

6/21/12

Subject: Ron Gan Interpretation Appeal/Practical Difficulty Variance - Additional Pertinent Documents
Date: June 17, 2012 12:49:33 PM EDT
To: Marge Schmuckal <MES@portlandmaine.gov>
Cc: amachado@portlandmaine.gov,

2 Attachments, 833 KB

Dear Marge,

Attached are two additional documents that are pertinent to Ron Gan's Interpretation Appeal and Practical Difficulty Variance Request:

1. The first attachment is title research done by Bay Area Title Services a few years ago regarding the ownership of Summer Court. The notes include all pertinent deed and plan references from the Registry of Deeds. As you can see, this research indicates that Ron Gan owns no part of the fee of Summer Court, and has nothing more than a right of way over Summer Court to access his parking area on Lot 49 and possibly Lot 71. It is Bay Area Title's opinion that the City of Portland owns 1/2 of the fee of Summer Court (John Carolan at 28 North Street owns the other half).
Please note that since this research was done, Ron Gan sold his Lot 70 parking area (purchased with the 6-unit building on Lot 50) as part of the sale of 39 Cumberland Avenue to Gill Helmick on 12/23/09.
2. The second attachment is a copy of Ron Gan's MLS listing sheet for his properties on Lots 49, 50, 60 and 71. Gan listed this group of properties for a short time in 2005. As you can see, he marketed the lots as a package for possible development. There are two interesting things to note here:
 - a. Gan had clearly considered developing this group of properties – all of which he still owns today – as early as 2005, and well before his "Corrective Deed" maneuver in 2007 where he attempted to retroactively split Lots 49 and 71 into separate ownership in order to qualify for the R-6 Small Residential Lot Development provisions.
 - b. The other interesting thing is that Gan was marketing Lot 60 (47 Cumberland Avenue) as far back as 2005 as part of a development package. (Please see Internal Remarks at the bottom of the listing sheet.) Tom Jewell states on Page 3 in his Practical Difficulty Variance application, "The applicant has looked at many alternatives to develop this property, and there is no other way that this lot can be developed into housing except for the variance sought herein." Although Gan does not disclose his ownership of Lot 60 in his Practical Difficulty Variance request as an alternative access point to Lot 49, it will be his obvious and immediate next proposal if he does not win the ability to use Summer Court for his development plans. (In fact, Gan is already working with the owners of 43 & 45 Cumberland Avenue, Mark Smith & Stephanie Dunn, on a proposal that may be mutually beneficial to their respective development plans for their individual properties.)

Please pass this information on to Corporation Counsel and/or members of the Zoning Board of Appeals.

Can you please confirm receipt of this email? If you have trouble opening the files, please let me know and I can send you hard copies.

Thanks very much.



Bay Area Title...df (647 KB)



Gan_MLS_Listing...pdf (1.86 KB)

Bay Area Title Services

Sumner Court Title Research (2007)

Sumner Court

John F. Anderson owned the fee to Sumner Court by virtue of a GC deed from Samuel ^(Beamer) Anderson & Frances Anderson of 3/10/1870 r/ 5/21/1880 468-314

468-314

Eben Leach owned parcels of land that abutted the above parcel. John F. Anderson & Eben Leach exchanged deeds a 1/2 int in Sumner Court to insure each had 1/2 int & an undivided R/W over Sumner Court. d/ 10/21/1877 r/ 10/31/1877 440-191 & 440-192

440-191-192

Eben Leach conveyed his 1/2 int interest to Sumner Court to Horace H. Shaw. d/ 10/27/1877 r/ 10/21/1877 134-439-446. This deed includes M-13 Blk 14 lots 49, 50, 52

31-496

Horace H. Shaw conveyed to Charles Carter M-13 Blk Lot 49 w/ a R/W only over Sumner Court d/ 4/21/1884 r/ 4/20/1884 Ex 505-395. The description of lot 49 remains the same to the CO deed 19681-46 to Sumner Court Land Company, LLC d/ 6/21/03.

49-49

Ad Only

Horace H. Shaw died in possession of Lot M-13 Blk Lot 50. The real estate he owned @ the time of his demise was devised to Trustees (his wife & two daughters) during the life of his wife Celeste M. Shaw & upon her death, in equal shares free of Trust to his children, Anabel Shaw Street & Winfield L. Shaw. Celeste M. Shaw died on March 31, 1936. Anabel Shaw Street died on Dec. 3, 1936 & by her will devised her interest in the real estate to Winfield L. Shaw, Winfield L. Shaw conveyed M-13 Blk Lot 50 to Robert L. Gethell on 7/11/56 Blk 2302-279 w/ a R/W only over the Passageway. This R/W was left out of later deeds beginning w/ 6710-337 d/ 3/19/85 to Denis F. Bissin & Sandra L. Brown.

49-50

Denis Bissin recorded a Plan CCR10 showing Lot 50 (divided) d/ 2/26/85 Plan Blk 146-45; showing Lot 50 on Sumner Court. Therefore the CO - One Sumner Court, LLC would have a R/W

only over Sumner Court per PB 146-43, per deed 19681-46
of 6122103

LOT 52 Horace M Snow conveyed M-13 BIXK LOT 52 to Josiah J Gilbert
Easement on May 27 1878 BK 451-214 w/ the fee of 1/2 in common
in 1/2 of subdivided of Sumner Court Between Land of (John F.)
Sumner Court Anderson & to the Northwesterly corner of LOT 52.
6' x 80' The description of this property has remained the same
since this deed, therefore the correct owner, John D. Carlson
By deed dated 7/14/96 BK 14906-339 owns the fee
to this part of Sumner Court

LOT 46 John F Anderson conveyed to Alphus Griffin on 11/3/1879
NO/R/W KERO BK 461-443. This deed contained no interest
in the 1/2 of Sumner Court. The description has remained
the same to the the co deed of Gillies & Reid CRO
6776-345. James O Cowie & Ann C. Cowie may have
an interest to the 1/2 of Sumner Court that abuts the
LOT only because of the status this passage as
an unaccepted Road by the City of Portland

John F Anderson died prior to 3/21/88. The Probate records
borned in the Portland fire but an abstract of his will
was Reid CRO in BK 545-224. His heirs conveyed
all their right titled interest in a to Sumner Court
to Jabez Truce Norman Truce & Julius BK 775-223
The Truce conveyed this interest to in Sumner Court to
Ottawa Puel Company by ~~5114~~ BK 809-1
The property eventually became owned by Consolidated Broken
Stone & Gravel Company including all 1/2 in in a to
1/2 of Sumner Court as shown Plan of Forst Sumner
Terrace AKA The Anderson Estate of Sept 1907 PB-11-03

cont

Consolidated Broker Stone & Graves Co. lost the property

we are interested in to the City of Portland by

Tax deed 1297-459 14 on 2/11/30

M-13-BLK LOT 13

LOT 69
NO RW
This lot was p/o M-13 BLK LOT 13 The City conveyed
a 24' x 37' piece on the north side of Summer

Coast to Nancy M Kelley d/g 123186 in BK 16 012-294.

This ac w/o cov was not rec'd until 5/17/01

Mary Kelly died 11/11/2000. The Estate of Mary Kelly
conveyed the property to the current owners on 7/19/01
MICHELLE SUTHERLAND KELLY

BK 16569-148 - This property has NO RW over

although the Kellys may have an interest to

1/2 of Summer Coast that abuts their property

because of the status of the passageway held by the city

LOT 70

NO RW
LOT 70 was also p/o MAP 12-BLK LOT 12. The City

conveyed this triangular parcel to Farley & Farney, Inc

on 3/12/69 BK 3077-700. [Parking restriction was

released by the city in BK 15464-260] 4/4/2000.

The current owner is 1 Summer Coast, LLC by deed

of 12/21/05 19681-48, and as above they may have

some interest in Summer Coast which a bus that

passes

LOT 71

NO RW
Ottawa Park Company conveyed LOT 2 [11-63] to James R. McKay

in BK 814-61 which was conveyed by deed 8/8-163

LOT 2 - [11-63] is the same as MAP 13-16-11.

This lot would have a RW only over Summer Coast

by virtue of Summer Coast as shown on Plan of

Foot Summer Terrace ~~AKA~~ the Anderson Estate.

d/ sent 1/07 & rec'd CO-0 Plan 11-63

The current owner is Summer Coast Land Company, LLC

by deed of 6/27/03 REID CO-0 19681-416

Multi-Family - AGENT SYNOPSIS

MLS#: 735922 Status: Withdrawn

1 Summer Court Portland, ME 04102

List Price: \$ 1,225,000
Original Price: \$ 1,225,000
List Date: 02/23/05

Directions: North St. near Cumberland Ave to Summer Court

Neigh'd/Assoc:

Assoc. Fee/Mo:

General Land Information

#1 Brm/2 Brm/3 Brm: 0/4/2

Foundation Sz +/-: 35' x 44'

Color: Beige

Surveyed: Unknown

Flood Zone: No

WtrFrt: No

SqFt Finished Above Grade+/-:

Source of Square Footage:

Style: Multi-Level

GLAAG+/-: 4,888

Lot Size (Ac)+/-: 0.420

Seasonal: No

Water Body:

Amt Wtr Frntge+/-:

SqFt Finished Below Grade+/-:

Year Built+/-: 1900

Road Frontage+/-:

Zone: R6

WF Owned+/-:

SqFt Finished Total:

Unit Information						
Unit:	#1	#2	#3	#4	#5	#6
Level:	1	1	2	2	3	3
Rsz/Bd Rm:	4/2	4/2	4/2	4/2	5/3	5/3
Full Baths/Partial Baths:	1/0	1/0	1/0	1/0	1/0	1/0
Gross Monthly Rent per Unit:	\$745	\$800	\$745	\$695	\$750	\$695

Remarks

This package includes a 6-unit building with remarkable city and bay views with sep. utilities, pine firs, and coin laundry. Also reflected in the price above is an additional 8,000 + sq ft with stunning views of the city and bay.

Property Features - NOTE: Check Detail Reports for complete list of Features.

Site: Scenic View, Open

Driveway: Gravel

Parking: 11-20 Spaces

Location: Neighborhood, Intown

Uses: Residential, Development Potential

Restrictions:

Rec. Water:

Roads: Gravel/Dirt Road

Transportation:

Electric: 220 Volts, 110 Volts, Circuit Breakers

Gas: Natural-On Site

Sewer: Public

Water: Public

Construction: Wood Frame

Basement Info: Full

Foundation Mtrls: Fieldstone, Brick

Exterior: Vinyl Siding

Roof: Membrane

Heat System: Hot Air

Heat Fuel: Gas-Natural

Water Heater: Rented

Cooling: No Cooling

Floors: Partially Carpeted Wood, Vinyl

Veh. Storage: No Vehicle Storage

Amenities: Laundry Con

Access, Amnities:

Equipment:

Tax/Deed/Community Information

Book/Page/Partial: 19681/46-9/No

Map/Block/Lot: 13k/49&50

School:

Tax Amount/Yr: \$ 3,719 / (04-05)

DOM: 110

Off Market Information

Withdrawn Date: 06/13/05

Listing Contact Information

List Office: Keller Williams Realty, 1998

List Agent: Shawn Boulet SMB 007091

Email: sboulet@maine.rr.com

Show Intr: Call Listing Broker, Notice Required

Office:

207-879-9800

Agent:

207-774-4414

Cell:

207-329-1499

SAF/BAFT/BSF

/ 2.50% / 2.50%

Virtual Tour:

Internal Rmks: The listing offered is on 4 different map & lots. It appears the land could be developed. This property is also being offered in conjunction with 47 Cumberland Ave, which abuts this land. See MLS # 735815.

The information on MLS listings has been assembled from various sources of varying degrees of reliability. Any information that is critical to your buying decision should be independently verified. All dimensions are approximate and guaranteed. Copyright © 2005 MREIS, Inc.



Printed: 04/29/05



47 Cumberland Ave.

SHORT FORM WARRANTY DEED

Craig E. Holman of 152 Milton Street, Portland, ME, 04103, FOR CONSIDERATION PAID, grants to Ronald L. Gan of 4646 North Hermitage, Chicago, IL, 60640, with WARRANTY COVENANTS, the following described real property located in the City of Portland, County of Cumberland and State of Maine:


A certain lot or parcel of land, with the buildings thereon, situated in the City of Portland, County of Cumberland and State of Maine, on the northwesterly side of Cumberland Avenue, bounded and described as follows:


Commencing on said Cumberland Avenue at the southwesterly corner of a lot of land conveyed to Michael Mehan by Michael Lynch by deed dated October 1, 1866; thence southwesterly by said Cumberland Avenue, a distance of thirty-two and two-thirds (32 2/3) feet to land conveyed by said Michael Lynch to John Regan; thence northwesterly by said land now or formerly of Regan, a distance of one hundred three and 6/10 (103.6) feet to land formerly of Joseph W. Dyer; thence northeasterly by said land now or formerly of Dyer a distance of eighteen and two-thirds (18 2/3) feet to said Mehan land; thence southeasterly by said Mehan land to the bounds begun at on Cumberland Avenue.

This conveyance is made subject to any and all easements and appurtenances of record, insofar as the same may affect the subject premises.

Meaning and intending to convey and hereby conveying the same premises conveyed to the Grantor herein by deed of Shawn M. O'Gane dated November 3, 2000 and recorded in the Cumberland County Registry of Deeds in Book 15833, Page 184.

WITNESS my hand and seal this 30th day of September, 2004

WITNESS 



Craig E. Holman

STATE OF MAINE
Cumberland, ss.

September 30, 2004

Personally appeared the above named Craig E. Holman and acknowledged the foregoing instrument to be his free act and deed.

Before me,



Notary Public/Attorney at Law

Susan Hanson
Print Name

Received
Recorded Register of Deeds
Oct. 04:2004 01:37:58P
Cumberland County
John E O'Brien

MAINE REAL ESTATE TAX PAID