

CITY OF LEWISTON
PLANNING BOARD MEETING
Monday, May 9, 2016 – 5:30 P.M.
City Council Chambers – First Floor
Lewiston City Building
27 Pine Street, Lewiston, ME

AGENDA

- I. ROLL CALL**
- II. ADJUSTMENTS TO THE AGENDA**
- III. CORRESPONDENCE**
- IV. PUBLIC HEARINGS:** None
- V. OTHER BUSINESS:**
 - a) Recommendation for disposition of 16 Lincoln Street.
 - b) Recommendation for disposition of 117 Webster Street.
 - c) Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board.
- VI. READING OF THE MINUTES:** Motion to adopt the April 25, 2016 draft minutes
- VII. ADJOURNMENT**



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Planning Board
FROM: David Hediger, City Planner
DATE: May 5, 2016
RE: May 9, 2016 Planning Board Agenda Item V(a)

Recommendation to the City Council regarding the disposition of a portion of 16 Lincoln Street located at the corner of Main and Mill Streets.

Pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code, the board shall review and make a recommendation to the city council with regard to the acquisition and disposition of all public ways, lands, buildings and other municipal facilities.

This disposition is being requested pursuant to the City's Property Disposition Policy Section 5.5, whereby "... the City has been directly approached by an individual or organization with a proposal that matches or exceeds the City's expectations for development on the parcel, the City may entertain direct negotiations with a private party who expresses interest in purchasing a property." The land in question consists of approximately 0.25 acres located in the Mill (M) district which allows business and professional offices as a permitted use. Economic and Community Development Director Lincoln Jeffers memoranda to the Board dated May 5, 2016 provides the details associated with proposed disposition.

ACTIONS NECESSARY:

Make a motion pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a favorable recommendation to the City Council for the disposition of a portion of 16 Lincoln Street located at the corner of Main and Mill Streets including, if any, specific conditions and/or concerns raised by the Planning Board.

Economic and Community Development

Lincoln Jeffers
Director



To: Lewiston Planning Board
From: Lincoln Jeffers
RE: Recommendation on sale of City owned land to Androscoggin Bank
Date: May 5, 2016

Androscoggin Bank has expansion needs and wants to grow in Lewiston. They have approached the city about acquiring an approximately .25 acre portion of 16 Lincoln Street; which is 2.77 acres in size. The Lincoln Street Parking Garage was built on 16 Lincoln Street. Attached is a sketch showing the land Androscoggin Bank would like to acquire. It is the land that will remain north of the footprint of Phase II of the Lincoln Street Garage, and bounded on the east by Mill Street, Maine Street to the north, and Raymond Park to the west.

The bank has submitted an Option Agreement to purchase the parcel. The details of that agreement are still being finalized, but to summarize the agreement:

1. The purchase price will be determined by a commercial appraisal, paid for by the bank. If the City feels the appraised value is too low, the city may pay for its own appraisal. If the City and bank cannot agree on a purchase price based on these two appraisals, a third appraisal will be done, the cost of which is shared, which will be the definitive appraisal.
2. For \$1 the bank will receive a 6 month option to purchase the property. During that time they will conduct their due diligence and design work, with a goal of getting through development review.
3. The bank may extend the Option for six months at a cost of \$5,000. Option payments will be applied to the purchase price if the bank exercises the Option.
4. Prior to extending the Option the bank must submit plans to the City Council for review and approval as to the scale, dimensions, quality of materials, landscape level and aesthetics of the building in order to satisfy itself that it will fit suitably into the surrounding landscape. This review criteria is in addition to meeting development review criteria.

Paul Andersen, Androscoggin Bank President will be in attendance at the May 9th Planning Board meeting to share the bank's vision for this site and growth plans in Lewiston.

The Planning Board is being asked to make a recommendation to the city council regarding Androscoggin Bank's acquisition of this real estate.

1:480

Area: 0.25 ac
Perimeter: 417.96 ft

The acreage is an estimate only. It is subject to a survey and metes and bounds description.

RE00007574
16 LINCOLN ST
(Addr Pt ID 8267)

RE00006498
65 MAIN ST
(Addr Pt ID 4179)



PROPERTY DISPOSITION

1.0 Purpose

The purpose of this Policy is to provide guidelines for City staff to follow in handling and processing real property in the City's possession which is considered excess to the City's needs.

2.0 Policy

It is the City's policy to periodically review real property in the City's possession to determine whether retention, sale, or lease of such property is in the best interest of the City and to respond in a timely fashion to requests from private parties seeking to purchase or lease such property.

3.0 Determination of Willingness to Sell or Lease City-Owned Property

3.1 City Initiated Sale or Lease

3.1.1 The Planning and Code Department of the City will periodically review real property currently owned by the City but not in active use for municipal purposes to determine whether these properties should be retained or considered for sale or lease. Once properties have been identified for which there is no current City use, the Department will notify the City Administrator.

3.1.2 The City Administrator will then notify all Department Heads of the property or properties being considered for sale and offer them the opportunity to indicate any potential use or need their department might have for the property, including its potential for land banking against future uses.

3.1.3 After consideration of the responses of the various Departments, the Administrator will make a determination if the property should be declared surplus or retained for potential future use.

3.2 Private Sector Request to Purchase or Lease

3.2.1 All requests from the private sector for the purchase or lease of City property shall be directed to the City Administrator.

3.2.2 The Administrator shall notify all Department Heads of the request and provide them with the opportunity to identify any current or potential use which the City may have for the property.

3.2.3 After consideration of the responses of the various Departments, the Administrator will make a determination of whether the property should be declared surplus or retained for current or potential future use.

3.2.3 Once the Administrator has determined a property to be surplus, the Planning Board will be asked to review and make a recommendation on whether to proceed with its disposition. A recommendation from the Planning Board will remain valid for three years; however, should

PROPERTY DISPOSITION

circumstances change during this period, the Administrator may seek an updated review and recommendation.

4.0 Procedure for Disposition of Surplus Property – Substandard Lots

- 4.1 Vacant lots that do not meet minimum space and bulk standards for construction may, at the discretion of the City Administrator, be offered for sale or lease to abutting property owners. If one or more of these owners express an interest in the property, the City Administrator shall make a recommendation to the City Council on the disposition of the property.
- 4.2 The following factors will be considered in determining whether the property should be sold:
 - 4.2.1 The proposed sale price or lease rate, if any, as compared to an estimate of the value of the property prepared by the City Assessor;
 - 4.2.2 The proposed use of the property;
 - 4.2.3 The value of any proposed improvements to the property;
 - 4.2.4 The impact of the sale or lease of the property on the assessed value of the adjacent property in the same ownership; and
 - 4.2.5 The extent to which the sale or lease will support overall City policy in the area or neighborhood within which the property is located.

5.0 Procedure for the Disposition of Surplus Property – Potentially Developable

In instances where surplus property may be redeveloped or developed, that property may be marketed by one of a number of methods based on the nature and estimated value of the property and any specific plans or policies which development of the property might either further or hinder. The following methods may be used to market the property, including a combination of two or more.

- 5.1 **Request for Proposals.** The City may use a Request for Proposals process. This process is generally best suited to significant development parcels for which the City has specific expectations as to the nature, type, and value of the anticipated development.
- 5.2 **Real Estate Broker.** The City may contract with a real estate broker to find a buyer. This method may be most applicable to individual properties or groups of properties that the City is seeking to redevelop or develop for a specified purpose such as single family housing and/or multi-family housing renovation.
- 5.3 **Formal Bid.** The City may advertise for formal bids. This method may be most applicable in instances where the City believes that multiple parties may be interested in the property and the nature of the development or redevelopment is such that the City does not anticipate placing additional restrictions on what is to happen on the property after its sale.
- 5.4 **Self-Brokerage.** The City may employ a sell by owner approach. This would generally be applicable to situations such as the sale of individual lots within a residential or commercial subdivision.

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- 5.5 Direct Negotiation.** Where alternative methods have failed to produce an acceptable sale and/or in instances where the City has been directly approached by an individual or organization with a proposal that matches or exceeds the City's expectations for development on the parcel, the City may entertain direct negotiations with a private party who expresses interest in purchasing a property.
- 5.6** The City Administrator shall recommend to the City Council the disposition method or methods to be used at the time the Council is asked to approve disposition of the property.

6.0 Council Approval of Disposition

- 6.1** The final decision to accept a bid, proposal, or offer to purchase City-owned property must be made by the City Council.
- 6.2** The normal process for transferring a city-owned property will be by way of municipal quitclaim deed. Warranty deeds may be approved in instances where such action is recommended by the City Administrator for good and reasonable cause.



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Planning Board
FROM: David Hediger, City Planner
DATE: May 5, 2016
RE: May 9, 2016 Planning Board Agenda Item V(b)

Recommendation to the City Council regarding the disposition 117 Webster Street.

Pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code, the board shall review and make a recommendation to the city council with regard to the acquisition and disposition of all public ways, lands, buildings and other municipal facilities.

On May 3, the City Council voted unanimously for the City take formal possession of the property located at 117 Webster Street base upon a matured tax lien and that subject to a positive recommendation from the Planning Board that the property be offered for sale through the competitive bid process. This is consistent with the City's Property Disposition Policy Section 5.3, whereby "The City may advertise for formal bids. This method may be most applicable in instances where the City believes that multiple parties may be interested in the property and the nature of the development or redevelopment is such that the City does not anticipate placing additional restrictions on what is to happen on the property after its sale."

This vacant lot of approximately 0.29 acres with 100' of frontage is located the Neighborhood Conservation "A" (NCA) district. Development of the lot is essentially limited to a single family dwelling. However, it may also be developed with uses accessory to abutting properties. The Board may recall the owner of 111 Webster Street, recently conditionally rezoned that property so it may be redeveloped with eight dwelling units. That owner expressed interest at the time about purchasing this lot, potentially for garages and open space accessory to his property.

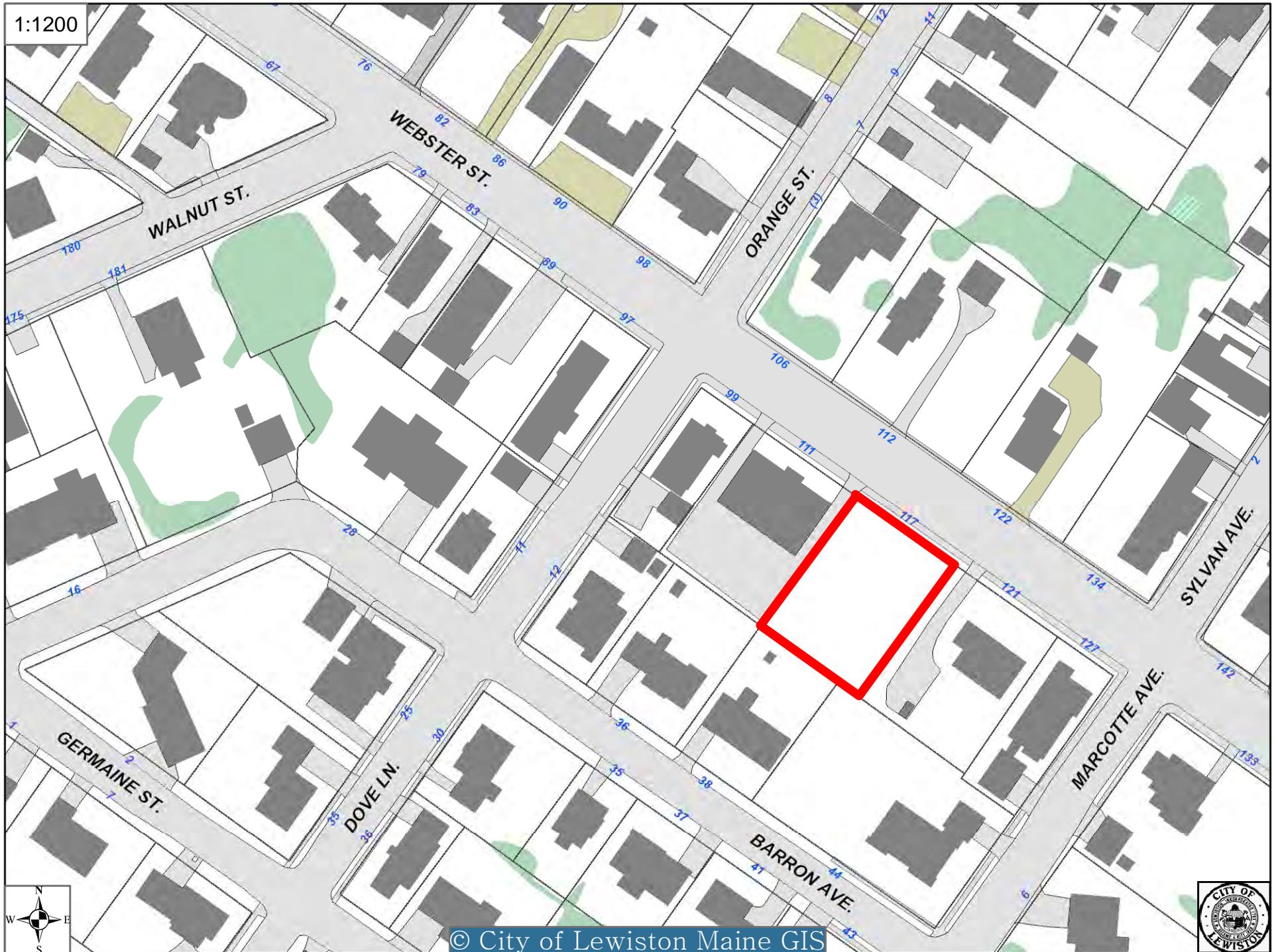
The property was acquired with \$3,791.39 due in taxes. The assessed value is \$18,600.

If sold by the City, the property will be transferred by municipal quitclaim deed which does not provide a clear title as the City's foreclosure on the property can be questioned in court for up to 5 years. This effectively depresses the value of the property by making it either impossible to finance any improvements on it or requiring the new owner to go to court to clear title, a process the City has found takes considerable time and money. This restriction on the property should be recognized when considering its value, should the Board suggest a minimum bid price.

ACTIONS NECESSARY:

Make a motion pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a favorable recommendation to the City Council for the disposition 117 Webster Street including, if any, specific conditions and/or concerns raised by the Planning Board.

1:1200





COUNCIL ORDER

Order, Taking Possession of Tax Acquired Property at 117 Webster Street.

Whereas, the property located at 117 Webster Street is a vacant parcel on which the City is owed \$3,789 in back taxes; and

Whereas, a tax lien has matured on this property; and

Whereas, the City has repeatedly notified the property owner of this delinquency and has met all legal requirements to validate the lien; and

Whereas, taking possession of this property will potentially allow the City to recover at least a portion of what it is owed and to proceed to return this property to productive use; and

Whereas, once the City has taken possession, the City Administrator recommends that it be offered for sale through competitive bid;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that, based on a matured tax lien, the City take formal possession of the property located at 117 Webster Street.

Be it Further Ordered that, subject to a positive recommendation from the Planning Board, this property be offered for sale through the competitive bid process.