**LEGAL ISSUES RE STATUS OF SHERIDAN STREET AND EAST COVE STREET**

*Draft/Suggested* Points for discussion/questions at meeting on 10.28.2013

Also see: Annotated survey for project; 1866 Subdivision Plat that includes East Cove Street; 1802 Plat covering Sheridan Street (formerly called Poplar; Walnut Street was formerly known as Meckanick Street)

**Sheridan Street**

It is understood that possible future public rights (the City had not accepted the street and did not have public rights through acceptance) in Sheridan north of Walnut Street (AKA Poplar Street) were inadvertanly eliminated as Sheridan Street was not Continued as a Paper Street by the City Council in Order #84 in 1997 so these questions relate to private rights, primarily those within the half of Sheridan (west side) for the first 115 feet which is owned in fee by the owners of 87 Walnut and 196 Sheridan Street.

1. What is the original subdivision plan (see Deed Book 36 Page 247) that gives the applicant rights in this area? (One 2006 subdivision is referenced on the survey and we would like to see that)
2. Exactly what are the applicant’s rights in the area held in fee by others? What is the evidence for these rights?
3. Have any public access rights been established because of public pedestrian use over time?
4. How will the woonerf concept be manifested in that area?
5. What if the applicant’s rights in this area conflict with the owners rights (see e-mail below from one of the owners who wants to have 2 parking spaces (“ *I would hope to have on street availability to two spaces as permitted for my building’s use and would want parking to be on the opposite side of the street from my building.* “):
	* Does this owner (196 Sheridan) have parking rights?
	* Does the other owner (87 Walnut, from whom I have not heard) have rights to retain his parking in this area and his paved yard in the former paper street that he now owns in fee?
	* If so, do these owners’ rights have priority over the applicant’s rights?
6. What action could the owner’s take to maintain their current use of the area?
7. Could these two owners make a “claim” (they have a year to do so) asserting that they had suffered limits; if the case went to court, could this delay the project or could work start before then?
8. Could either of these owners prevent a public access easement that includes this area?
9. Could either of these owners prevent a public access easement over the remainder of the former paper street area?
10. Is there sufficient right, title and interest in this portion of the street and in the street generally to determine this application under the City’s site plan ordinance- what further documentation (if any) is needed prior to the Hearing?

**East Cove Street**

This street is not currently part of the proposed site plan and no proposals are shown in the site plan application. However, the Planning Board, Portland Trails, staff and some neighbors are strongly requesting a public access connection between the project and along East Cove Street to Washington Avenue. Bill Clark has confirmed that this street may possibly be deemed vacated as a paper street as it was not Continued as a Paper Street by the City Council in Order #84in 1997 as it was omitted from Order #84 and therefore the possibility of future public rights of access have not been retained. Redfern have a P&S for the top two lots (on opposite sides of East Cove and abutting the project site) but this includes only about 20-25 feet of the existing paved street. Bill Clark has sent me a subdivision plat from 1866 which shows East Cove Street.

1. What rights does the applicant have in the street as a whole?
2. Are there any public access rights related to historic use and access?
3. What could the City do to obtain (as a Paper Street there were no public rights through street acceptance) public rights?
4. What could the applicant do to introduce (eg public access easement?other?) public rights of access?

*Jf/10.24.2013 includes WC info*

**From owner of 196 Sheridan Street**

>>> J R <jr\_in\_portland@hotmail.com> Wednesday, October 23, 2013 1:54 AM >>>

Dewar Ms. Barhydt and Mr. Culley,

My name is Phillip Rando and I am the owner and resident of 196 Sheridan St. I am sorry that I was unable to attend yesterday’s planning meeting or the neighborhood meeting held at the start of the month because my work has me traveling out-of-state. I did want to express some concerns that may have been addressed at these meetings so forgive me for needing to express them myself. As the only building that has the paper road know as Sheridan Extension, much of my concern is centered around assuring that my tenants and myself will continue to have access during construction and that emergency vehicles will also be able to reach my building. I also have concern about parking. I have provided parking for 75% of my building’s needs and can accommodate all of the need during emergency snow bans. This being said, I do rely on the paper road for one of my unit’s on street parking as well as guest parking. The houses on Walnut street do not provide adequate parking for their units and use the paper road extensively. The residents of 87 Walnut Street park their commercial truck at the mouth of the lane and have also bricked their driveway to make a patio instead of utilizing it for their vehicles. As a result, they park right to the edge of the lane on both Walnut and the lane with oversized vehicles. I am sure that any plans to update the road would include the city’s code set backs from a stop sign, but I needed to mention it. I would hope to have on street availability to two spaces as permitted for my building’s use and would want parking to be on the opposite side of the street from my building.

Another concern I have is about city services which has been poor due to the paper road status. I have not been able to have curbside trash removal due to the paper road status nor have I had adequate snow removal. I want to know how the city and/or Redfern will handle these services. These are the immediate concerns that I have and I look forward to a continued dialogue.

Sincerely,

Phillip J. Rando

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Sent from Windows Mail