4mm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To approve final passage for the amendment to the conditional rezoning agreement for the property at 33 Roger Street, to conditionally rezone the property, subject to the conditions defined in the rezoning agreement.



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Honorable Mayor and Members of the City Council
FROM: David Hediger, City Planner
DATE: May 13, 2014
RE: 33 Roger Street – Proposed amendment to conditional rezoning agreement

Bernstein Shur, Counselors at Law on behalf of Marshwood Nursing Care Center have submitted a petition pursuant to Article XVII, Section 5 of the Zoning and Land Use Code to amend the existing conditional rezoning agreement for the property at 33 Roger Street to increase the number of residents allowed to live in the Center from 100 to 108 to conform with the number of beds licensed by the Maine Department of Health and Human Services (108) in the existing facility. This property of approximately 6.5 acres consists of a 32,223 square foot nursing care facility that provides short, long, and transitional care services.

The property received a conditional use permit from the Board of Appeal in 1976 and 1977 for 120 bed nursing home facility which was constructed in 1979. In October 1994, the property was conditionally rezoned from Suburban Residential (SR) and Neighborhood Conservation "A" (NCA) to the Institutional-Office (IO) District to allow for the continued operation of a licensed nursing home and for the remodeling and expansion of the facility, limited to 100 residents. The conditional rezoning removed the requirement of the property being regulated as a conditional use. However, the conditional rezoning also specifically limited the number of residents from the initially approved 120 beds/residents to 100.

The purpose of the amendment to the existing conditional rezoning agreement is to allow for the continued operation of a licensed nursing home and to increase the number of residents allowed to live at the facility from 100 to 108 conforming with the number of beds licensed by the Maine Department of Health and Human Services (108) in the existing facility. No other changes are being proposed. The property will remain conditionally rezoned IO with a capacity of 108 residents.

On May 12, 2014 the Planning Board voted unanimously to send a favorable recommendation for the City Council's consideration to amend the existing conditional rezoning agreement to increase the number of residents allowed to live at Marshwood Nursing Care Center from 100 to 108.



City of Lewiston
Planning & Code Enforcement
Gil Arsenault, Director



MEMORANDUM

To: Ed Barrett, City Administrator
City Clerk's Office
City Council Members

From: David Hediger

Date: May 14, 2014

Subject: Planning Board Action

The Planning Board took the following action at their public meeting held on May 12, 2014 regarding the Conditional Rezoning of 33 Roger Street.

The following motion was made:

MOTION: by **Matthew Mastrogiacomo** pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration to amend the existing conditional rezoning agreement for the property at 33 Roger Street to allow for the continued operation of the Marshwood Nursing Care Center at 33 Roger Street and to increase the number of residents allowed to live in the Center from 100 to 108. Second by **Paul Madore**.

VOTED: 6-0 (Passed).

c: Planning Board Members

BERNSTEIN SHUR
COUNSELORS AT LAW

RECEIVED
APR 22 2014

207-774-1200 main
207-774-1127 facsimile
bernsteinshur.com

100 Middle Street
PO Box 9729
Portland, ME 04104-5029

Philip R. Saucier
(207) 228-7160 direct
psaucier@bernsteinshur.com

April 21, 2014

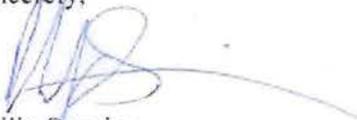
City of Lewiston Planning Board
Attention: David Hediger, City Planner
City of Lewiston
27 Pine Street
Lewiston, ME 04240

Dear Planning Board Members,

Marshwood Nursing Care Center is a licensed nursing home located at 33 Roger Street that has been located in Lewiston for approximately thirty seven years. The City conditionally rezoned Marshwood's property in 1994 to allow for a renovation and slight expansion. The sole purpose of this proposed amendment to the existing conditional rezoning agreement is to allow for the continued operation of Marshwood and to increase the number of residents allowed to live in the Center from 100 to 108, to conform with the number of beds licensed by the Maine Department of Health and Human Services (108) in the existing facility. There are no plans to expand or renovate the facility.

Thank you for the opportunity to present this amendment and we look forward to working with you on our request.

Sincerely,



Philip Saucier
Attorney for Marshwood Nursing Care Center

Enclosures

cc: Daniel Maguire, Sandy River Company

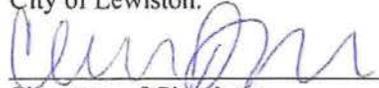
PETITION TO AMEND THE CITY OF LEWISTON
ZONING AND LAND USE CODE

Pursuant to Appendix A, Article XVII, Section 5 Amendments of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) year of age or older, do hereby petition the City of Lewiston to amend the existing Conditional Zone Agreement as recorded in the Androscoggin County Registry of Deeds Book 3351 Page 19 for the property located at 33 Roger Street, said property to remain conditionally rezoned Institutional Office (IO), to allow for the continued operation of a licensed nursing home, the Marshwood Nursing Care Center at 33 Roger Street, and to increase the number of residents allowed to live in the Center from 100 to 108, to conform with the number of beds licensed by the Maine Department of Health and Human Services (108) in the existing facility, as described in the exhibits attached hereto:

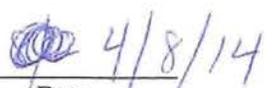
	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		Lea Chouinard	1377 Sabathus Rd	4/8/14
2		Nick Farrand	13 Androscoggin Ave	4/8/14
3		DONNA Barries	43 Shank Street	4-8-14
4		Lorraine Davis	3 Harmony Lane	4/8/14
5		Jessica Hersom	4 Towle St	4-8-14
6		Gabrielle Galarza	799 Lisbon St	4-8-14
7		Melanie F. Gu	161 Holland St.	4/8/14
8		Sarah Ann Kemp	120 Holland St	4-8-14
9		Tim Pitman	184 Kendall Rd #20	4-8-14
10		Catherine Michaud	121 Crowest	4-8-14
11		Katie Pelletier	535 College St.	4-8-14
12		Michaela Bette	14 Charles St.	4/8/14
13		Vendra Sprague	4 Parkview Ln	4/8/14
14		Lisa Roy	83 Webster St	4-8-14
15		PRAPAPORN CHARTIER	128 Webster St	4-8-14
16		Rifa Lemay	101 Girard Ave	4-8-14
17		Eileen Hall	32 Dow Ave	4-8-14
18		Amanda Fitzsimons	72 Cassell St	4-8-14
19		Cikoni Healey	72 Cassell St	4-8-14

CIRCULATOR'S VERIFICATION

I hereby verify that I am the Circulator of this petition that all the signatures to this petition were made in my presence, and to the best of my knowledge and belief, each signature is that of the person it purports to be, and each person is a resident of the City of Lewiston.


Signature of Circulator

Carrie Dunn
Printed Name of Circulator

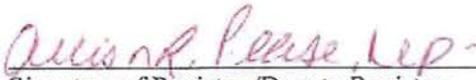

Date

REGISTRAR'S CERTIFICATION

I hereby certify and verify that the names of all of the petitioners listed as valid appear on the voting list as registered voters in the City of Lewiston.

Total Valid: 9

Total Invalid: 10


Signature of Registrar/Deputy Registrar

Date: 4.24.14

RECEIVED

MAY - 1 2014

207-774-1200 main
207-774-1127 facsimile
bernsteinshur.com

100 Middle Street
PO Box 9729
Portland, ME 04104-5029

BERNSTEIN SHUR

COUNSELORS AT LAW

Philip R. Saucier
(207) 228-7160 direct
psaucier@bernsteinshur.com

April 30, 2014

David Hediger, City Planner
City of Lewiston
27 Pine Street
Lewiston, ME 04240

Re: Marshwood Conditional Rezoning Amendment

Dear David,

Please find attached a second petition page with additional signatures for review related to the proposed amendment to the Marshwood Nursing Care Center conditional rezoning agreement.

Please let us know if there is any additional information you will need. Thank you for the opportunity to present the amendment and we look forward to working with you on our request.

Sincerely,



Philip Saucier
Attorney for Marshwood Nursing Care Center

Enclosures

cc: Daniel Maguire, Sandy River Company

PETITION TO AMEND THE CITY OF LEWISTON
ZONING AND LAND USE CODE

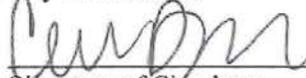
Pursuant to Appendix A, Article XVII, Section 5 Amendments of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) year of age or older, do hereby petition the City of Lewiston to amend the existing Conditional Zone Agreement as recorded in the Androscoggin County Registry of Deeds Book 3351 Page 19 for the property located at 33 Roger Street, said property to remain conditionally rezoned Institutional Office (IO), to allow for the continued operation of a licensed nursing home, the Marshwood Nursing Care Center at 33 Roger Street, and to increase the number of residents allowed to live in the Center from 100 to 108, to conform with the number of beds licensed by the Maine Department of Health and Human Services (108) in the existing facility, as described in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		ALICIA FOSTER	deCharuel St	4/28/14
2		DONNA BARNES	43 South Street	4-28
3		Lorraine Davis	3 Harmony Ln	4/28
4		Debora Grover	64 Oxford St	4/28/14
5		Jean Crockett	52 Howard St	4/28/14
6		Charley Sanders	107 S. Main Ave 4	4/29/14
7		Tea Chouinard	1377 Sabbath Id	4/28/14
8		PAUL Lemay	101 Riverside Ave	4-28-14
9		Kevin T Lemay	101 Riverside Ave	4-28-14
10		TRAVIS Lemay 57 Morse Ave	57 Morse Ave	4-28-14
11		Rach Gagne	57 Morse Ave	4-28-14
12		Jackie Legere	53 Morse Ave	4-28-14
13		LYNNA GAGNE	53 Morse Ave	4-28-14
14		Marice GAGNE	57 Morse Ave	4-28-14
15				
16				
17				
18				
19				

20			
----	--	--	--

CIRCULATOR'S VERIFICATION

I hereby verify that I am the Circulator of this petition that all the signatures to this petition were made in my presence, and to the best of my knowledge and belief, each signature is that of the person it purports to be, and each person is a resident of the City of Lewiston.


Signature of Circulator

Carrie Donn
Printed Name of Circulator

4/28/14
Date

REGISTRAR'S CERTIFICATION

I hereby certify and verify that the names of all of the petitioners listed as valid appear on the voting list as registered voters in the City of Lewiston.

Total Valid: 13

Total Invalid: 1


Signature of Registrar/Deputy Registrar

Date: 4-1-2014

AN ORDINANCE PERTAINING TO ZONING BOUNDARIES

THE CITY OF LEWISTON HEREBY ORDAINS:

Appendix A of the Revised Code of Ordinances of the City of Lewiston, Maine, is hereby amended as follows:

APPENDIX A

ZONING AND LAND USE CODE

ARTICLE ~~VII~~IV. ESTABLISHMENT OF DISTRICTS

Section 1. Zoning Map

The "Official Zoning Map, City of Lewiston," adopted pursuant to this section, is hereby amended by modifying the existing conditional rezoning agreement as recorded in the Androscoggin County Registry of Deeds Book 3351 Page 19 for conditionally rezoning a portion of the property located at 33 Roger Street, from Suburban Residential (SR) District to Institutional Office (IO) District and a portion of the property located at 25 Roger St. from Neighborhood Conservation "A" (NCA) District to Institutional Office (IO) District, in accordance with the conditions and restrictions attached hereto as Exhibit "A", and shown on the map attached hereto as Exhibit "A", said property to remain conditionally rezoned Institutional Office (IO) in order to expand and remodel the existing nursing home.

REASONS FOR THE PROPOSED AMENDMENT

The sole purpose of this amendment to the existing conditional rezoning agreement is to allow for the continued operation of a licensed nursing home, the Marshwood Nursing Care Center at 33 Roger Street (see Exhibit B, as recorded in the Androscoggin County Registry of Deeds Book 5858, Page 267), and to increase the number of residents allowed to live in the Center from 100 to 108, to conform with the number of beds licensed by the Maine Department of Health and Human Services (108) in the existing facility.

CONFORMANCE WITH COMPREHENSIVE PLAN

The City Council hereby determines that the change to the Zoning Map is in conformance with the Comprehensive Plan for the following reasons:

1. As Marshwood is philosophically residential in character (being home to approximately ~~100~~108 frail elderly residents) and as the adjoining neighborhood

consists of traditional residential dwellings, ~~this expansion is~~ and remains compatible with the surrounding uses.

2. Marshwood has been a good neighbor for approximately ~~47-~~ 37 years and ~~wishes only to renovate and expand a limited amount, which renovations will~~ makes a positive contribution to the surrounding neighborhood, ~~by enhancing the relationship of Marshwood to the natural setting.~~
3. ~~When completed,~~ Marshwood will continue to provide access to the surrounding streets with adequate capacity to meet the anticipated needs of the nursing home.
4. ~~The renovated Marshwood will~~ continue not be intrusive on adjacent neighbors nor will it have a negative impact on these neighbors' views.
5. ~~According to the City's policy relating to non-residential uses adjacent to residential uses, Marshwood's~~ Marshwood's site is ~~of~~ remains of adequate size and professionally designed to eliminate any adverse impact on abutters and neighbors.
6. ~~Also~~ Marshwood has adequate water and sewer capacity to preclude any problems with neighbors.
7. There will be no adverse impact from stormwater runoff to downstream abutters and ~~professional designed landscaping/buffering will~~ continue to protect adjacent residential neighbors.

CONDITIONAL REZONING AGREEMENT

The proponent requests that the official zoning map for the City be amended by modifying the existing conditional rezoning agreement with the subject property remaining conditionally rezoned Institutional Office (IO), subject to the limitations more fully described below.

In compliance with the provisions of the Code, Article XVII, Section 5(g), the proponent hereby proposes the following conditions:

- A. The use of the property shall remain limited that of a nursing home facility and shall be limited to 108 residents.
- B. The only access to Marshwood Nursing Care Center shall be via Roger Street.
- C. The following standard conditions also apply:

1. A violation of any of the conditions shall constitute a violation of the Zoning and Land Use Code.
2. The conditions shall bind the owners, their successors, assigns and any person in possession or occupancy of the premises or any portion thereof and shall inure to the benefit of and be enforceable by the City of Lewiston.
3. The owners, at their expense, shall record in the Androscoggin County Registry of Deeds a copy of the conditions within thirty (30) days following final approval of the petition by the City and that the form of recording be in a form satisfactory to the City of Lewiston.
4. The conditions shall run with the subject premises.
5. In addition to all other remedies to which the City may be entitled under applicable provisions of the statute or ordinance, that if any party in possession or use of the premises fails or refuses to comply with any of the conditions imposed that any rezoning approved by the City in accordance with the conditions shall be of no force and effect, and in that event, any use of the premises and any buildings and structures developed pursuant to the rezoning shall immediately be abated and brought into compliance with all applicable provisions of the Zoning and Land Use Code with the same effect as if the rezoning had never occurred.
6. If any of the conditions are found by a court of competent jurisdiction to be invalid, such a determination shall not invalidate any of the other conditions
7. Any rezoning approved by the City conditionally shall be of no force or effect if the proponent fails or refuses to comply with conditions imposed.
8. By submitting this proposal, the proponent agrees in writing to the conditions described herein.

Witness

MARSHWOOD ASSOCIATES
 By its General Partner
 Marshwood, Inc.
 MARSHWOOD REALTY, INC

President

David L. Friedman _____,

Androscoggin, ss.

| 19942014

Lewiston, Maine

| Personally appeared the above named ~~David L. Friedman~~_____, and acknowledged
the foregoing to be his free act and deed.

Notary Public

EXHIBIT "A"
CONDITIONAL REZONING AMENDMENT

The City of Lewiston hereby ordains that Article ~~4IV~~, Section 1, Appendix A of the Zoning and Land Use Code "A map entitled Official Zoning Map, City of Lewiston Zoning Map" be amended by conditionally rezoning Tax Map 25D Map 10, ~~Lot 135~~, 33 Roger Street from Suburban Residential (SR) to Institutional Office (IO) District, subject to the following conditions:

A. — The sole purpose of the conditional zone change to is allow for the continued operation of this licenses nursing home and for the remodeling and expansion of Marshwood Nursing Care Center which changes shall be done in strict compliance with the approved plan currently before the Lewiston Planning Board. Furthermore, Marshwood Nursing Care Center shall be limited to 100 ~~108~~ residents.

B. — Subject to state and city fire departments, the only access to Marshwood Nursing Care Center shall be via Roger Street.

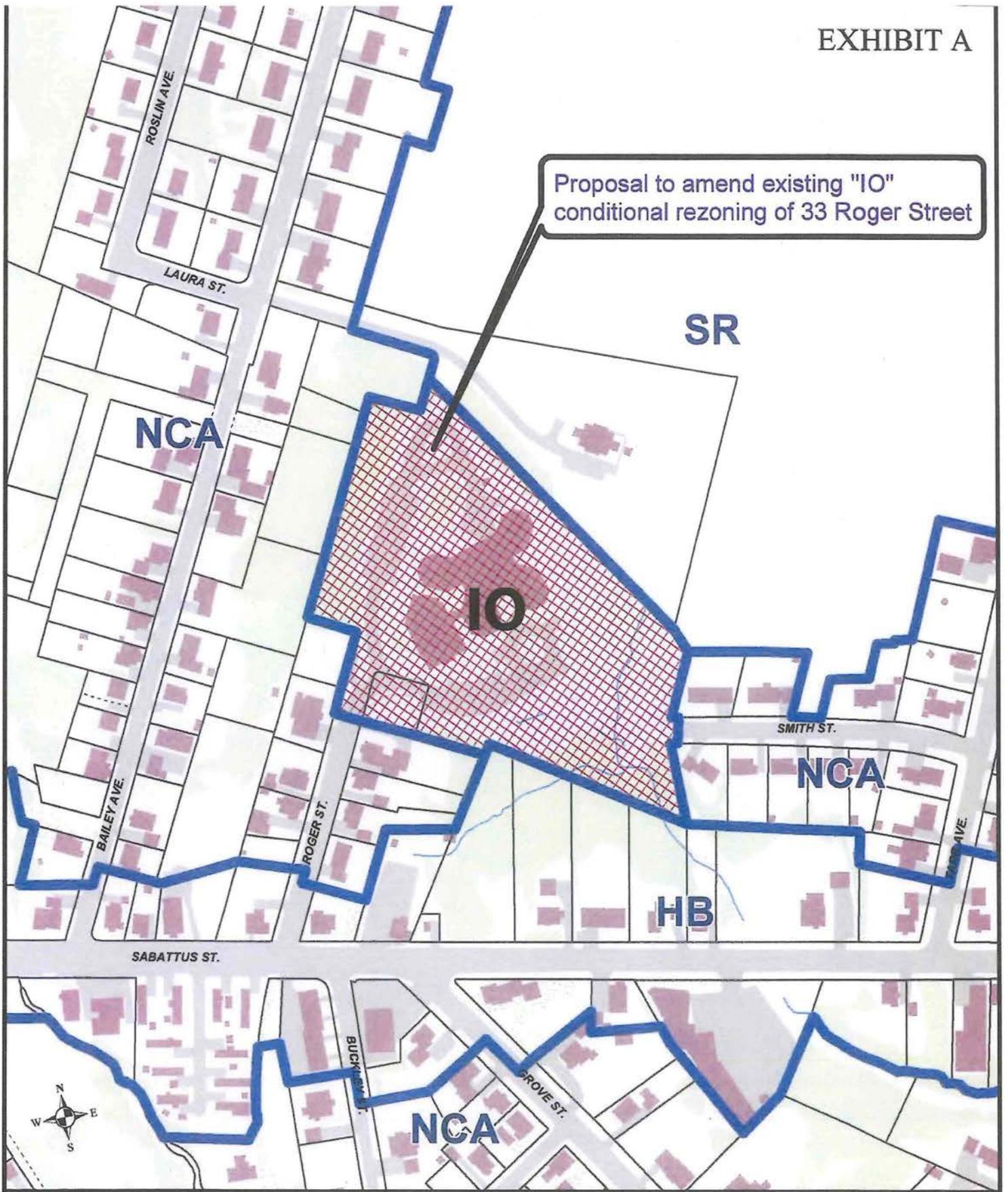
C. — Any future changes to the exterior of Marshwood Nursing Care Center shall be first reviewed and approved by the Lewiston Planning Board and City Council.

~~DC~~. — The following standard conditions also apply:

1. — A violation of any of the conditions shall constitute a violation of the Zoning and Land Use Code.
2. — The conditions shall bind the owners, their successors, assigns and any person in possession or occupancy of the premises or any portion thereof and shall inure to the benefit of and be enforceable by the City of Lewiston.
3. — The owners, at their expense, shall record in the Androscoggin County Registry of Deeds a copy of the conditions within thirty (30) days following final approval of the petition by the City and that the form of recording be in a form satisfactory to the City of Lewiston.
4. — The conditions shall run with the land being rezoned.
5. — In addition to all other remedies to which the City may be entitled under applicable provisions of the statute or ordinance, that if any party in possession or use of the premises fails or refuses to comply with any of the

~~conditions imposed that any rezoning approved by the City in accordance with the conditions shall be of no force and effect, and in that event, any use of the premises and any buildings and structures developed pursuant to the rezoning shall immediately be abated and brought into compliance with all applicable provisions of the Zoning and Land Use Code with the same effect as if the rezoning had never occurred.~~

- ~~6. If any of the conditions are found by a court of competent jurisdiction to be invalid, such a determination shall not invalidate any of the other conditions.~~



Proposed Amendment to Conditional Rezoning
33 Roger Street

March 2014

Bk 5858 Ps267 #7939
04-07-2004 @ 01:09p

SHORT FORM WARRANTY DEED

NURSING ADMINISTRATORS, INC., a Maine corporation, doing business in Lewiston, Maine FOR CONSIDERATION PAID, grants to MARSHWOOD REALTY, INC., whose mailing address is c/o Sandy River Health Systems LLC, 509 Forest Avenue, Portland, Maine 04101, WITH WARRANTY COVENANTS, the real property located in Lewiston, Androscoggin County, State of Maine, more particularly described on Exhibit A attached hereto and made a part hereof.

IN WITNESS WHEREOF, Nursing Administrators, Inc. has caused this instrument to be executed by Daniel J. Maguire, its duly authorized Vice President, this 1st day of April, 2004.

WITNESS: NURSING ADMINISTRATORS, INC.

NO MAINE R.E.
TRANSFER TAX PAID

Melodie L. Hopkins

By: *Daniel J. Maguire*
Daniel J. Maguire, Vice President

STATE OF MAINE
COUNTY OF CUMBERLAND, SS.

April 6, 2004

Personally appeared the above-named Daniel J. Maguire, Vice President of Nursing Administrators, Inc., as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Nursing Administrators, Inc.

Before me,

Auralee J. Bussone
Notary Public/Attorney-at-Law



Print Name: **AURALEE J. BUSSONE**
My commission expires **NOTARY PUBLIC, MAINE**
MY COMMISSION EXPIRES JULY 11, 2005

EXHIBIT A
LEGAL DESCRIPTION
FEDERAL HOUSING ADMINISTRATION
PROJECT NO. 024-22043
MARSHWOOD NURSING CARE CENTER

A certain lot or parcel of land situated in Lewiston, in Androscoggin County, State of Maine, bounded and described as follows:

Beginning at a point in the northwesterly line of Roger Street, so called, at the northeasterly terminus of said Roger Street, as accepted by the Inhabitants of the City of Lewiston on January 6, 1949; said point also being in the southeasterly line of land conveyed to Robert R. Caron and Carmen S. Caron by Joseph D. Caron by deed dated May 16, 1968; and recorded in the Registry of Deeds for Androscoggin County in Book 987, Page 735; thence

1. North forty one degrees three minutes twenty eight seconds East (N 41° 03' 28" E) along the southeasterly line of said Caron's land and along the projection northeasterly of the northwesterly line of said Roger Street, a distance of one hundred eighty four and thirty hundredths (184.30) feet to an iron pipe set in the ground at the easterly corner of land conveyed to said Robert R. Caron and Carmen S. Caron by said Joseph D. Caron by deed dated June 24, 1970 and recorded in said Registry in Book 1019, Page 712, thence;
 2. North forty eight degrees fifty six minutes thirty two seconds West (N 48° 56' 32" W) along the northeasterly line of said Caron's land and at right angles to the last mentioned line, a distance of ninety one and seventeen hundredths (91.17) feet to an iron pipe set in the ground at the northerly corner of said Caron's land; said iron pipe also being in the southeasterly line of land conveyed to Jacqueline D. Tardiff by Allan Wilson and Patricia Wilson by deed dated September 7, 1979 and recorded in said Registry in Book 1424, Page 344, thence;
 3. North forty one degrees three minutes twenty eight seconds East (N 41° 03' 28" E) along the southeasterly line of said Wilson's land and along the southeasterly line of land conveyed to Joseph Nadeau and Germaine Nadeau by Richard A. Moore by deed dated September 22, 1978 and recorded in said Registry in Book 1360, Page 327 and along the southeasterly line of land conveyed to Jaqueline C. Roy by Edward B. Yokell by deed dated October 10, 1972 and recorded in said Registry in Book 1062, Page 57 and also along the southeasterly line land conveyed to Richard H. Roy by Joseph D. Caron by deed dated March 9, 1966 and recorded in said Registry in Book 955, Page 287, and parallel to the first mentioned line, a distance of three hundred ninety nine and ninety four hundredths (399.94) feet to an iron rod set in the ground at a corner of said Roy's land, thence;
 4. South forty eight degrees fifty six minutes thirty two seconds East (S 48° 56' 32" E) along the southwesterly line of said Roy's land and at right angles to the last
-

mentioned line, a distance of ninety one and seventeen hundredths (91.17) feet to an iron rod set in the ground at the southerly corner of said Roy's land, thence;

5. North forty one degrees three minutes twenty eight seconds East (N 41° 03' 28" E) along the southeasterly line of said Roy's land and parallel to the first mentioned line, a distance of sixty and fifty six hundredths (60.56) feet point, thence;
 6. South eighteen degrees forty five minutes seventeen seconds East (S 18° 45' 17" E) a distance of six hundred fifty two and seventy eight hundredths (652.78) feet to a point at the northwesterly corner of land conveyed to George P. Phillips and Rena S. Phillips by Reina S. Leonas by deed dated January 22, 1987 and recorded in said Registry in Book 2045, Page 268, thence;
 7. South thirty seven degrees thirty four minutes no seconds West (S 37° 34' 00" W) along the westerly line of said Phillips' land, a distance of one hundred sixteen and sixty seven hundredths (116.67) feet to an iron rod set in the ground at the southwest corner of said Phillips' land said iron rod also being on a projection westerly of the northerly line of Smith Street, so called, thence;
 8. South sixty four degrees fifty three minutes no seconds East (S 64° 53' 00" E) along the southerly line of said Phillip's land and along the projection westerly of the northerly line of said Smith Street, a distance of twenty four and thirty six hundredths (24.36) feet to a point in the westerly terminus of said Smith Street as accepted by the Inhabitants of the City of Lewiston on November 19, 1953, thence;
 9. Southwesterly and southerly direction along the westerly terminus of said Smith Street and along the arc of a forty (40) foot radius curve to the left, a distance of fifty two and thirty four hundredths (52.34) feet to a point in the southerly line of said Smith Street, said point also being in the northerly line of land conveyed to Timothy Pelletier and Lori Pelletier by Roger A. Spencer and Vera M. Spencer by deed dated June 10, 1986 and recorded in said Registry in Book 1943, Page 131, thence;
 10. North sixty four degrees fifty three minutes no seconds West (N 64° 53' 00" W) along the projection westerly of the southerly line of said Smith Street and also along the northerly line of said Pelletier's land, a distance of thirty one and eight hundredths (31.08) feet to an iron rod set in a twelve inch stump at the northwesterly corner of said Pelletier's land, thence;
 11. South twelve degrees sixteen minutes ten seconds West (S 12° 16' 10" W) along the westerly line of said Pelletier's land, a distance of one hundred forty three and ninety seven hundredths (143.97) feet to a point at the southwest corner of said Pelletier's land, said point being in the northerly line of land conveyed to Roland Martin and Judy Martin by Acadia Resources, Inc. by deed dated March 26, 1985 and recorded in said Registry in Book 1729, Page 203, thence;
-

12. North sixty four degrees fifty three minutes no seconds West (N 64° 53' 00" W) along the northerly line of said Martin's land and parallel to the southerly line of said Smith Street, a distance of forty nine hundredths (0.49) feet to a point at the westerly corner of said Martin's land and at the easterly corner of land conveyed to The Secretary of the Department of Veterans Affairs by Lomas Mortgage USA, Inc. by deed dated October 5, 1993 and recorded in said Registry in Book 3136, Page 158, thence;
 13. North forty two degrees sixteen minutes one second West (N 42° 16' 01" W) along the northeasterly line of said Secretary of the Department of Veterans Affairs' land and along the northeasterly line of land conveyed to Jean Paul Tardif and Anita Tardif by Joseph J. Madore and Juliette T. Madore by deed dated May 2, 1960 and recorded in said Registry in Book 825, Page 477 and also along the northeasterly line of land conveyed to Byron C. Adams, Jr. and Yvette A. Adams by Jennie C. Adams by deed dated January 27, 1964 recorded in said Registry in Book 909, Page 348 and conveyed to said Byron C. Adams, Jr. and Yvette C. Adams by Byron C. Adams, Jr. by deed dated January 9, 1968 and recorded in said Registry in Book 983, Page 793, a distance of three hundred seventy two and two hundredths (372.02) feet to an iron rod set in the ground at the northerly corner of said Adams' land, thence;
 14. South forty seven degrees fifty nine minutes twenty seven seconds West (S 47° 59' 27" W) along the northwesterly line of said Adams' land, a distance of twenty eight and twenty eight hundredths (28.28) feet to a point at the northerly corner of land conveyed to Nursing Administrators, Inc. by Michael R. Tardif and Mary B. Tardif by deed dated August 4, 1994 and recorded in said Registry in Book 3313, Page 81, thence;
 15. North forty eight degrees fifty six minutes thirty two seconds West (N 48° 56' 32" W) along the northeasterly line of said Nursing Administrators, Inc.'s land, a distance of one hundred twenty four and twenty one hundredths (124.21) feet to an iron rod set in the ground at a corner of said Nursing Administrators, Inc.'s land, thence;
 16. North forty one degrees three minutes twenty eight seconds East (N 41° 03' 28" E) along the southeasterly line of said Nursing Administrators, Inc.'s land and at right angles to the last mentioned line and also parallel to said Roger Street, a distance of ten and no hundredths (10.00) feet to a point, thence;
 17. North forty eight degrees fifty six minutes thirty two seconds West (N 48° 56' 32" W) at right angles to the last mentioned line, a distance of one hundred and no hundredths (100.00) feet to a point, said point being on a projection northeasterly of the southeasterly line of said Roger Street, thence;
 18. South forty one degrees three minutes twenty eight seconds West (S 41° 03' 28" W) along the northwesterly line of said Nursing Administrators, Inc.'s land and along the projection northeasterly of the southeasterly line of said Roger Street, a distance of eleven and fifty eight hundredths (11.58) feet to an iron rod set in the ground at the northeasterly terminus of said Roger Street, thence;
-

19. Northwesterly and westerly and southwesterly direction along the northeasterly terminus of said Roger Street and along the arc of a forty (40) foot radius curve to the left a distance of seventy two and ninety four hundredths (72.94) feet to the point of beginning.

Being the same property referenced in an "ALTA/ACSM Land Title Survey on Roger Street, Lewiston, Maine 04240 Made For Marshwood Realty, Inc. 33 Roger Street, Lewiston, Maine 04240," prepared by Owen Haskell, Inc. dated February 24, 1999 and revised as of March 31, 2004.

Bearings are magnetic, January 1972.

O:\NB\78232 Sandy River\340-HUD Refinancings\Marshwood\EXHIBIT A.doc

ANDROSCOGGIN COUNTY
Tina M. Chouard
REGISTER OF DEEDS

LEWISTON CITY COUNCIL

MEETING OF JUNE 3, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT:

Public Hearing and Adoption of the FY2015 Lewiston Capital Improvement Program Bond Issue Order.

INFORMATION:

This public hearing is being held in accordance with Article VI, Section 6.14 of the City Charter.

The projects being bonded are in accordance with the Capital Improvement Program adopted by the City Council earlier this year and revisions based on discussions during budget deliberations or changes due to new information on the cost of the projects for funding. The total cost of the Bond Issue is \$8,962,650 and includes over 20 various projects and programs.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To adopt the FY2015 Lewiston Capital Improvement Program Bond Issue Order authorizing the issuance of \$8,962,650 in Public Improvement Bonds and making an appropriation for certain capital projects.

**LCIP Bond Issue Order
June 3, 2014**

Order, Authorizing the Issuance of \$8,962,650 in Public Improvement Bonds and Making an Appropriation for Certain Capital Projects.

ORDERED, that \$8,962,650 be appropriated for financing the following projects in the Lewiston Capital Improvement Program:

Project	Amount
City:	
Riverfront Island Master Plan Imp.	250,000
Engine 4 Replacement	575,000
Retrofit Downtown Street Lights	240,000
Road Resurfacing	877,000
Road Rehab	575,000
Bartlett St Rehab (MDOT Local Share)	150,000
Signal Upgrades (MDOT Local Share)	50,000
Total General Fund Projects	2,717,000
School:	
New School Project	200,000
LHS Ventilation	177,000
Financial Software Conversion	150,000
Montello School Restrooms & Flooring	238,000
Total School Projects	765,000
Water Fund:	
LA Treatment Program	1,230,000
Distribution Main Replacement	1,768,650
Water Storage - Pig & Scour Ferry Rd.	90,000
Total Water Projects	3,088,650
Sewer Fund:	
Sanitary Sewer Main Rehabilitation	1,000,000
Interceptor Inspection & Rehabilitation	200,000
CSO Separation	150,000
Pump Station Upgrades	292,000
Total Sewer Projects	1,642,000
Stormwater Fund:	
Hart Brook Water Quality Restoration	500,000
CSO Separation	150,000
North Temple Storm Drain Repair	100,000
Total Stormwater Projects	750,000
 Total 2015 LCIP Requests	 8,962,650

BE IT FURTHER ORDERED, that to meet this appropriation, \$8,962,650 shall be raised by Public Improvement Bond Issue(s);

BE IT FURTHER ORDERED, that the City Council instruct the Finance Director to advertise for bids for \$8,962,650 or increments thereof, Public Improvement Bonds; to award the loan; and to employ Edwards Wildman Palmer LLP to furnish the legal opinion for the same; provided that in the alternative, the Finance Director is authorized to award the loan to the Maine Municipal Bond Bank;

BE IT FURTHER ORDERED, that the bonds shall be signed by the City Treasurer and Mayor;

BE IT FURTHER ORDERED, that the date, maturities, denominations, interest rate or rates, place or places of payment, form or other details of the bonds and of the provisions for the sale thereof shall be determined by the Finance Director;

BE IT FURTHER ORDERED, that bonds issued hereunder may be subject to call for redemption on such terms as may be determined by the Finance Director; and

BE IT FURTHER ORDERED, on or before the call date, the Finance Director is authorized to refund/advance refund this bond series if a net present value benefit is derived.



Finance Department



Heather Hunter
 Director of Finance/Treasurer
 hhunter@lewistonmaine.gov

TO: Mayor Robert Macdonald and Members of the City Council
FROM: Heather Hunter, Finance Director
SUBJECT: **2015 Lewiston Capital Improvement Program**
DATE: May 28, 2014

On January 7, 2014, the City Council received and placed on file the 2015 Lewiston Capital Improvement Program (LCIP) planning document and conducted a public hearing on it on February 4, 2014. The public hearing outlined numerous projects totaling \$32,777,120 for fiscal year 2015. The final 2015 LCIP projects recommendation for bonding are listed below.

Project	Amount
Riverfront Island Master Plan Imp.	250,000
Engine 4 Replacement	575,000
Retrofit Downtown Street Lights	240,000
Road Rehab	575,000
Road Resurfacing	877,000
Bartlett St Rehab (MDOT Local Share)	150,000
Signal Upgrades (MDOT Local Share)	50,000
Total General Fund Projects	2,717,000
New School Project	200,000
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Financial Software Conversion	150,000
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Total School Projects	765,000
LA Treatment Program	1,230,000
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Total Water Projects	3,088,650
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CSO Separation	150,000
Pump Station Upgrades	292,000
Total Sewer Projects	1,642,000
Hart Brook Water Quality Restoration	500,000
CSO Separation	150,000
North Temple Storm Drain Repair	100,000
Total Stormwater Projects	750,000
Total 2015 LCIP Requests	8,962,650

Through the City Administrator's evaluation and the public hearing processes, a few projects were either eliminated or deferred without having a major impact on municipal operations. In addition, with the State's announcement of the next round of school construction projects, a portion of the project to replace Martel Elementary School is now recommended for FY 2015 funding.

On December 20, 2011, the City Council revised the bond issue limitation ordinance (Article II, Sec. 2-34) that limits the amount of debt that can be authorized annually without a super majority vote. The limit is capped at 80% of the average amount of annual debt being retired over the three previous fiscal years, unless the debt is financed through sources other than general property taxes. The debt limitation applicable to the 2015 LCIP is \$6,330,493. Using the refined municipal sub-total of \$3,482,000, the City would be \$2,848,493 or 45% below the cap.

The total estimated impact of issuing \$8,962,650 of bonds is an additional principal requirement of \$618,033 in fiscal year 2016. This amount is broken down as follows: general fund - \$209,133; school department - \$76,500; water fund - \$167,933; sewer fund - \$104,467; and stormwater fund - \$60,000. In FY2015, the City will be paying \$14,300,284 in principal payments, thus paying off \$5,337,634 more than we are borrowing in that year. The City's general fund will be reducing principal by a net of \$4,193,287.

Please feel free to contact me if you have any questions or concerns, and I will also be available at the public hearing.



City of Lewiston Executive Department

EDWARD A. BARRETT
City Administrator

PHIL NADEAU
Deputy City Administrator



To: Honorable Mayor and Members of the City Council
Fr: Edward A. Barrett
Su: FY 15 Bond Authorization
May 29, 2014

Following the adoption of the annual budget, the City Council separately considers bond authorizations for the coming year. This process begins with the presentation of the City's five year capital improvement plan (the LCIP) in March, the recommendations of which are frequently modified as the operating budget process unfolds.

The LCIP called for \$7,075,000 in bond authorizations for a variety of projects. Under the City's bond limit ordinance, a super majority of the Council is required to approve bonds in excess of the average of the last three years principal repayments. For FY 15, the limit is \$6,330,493. Please also see the LCIP recommendations made by the Finance Committee and Planning Board.

The first adjustment to the proposed bonding appeared in the budget message accompanying the proposed FY 15 municipal budget. That message recognized that we are now in the sixth year of flat to declining revenue growth and concluded that these circumstances were unlikely to change in the near future. Recognizing the constraints on the annual budget, the bonding amount was reduced to \$1,803,000 in an effort to control the impact of future debt service on the operating budget. Only projects that would result in future year savings, were deemed absolutely essential, or addressed a significant City priority were recommended for funding. Other projects were either deferred to future years or moved from bonding to fund balance.

The final adjustment occurred late in the budget process over concerns regarding the level of unassigned fund balance likely to be used for capital and one time expenditures in FY 15. At one point, this exceeded \$2.3 million. Based on this concern, \$877,000 in street paving was shifted from fund balance to bonds, reducing the use of fund balance to \$1.4 million.

The bond authorization now proposed for the municipal portion of the General Fund would be in the amount of \$2,717,000. The School portion is \$765,000.

There has also been interest expressed during the budget process to restore \$575,000 in bonds to replace Engine 6. (See attached information from Chief LeClair.) Should the Council wish to do so, this would increase the authorization to \$3,482,00, 55.0% of the bond limit or 44.0% of the three year average principal payment.

Following direction from the Council at the May 20th workshop, staff has prepared and placed the necessary public notices that will allow the Council to take action on a bond order at the June 3, 2014 meeting.

LEWISTON CITY COUNCIL

MEETING OF JUNE 3, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT:

Condemnation Hearing for the building located at 111 Pine Street.

INFORMATION:

The City has begun the process for condemnation of the property at 111 Pine Street under the dangerous building classification. This property has been abandoned by the owner and upon inspection of city staff has been determined to be an unsafe structure.

The agenda background material pertains to the condition of this property. The City Attorney will be present on Tuesday evening to assist the City Council with the condemnation hearing and to advise accordingly.

PLEASE NOTE - The background material for this agenda item is included in a separate binder that was distributed with the meeting agenda binder.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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1) To conduct a hearing to determine if the building located at 111 Pine Street has meet the dangerous building statutes as defined in Title 17, sec. 2851 et all.

If it is determined that the building does meet the dangerous building criteria, then the Council is asked :

2) With regard to the property at 111 Pine Street, to adopt the Findings of Fact, Conclusions of Law and Order of Demolition proposed by the City Planning and Code Enforcement Department, which Order establishes the corrective action to be taken by the property owner and the time frame for taking such action, and which authorizes the City Administrator to take such corrective action if the property owner fails to do so, and to recoup the City's costs through a special tax or collective action.

MEMORANDUM

To: Mayor McDonald; Lewiston City Council
From: Gil Arsenault, Director, Lewiston Planning Department
Date: June 3, 2014
RE: Dangerous Buildings Hearing for 111 Pine Street

Dear Mayor and City Council,

At the Council meeting on June 3, 2014, the Planning Department will be presenting evidence as to why the buildings at 111 Pine Street are dangerous buildings within the meaning of 17 M.R.S. § 2851. We will be requesting that the Council find that the buildings at this property are dangerous buildings and order that they be demolished.

To assist your decision I have included the following materials for each property:

- Documents establishing the identity of the current owner;
- The Notice of Hearing and proof of service on the owners and any party in interest;
- Previous correspondence, notices, or citations to the owner, if any;
- Photographs depicting the dilapidation at the property; and
- Proposed Order of Demolition.

At the meeting, the Planning Department will present this evidence as well as testimony showing why the buildings on this property are dangerous and should be demolished. I will also prepare for the Council proposed findings of fact, conclusions of law, and proposed order of demolition.

LEWISTON CITY COUNCIL MEETING
JUNE 3, 2014
DANGEROUS BUILDINGS HEARING
111 PINE STREET
CITY OF LEWISTON PLANNING DEPARTMENT EXHIBITS

THOMAS MAYNARD
City of Lewiston
Code Enforcement Officer

RESPONSIBILITIES

Responsible for implementing and enforcing City of Lewiston land use, zoning, and building codes.

MAINE STATE CERTIFICATIONS

Internal Plumbing
Subsurface Wastewater Disposal
Zoning Officer
Shoreland Zoning
Land Use Planning
Building Standards (Residential Building, Commercial Building, Residential Energy, Commercial Energy, Residential Indoor Ventilation, Commercial Indoor Ventilation, Residential Radon)
Legal Issues

EXPERIENCE

Home Building

NV Ryan Homes, Maryland (1985-1988)
Production supervisor

Thunderlion, Maryland (1994-1997)
Production superintendent

Governmental

Montgomery County, Maryland (1988-1994)
1 & 2 family building and electrical inspector

Scarborough, Maine (1997-2001)
Code enforcement officer, building inspector, electrical inspector, plumbing inspector

Washington County, Maryland (2001-2004)
1 & 2 family building and electrical inspector

Lewiston, Maine (2004-present)
Code enforcement officer, constable, housing inspector, building inspector, internal and external plumbing inspector, shoreland zoning officer, land use compliance officer

OWNERSHIP DOCUMENTS

Maine Short Form Warranty Deed

I, **GEORGE A. NOLLEY, JR.**, of Pikesville, Maryland, for consideration paid, grant to **RICHARD L. SEAMON**, whose mailing address is 80 Androscoggin Avenue, Lewiston, Maine, 04240, with **WARRANTY COVENANTS**, a certain lot or parcel of land, with any buildings thereon, situated in Lewiston, County of Androscoggin, and State of Maine, being further described in the attached Exhibit A.

The premises are conveyed subject to any easements and restrictions of record, and this deed includes all rights, easements, privileges and appurtenances belonging to the premises hereinabove described.

IN WITNESS WHEREOF, George A. Nolley, Jr. has caused this instrument this 22nd day of October, 2007, to be executed in his name and on his behalf by his attorney-in-fact, thereunto duly authorized by a Power of Attorney dated March 14, 2006, ~~2007~~ to be recorded herewith in the Androscoggin County Registry of Deeds.

MAINE REAL ESTATE
TRANSFER TAX PAID

Diane M. Milligan
Witness

GEORGE A. NOLLEY, JR.

Anita Drake
Anita Drake, as Attorney-in-Fact for
George A. Nolley, Jr.

STATE OF MAINE
COUNTY OF ANDROSCOGGIN, SS.

Then personally appeared the above named Anita Drake, in her capacity as Attorney-in-Fact for George A. Nolley, Jr., known to me, this 22nd day of October, 2007 and acknowledged before me the foregoing instrument to be her free act and deed.

Diane M. Milligan
Notary Public/Attorney at Law
Name: _____
My commission expires _____
DIANE M. MILLIGAN
NOTARY PUBLIC, MAINE

X:\WPDOCS\DIANET\2007\07-2500\07-2534 - POA DEED.doc

EXPIRES AUGUST 17, 2009



Order No: 1377431 (07-2534)

EXHIBIT 'A'

A certain lot or parcel of land, with any buildings thereon, situated in Lewiston, Androscoggin County and State of Maine bounded and described as follows:

Commencing at the corner formed by the Southerly line of Pine Street and the Westerly line of Bartlett Street, at an iron pin set in the ground;

Thence running Southerly on said Bartlett Street one hundred twenty-eight (128') feet to an iron hub set in the ground;

Thence at a right angle Westerly one hundred (100') feet to an iron pin set in the ground;

Thence at a right angle Northerly and by the Easterly line of land formerly of M.C. Wedgewood and now of Fahey Funeral Home, Inc., to said Pine Street, to a pin set in the ground;

Thence at a right angle Easterly and by the said Southerly line of said Pine Street one hundred (100') feet to the point of beginning.

Being the same premises conveyed to George A. Nolley, Jr. by warranty deed from Kevin F. Lynch dated October 24, 2005 and recorded in the Androscoggin County Registry of Deeds in Book 6546, Page 229.

ANDROSCOGGIN COUNTY
Tina M. Chouard
REGISTER OF DEEDS

**NOTICE OF HEARING
CERTIFICATES OF SERVICE**

AMENDED NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
Dangerous Buildings

Richard L. Seamon
451 Court Street
Auburn, Maine 04210

Nationstar Mortgage, LLC
c/o Corporation Service Company
45 Memorial Circle
Augusta, Maine 04330

Rigby Auto Repair, Inc.
c/o Andrew J. Doukas
673 Congress Street
Portland, Maine 04101

Cavalry SPV I, LLC
c/o CT Corporation System
1536 Main Street
Readfield, Maine 04355

Ness Oil Company
c/o Norman J. Rattey
95 Main Street
Auburn, Maine 04210

111 PINE STREET, LEWISTON, MAINE

You are hereby notified that the City Council of the City of Lewiston, Maine will hold a hearing on:

June 3, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 111 Pine Street, Lewiston, Maine, identified as Lot 455 on Tax Map 195, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 7287, Page 263, is a dangerous building or nuisance within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

If the City Council finds that the structure is dangerous or a nuisance, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the structure. If the corrective action is not taken by the deadline established by the City Council's order, and no appeal is taken, the City may take the corrective action at the City's expense. The City may then recover all of its expenses, including reasonable attorneys' fees and costs, by means of a special tax or civil action.

This hearing is your opportunity to present evidence as to why the structure is not dangerous or a nuisance and to oppose any corrective action ordered by the City Council. Failure to attend may result in the waiver of certain rights with regard to this property.

Dated: May 6, 2014

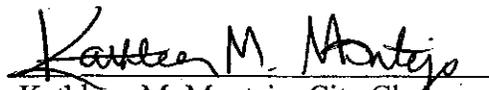
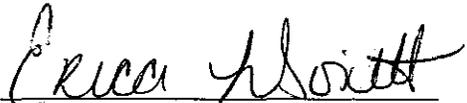

Kathleen M. Montejo, City Clerk

EXHIBIT B

STATE OF MAINE
ANDROSCOGGIN, ss

May 6, 2014

Before me this day personally appeared Kathleen M. Montejo who acknowledges the foregoing instrument to be her free act and deed.


Notary Public / Attorney at Law

SEAL

ERICA L. SOIETT
Notary Public, Maine
My Commission Expires October 5, 2019

ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS

Return
A

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

AMENDED NOTICE OF HEARING
111 PINE STREET, LEWISTON, MAINE
Pursuant to 17 M.R.S. §§ 2851, *et seq.*

On 5-8-14, 2014 (date), I served the above-referenced AMENDED NOTICE OF HEARING, a copy of which is attached hereto, by serving a copy of same to Richard L. Seamon, individually, at the following address:

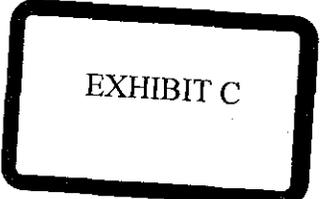
Richard L. Seamon
451 Court Street
Auburn, ME 04210

Costs of Service:

Service:	\$	<u>21.00</u>
Travel:	\$	<u>2.20</u>
Postage:	\$	<u>1.00</u>
Other:	\$	<u>2.00</u>
TOTAL:	\$	<u>26.20</u>

[Signature]
Signature

[Initials]
Agency



AMENDED NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
Dangerous Buildings

Richard L. Seamon
451 Court Street
Auburn, Maine 04210

Nationstar Mortgage, LLC
c/o Corporation Service Company
45 Memorial Circle
Augusta, Maine 04330

Rigby Auto Repair, Inc.
c/o Andrew J. Doukas
673 Congress Street
Portland, Maine 04101

Cavalry SPV I, LLC
c/o CT Corporation System
1536 Main Street
Readfield, Maine 04355

Ness Oil Company
c/o Norman J. Rattey
95 Main Street
Auburn, Maine 04210

111 PINE STREET, LEWISTON, MAINE

You are hereby notified that the City Council of the City of Lewiston, Maine will hold a hearing on:

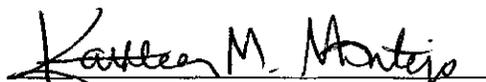
June 3, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 111 Pine Street, Lewiston, Maine, identified as Lot 455 on Tax Map 195, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 7287, Page 263, is a dangerous building or nuisance within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

If the City Council finds that the structure is dangerous or a nuisance, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the structure. If the corrective action is not taken by the deadline established by the City Council's order, and no appeal is taken, the City may take the corrective action at the City's expense. The City may then recover all of its expenses, including reasonable attorneys' fees and costs, by means of a special tax or civil action.

This hearing is your opportunity to present evidence as to why the structure is not dangerous or a nuisance and to oppose any corrective action ordered by the City Council. Failure to attend may result in the waiver of certain rights with regard to this property.

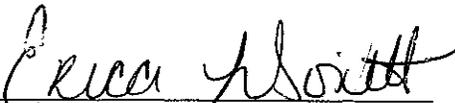
Dated: May 6, 2014


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

May 6, 2014

Before me this day personally appeared Kathleen M. Montejo who acknowledges the foregoing instrument to be her free act and deed.



Notary Public / Attorney at Law

ERICA L. SOIETT
Notary Public, Maine
My Commission Expires October 5, 2019

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

**AMENDED NOTICE OF HEARING
111 PINE STREET, LEWISTON, MAINE
Pursuant to 17 M.R.S. §§ 2851, et seq.**

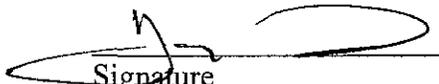
On MAY 08.2014, 2014 (date), I served the above-referenced AMENDED NOTICE OF HEARING, a copy of which is attached hereto, by serving a copy of same to Corporation Service Company, Registered Agent for Nationstar Mortgage, LLC, at the following address:

Nationstar Mortgage, LLC
c/o Corporation Service Company *Agent*
45 Memorial Circle
Augusta, ME 04330

Costs of Service:

Service: \$ _____
Travel: \$ _____
Postage: \$ _____
Other: \$ _____

TOTAL: \$ _____



Signature

Agency **HARRY MCKENNEY**
Chief Civil Deputy
KENNEBEC COUNTY
Sheriff's Office

EXHIBIT D

AMENDED NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
Dangerous Buildings

Richard L. Seamon
451 Court Street
Auburn, Maine 04210

Nationstar Mortgage, LLC
c/o Corporation Service Company
45 Memorial Circle
Augusta, Maine 04330

Rigby Auto Repair, Inc.
c/o Andrew J. Doukas
673 Congress Street
Portland, Maine 04101

Cavalry SPV I, LLC
c/o CT Corporation System
1536 Main Street
Readfield, Maine 04355

Ness Oil Company
c/o Norman J. Rattey
95 Main Street
Auburn, Maine 04210

111 PINE STREET, LEWISTON, MAINE

You are hereby notified that the City Council of the City of Lewiston, Maine will hold a hearing on:

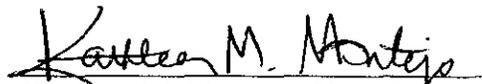
June 3, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 111 Pine Street, Lewiston, Maine, identified as Lot 455 on Tax Map 195, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 7287, Page 263, is a dangerous building or nuisance within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

If the City Council finds that the structure is dangerous or a nuisance, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the structure. If the corrective action is not taken by the deadline established by the City Council's order, and no appeal is taken, the City may take the corrective action at the City's expense. The City may then recover all of its expenses, including reasonable attorneys' fees and costs, by means of a special tax or civil action.

This hearing is your opportunity to present evidence as to why the structure is not dangerous or a nuisance and to oppose any corrective action ordered by the City Council. Failure to attend may result in the waiver of certain rights with regard to this property.

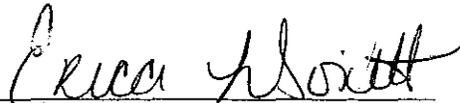
Dated: May 6, 2014


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

May 6, 2014

Before me this day personally appeared Kathleen M. Montejo who acknowledges the foregoing instrument to be her free act and deed.



Notary Public / Attorney at Law

ERICA L. SOIETT
Notary Public, Maine
My Commission Expires October 5, 2019

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
111 PINE STREET, LEWISTON, MAINE
Pursuant to 17 M.R.S. §§ 2851, *et seq.*

On 5/9/14, 2014 (date), I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, by serving a copy of same to MIKE JENSEN, person authorized to accept service for Rigby Auto Repair, Inc., at the following address:

Rigby Auto Repair, Inc.
205 Lincoln Street
South Portland, ME 04106

Costs of Service:

Service:	\$ _____
Travel:	\$ _____
Postage:	\$ <u>16.00</u>
Other:	\$ <u>9.70</u>
TOTAL:	\$ <u>60</u>
	<u>5.00</u>
	31.30

J. M. Madigan
Signature

CCSA
Agency

EXHIBIT E

AMENDED NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
Dangerous Buildings

Richard L. Seamon
451 Court Street
Auburn, Maine 04210

Nationstar Mortgage, LLC
c/o Corporation Service Company
45 Memorial Circle
Augusta, Maine 04330

Rigby Auto Repair, Inc.
c/o Andrew J. Doukas
673 Congress Street
Portland, Maine 04101

Cavalry SPV I, LLC
c/o CT Corporation System
1536 Main Street
Readfield, Maine 04355

Ness Oil Company
c/o Norman J. Rattey
95 Main Street
Auburn, Maine 04210

111 PINE STREET, LEWISTON, MAINE

You are hereby notified that the City Council of the City of Lewiston, Maine will hold a hearing on:

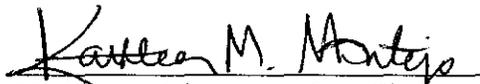
June 3, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 111 Pine Street, Lewiston, Maine, identified as Lot 455 on Tax Map 195, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 7287, Page 263, is a dangerous building or nuisance within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

If the City Council finds that the structure is dangerous or a nuisance, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the structure. If the corrective action is not taken by the deadline established by the City Council's order, and no appeal is taken, the City may take the corrective action at the City's expense. The City may then recover all of its expenses, including reasonable attorneys' fees and costs, by means of a special tax or civil action.

This hearing is your opportunity to present evidence as to why the structure is not dangerous or a nuisance and to oppose any corrective action ordered by the City Council. Failure to attend may result in the waiver of certain rights with regard to this property.

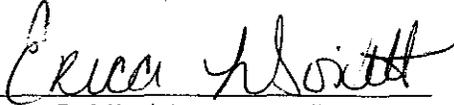
Dated: May 6, 2014


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

May 6, 2014

Before me this day personally appeared Kathleen M. Montejo who acknowledges the foregoing instrument to be her free act and deed.


Notary Public / Attorney at Law

ERICA L. SOIETT
Notary Public, Maine
My Commission Expires October 5, 2019

kelson

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

**AMENDED NOTICE OF HEARING
111 PINE STREET, LEWISTON, MAINE
Pursuant to 17 M.R.S. §§ 2851, et seq.**

On MAY 08 2014, 2014 (date), I served the above-referenced AMENDED NOTICE OF HEARING, a copy of which is attached hereto, by serving a copy of same to CT Corporation Systems as Registered Agent for Cavalry SPV I, LLC, at the following address:

Cavalry SPV I, LLC
c/o CT Corporation System, Registered Agent
1536 Main Street
Readfield, ME 04355

Costs of Service:

Service: \$ _____
Travel: \$ _____
Postage: \$ _____
Other: \$ _____

TOTAL: \$ _____


Signature

HARRY MCKENNEY
Agency Chief Civil Deputy
KENNEBEC COUNTY
SHERIFF'S OFFICE

EXHIBIT F

AMENDED NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
Dangerous Buildings

Richard L. Seamon
451 Court Street
Auburn, Maine 04210

Nationstar Mortgage, LLC
c/o Corporation Service Company
45 Memorial Circle
Augusta, Maine 04330

Rigby Auto Repair, Inc.
c/o Andrew J. Doukas
673 Congress Street
Portland, Maine 04101

Cavalry SPV I, LLC
c/o CT Corporation System
1536 Main Street
Readfield, Maine 04355

Ness Oil Company
c/o Norman J. Rattey
95 Main Street
Auburn, Maine 04210

111 PINE STREET, LEWISTON, MAINE

You are hereby notified that the City Council of the City of Lewiston, Maine will hold a hearing on:

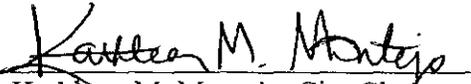
June 3, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

This hearing is to determine whether the residential structure at 111 Pine Street, Lewiston, Maine, identified as Lot 455 on Tax Map 195, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 7287, Page 263, is a dangerous building or nuisance within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

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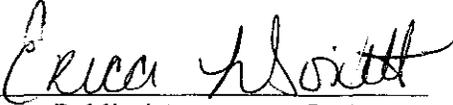
Dated: May 6, 2014.


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

May 6, 2014

Before me this day personally appeared Kathleen M. Montejo who acknowledges the foregoing instrument to be her free act and deed.



Notary Public / Attorney at Law

ERICA L. SOIETT
Notary Public, Maine
My Commission Expires October 5, 2019

Return
B

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

**AMENDED NOTICE OF HEARING
111 PINE STREET, LEWISTON, MAINE
Pursuant to 17 M.R.S. §§ 2851, et seq.**

On 5-8-14, 2014 (date), I served the above-referenced AMENDED NOTICE OF HEARING, a copy of which is attached hereto, by serving a copy of same to Norman J. Rattey for Ness Oil Company, at the following address:

Ness Oil Company
c/o Norman J. Rattey, Clerk
95 Main Street
Auburn, ME 04210

Costs of Service:

Service:	\$	<u>21.00</u>
Travel:	\$	<u> </u>
Postage:	\$	<u> </u>
Other:	\$	<u> </u>
 TOTAL:	\$	<u>21.00</u>

[Signature]
Signature

[Initials]
Agency

EXHIBIT G

AMENDED NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
Dangerous Buildings

Richard L. Seamon
451 Court Street
Auburn, Maine 04210

Nationstar Mortgage, LLC
c/o Corporation Service Company
45 Memorial Circle
Augusta, Maine 04330

Rigby Auto Repair, Inc.
c/o Andrew J. Doukas
673 Congress Street
Portland, Maine 04101

Cavalry SPV I, LLC
c/o CT Corporation System
1536 Main Street
Readfield, Maine 04355

Ness Oil Company
c/o Norman J. Rattey
95 Main Street
Auburn, Maine 04210

111 PINE STREET, LEWISTON, MAINE

You are hereby notified that the City Council of the City of Lewiston, Maine will hold a hearing on:

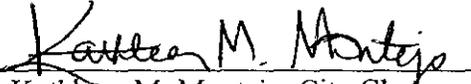
June 3, 2014
7:00 pm
Lewiston City Hall, 27 Pine Street, Lewiston, Maine

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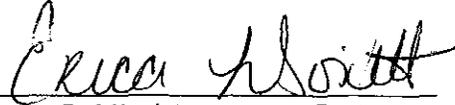
Dated: May 6, 2014


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

May 6, 2014

Before me this day personally appeared Kathleen M. Montejo who acknowledges the foregoing instrument to be her free act and deed.



Notary Public / Attorney at Law

ERICA L. SOIETT
Notary Public, Maine
My Commission Expires October 5, 2019

CITY
CORRESPONDENCE

**CODE ENFORCEMENT
CITY BUILDING
27 PINE STREET
LEWISTON, MAINE 04240
(207) 513-3125 EXT. 3226**

**NOTICE OF CONDEMNATION/PLACARDING
VIA FIRST CLASS & CERTIFIED MAIL
RETURN RECEIPT REQUESTED
POSTED AT SITE**

April 18, 2013

Richard Seamon
451 Court St. Apt# 1.
Auburn, ME 04210

Party(ies) In Interest : Bank of America Successor by merger to Bac Home Loan Servicing LP FKA
Country Wide Home Loans Servicing LP
C/O Attorneys for Mortgagor: Shechtman, Halperin, Savage LLP
1080 Main St.
Pawtucket St. RI 02860

RE: 111 Pine Street, Lewiston, ME 04240

To whom it may concern,

It has come to the attention of this office that the building at 111 Pine Street is vacant and has suffered severe deterioration making it unfit for occupancy due to violation(s) of the following provisions of Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, Article VI, Sections 18-200 & 18-201, as per The Code of Ordinances of the City of Lewiston hereafter referred to as the (Code). The building is without necessary facilities such as heat, hot potable water, electricity and has been abandoned. Due to obsolescence of the mechanical systems, dilapidation and deterioration of the structural elements and unsanitary conditions, substantial rehabilitation is required for re-occupancy or the building must be demolished.

I hereby condemn and placard the building and property at 111 Pine Street as being unfit for occupancy pursuant to and in accordance with Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, IPMC-108.1 et seq, IPMC-109.1 et seq, IPMC-110.1 et seq, , IPMC-302.1 et seq, IPMC-304.1 et seq, IPMC-305.1 et seq, IPMC-306.1 et seq, IPMC-402.2 et seq, IPMC-504.1 et seq, IPMC-505.1 et seq,, IPMC-506.1 et seq, IPMC-602.1 et seq, IPMC-603.1 et seq, IPMC-604.1 et seq, IPMC-605.1 et seq, IPMC-703.1 et seq and PMC-704.1 et seq of the Code of Ordinances of the City of Lewiston. You are hereby ordered to immediately ensure this building is secured from unauthorized entry. You are to make substantial repairs, with all appropriate permits issued by this office, or to demolish this building, leaving the property in manner to the satisfaction of this office by no later than June 1, 2013.

The City of Lewiston may order the demolition of this building pursuant to the provisions of the

the building is not maintained secured or is a threat to public safety and a nuisance.

The above-mentioned property will be placarded and may not be re-occupied until proper abatement of all violations and rehabilitation has been completed. An inspection shall be conducted to confirm compliance. At such time the condemnation order and placarding shall be discontinued pursuant to the above referenced Code Section IPMC-108.4.1 stating "the code official shall remove the condemnation and placarding whenever the defect or defects upon which the Condemnation and Placarding were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code."

Your prompt attention to this matter is advised to avoid legal action. It is our sincere desire to work with you in devising an implementation schedule for the correction of these conditions. Please contact this office immediately if circumstances do not permit the timely compliance with this order and abatement of the violations or if you have any questions regarding this matter.

In the event that you do not comply with this order, this office may issue a citation pursuant to Chapter 50, Article II, and Section 50-36 thru 50-51 of the aforementioned Code. Said citation shall require you to pay a penalty of one hundred and ten dollars (\$110.00) for the first citation and you will be reordereed to abate the outstanding violations in the previous Notices and Orders. In the event that you do not comply with the first citation, additional citations may be issued. The second citation imposes a civil penalty of two hundred and twenty five dollars (\$225.00), the third is four hundred and twenty five dollars (\$425.00), the fourth and subsequent citations are eight hundred and fifty dollars (\$850.00), and penalties are cumulative. In the future, if any of the above violations are repeated, you are not entitled to receive any further notification, and this office may serve you with a citation.

In lieu of or in addition to the issuance of citations, this office may initiate a land use complaint pursuant to Rule 80-K of the Maine Rules of Civil Procedure and 30-A M.R.S.A. § 4452 et seq. and § 3758-A et seq. as amended. A judgment from such a lawsuit in the City's favor will result in a court order that any violations be abated, the imposition of a fine of up to two thousand, five hundred dollars (\$2,500.00) per violation, per day, the payment of court costs and the City's legal fees.

You may appeal this order and request a hearing before the Lewiston Board of Appeals by filing a written petition at the office of the Director of Planning and Code Enforcement within ten (10) days of receipt of this notice. This petition shall be submitted on a form provided by this office along with the one hundred and five dollar (\$105.00) appeal fee. Should you fail to appeal you will be barred from any opportunity to contest or challenge the terms of this Notice and Order in any further legal proceedings.

If you sell, transfer or lease this property, you must notify the grantee, mortgagee, transferee, or lessee of any outstanding code violations pursuant to Section IPMC-107.6 of the Property Maintenance Code. You must also furnish this office with a signed notarized statement from the grantee, mortgagee, transferee or lessee acknowledging receipt of any orders or notices and fully accepting responsibility for the abatement of said violations.

Sincerely,



Jeff Beril
Code Enforcement Officer

c: Gildace J. Arsenault, Director of Planning & Code Enforcement

The City of Lewiston is an EOE. For more information, please visit our website @ www.ci.lewiston.me.us and click on the Non-Discrimination Policy

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. DO NOT WRITE ON THIS AREA.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY						
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X</p> <p>B. Received by (<i>Printed Name</i>) C. Date of Delivery</p>						
<p>1. Article Addressed to:</p> <p style="text-align: center;">RICHARD SEAMON 451 COURT STREET, APT #1 AUBURN ME 04210</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <table border="0"><tr><td><input checked="" type="checkbox"/> Certified Mail</td><td><input type="checkbox"/> Express Mail</td></tr><tr><td><input type="checkbox"/> Registered</td><td><input type="checkbox"/> Return Receipt for Merchandise</td></tr><tr><td><input type="checkbox"/> Insured Mail</td><td><input type="checkbox"/> C.O.D.</td></tr></table>	<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail	<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.
<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail						
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise						
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.						
<p>2. Article Number <i>(Transfer from service label)</i></p>	<p>4. Restricted Delivery? (<i>Extra Fee</i>) <input type="checkbox"/> Yes</p> <p style="text-align: center;">7010 3090 0000 0594 0097</p>						

LEWISTON
FORCEMENT
BUILDING
E STREET
N, MAINE 04240
3125 EXT. 3226

NOTIFICATION/PLACARDING
REGISTERED MAIL
RECEIPT REQUESTED
DELIVERED AT SITE

PLANNING & CODE ENFORCEMENT
City of LEWISTON
27 Pine Street, City Hall
Lewiston, Maine 04240

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RICHARD SEAMON
451 COURT STREET, APT #1
AUBURN ME 04210

7010 3090 0000 0594 0097



...or by merger to Bac Home Loan Servicing LP FKA
...rin, Savage LLP

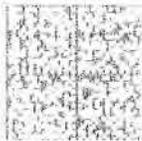
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RETURN TO SENDER
UNDELIVERED
MAIL TO THE OFFICE

NOV 11 05 10 PM '11

*Notice
5/11/11*



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...y due to violation(s) of the following provisions of
...ode. Sections 18-51 and 18-52, Article VI, Sections
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MC-602.1 et seq, IPMC-603.1 et seq, IPMC-604.1 et
PMC-704.1 et seq of the Code of Ordinances of the
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The City of Lewiston may order the demolition of this building pursuant to the provisions of the

PHOTOGRAPHS

111 Pine Street

Photo # 1 Photos taken 4.25-2013 & 4-22-2014. Front view



Photo # 2 Rear of building.



Photo # 3 Traditional carriage house.



Photo # 4 Severely deteriorated egress stairs.



Photo # 5 Severely deteriorated stairs and raised walkway to the rear door..



Photo # 6 Broken glass on the ground below a broken window.



Photo # 7 Broken window pane.



Photo # 8 Deteriorated masonry foundation with loss of mortar from the joints.



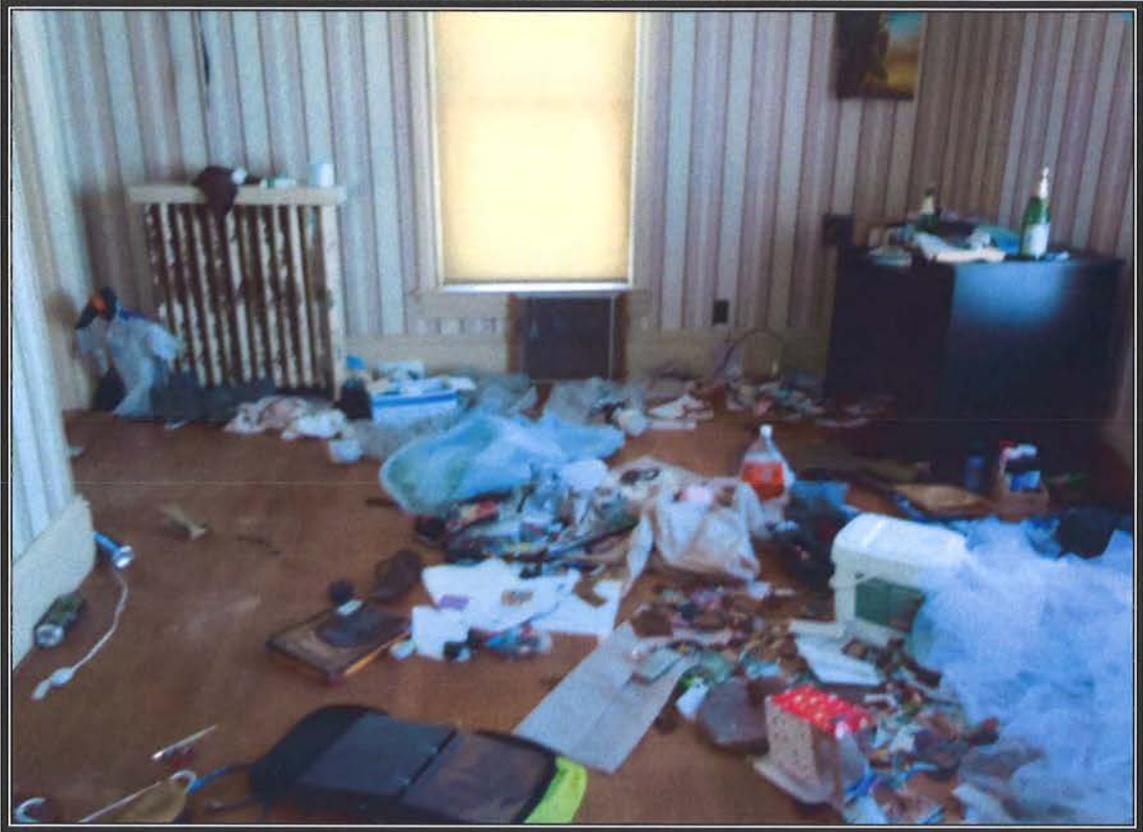
Photo # 9 Broken toilet filled with feces and open to the sewer system allowing for the entry of sewer gasses making for unsanitary conditions.



Photo # 10 Debris about the room increasing fire loading..



Photo # 11 Debris increasing fire loading.



Photos # 12 An open chase to the second floor due to the removal of a set of stairs leaving open framing allowing for the accelerated spread of fire.



Photo # 13 View of the open chase from the second floor due to the removal of the stairs.



Photo # 14 Debris about the basement.



Photo # 15 Damaged and inoperative boiler, missing copper piping.



Photo # 16 Damaged masonry foundation.



Photo # 17 An example of a failing floor joist broken at the notch cut.



Photo #18 Deteriorated and obsolete fused electrical panel and obsolete knob and tube wiring.



. Photo # 19 Inoperative hot water heater with cut copper piping and improperly installed wiring.



Photo # 20 Deteriorated and obsolete knob and tube wiring.



Photo # 23 Debris in the carriage house.



Photo # 24 Debris in the carriage house increasing fire loading.



Photo # 25 Material hung from the ceiling greatly increasing the potential for the spread of fire..



Photo # 26 Severely deteriorated masonry chimney.



LEWISTON CITY COUNCIL
MEETING OF JUNE 3, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

Order of Condemnation for eminent domain proceedings for a portion of Beech Street.

INFORMATION:

The City is in the process of redeveloping the riverfront area around Lincoln Street and in order to move the Riverfront Island Master Plan forward, the issue of public access over the bridge and Beech Street needs to be determined and settled. Over the past many years, the issue of actual ownership of Beech Street as it runs from Oxford Street to the river has arisen many times. This is the area of the Beech Street bridge. City staff have been working with the City Attorney's Office to clarify this matter.

The City Council is asked to vote to take by eminent domain a portion of Beech Street. Notice of intentions of eminent domain proceedings were issued to the property owner and were publically posted. Please see the memorandum from Lincoln Jeffers, Director of Economic and Community Development, for background information on the efforts to acquire the land. Please reference the attached material from the City Attorney for background material regarding this item.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

ERAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order of Condemnation for eminent domain proceedings for a portion of Beech Street.

Economic and Community Development

Lincoln Jeffers

Director



To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: Establishment of Beech Street Extension
Date: May 30, 2014

Background

Over the last several years a recurring question has arisen regarding ownership and establishment of Beech Street as it runs from Oxford Street toward the river. The question first arose when Museum LA was demolishing a portion of the Camden Mill, located at 1 Beech Street. The equipment needed to conduct the demolition was too heavy to cross over the Beech Street Bridge spanning the canal.

Title work was conducted to determine who owned the bridge. The title work was inconclusive. Actual and potential property owners on the west side of the bridge, including Museum LA, M & B Realty, FPL Energy (now Brookfield) and Franklin Property Trust were approached regarding their ownership. Rachel Desgrosseliers of Museum LA approached Stanley Sclar of Franklin Property Trust to find out if they had any ownership interest in the bridge, which they denied. Faced with access to Simard Payne Park being cut off to most vehicles, the City moved forward with structural repairs to the bridge, which allowed it to continue to be used to access the properties. The City took the lead in the repair work. Combined, Museum LA, M & B Realty, and FPL Energy paid \$2,350 of the \$10,550 costs of structural repairs to the bridge and inspections.

More recently, Kevin Bunker has entered into an agreement to purchase 35 Beech Street from M & B Realty. While engaged in due diligence on the property, the question arose as to whether Beech Street was a public street.

Beech Street has been shown as a street on maps of that area dating back to at least 1863. However, there is no record in the Clerk's office of the City accepting that portion of the street. The Lewiston Auburn Railroad conveyed what is now Simard Payne Park to the City in 1998. That conveyance, however, does not appear to include the adjacent stretch of Beech Street. Franklin Company has previously asserted that it owns Beech Street from the river to Oxford Street, although there is at least one deed from Franklin to a prior property owner in the area that refers to transferring "fee in half of the road." It is worth noting that

claims of ownership of the road, but denying ownership of the bridge over the canal seem to be at odds with one another.

The City Attorney's office has done title work on this parcel and will provide you with a separate summary of the title issues involved.

The city has invested considerable time and resources in developing the Riverfront Island Master Plan, which lays out a vision and strategy for revitalization of this area of the city. That plan has captured the attention of Kevin Bunker, a known developer with a strong track record in Lewiston (Healey Terrace and Birch Hill Senior Housing), as well as elsewhere in Maine. To move forward with the Riverfront Island Master Plan, public access over the bridge and Beech Street between Oxford Street and the river needs to be settled.

Action Needed

After conversations with Franklin Trust and other owners of the real estate in question, and consultation with the City Attorney, Eminent Domain has been determined to be the most expeditious way to obtain clear title to this public way. Included in the material provided by Brann & Isaacson is a definitive layout for Beech Street west of Oxford Street. As can be seen on the aerial, in large measure, it mirrors the area that has been perceived and used as a public way for more than 100 years. Some additional land is being taken over portions of 1 Beech St. and 35 Beech St. that will allow the circulation of buses that would visit the museum, as well as other large vehicles using the park.

The requisite *Notice of Intention to Layout Way* has been posted publicly and, although not required by statute, has also been provided by certified mail to property owners and others with possible interests in the vicinity of the proposed Beech St. extension. The City Council is being asked to approve the *Order of Condemnation* that is included in your Council packets, which will clear the muddy title issues and result in the City having fee ownership of the land described in the documents through the use of eminent domain. The land being acquired will be used as a public way. We propose that Museum LA will receive \$1 for the land being taken; the others will receive \$0. These values have been arrived at based on the following facts:

- The majority of the land being taken has been used as a public way since the late 1800's;
- The amount of land being taken from any single property owner is inadequate in size or shape for redevelopment, nor, for the same reasons, would redevelopment be allowed by city zoning ordinances; and
- The liability of ownership – either in the form of maintenance expenses or potential liability from harm to the public from using the way –exceeds the value of the land.

City staff recommends approval of the actions necessary to establish ownership of Beech Street west of Oxford Street as shown on the attachments.

CITY OF LEWISTON

PROPERTY: BEECH STREET

1. Notice of Intention to Lay Out Way dated May 22, 2014
2. Aerial Photo and Maps of Easement
3. Correspondence to Landowners attaching Notice of Intent, with Certified Mail Receipts
4. Order of Condemnation
5. Certificate of Taking

**NOTICE OF INTENTION TO LAY OUT WAY
(23 M.R.S. § 3022 AND 30-A M.R.S. § 3101)**

To the Inhabitants of the City of Lewiston, Maine:

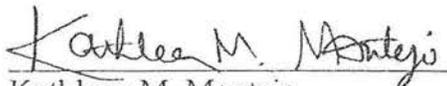
Pursuant to 23 M.R.S. § 3021 *et seq.* and 30-A M.R.S. § 3101, notice is hereby given of the intention of the City Council of Lewiston, Maine to acquire certain property to construct a public way in the vicinity of Beech Street, with the property to be acquired described as follows:

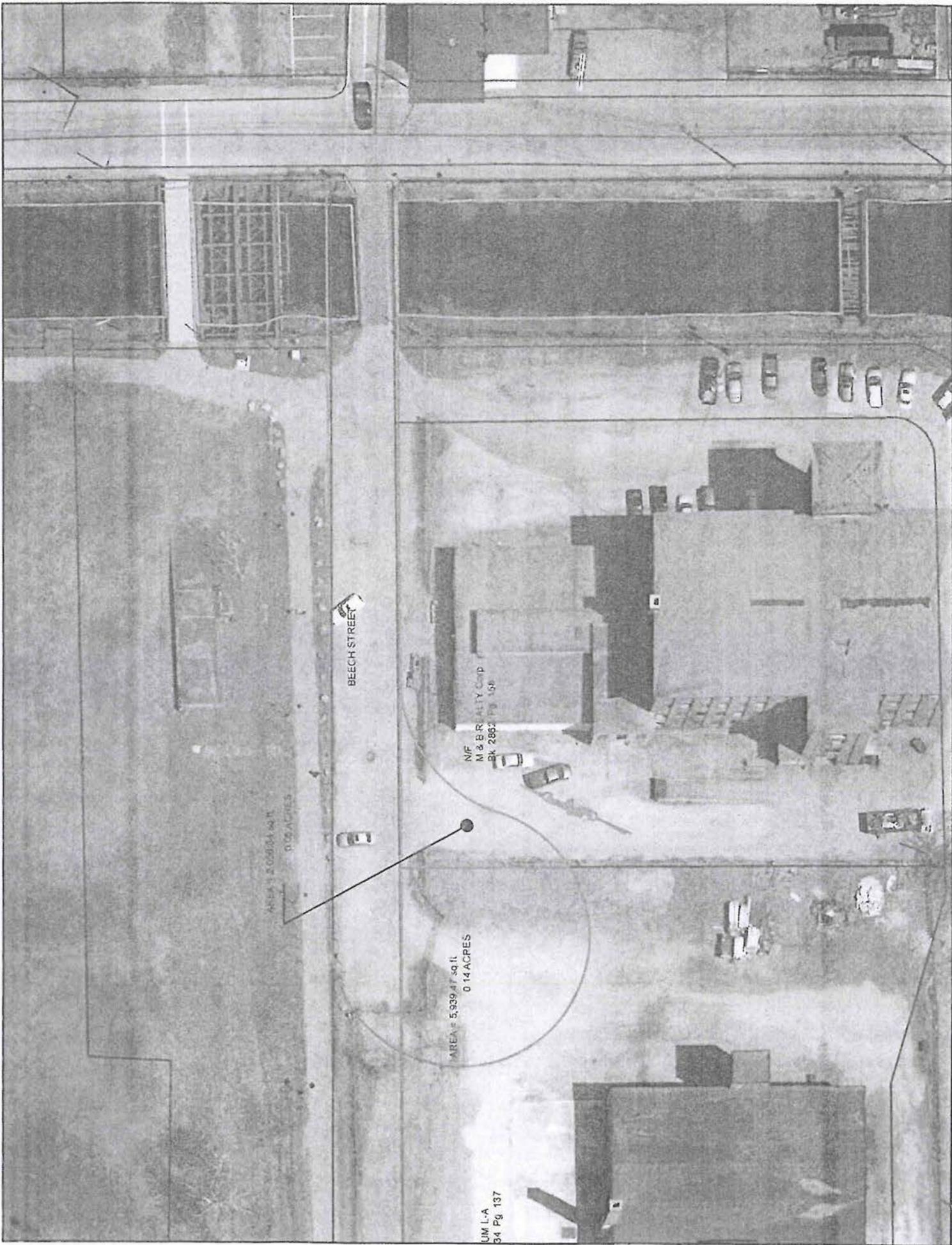
A strip of land with a turnaround at its terminus and a width of 30 feet, to be used as a public street, and described as follows:

1. Beginning at the intersection of the westerly line of Oxford Street, and the northerly line of Beech Street, which point is 617.26 feet, more or less, southerly along the westerly line of Oxford Street from the northerly line of Cross Street;
2. Then 319.14 feet in a southerly direction along the northerly line of Beech Street, **South 66 degrees, 14 minutes, 58 seconds West**;
3. Then 242.30 feet along a tangent curve, concave to the left, with a radius of 55 feet;
4. Then 76.60 feet along a tangent curve, concave to the right, with a radius of 60.15 feet, to the point of tangency with the southerly line of Beech Street;
5. Then 208.52 feet in a northeasterly direction along the southerly line of Beech Street, **North 66 degrees, 14 minutes, 58 seconds East**, to the intersection of the southerly line of Beech Street and the westerly line of Oxford Street;
6. Then 30 feet along the westerly line of Oxford Street, **North 23 degrees, 45 minutes, 2 seconds West**, to the point of beginning.

and to meet for this purpose on June 3, 2014, at 7 p.m. in the City Council Chambers, Lewiston City Hall, 27 Pine Street, Lewiston, Maine, at which all persons interested therein may be present.

Dated: May 22, 2014


 Kathleen M. Montejo
 City Clerk, Lewiston, Maine



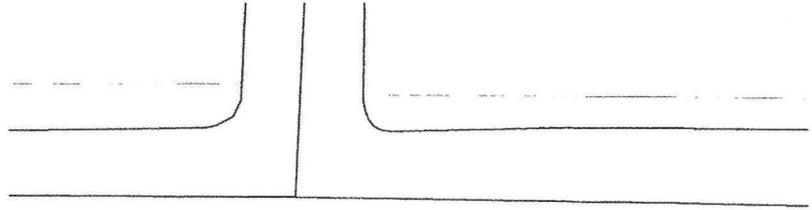
BEECH STREET

AREA = 2,080.4 sq ft
0.05 ACRES

AREA = 5,939.47 sq ft
0.14 ACRES

M & B REALTY COOP
PK 2862 Pg 156

UM L-A
34 Pg 137



N23° 45' 01.82" W

30.000

S66° 14' 58.18" W

319.136

BEECH STREET

208.52

N66° 14' 58.18" E

L=60.152, R=60.152

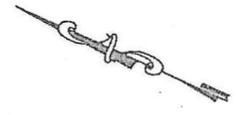
L=76.602, R=76.602

L=55.000, R=55.000

L=38.880, R=38.880

L=60.430, R=55.000

L=186.241, R=55.000



BRANN & ISAACSON

ATTORNEYS AND COUNSELORS AT LAW

GEORGE S. ISAACSON
MARTIN L. EISENSTEIN
MARTHA E. GREENE
DAVID W. BERTONI
PETER D. LOWE
BENJAMIN W. LUND
DANIEL C. STOCKFORD
PETER J. BRANN
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MICHAEL S. MALLOY
CONNOR J.K. BEATY

184 MAIN STREET
P.O. BOX 3070
LEWISTON, MAINE 04243-3070
(207) 786-3566
TELECOPIER (207) 783-9325
WEB PAGE: <http://www.brannlaw.com>

Portland Conference Office
148 MIDDLE STREET
SUITE 502
PORTLAND, MAINE

IRVING ISAACSON, Of Counsel

LOUIS J. BRANN 1948
PETER A. ISAACSON 1980

May 23, 2014

Franklin Property Trust, LLC
c/o Ronald Bissonnette
Isaacson & Raymond
75 Park Street
P.O. Box 891
Lewiston, ME 04243-0891

RE: Beech Street, Lewiston, Maine

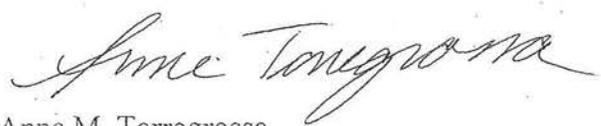
Dear Ron:

Please find enclosed a Notice of Intention by the City of Lewiston to acquire a portion of Beech Street.

Please let me know if you have any questions.

Very truly yours,

BRANN & ISAACSON



Anne M. Torregrossa

AMT/jd

Enclosure

NOTICE OF INTENTION TO LAY OUT WAY
(23 M.R.S. § 3022 AND 30-A M.R.S. § 3101)

To the Inhabitants of the City of Lewiston, Maine:

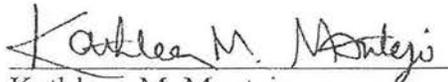
Pursuant to 23 M.R.S. § 3021 *et seq.* and 30-A M.R.S. § 3101, notice is hereby given of the intention of the City Council of Lewiston, Maine to acquire certain property to construct a public way in the vicinity of Beech Street, with the property to be acquired described as follows:

A strip of land with a turnaround at its terminus and a width of 30 feet, to be used as a public street, and described as follows:

1. Beginning at the intersection of the westerly line of Oxford Street, and the northerly line of Beech Street, which point is 617.26 feet, more or less, southerly along the westerly line of Oxford Street from the northerly line of Cross Street;
2. Then 319.14 feet in a southerly direction along the northerly line of Beech Street, **South 66 degrees, 14 minutes, 58 seconds West**;
3. Then 242.30 feet along a tangent curve, concave to the left, with a radius of 55 feet;
4. Then 76.60 feet along a tangent curve, concave to the right, with a radius of 60.15 feet, to the point of tangency with the southerly line of Beech Street;
5. Then 208.52 feet in a northeasterly direction along the southerly line of Beech Street, **North 66 degrees, 14 minutes, 58 seconds East**, to the intersection of the southerly line of Beech Street and the westerly line of Oxford Street;
6. Then 30 feet along the westerly line of Oxford Street, **North 23 degrees, 45 minutes, 2 seconds West**, to the point of beginning.

and to meet for this purpose on June 3, 2014, at 7 p.m. in the City Council Chambers, Lewiston City Hall, 27 Pine Street, Lewiston, Maine, at which all persons interested therein may be present.

Dated: May 22, 2014

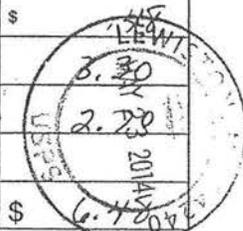

Kathleen M. Montejo
City Clerk, Lewiston, Maine

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Restricted Delivery Fee (Endorsement Required)			
Total Postage & Fees	\$		

Sent To *FRANKLIN PROPERTY TRUST, LLC*
c/o Ronald Bissonnette, ISAACSON & RAYMOND
 Street, Apt. No. or PO Box No. *75 Park St., P.O. Box 891*
 City, State, ZIP+4 *Lewiston, ME 04243-0891*

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Franklin Property Trust, LLC
c/o Ronald Bissonnette
ISAACSON & RAYMOND
75 PARK STREET
P.O. BOX 891
LEWISTON, ME 04243-0891

2. Article Number
(Transfer from service label)

7012 0470 0001 3742 6345

COMPLETE THIS SECTION ON DELIVERY

A. Signature *Nachle* Agent Addressee
 B. Received by (Printed Name) _____ C. Date of Delivery *5-27*
 D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below: _____

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

BRANN & ISAACSON

ATTORNEYS AND COUNSELORS AT LAW

GEORGE S. ISAACSON
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MARTHA E. GREENE
DAVID W. BERTONI
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Portland Conference Office
148 MIDDLE STREET
SUITE 502
PORTLAND, MAINE

IRVING ISAACSON, Of Counsel

LOUIS J. BRANN 1948
PETER A. ISAACSON 1980

May 23, 2014

Brookfield White Pine Hydro, LLC
c/o CT Corporation System
1536 Main Street
Readfield, ME 04355

RE: Beech Street, Lewiston, Maine

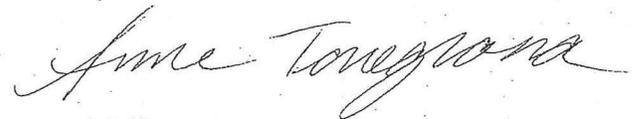
Dear Sir or Madam:

Please find enclosed a Notice of Intention by the City of Lewiston to acquire a portion of Beech Street.

Please let me know if you have any questions.

Very truly yours,

BRANN & ISAACSON



Anne M. Torregrossa

AMT/jd

Enclosure

**NOTICE OF INTENTION TO LAY OUT WAY
(23 M.R.S. § 3022 AND 30-A M.R.S. § 3101)**

To the Inhabitants of the City of Lewiston, Maine:

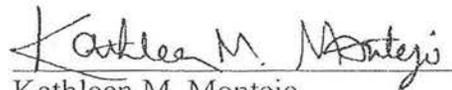
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and to meet for this purpose on June 3, 2014, at 7 p.m. in the City Council Chambers, Lewiston City Hall, 27 Pine Street, Lewiston, Maine, at which all persons interested therein may be present.

Dated: May 22, 2014


Kathleen M. Montejo
City Clerk, Lewiston, Maine

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Return Receipt Fee (Endorsement Required)	2.70
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.48



Sent To **BROOKFIELD WHITE PINE HYDRO, LLC**
C/O C.T. CORPORATION SYSTEM

Street, Apt. No.,
 or PO Box No. **1536 MAIN STREET**

City, State, ZIP+4 **READFIELD, ME 04355**

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BROOKFIELD WHITE PINE HYDRO, LLC
C/O CT CORPORATION SYSTEM
1536 MAIN STREET
READFIELD, ME 04355

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
John Parker

B. Received by (Printed Name) _____ C. Date of Delivery **5/27/14**

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:
PO Box 509
Readfield ME 04355

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) **7012 0470 0001 3742 6321**

BRANN & ISAACSON

ATTORNEYS AND COUNSELORS AT LAW

GEORGE S. ISAACSON
MARTIN I. EISENSTEIN
MARTHA E. GREENE
DAVID W. BERTONI
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184 MAIN STREET
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LEWISTON, MAINE 04243-3070
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WEB PAGE: <http://www.brannlaw.com>

Portland Conference Office
148 MIDDLE STREET
SUITE 502
PORTLAND, MAINE

IRVING ISAACSON, Of Counsel

LOUIS J. BRANN 1948
PETER A. ISAACSON 1980

May 23, 2014

Androscoggin Savings Bank
c/o Paul H. Andersen
P.O. Box 1407
Lewiston, ME 04243-1407

RE: Beech Street, Lewiston, Maine

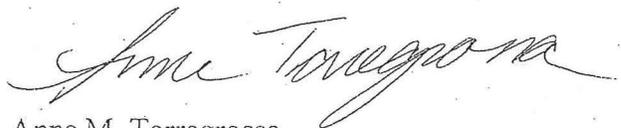
Dear Mr. Andersen:

Please find enclosed a Notice of Intention by the City of Lewiston to acquire a portion of Beech Street.

Please let me know if you have any questions.

Very truly yours,

BRANN & ISAACSON



Anne M. Torregrossa

AMT/jd

Enclosure

**NOTICE OF INTENTION TO LAY OUT WAY
(23 M.R.S. § 3022 AND 30-A M.R.S. § 3101)**

To the Inhabitants of the City of Lewiston, Maine:

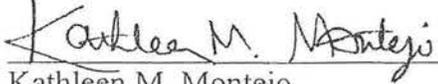
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and to meet for this purpose on June 3, 2014, at 7 p.m. in the City Council Chambers, Lewiston City Hall, 27 Pine Street, Lewiston, Maine, at which all persons interested therein may be present.

Dated: May 22, 2014


Kathleen M. Montejo
City Clerk, Lewiston, Maine

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.48

Postmark
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AMT

Sent To ANDROSCOGGIN SAVINGS BANK
C/O PAUL H. ANDERSEN
 Street, Apt. No.,
 or PO Box No. P.O. BOX 1407
 City, State, ZIP+4 LEWISTON ME 04243-1407

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ANDROSCOGGIN SAVINGS BANK
 C/O PAUL H. ANDERSEN
 P.O. BOX 1407
 LEWISTON, ME 04243-1407

2. Article Number
 (Transfer from service label)

7012 0470 0001 3742 6314

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X *Paul H. Andersen* Agent
 Addressee

B. Received by (Printed Name)
 C. Date of Delivery
 5/07

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

BRANN & ISAACSON

ATTORNEYS AND COUNSELORS AT LAW

GEORGE S. ISAACSON
MARTIN I. EISENSTEIN
MARTHA E. GREENE
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184 MAIN STREET
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Portland Conference Office
148 MIDDLE STREET
SUITE 502
PORTLAND, MAINE

IRVING ISAACSON, Of Counsel

LOUIS J. BRANN 1948
PETER A. ISAACSON 1980

May 23, 2014

PAMCO Machine Company, Inc.
c/o Norman Rattey
Skelton, Taintor & Abbott
95 Main Street
Auburn, ME 04210

RE: Beech Street, Lewiston, Maine

Dear Norm:

Please find enclosed a Notice of Intention by the City of Lewiston to acquire a portion of Beech Street.

Please let me know if you have any questions.

Very truly yours,

BRANN & ISAACSON


Anne M. Torregrossa

AMT/jd

Enclosure

NOTICE OF INTENTION TO LAY OUT WAY
(23 M.R.S. § 3022 AND 30-A M.R.S. § 3101)

To the Inhabitants of the City of Lewiston, Maine:

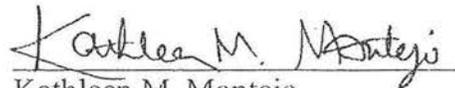
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3. Then 242.30 feet along a tangent curve, concave to the left, with a radius of 55 feet;
4. Then 76.60 feet along a tangent curve, concave to the right, with a radius of 60.15 feet, to the point of tangency with the southerly line of Beech Street;
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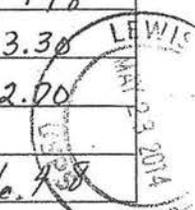
Dated: May 22, 2014


Kathleen M. Montejo
City Clerk, Lewiston, Maine

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Certified Fee	3.30	
Return Receipt Fee (Endorsement Required)	2.00	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 6.78	

Sent To: **PAMCO Machine Company, INC.** AMT
 C/O NORMAN ROSTEY - SKELTON, TAINOR & ABBOTT
 Street, Apt. No.;
 or PO Box No. **95 MAIN STREET**
 City, State, ZIP+4 **AUBURN, ME 04210**

PS Form 3800, August 2006 See Reverse for Instructions

7012 0470 0001 3742 6307

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
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1. Article Addressed to:

PAMCO Machine Company, INC.
C/O NORMAN ROSTEY
SKELTON, TAINOR & ABBOTT
95 MAIN STREET
AUBURN, ME 04210

2. Article Number-
 (Transfer from service label)

7012 0470 0001 3742 6307

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 S. M... Addressee

B. Received by (Printed Name) C. Date of Delivery
 5/27/14

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

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BRANN & ISAACSON

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MARTHA E. GREENE
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Portland Conference Office
148 MIDDLE STREET
SUITE 502
PORTLAND, MAINE

IRVING ISAACSON, Of Counsel

LOUIS J. BRANN 1948
PETER A. ISAACSON 1980

May 23, 2014

M&B Realty Corp.
c/o Norman Rattey
Skelton, Taintor & Abbott
95 Main Street
Lewiston, ME 04210

RE: Beech Street, Lewiston, Maine

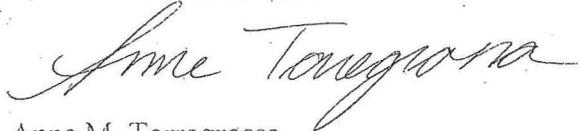
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BRANN & ISAACSON



Anne M. Torregrossa

AMT/jd

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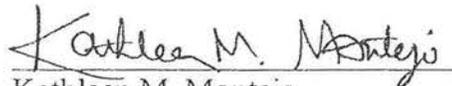
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4. Then 76.60 feet along a tangent curve, concave to the right, with a radius of 60.15 feet, to the point of tangency with the southerly line of Beech Street;
5. Then 208.52 feet in a northeasterly direction along the southerly line of Beech Street, **North 66 degrees, 14 minutes, 58 seconds East**, to the intersection of the southerly line of Beech Street and the westerly line of Oxford Street;
6. Then 30 feet along the westerly line of Oxford Street, **North 23 degrees, 45 minutes, 2 seconds West**, to the point of beginning.

and to meet for this purpose on June 3, 2014, at 7 p.m. in the City Council Chambers, Lewiston City Hall, 27 Pine Street, Lewiston, Maine, at which all persons interested therein may be present.

Dated: May 22, 2014


Kathleen M. Montejo
City Clerk, Lewiston, Maine

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 Street, Apt. No., or PO Box No. *95 MAIN STREET*
 City, State, ZIP+4 *AUBURN, ME 04210*

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c/o NORMAN RATTEY
SKELTON, TAINTOR & ABBOTT
95 MAIN STREET
AUBURN, ME 04210

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X S. May Agent Addressee

B. Received by (Printed Name) _____ C. Date of Delivery *5/27/14*

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BRANN & ISAACSON

ATTORNEYS AND COUNSELORS AT LAW

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PETER D. LOWE
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184 MAIN STREET
P.O. BOX 3070
LEWISTON, MAINE 04243-3070
(207) 786-3566
TELECOPIER (207) 783-9325
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Portland Conference Office
148 MIDDLE STREET
SUITE 502
PORTLAND, MAINE

IRVING ISAACSON, Of Counsel

LOUIS J. BRANN 1946
PETER A. ISAACSON 1980

May 23, 2014

Museum L-A
c/o Daniel D'Auteuil, Jr.
Isaacson & Raymond
75 Park Street
P.O. Box 891
Lewiston, ME 04243-0891

RE: Beech Street, Lewiston, Maine

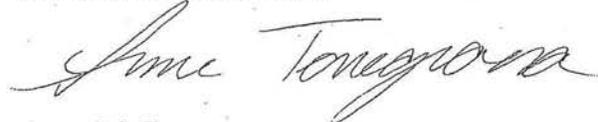
Dear Dan:

Please find enclosed a Notice of Intention by the City of Lewiston to acquire a portion of Beech Street.

Please let me know if you have any questions.

Very truly yours,

BRANN & ISAACSON



Anne M. Torregrossa

AMT/jd

Enclosure

NOTICE OF INTENTION TO LAY OUT WAY
(23 M.R.S. § 3022 AND 30-A M.R.S. § 3101)

To the Inhabitants of the City of Lewiston, Maine:

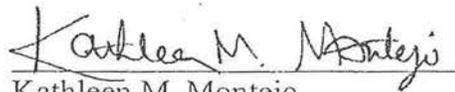
Pursuant to 23 M.R.S. § 3021 *et seq.* and 30-A M.R.S. § 3101, notice is hereby given of the intention of the City Council of Lewiston, Maine to acquire certain property to construct a public way in the vicinity of Beech Street, with the property to be acquired described as follows:

A strip of land with a turnaround at its terminus and a width of 30 feet, to be used as a public street, and described as follows:

1. Beginning at the intersection of the westerly line of Oxford Street, and the northerly line of Beech Street, which point is **617.26** feet, more or less, southerly along the westerly line of Oxford Street from the northerly line of Cross Street;
2. Then **319.14** feet in a southerly direction along the northerly line of Beech Street, **South 66 degrees, 14 minutes, 58 seconds West**;
3. Then **242.30** feet along a tangent curve, concave to the left, with a radius of 55 feet;
4. Then **76.60** feet along a tangent curve, concave to the right, with a radius of **60.15** feet, to the point of tangency with the southerly line of Beech Street;
5. Then **208.52** feet in a northeasterly direction along the southerly line of Beech Street, **North 66 degrees, 14 minutes, 58 seconds East**, to the intersection of the southerly line of Beech Street and the westerly line of Oxford Street;
6. Then **30** feet along the westerly line of Oxford Street, **North 23 degrees, 45 minutes, 2 seconds West**, to the point of beginning.

and to meet for this purpose on June 3, 2014, at 7 p.m. in the City Council Chambers, Lewiston City Hall, 27 Pine Street, Lewiston, Maine, at which all persons interested therein may be present.

Dated: May 22, 2014


Kathleen M. Montejo
City Clerk, Lewiston, Maine

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Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 6.48	

Sent To **MUSEUM L-A (Daniel D'Auteuil Jr)**
ISAACSON & RAYMOND
 Street, Apt. No.;
 or PO Box No. **75 PARK ST. P.O. BOX 891**
 City, State, ZIP+4 **LEWISTON, ME 04243-0891**

PS Form 3800, August 2006 See Reverse for Instructions

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- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:
MUSEUM L-A
DANIEL D'AUTEUIL, JR.
ISAACSON & RAYMOND
75 PARK STREET
P.O. BOX 891
LEWISTON, ME 04243-0891

2. Article Number
 (Transfer from service label) **7012 0470 0001 3742 6284**

COMPLETE THIS SECTION ON DELIVERY

A. Signature **[Signature]** Agent Addressee
 B. Received by (Printed Name) **[Signature]** C. Date of Delivery **5/27**

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
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 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

ORDER OF CONDEMNATION
(23 M.R.S. § 3023 and 30-A M.R.S. § 3101)

To the Within-Named Owner(s) of Record:

As provided in 23 M.R.S. § 3023 and 30-A M.R.S. § 3101, the City Council of Lewiston, Maine has given notice of their intention to acquire property for a public way in the vicinity of Beech Street by posting the notice for at least 7 days in two public places in the City of Lewiston, at the City Hall and at the Lewiston Public Library and in the vicinity of Beech Street. The City Council has met for this purpose in accordance with the notice and has determined that a public exigency exists to obtain continued access to the public park and local businesses, and that it is necessary to in order to obtain clear title, as title to this property dates back more than 100 years, and deeds and descriptions appear to be missing or incomplete, and the public has historically used this as a public way. The City Council does hereby lay out and take the public way across certain property in the City of Lewiston for this purpose, the property to be acquired described as follows:

A strip of land with a turnaround at its terminus and a width of **30** feet, to be used as a public street, and described as follows:

1. Beginning at the intersection of the westerly line of Oxford Street, and the northerly line of Beech Street, which point is **617.26** feet, more or less, southerly along the westerly line of Oxford Street from the northerly line of Cross Street;
2. Then **319.14** feet in a southerly direction along the northerly line of Beech Street, **South 66 degrees, 14 minutes, 58 seconds West**;
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5. Then **208.52** feet in a northeasterly direction along the southerly line of Beech Street, **North 66 degrees, 14 minutes, 58 seconds East**, to the intersection of the southerly line of Beech Street and the westerly line of Oxford Street;
6. Then **30** feet along the westerly line of Oxford Street, **North 23 degrees, 45 minutes, 2 seconds West**, to the point of beginning.

and determines the following amount of damages to be paid to the owners of record as just compensation:

\$1 Museum L-A
\$0 M & B Realty Corp.
\$0 PAMCO Machine Company
\$0 Androscoggin Savings Bank
\$0 Brookfield White Pine Hydro, LLC
\$0 Franklin Property Trust, LLC

Dated: June 3, 2014

Leslie T. Dubois

Donald A. D'Auteuil

Nathan L. Libby

Doreen M. Christ

Kristen S. Cloutier

Mark A. Cayer

Michael R. Lachance

CERTIFICATE OF TAKING
(23 M.R.S. § 3024 and 30-A § 3101)

To Whom It May Concern:

Pursuant to 23 M.R.S. § 3021 *et. seq.* and 30-A M.R.S. § 3101, it is hereby certified that an Order of Condemnation dated June 3, 2014, was duly filed with the City Clerk of the City of Lewiston, Maine by the City Council, taking certain property in Lewiston for a public way in the vicinity of Beech Street in Lewiston, as follows:

A strip of land with a turnaround at its terminus and a width of **30** feet, to be used as a public street, and described as follows:

1. Beginning at the intersection of the westerly line of Oxford Street, and the northerly line of Beech Street, which point is **617.26** feet, more or less, southerly along the westerly line of Oxford Street from the northerly line of Cross Street;
2. Then **319.14** feet in a southerly direction along the northerly line of Beech Street, **South 66 degrees, 14 minutes, 58 seconds West**;
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6. Then **30** feet along the westerly line of Oxford Street, **North 23 degrees, 45 minutes, 2 seconds West**, to the point of beginning.

and determining the following amount of damages to be paid to the owner(s) of record as just compensation:

- \$1 Museum L-A
- \$0 M & B Realty Corp.
- \$0 PAMCO Machine Company
- \$0 Androscoggin Savings Bank
- \$0 Brookfield White Pine Hydro, LLC
- \$0 Franklin Property Trust, LLC

and that a copy of the order was duly served upon said owners of record, all in accordance with 23 M.R.S. § 3021 *et seq.* and 30-A M.R.S. § 3101.

Dated: June __, 2014

Kathleen M. Montejo, MMC
City Clerk, Lewiston, Maine

ACKNOWLEDGMENT

STATE OF MAINE
Androscoggin County

June __, 2014

Personally appeared the above-named Kathleen M. Montejo, City Clerk for the City of Lewiston, Maine, and acknowledged the foregoing instrument to be her free act and deed in her capacity.

Before me,

Notary Public
My Commission Expires:

LEWISTON CITY COUNCIL

MEETING OF JUNE 3, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

Resolve indicating support for the Lewiston Police Department's Standard Operating Procedure on response to "Disorderly" Properties.

INFORMATION:

For the past several months, the City has been discussing various approaches regarding the best way to handle some of the "disorderly" properties in the downtown neighborhoods and how best to improve the health, safety and welfare of individuals residing in multi-family properties. The City has undertaken a number of actions including more active Code Enforcement provisions, condemnation of abandoned properties and updated loan programs to assist property owners with building improvements.

This agenda item is another resource that could be used to help the City work to improve the downtown area. The Council is asked to support the Lewiston Police Department's Standard Operating Procedure when they respond to "disorderly" properties.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To adopt the Resolve indicating support for the Lewiston Police Department's Standard Operating Procedure on response to "Disorderly" Properties.



City of Lewiston Maine
City Council Resolve
June 3, 2014



Resolve, Indicating Support for the Lewiston Police Department's Standard Operating Procedure on Response to "Disorderly" Properties.

Whereas, for some time now, the City has been evaluating steps that can be taken to improve the health, safety, and welfare of individuals residing in multi-family properties, especially those within the City's downtown neighborhoods; and

Whereas, as a result, a number of actions have been taken including stepped up code enforcement, aggressive action against abandoned and dilapidated properties, and revised loan programs to assist property owners in making improvements; and

Whereas, as a part of these efforts, the City investigated and proposed establishing a Disorderly Property Ordinance that would provide the Police Department with an additional tool to work with property owners to address the recurrence of disorderly conduct in or associated with specific buildings that disturb the peace and tranquility of others; and

Whereas, in discussions with representatives of area landlords, it became apparent that some property owners were concerned that such an ordinance and the penalties associated with it could be used to punish landlords rather than to work together with them to resolve problems; and

Whereas, as a result, the Police Department and City Administration suggested that a voluntary disorderly property program be implemented without fines and penalties, a suggestion that was supported by landlord representatives; and

Whereas, the Lewiston Police Department has now drafted a standard operating procedure outlining its response to disorderly properties;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that

The City Council supports the Lewiston Police Department's Standard Operating Procedure on Response to "Disorderly" Properties as attached hereto and recognizes that its implementation will assist in improving the quality of life of residents, particularly those who live in our densest residential neighborhoods.



*Lewiston Police Department
Lewiston, Maine*



STANDARD OPERATING PROCEDURES

[Home](#)

[Contents](#)

[Mission](#)

[Org Chart](#)

[1](#)

[2](#)

[3](#)

[4](#)

[5](#)

[6](#)

[7](#)

[Revisions](#)

[Index](#)

RESPONSE TO “DISORDERLY” PROPERTIES

[I. PURPOSE](#)

[II. POLICY](#)

[III. DEFINITIONS](#)

[IV. PROCEDURE](#)

[V. ENFORCEMENT](#)

I. PURPOSE

The purpose of this Standard Operating Procedure is to protect the health, safety, and welfare of the residents of the City of Lewiston by reducing the recurrence of disorderly conduct in dwellings that disturbs the peace and tranquility of others.

II. POLICY

The mission of the Lewiston Police Department is to promote an atmosphere of partnership with the community toward the common goal of protecting life and property while enhancing the overall quality of life through mutual trust, respect, and the fair, equitable enforcement of laws while carefully safeguarding the dignity of all. The City has a substantial and compelling interest in protecting neighborhoods affected by conduct that unlawfully disturbs the peace and/or constitutes a nuisance because such conduct adversely affects the health, safety, and welfare of citizens and diminishes the quality of life in neighborhoods where it occurs. Such disorderly conduct and its impact should be abated. This written policy outlining a response to “Disorderly” Property is required because other prohibitions and penalties under state law and the City’s code of ordinances have not adequately eliminated or controlled chronic, disorderly or nuisance activity in the City. The enactment of this policy as a standard operating procedure is intended to alleviate the deleterious impact of chronic, unlawful or nuisance activity in dwelling places and neighborhoods by authorizing early and constructive intervention by the Lewiston Police Department.

RESPONSE TO “DISORDERLY” PROPERTIES

III. DEFINITIONS

A. “Disorderly Conduct”

“Disorderly Conduct” is any conduct that would have a tendency to unreasonably disturb the health, safety, or peaceful enjoyment of the community, the neighborhood or an ordinary individual in the vicinity, including but not limited to: loud music; boisterous parties; sounds emanating from within a structure which are annoying outside the building; loud noise or fights within a building or in its vicinity involving owners or tenants of a building or their invitees (excluding incidents involving domestic violence); owners, tenants or invitees being intoxicated in shared areas within the building such as hallways, stairways, or on public ways in the vicinity of the building; the arrest and conviction of owners, tenants or invitees for activities which constitute either a crime or civil infraction under either state or local law; other *similar activities* in a building or in areas outside of but in the vicinity of a building; or other conduct proscribed pursuant to 17-A M.R.S. § 501-A.

Similar Activities include, but are not limited to:

- Drug related criminal activity;
- Prostitution;
- Violations of conditions of bail, parole, or probation;
- Alcohol abuse which threatens the health, safety, or right to peaceful enjoyment of the premise by other residents/tenants; and
- Tenant(s) fleeing to avoid prosecution, custody, or confinement after conviction of a crime.

B. “Disorderly Property”

A "disorderly property" is any property on which there is located a building that houses one or more dwelling units or any bed and breakfast establishment, hotel, motel, lodging or rooming house or other structure that provides residential accommodations at which property the police have found, on five (5) or more occasions in any thirty (30) day period or fifteen (15) or more occasions in the preceding year, that the owner, a tenant, or a tenants' co-habitees, guests or invitees, or other occupants have engaged in disorderly conduct.

- For the purpose of this policy, disorderly behavior violations as defined will be documented by a specific address such as apartment number, single family home address, or boarding house room number within a given building. Penalties and documentation will be associated with the specific address of buildings outlined/defined in the “disorderly property” definition in this ordinance.

RESPONSE TO “DISORDERLY” PROPERTIES

The Police Chief or his/her designee shall have the sole discretion in determining whether conduct is disorderly and whether a building constitutes a “disorderly property”.

IV. PROCEDURE

A. Administration

1. The Police Department shall document and monitor the recurrence of disorderly conduct at residential buildings or structures in the City as defined under the “disorderly property” definition of this policy.
2. Whenever there have been five (5) or more occurrences of disorderly conduct at a residential property in any thirty (30) day period or fifteen (15) or more occurrences of disorderly conduct in the preceding year, the police department may notify an owner of such property of the circumstances of the disorderly conduct and the identity(ies) of its perpetrators, if known.

B. Official Notice

1. Whenever the Police Chief or designee has declared a building to be a disorderly property, this shall cause an owner of the property to be notified of such declaration and of the events which form the basis for that designation. The notice shall request the owner or the owner’s representative to meet with the Police Chief or his designee(s) within five (5) business days from the date of the notification to identify ways in which the problems which have been identified will be eliminated.

C. Meeting

1. At the time of the disorderly property meeting, the owner shall be requested to provide to the city the following documentation:
 - a. A copy of the names of all tenants or other persons authorized to reside or presently residing in the building(s) on the property and the units they occupy;
 - b. Contracts with any property manager or other person responsible for the orderly operation of the property;

In addition, the owner will be asked to take effective measures to address the disorderly property to be implemented within one (1) week of said meeting unless another date is agreed upon by the City and the owner.

LEWISTON CITY COUNCIL

MEETING OF JUNE 3, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

SUBJECT:

Resolve Extending the Term of the Kennedy Park Bandstand Restoration Committee, reducing the required funding ratio, and providing specific City services.

INFORMATION:

In November 2011, the City Council established the Kennedy Park Bandstand Restoration Committee and authorized the Committee to undertake a fund raising effort and establish a process for seeking and handling donations. Per the original Resolve, the Committee was to dissolve in July 2012 unless they were making sufficient progress and there was still work to accomplish. In fall 2012, the Council extended their term to June 2013 and in June 2013, extended their term to June 2014. Since the Committee is still working on their goal of restoration of the bandstand, the Council is asked to authorize a third extension of the Committee until December 31, 2014 to allow them to continue toward their goal and to complete their task. The Committee has developed a fundraising brochure and a budget.

This Resolve also waives city building permit fees for the project and reduces the fundraising match requirement.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAR/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve extending the term of the Kennedy Park Bandstand Restoration Committee, reducing the required funding ratio and providing specific City services.



**City of Lewiston Maine
City Council Resolve
June 3, 2014**



RESOLVE, Extending the Term of the Kennedy Park Bandstand Restoration Committee, reducing the required funding ratio, and providing specific City services.

WHEREAS, on November 1, 2011, the City Council established the Kennedy Park Bandstand Restoration Committee and authorized it to undertake fundraising efforts for the restoration of the Kennedy Park Bandstand; and

WHEREAS, the Council has designated up to \$75,000 in Community Development Block Grant (CDBG) funds to be used to match donations received by the City for the restoration of which \$4,000 has been authorized and spent to undertake design activities and cost estimates; and

WHEREAS, the initial term of the Committee expired on July 31, 2012 and was subsequently extended to June 30, 2013, then again to June 30, 2014; and

WHEREAS, the Committee has reduced the project budget and scope in order to address fundraising challenges; and

WHEREAS, there are certain City services that can be provided and City fees waived in order to assist the Committee in bringing the project to fruition; and

WHEREAS, the current fundraising match requirement is \$1 of City CDBG funds for every \$2 raised in cash or documented in-kind donations from private individuals and organization;

NOW, THEREFORE, BE IT RESOLVED by the CITY COUNCIL of the CITY of LEWISTON that the term of the Kennedy Park Bandstand Committee is hereby extended to December 31, 2014; the City shall provide the Committee the utilization of the City's tipping fee credit for demolition debris disposal; the City shall waive the building construction fees related to the restoration of the Bandstand; and shall reduce the fundraising match requirement ratio to \$1 of City CDBG funds for every \$1 of cash or documented in-kind contributions from private parties up to a maximum of \$75,000 of City CDBG funds.



Finance Department

Heather Hunter
Director of Finance/Treasurer
hhunter@lewistonmaine.gov



TO: Mayor Robert E. Macdonald
And Members of the City Council

FROM: Heather Hunter, Finance Director

SUBJECT: **Kennedy Park Bandstand Extension Request**

DATE: May 27, 2014

On November 1, 2011, a Committee was established and granted permission by the City Council to raise funds for the restoration of the Kennedy Park Bandstand. The Council has designated \$75,000 in Community Development Block Grant (CDBG) funds to be leveraged against funds raised with the established matching ratio of \$2 of donated funds or services to every \$1 of CDBG funds. The initial term of the Committee expired on July 31, 2012.

Since the initial authorization, the Committee was granted two extensions by the City Council with expiration dates of June 30, 2013 and the most recent date of June 30, 2014. The Committee experienced project delays in contracting and receiving the initial project renderings (completed and paid June 20, 2012); seeking a sole project sponsor (the idea was abandoned in July 2013); and in securing top named sponsor levels (remains an issue).

Where the initial project called for the relocation of the bandstand to the middle of the park and a total project budget of \$266,000, potential donors thought this was too expensive given the perceived benefit. Recently, the Committee, with the help of Mike Hebert, has reformulated their approach to the project. The Committee has decided to maintain the existing location of the bandstand and eliminate other architectural details, thus reducing the project budget to \$165,000.

To date, the Committee has secured cash donations of \$26,697 and in-kind services of \$11,200 for a total of \$37,897. Once final construction plans are drafted, further in-kind construction services will be solicited.

On June 3, 2014, the Committee will once again be before you to request a third extension for a sixth month period. The shorten extension period reflects the Committee's desire to fast-track the project given prior delays and the need to spend the CDBG funds that have sat idle. The Department of Housing and Urban Development (HUD) took notice

of the inactive funds and requested an updated plan to either liquidate them under their current purpose or reprogram the funds to a new allowable purpose.

The Committee will be requesting the City Council to approve the following action items:

- grant the Committee a third extension for six months with a 12/31/2014 expiration date;
- allow the Committee to utilize the City's tipping credit for demolition debris;
- given the construction budget reduction, reduce the required fundraising match from 2:1 to a 1:1 match in order to use the CDBG funds; and
- waive the building construction permit fee valued at approximately \$1,120.

If the above action items are approved, the Committee will seek in-kind services to provide the final construction plans. Once the Historical Review Committee and Staff reviews are completed and approval is granted, actual construction is expected to begin in late summer to early fall.

Members of the Committee as well as Mike Hebert will be available during the workshop to address any questions or concerns you may have.

LEWISTON CITY COUNCIL
MEETING OF JUNE 3, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 12

SUBJECT:

Resolve Appointing Runyon Kersteen Ouellette as the City's Independent External Auditors.

INFORMATION:

Every three years, the City accepts RFPs for services for an outside, independent auditor. A Selection Review Committee reviewed the bids that were submitted to perform the Financial Audit Services for a three year period for the City and School accounts and is recommending that the Council appoint the firm of Runyon, Kersteen and Ouellette of South Portland. The Finance Committee will be reviewing the recommendation during their meeting of Monday, June 2 and will have a recommendation for the Council meeting.

Attached is additional material from the Finance Director.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

Pursuant to Charter requirements, the Council shall appoint a financial auditing services firm.

EAB/Kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve appointing Runyon Kersteen Ouellette as the City's Independent External Auditors.



**City of Lewiston Maine
City Council Order
June 3, 2014**

Resolve, Appointing Runyon Kersteen Ouellette as the City's Independent Auditor

WHEREAS, the City Charter, Section 6.12, requires a certified public accountant to conduct an annual audit of the City's financial records at year end; and

WHEREAS, a request for proposals was issued seeking qualified parties to perform these services for the years ending June 30, 2014 through June 30, 2016; and

WHEREAS, a Subcommittee was established to evaluate each response and conduct interviews with the qualifying firms; and

WHEREAS, the Subcommittee recommended that the Finance Committee award the contract to the firm of Runyon Kersteen Ouellette; and

WHEREAS, the Finance Committee has recommended that the contract be awarded to the certified public accounting firm, Runyon Kersteen Ouellette in the amount of \$249,000, subject to the approval of the City Council;

NOW, THEREFORE, BE IT ORDERED by the CITY COUNCIL of the CITY of LEWISTON that Runyon Kersteen Ouellette is hereby appointed as the City's independent auditor for the fiscal years ending June 30, 2014 through June 30, 2016 at a total cost of \$249,000.



Finance Department

Heather Hunter
Director of Finance/Treasurer
hhunter@lewistonmaine.gov



TO: Mayor Robert E. Macdonald
Members of the City Council
and Members of the Finance Committee

FROM: Heather Hunter, Finance Director

SUBJECT: **Financial Audit Services**

DATE: May 28, 2014

Pursuant to the City Charter, Section 6.12, the City Council needs to appoint the City's independent certified public accountant to audit the City's financial statements in accordance with Maine State Law. The City solicited a 3-year request for proposals on April 11, 2014 and received four responses by the May 9, 2014 due date. A Selection Committee was formed comprised of City Councilor Doreen Christ, Finance Committee Chairman Michael Marcotte, the City's Finance Director, Chief Accountant, Director of Budget and Purchasing, and the School Controller.

The Selection Committee evaluated the proposals and conducted interviews on May 21st with three bidders, Runyon Kersteen Ouellette (the incumbent firm), Clark Schaefer Hackett, and RHR Smith & Company. The Selection Committee is forwarding to the Finance Committee their recommendation of Runyon Kersteen Ouellette be awarded the 3-year independent audit contract award in the amount of \$249,000.

At their June 2nd meeting, the Finance Committee will formally award the bid. A copy of their formal vote will be available at the June 3rd City Council meeting, at which time the City Council will most likely be asked to appoint Runyon Kersteen Ouellette (subject to the Finance Committee's award) as the City's independent auditor for the fiscal years ending June 30, 2014 through June 30, 2016.

I have attached Runyon Kersteen Ouellette's monetary proposal for the 3-year period for your review.

APPENDIX "A"

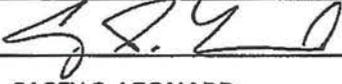
City Council
Lewiston, Maine

The undersigned proposes to provide the City of Lewiston, Maine with an independent audit of its financial accounts and records, as specified in its Proposal to Provide Audit Services.

The undersigned certifies that he/she is entitled to represent the firm, is empowered to submit the bid, and is authorized to sign a contract with the City of Lewiston.

The undersigned proposes to accept as full payment the following sum:

	July 1, 2013 - June 30, 2014	July 1, 2014 - June 30, 2015	July 1, 2015 - June 30, 2016
City *	\$36,800	38,100	39,400
School *	30,000	31,100	32,200
CDBG	4,400	4,600	4,800
Water, Storm Water & Sewer	4,400	4,600	4,800
9-1-1 Committee	4,400	4,600	4,800
Total Per Year	\$ 80,000	\$ 83,000	\$ 86,000
Total Three (3) Year Cost	\$ 249,000		

Firm's Name	RUNYON KERSTEEN OUELLETTE
Signature	
Name & Title (printed or typed)	CASEY S. LEONARD
Address	20 LONG CREEK DRIVE SOUTH PORTLAND, ME 04106
Date	MAY 9, 2014
Telephone #	207-773-2986
Fax #	207-772-3361

*If in any given year, more than four major programs are audited for purposes of OMB Circular A-133, the fee will be \$1,750 per program, allocated to either the City or School.

LEWISTON CITY COUNCIL
MEETING OF JUNE 3, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 15

SUBJECT:

Executive Session to discuss a legal matter with the City Attorney.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The state statutes outline the issues that will be discussed in executive session.

EATB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session pursuant to MRSA Title 1, section 405(6)(E) to discuss a legal matter with the City Attorney.

LEWISTON CITY COUNCIL
MEETING OF JUNE 3, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 16

SUBJECT:

Executive Session to discuss labor negotiations regarding the International Association of Firefighters, Local 785.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the International Association of Firefighters, Local 785.