



PORTLAND MAINE

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*Greg Mitchell - Acting Director of Planning and Urban Development
Marge Schmuckal, Zoning Administrator*

TO: CHAIR AND ZONING BOARD MEMBERS

FROM: MARGE SCHMUCKAL, ZONING ADMINISTRATOR

SUBJECT: INTERPRETATION APPEAL CONCERNING MY DETERMINATION
LETTER DATED FEBRUARY 24, 2012

DATE: JUNE 21, 2012

The Board has a copy of my February 24, 2012 letter of determination that the owner is appealing under an Interpretation Appeal. This interpretation appeal is for a property located in the R-6 residential zone. The appeal is all about which section of the R-6 regulations apply to the future development of the property. The R-6 zone has the regular dimensional requirements as outlined under section 14-139(a). The R-6 zone also provides for a "Small Lot Development" as outlined under section 14-139(b). The Small Lot Development section defines the criteria that properties must meet before using the allowable regulations. My determination letter of February 24, 2012 concludes that the property in question does not meet the basic criteria for the Small Lot Development and therefore must use the regular R-6 zone requirements when developing the property in question.

The history of the property consisting of 13-K-49 & 71 have shown that the described parcels have been considered one lot continuously in the past. And I still consider them to be one lot. The Inspection Services records show that in 1959 Santino J. Viola applied for a permit to demolish a three story apartment house on a lot called 5 Sumner Court. Permit #59-580 was issued on May 21, 1959. Subsequently, Mr. Viola brought a conditional use appeal to the Zoning Board on July 3, 1959 in which to allow an off-street parking lot for 20 cars on that same lot, 5 Sumner Court. The files have a quick sketch that show the lot consisted of both parcels shown as 119' in length. The Zoning Board only granted an off-street parking lot for 15 passenger cars on the lot consisting of two parcels.

In more recent times Sheldon Ashby owned both parcels as one lot, under one ownership. Sumner Court Land Company LLC purchased both parcels as one lot, under one ownership in June, 2003.

Section 14-422 states:

"No lot shall be so reduced that yards, lot width, lot frontage, lot area, area per dwelling unit, and space for off-street parking and/or off-street loading shall be less than the minimum required under this article."

The lot is entirely located in an R-6 residential zone in which the minimum lot size is 4,500 square foot of land area. Parcel 13-K-71 is shown to be 4,357 square foot in size. It has merged with and has always been a part of parcel 13-K-49 as one lot. Attorney Jewell's last paragraph states that, "We are not seeking to split the lots, which as pointed out by the Zoning Administrator is prohibited under Section 14-422, just to develop one of the lots, that being lot 13-K-49, under the provisions of the R-6 small residential lot development as set forth in Section 14-139(b)." The applicant cannot pick and choose which parts of the Ordinance he would like to use that are most advantageous. Sections of the Ordinance cannot be separated from the other sections. They work together.

As Attorney Jewel apparently stipulated, they are not asking to split the lot. To use the dimensional requirements of 14-139(b), sub (2) states that the maximum lot size allowance is 10,000 foot in size. The lot in question is 12,479 square foot in size. Because the lot cannot meet one of the listed criteria for its use, 14-139(b) regulations cannot be used. Therefore the dimensional requirements of 14-139(a) must be used to develop this lot.

Danielle West Chuhta is here tonight from Corporation Counsel to address the legal issues presented in this matter

- Sec. 14-417. Reserved.
Sec. 14-418. Reserved.
Sec. 14-419. Reserved.
Sec. 14-420. Reserved.

DIVISION 25. SPACE AND BULK REGULATIONS AND EXCEPTIONS

Sec. 14-421. Generally.

The requirements of this article shall be subject to the space and bulk regulations and exceptions of this division.
(Code 1968, § 602.19.A)

Sec. 14-422. Reduction of lot area prohibited.

No lot shall be so reduced that yards, lot width, lot frontage, lot area, area per dwelling unit, and space for off-street parking and/or off-street loading shall be less than the minimum required under this article.
(Code 1968, § 602.19.A)

Sec. 14-423. Reserved.

*Editor's Note: Pursuant to Council Order No. 240-09/10, passed on June 21, 2010, Section 14-423 (Joint occupancy) was repealed in its entirety.

Sec. 14-424. Required open space.

No part of a yard or other open space required about any building under this article shall be included as a part of a yard or other open space required for another building.
(Code 1968, § 602.19.C)

Sec. 14-425. Projections in required yard areas.

Any yard may be occupied by a one-story entrance porch not enclosed, with or without a roof, if the area of the porch does not exceed fifty (50) square feet nor the projection from the building exceed six (6) feet. A basement bulkhead of similar size, but not more than twenty four (24) inches in height, is also permitted. A cornice eave, sill, canopy, chimney, or other similar architectural feature, but not including a bay window, may project into any



16 RESIDENCE NOV 20 1939

APPLICATION FOR PERMIT

PERMIT ISSUED
001536
MAY 21 1939
CITY OF PORTLAND

Class of Building or Type of Structure Portland, Maine Dist. Class Nov. 20, 1939

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to teel alter repare demolish install the following building structure equipment in accordance with the Laws of the State of Maine, the Building Code and Zoning Ordinance of the City of Portland, plans and specifications, if any, submitted herewith and the following specifications:

Location 3 Sumner Court Within Fire Limits? Yes Dist. No.
 Owner's name and address Laurenson Davin, Myrtle Park Mass. Telephone
 Lessee's name and address Telephone
 Contractor's name and address Santino Voda, St. Jayson St. Telephone 2-2392
 Architect Specifications Plans No. of sheets
 Proposed use of building No. families
 Last use Apartment house No. families
 Material Frame No. stories 2 Heat Style of roof Roofing
 Other buildings on same lot
 Estimated cost \$ Fee \$ 2.00

General Description of New Work

To demolish existing 2-story frame apartment house.

Do you agree to tightly and permanently close all sewers or drains connecting with public or private sewers from this building or structure to be demolished, under the supervision and to the approval of the Department of Public Works of the City of Portland? Yes.

Land to remain vacant.

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor. **PERMIT TO BE ISSUED TO** contractor

Details of New Work

Is any plumbing involved in this work? Is any electrical work involved in this work?
 Is connection to be made to public sewer? If not, what is proposed for sewage?
 Has septic tank notice been sent? Form notice sent?
 Height average grade to top of plate Height average grade to highest point of roof
 Size, front depth No. stories build of filled land? earth or rock?
 Material of foundation Thickness top bottom cellar
 Material of underpinning Height Thickness
 Kind of roof Rise per foot Roof covering
 No. of chimneys Material of chimneys of lining Kind of heat fuel
 Framing Lumber—Kind Dressed or full size? Corner posts Sills
 Size Girdor Columns under girdors Size Max. oil centers
 Kind and thickness of outside sheathing of exterior walls
 Studs (outside walls and carrying partitions) 2x4-16" O. C. bridging in every floor and flat roof span over 8 feet.
 Joists and rafters) 1st floor 2nd 3rd roof
 On centers) 1st floor 2nd 3rd roof
 Maximum span) 1st floor 2nd 3rd roof
 If one story building with masonry walls, thickness of walls? height?

If a Garage
 No. cars now accommodated on same lot to be accommodated number commercial cars to be accommodated
 Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building?

APPROVED

Miscellaneous

Will work require disturbing of any tree on a public street? NO

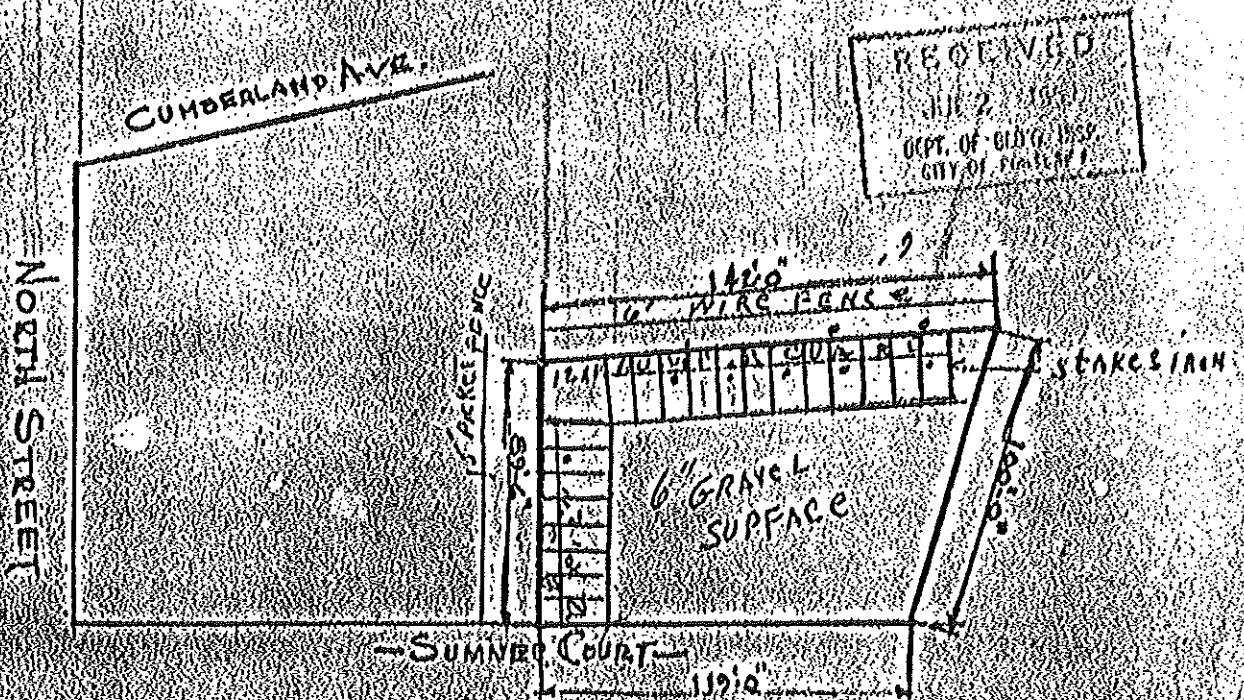


SANTINO J. VIOLA
 EXCAVATING CONTRACTOR
 TRUCKING - SHOVEL & DOZER WORK
 55 PARRIS STREET TEL. BRIDGE 2-2302
 PORTLAND, MAINE



Please Note: This sketch is
 shown up side down from most
 of the other sketches.

Mr. Viola says that the bumpers will be 12"x12" timber hold in place by steel stakes driven into the ground on the side of the timber toward the lot line; that the face of the 12"x22" farther from the lot line will be five feet from the lot line and that the 10-foot length of each parking space will be measured from the same face of the 12"x12"



SHERIDAN ST

OLD GRAVEL PIT

SUNNY COURT

EXISTING WIND PILE

EXISTING SOLID
BEAM PILE

CUMBERLAND AVENUE

NORTH STREET



00-3 Sumner Court

July 21, 1959

Mr. Santino J. Viola
84 Payson Street

Dear Mr. Viola:

Your appeal under the Zoning Ordinance for an off-street parking lot has been sustained subject to the condition that no more than fifteen (15) cars shall be parked on the premises. Before your application for a certificate of occupancy can be issued it is necessary that a revised plot plan be filed indicating the locations to be occupied by the 15 spaces, each one of which is required to be no less than 8 feet wide and 10 feet long, and that a chain link, picket or raspling fence at least four feet high is to be provided along the lot line adjoining the property at 3 Sumner Court and extending back from the street line to the existing solid board fence at the rear.

Very truly yours,

Albert J. Sears
Inspector of Buildings

AJS/js



NO RESIDENCE ZON

APPLICATION FOR PERMIT

Class of Building or Type of Structure Third Class
Portland, Maine, May 20, 1959

PERMIT ISSUED
00526
MAY 21 1959
CITY of PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect alter repair or demolish install the following building structure equipment in accordance with the Laws of the State of Maine, the Building Code and Zoning Ordinance of the City of Portland, plans and specifications, if any, submitted herewith and the following specifications:

Location 5 Sumner Court Within Fire Limits? Yes Dist. No. _____
 Owner's name and address Lawrence Davin, Hyde Park Ave. Telephone _____
 Lessee's name and address _____ Telephone _____
 Contractor's name and address Gantino Viola, 84 Layson St. Telephone 2-2292
 Architect _____ Specifications _____ Plans NO No. of sheets _____
 Proposed use of building _____ No. families _____
 Last use Apartment house No. families _____
 Material Frame No. stories 3 Heat _____ Style of roof _____ Roofing _____
 Other buildings on same lot _____
 Estimated cost \$ 1,000

General Description of New Work

To demolish existing 3-story frame apartment house.

Do you agree to tightly and permanently close all sewers or drains connecting with public or private sewers from this building or structure to be demolished, under the supervision and to the approval of the Department of Public Works of the City of Portland? Yes.

Land to remain vacant.

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor. **PERMIT TO BE ISSUED TO contractor**

Details of New Work

Is any plumbing involved in this work? _____ Is any electrical work involved in this work? _____
 Is connection to be made to public sewer? _____ If not, what is proposed for sewage? _____
 Has septic tank notice been sent? _____ Form notice sent? _____
 Height average grade to top of plate _____ Height average grade to highest point of roof _____
 Size, front _____ depth _____ No. stories _____ Solid or filled land? _____ earth or rock? _____
 Material of foundation _____ Thickness top _____ bottom _____ cellar _____
 Material of underpinning _____ Height _____ Thickness _____
 Kind of roof _____ Rise per foot _____ Roof covering _____
 No. of chimneys _____ Material of chimneys _____ of lining _____ Kind of heat _____ fuel _____
 Framing Lumber--Kind _____ Dressed or full size? _____ Corner posts _____ Sills _____
 Size Girder _____ Columns under girders _____ Size _____ Max. on centers _____
 Kind and thickness of outside sheathing of exterior walls? _____
 Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.
 Joists and rafters: 1st floor _____, 2nd _____, 3rd _____, roof _____
 On centers: 1st floor _____, 2nd _____, 3rd _____, roof _____
 Maximum span: 1st floor _____, 2nd _____, 3rd _____, roof _____
 If one story building with masonry walls, thickness of walls? _____ height? _____

If a Garage

No. cars now accommodated on same lot _____ to be accommodated _____ number commercial cars to be accommodated _____
 Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building? _____

Miscellaneous

Will work require disturbing of any tree on a public street? NO

APPROVED:

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

July 3, 1959

CONDITIONAL USE APPEAL

Santino J. Viola, owner of property at 5 Sumner Court,
under the provisions of Section 24 of the Zoning Ordinance of the City of Portland, hereby
respectfully petitions the Board of Appeals to: Authorize use of the lot as an off-street
parking space for 20 passenger cars. This permit is presently not issuable under the Zoning
Ordinance because the property is in an R-6 Residence Zone where according to Section 7-A of
the Ordinance such a use of premises is not allowable unless first authorized by the Board of
Appeals after the usual appeal procedure.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that such
use of the premises will not adversely affect property in the same zone or neighborhood and will
not be contrary to the intent and purpose of the Zoning Ordinance.

Santino J. Viola
APPELLANT

DECISION

After public hearing held July 17, 1959, the Board of Appeals finds that such use of
the premises will not adversely affect property in the same zone or neighborhood and will not
be contrary to the intent and purpose of the Zoning Ordinance, provided that not more than
fifteen (15) cars are parked on said premises.

It is therefore, determined that permit should be issued in this case, provided that not
more than fifteen (15) cars are parked on said premises.

Franklin D. Hinckley
Harvey M. Edwards
Joseph J. King
BOARD OF APPEALS

00-5 Sumner Court

July 21, 1959

Mr. Santino J. Viola
84 Payson Street

Dear Mr. Viola:

Your appeal under the Zoning Ordinance for an off-street parking lot has been sustained subject to the condition that no more than fifteen (15) cars shall be parked on the premises. Before your application for a certificate of occupancy can be issued it is necessary that a revised plot plan be filed indicating the locations to be occupied by the 15 spaces, each one of which is required to be no less than 8 feet wide and 18 feet long, and that a chain link, picket or sepling fence at least four feet high is to be provided along the lot line adjoining the property at 3 Sumner Court and extending back from the street line to the existing solid board fence at the rear.

Very truly yours,

Albert J. Sears
Inspector of Buildings

AJS/jg



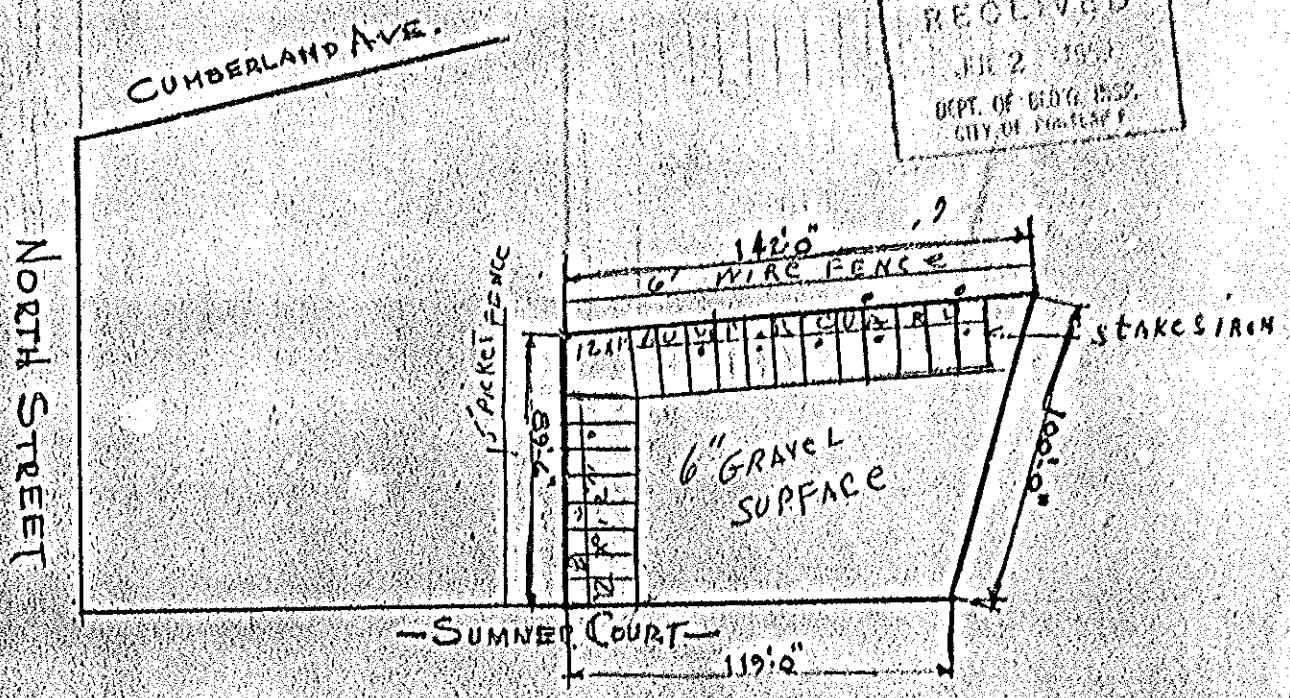
SANTINO J. VIOLA
 EXCAVATING CONTRACTOR
 TRUCKING - SHOVEL & DOZER WORK
 46 PARRIS STREET - TEL. SPAUCE 2-2302
 PORTLAND, MAINE



20

Mr. Viola says that the bumpers will be 12"x12" timber held in place by steel stakes driven into the ground on the side of the timber toward the lot line; that the face of the 12"x22" farther from the lot line will be five feet from the lot line and that the 10-foot length of each parking space will be measured from the same face of the 12"x12"

RECEIVED
 JUL 2 1951
 DEPT. OF BLDG. INSP.
 CITY OF PORTLAND



SHERIDAN ST

12
19

OLD GRAVEL PIT

SUMNER COURT

NORTH STREET

EXISTING WIRE FENCE

EXISTING WIRE FENCE

EXISTING SOLID BOARD FENCE

CUMBERLAND AVENUE

74.38'

86.5'

80'

34

32

30

28

26

24

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- e. The length of stay for transient guests shall not exceed fifteen (15) days out of any sixty-day period.
- f. An owner, manager or operator shall live in the building as a permanent resident.
- g. The building shall meet the applicable occupant load requirements as defined by the International Building Code and the NFPA Life Safety Code, as such codes are amended or adopted by the city.

9. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(Ord. No. 538-84, 5-7-84; Ord. No. 267-84, § 2, 12-17-84; Ord. No. 76-85, § 8, 7-1-85; Ord. No. 85-88, § 3, 7-19-88; Ord. No. 235-91, § 13, 2-4-91; Ord. No. 118-93, § 11, 10-18-93; Ord. No. 133-96, § 7, 11-18-96; ; Ord. No. 154-96, § 11, 12-16-96; Ord. No. 125-97, § 3, 3-3-97; Ord. No. 232-99, §2, 3-15-99; Ord. No. 77-02/03, § 2, 10-21-02; Ord. No. 29-09/10, 8-3-09 emergency passage; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 138-09/10, 1-20-10; Ord. No. 240-09/10, 6-21-10; Ord. No. 9 10/11, 8-2-10; Ord. No. 149-10/11, 3-7-11; Ord. No. 279-09/10, 6-6-11; Ord. No. 33-11/12, 1-18-12)

Sec. 14-138. Prohibited uses.

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

(Ord. No. 538-84, 5-7-84)

Sec. 14-139. Dimensional requirements.

(a) In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-6 zone shall meet or exceed the following minimum requirements:

1. *Minimum lot size:*

- a. Residential: Forty-five hundred (4,500) square feet, except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article.
- b. Reserved.

12. *Maximum floor area for places of assembly not on a collector or arterial road:*

Large	4,500 sq. ft.
Medium	2,250 sq. ft.
Small	1,125 sq. ft.

1A-139 (b) *Small residential lot development:* Residential uses on small, vacant lots located in the R-6 are subject to site plan review and may use the dimensional requirements below if all of the following conditions are met:

The lot is:

Vacant or is used exclusively for parking or contains structure not used for residential purposes as of January 1, 2005; and the lot existed as of January 1, 2005.

1. *Minimum lot size:* None
2. *Maximum lot size:* Ten thousand (10,000) square feet.
3. *Yard dimensions:*

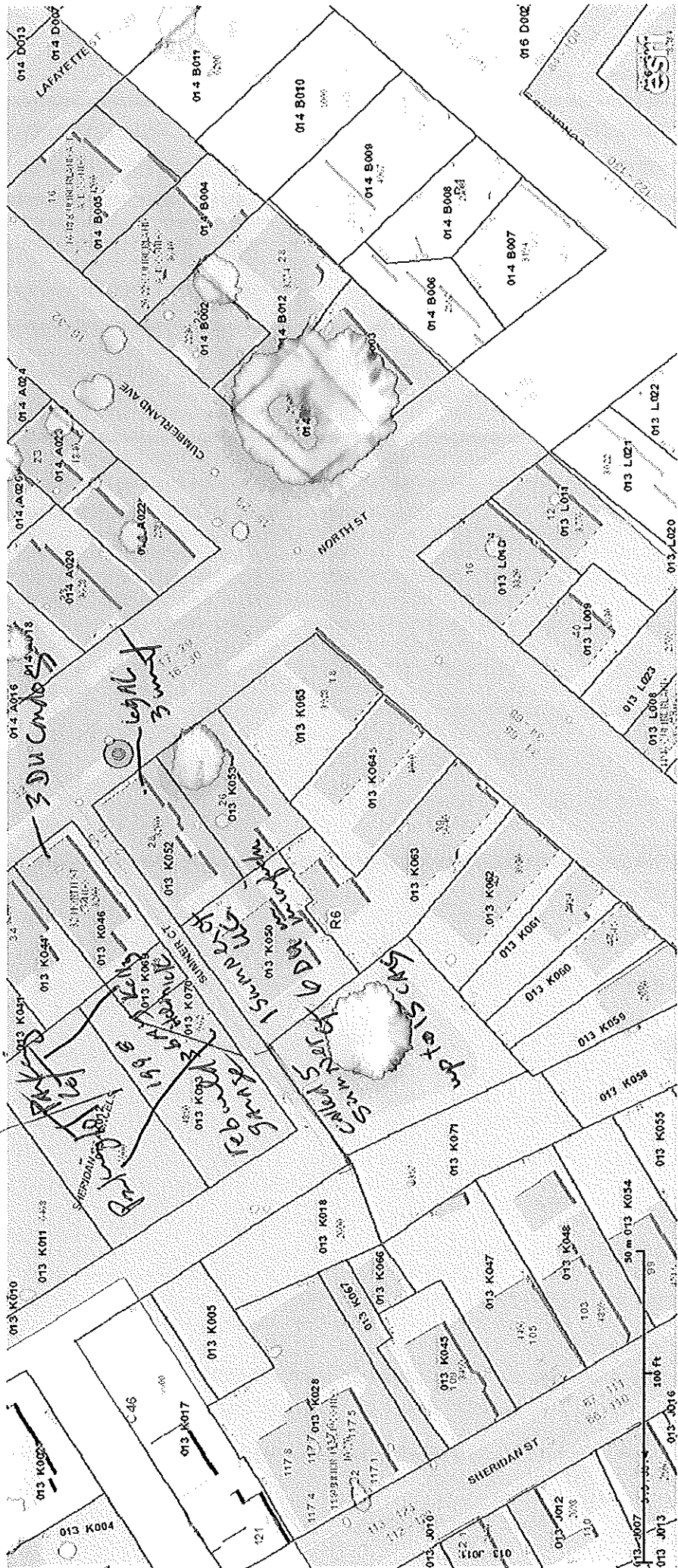
a. *Front yard:*

No more than ten (10) feet.

b. *Rear yard:*

None, except that rear yards between two (2) buildings on the same or different lots shall maintain a minimum ten (10) foot setback between buildings or the sum of the heights of the abutting buildings and proposed buildings divided by five (5), whichever is greater; and that either the rear yard or one of the side yards shall be at least fifteen (15) feet; provided, however, detached accessory structures with a ground floor area of one hundred (100) square feet or less need not have a setback more than five (5) feet from the property line. Notwithstanding the foregoing, no structure

Summer Court



1 Sumner Ct

WARRANTY DEED

FIVE STAR PROPERTIES, INC., a Maine corporation having a mailing address at 1 Caron Street, Portland, ME 04103, for full value and consideration paid, hereby grants to **1 SUMNER COURT, L.L.C.**, a Maine limited liability company having a mailing address at 4646 North Hermitage, Chicago, IL 60640 a certain lot or parcel of land, with the buildings thereon, situated on the southerly side of Sumner Court in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

BEGINNING at a point on the southerly side of Sumner Court at the northwesterly corner of Lot 2 as shown on a plan entitled "Division of Property for Dennis Bisson" made by R. P. Titcomb Associates, Inc., dated February 26, 1985 and recorded in Cumberland County Registry of Deeds in Plan Book 146, Page 45, on February 28, 1985. Said point being located S 67° 43' 06" W a distance of 118.31 feet from the intersection of the westerly sideline of North Street with the southerly sideline of Sumner Court; thence by the following courses and distances: S 22° 22' 25" E a distance of 55.55 feet to a point; S 65° 13' 01" W a distance of 13.55 feet to a point; S 24° 28' 54" E a distance of 1.50 feet to a point; S 65° 58' 53" W a distance of 24.33 feet to a point; N 22° 16' 54" W a distance of 58.80 feet to a point; N 67° 43' 06" E a distance of 37.69 feet to the point of beginning.

Meaning and intending to convey Lot 1 as shown on the above-named plan prepared for Dennis Bisson by R. P. Titcomb Associates, Inc. dated February 26, 1985 and recorded in said Registry in Plan Book 146, Page 45.

Also the right to use in common the back entrance of the building as shown on Lot 1 on said plan.

The above-described premises are conveyed subject to an easement for the benefit of Lot 2 on said Division of Property for the purpose of reading, repairing, and maintaining the electrical wires, lines, conduits, meter boxes and breaker boxes for the services supplied to Lot 2.

Also, the above-described premises are subject to an easement for the purpose of using, maintaining and repairing all sewer lines and facilities that service Lot No. 2.

Also, all of Grantor's right, title and interest in and to another certain lot or parcel of land, situated on the northerly side of Sumner Court in the City of Portland, County of Cumberland and State of Maine, being the same conveyed by the City of Portland to Farley and Farley, Inc. by deed dated March 12, 1969, and recorded in said Registry in Book 8077, Page 700, to which deed reference is hereby made for a more particular description. Reference is further made to the Release Deed of the City of Portland dated April 24, 2000 and recorded in the Cumberland County Registry of Deeds in Book 15464, Page 260, releasing unto the East End Corp., its successors and assigns, certain use restrictions reserved in the City of Portland's said March 12, 1969 deed to Farley and Farley, Inc. encumbering the premises described therein.

BEING the same premises conveyed to Kate Moon and Elizabeth Bailey by Warranty Deed from Wilfred W. Gagnon, Jr. and Michael Flaherty, dated March 19, 1985, and recorded in the Cumberland County Registry of Deeds in Book 6710, Page 337.

ALSO ANOTHER certain lot or parcel of land, with the buildings thereon, on the southerly side of Sumner Court in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

BEGINNING at a point on the southerly side of Sumner Court at the northwesterly corner of land, now or formerly of Alfred T. and Assunta T. Fuller and recorded in the Cumberland County Registry of Deeds in Book 2645, Page 341. Said point is located S 67° 43' 06" W a distance of 80.00 feet from the intersection of the westerly sideline of North Street with the southerly sideline of Sumner Court; thence by the following courses and distances: S 22° 16' 54" E and parallel with North Street a distance of 62.17 feet to a point; S 68° 33' 42" W a distance of

Title Not Searched; Description Not Prepared

MAINE REAL ESTATE TAX PAID

15.46 feet to a point; N 24° 46' W a distance of 1.55 feet to a point; S 66° 35' 32" W a distance of 16.93 feet to a point; N 24° 28' 45" W a distance of 5.42 feet to a point; S 65° 13' 01" W a distance of 5/58 feet to a point; N 22° 22' 25" W a distance of 55.55 feet to a point on the southerly sideline of Sumner Court; N 67° 43' 06" E a distance of 38.31 feet to the point of beginning.

Meaning and intending to convey Lot No. 2 a shown on plan entitled "Division of Property for Dennis Bisson" by R. P. Titcomb Associates, Inc. dated February 26, 1985 and recorded in Cumberland County Registry of Deeds in Plan Book 146, Page 45, on February 28, 1985.

Also the right to use in common, the back entrance of the building as shown on Lot 1 of said plan.

Including an easement over and across Lot 1 on said Division of Property for the purpose of reading, repairing and maintaining the electrical wires, lines, conduits, meter-boxes and breaker boxes for the service supplied to Lot 2.

Also including an easement over and across said Lot 1 for the purpose of using, maintaining and repairing all sewer lines and facilities that service Lot 2.

MEANING AND INTENDING to convey to the Grantee all and the same premises, and all improvements and appurtenances pertaining thereto, conveyed to Five Star Properties, Inc. by Corrective Warranty Deed of East End Corp. dated June 12, 2000 and recorded in the Cumberland County Registry of Deeds in Book 15547, Page 3.

IN WITNESS WHEREOF, FIVE STAR PROPERTIES, INC. has caused this instrument to be executed by its duly authorized undersigned representative, this 27 day of June, 2003.

FIVE STAR PROPERTIES, INC.

by Sheldon Ashby
Sheldon Ashby, Its President

June 27, 2003

[Signature]
Witness

STATE OF MAINE
CUMBERLAND, ss.

Personally appeared the above named Sheldon Ashby in his capacity as President of Five Star Properties, Inc. and acknowledged the foregoing execution to be his free act and deed and the free act and deed of Five Star Properties, Inc.

Before me,

[Signature]
Notary Public/Attorney at Law
Scott E. Herrick

Received
Recorded Register of Deeds
Jul 02:2003 02:43:49P
Cumberland County
John B. O'Brien

13-K-52

0050614

BK 14906P6339

WARRANTY DEED
Maine Statutory Short Form

Know all Persons by these Presents,

That I, Alfred T. Fuller, of Portland, County of Cumberland, State of Maine, for consideration paid, grant to:

John D. Carolan

**of Portland, County of Cumberland, and State of Maine, whose mailing address is:
28 North Street, Portland, Maine 04101, with warranty covenants, the land in Portland,
County of Cumberland, and State of Maine, described as follows:**

See attached Exhibit A for legal description.

Witness my hand and seal this 14th day of July, 1999.

**Signed, Sealed and Delivered
in the presence of**

Rachel L. Bouchard

Alfred T. Fuller
Alfred T. Fuller

MAINE REAL ESTATE TAX PAID

State of Maine, County of Cumberland ss.

July 14, 1999

**Then personally appeared before me the above named Alfred T. Fuller and
acknowledged the forgoing instrument to be his free act and deed.**

Rachel L. Bouchard
Attorney at Law/Notary Public
Printed Name: Rachel L. Bouchard

DEPT. OF BUILDING INSPECTION
CITY OF PORTLAND, ME

MAY 16 2012

RECEIVED

BK 4906 PG 340

EXHIBIT A

A certain lot or parcel of land with the buildings thereon, situated on the westerly side of North Street, in said Portland, and being premises numbered 28 on said street and being bounded and described as follows:

Commencing at the westerly side of said North Street at a point one hundred and seven (107) feet northerly from the northwesterly corner of North Street and Cumberland Avenue; thence westerly at right angles with North Street, eighty (80) feet; thence northerly parallel with North Street, forty (40) feet to a court or passageway leading westerly from said North Street and at right angles with said street; thence easterly by said passageway, eighty (80) feet to North Street; thence southerly by North Street, forty (40) feet to the point begun at; also one-half in common and undivided of a court or passageway twelve (12) feet wide on the northerly side of the above described land and between it and the land formerly of Anderson, running westerly at right angles with North Street to the northwesterly corner of the above described lot, to be kept open and unobstructed forever for the benefit of the adjoining and rear lots.

Being the same premises conveyed to Alfred T. Fuller and Assunta T. Fuller, as joint tenants, by virtue of a warranty deed from Annie H. Toblason, formerly known as Annie H. Johnson, and Ethel I. Bunting dated November 24, 1961 and recorded in the Cumberland County Registry of Deeds in Book 2645, Page 341. The said Assunta T. Fuller deceased August 1, 1989 leaving Alfred T. Fuller as surviving joint tenant.

RECEIVED
RECORDED REGISTRY OF DEEDS
1989 JUL 15 PM 3:24
CUMBERLAND COUNTY
John B. Owens

Marge Schmuckal - Sumner Ct Letters from Mr Gan's Atty in 2007

From: William Clark
To: Marge Schmuckal
Date: 4/24/2012 8:42 AM
Subject: Sumner Ct Letters from Mr Gan's Atty in 2007
CC: Danielle West-Chuhta
Attachments: Sumner Ct Gan Atty Letter to City Adolph 8 13 2007.pdf; Sumner Ct Gan Atty Letter to City Clark 8 14 2007.pdf; Sumner Ct WBC Deed Info 9 24 2007.pdf

Hi Marge,

I have scanned and attached the letters from Mr Gan's attorney.

Looks like this thing will not go away.

Bill

H & A Hopkins & Abbondanza
ATTORNEYS

WBC COPY
AUG 15 REC'D

Please respond to our Portland office

- James A. Hopkinson
- Richard J. Abbondanza
- Michelle R. Santlago
- Nicholes J. Morrill

August 13, 2007

James Adolf, Esquire
City of Portland
Corporation Counsel
389 Congress Street
Portland, Maine 04101-3509

**Re: Sumner Court Soil Erosion Control Easement
Sumner Court Land Company, LLC, Ronald L. Gan and Stephanie A. Evans**

Dear Attorney Adolf:

I represent Sumner Court Land Company, LLC, Ronald L. Gan and Stephanie A. Evans in their ownership of two parcels of land located on Sumner Court in the City of Portland. It has been brought to my attention, by Mr. Gan, that there exists a certain soil erosion control easement that benefits the City of Portland and burdens the land owned by the LLC and Mr. Gan and Mrs. Evans (the "Easement"). Mr. Gan asked that I research the Easement in the Cumberland County Registry of Deeds and forward to you all of the documents related to the Easement.

I have enclosed for your review a copy of the following:

- ✓ 1. Boundary Survey of Lots on Sumner Court, Cumberland Ave. & North Street, Portland, Maine by Back Bay Boundary, Inc., dated April 7, 2005;
2. Corrective Warranty Deed by Sumner Court Land Company, LLC to Ronald L. Gan and Stephanie A. Evans to be executed and recorded in the Cumberland County Registry of Deeds;
3. Warranty Deed by Sheldon Ashby to Sumner Court Land Company, LLC dated June 27, 2003 and recorded in the Cumberland County Registry of Deeds in Book 19681, Page 46;
4. Warranty Deed by Alfred T. Fuller to Sheldon Ashby dated October 10, 2004 and recorded in the Cumberland County Registry of Deeds in Book 16831, Page 3;
5. Easement Deed by Alfred T. Fuller and Assunta T. Fuller to the City of Portland dated May 13, 1977 and recorded in the Cumberland County Registry of Deeds in Book 4034, Page 181; and

746 High Street
Bath, Maine 04530
Telephone 207-386-0400
Facsimile 207-386-0334

511 Congress Street ■ Suite 801
Portland, Maine 04101
Telephone 207-772-5845
Facsimile 207-874-2330

34 Center Street ■ Suite 2
Auburn, Maine 04210
Telephone 207-689-2140
Facsimile 207-689-2148

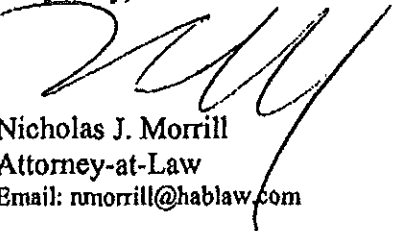
James Adolf, Esquire
August 13, 2007
Page 2

6. Deed by Santino J. Viola to Alfred T. Fuller and Assunta T. Fuller dated May 15, 1974 and recorded in the Cumberland County Registry of Deeds in Book 3546, Page 292.

It is our belief that the soil erosion control easement created in the Easement Deed in Book 4034, Page 181 for the benefit of the City of Portland is not needed due to the physical characteristics of the land now owned by the LLC, Mr. Gan and Mrs. Evans, and should be released by the City of Portland. Enclosed you will find a proposed Release of Easement Deed by the City of Portland to Sumner Court Land Company, LLC, Ronald L. Gan and Stephanie A. Evans, which we are requesting that the City of Portland execute in order to terminate the easement.

Should you like to conduct a physical inspection of the easement area please do not hesitate to contact me so that I may set up a time when Mr. Gan and officials from the City of Portland may meet.

Very truly,



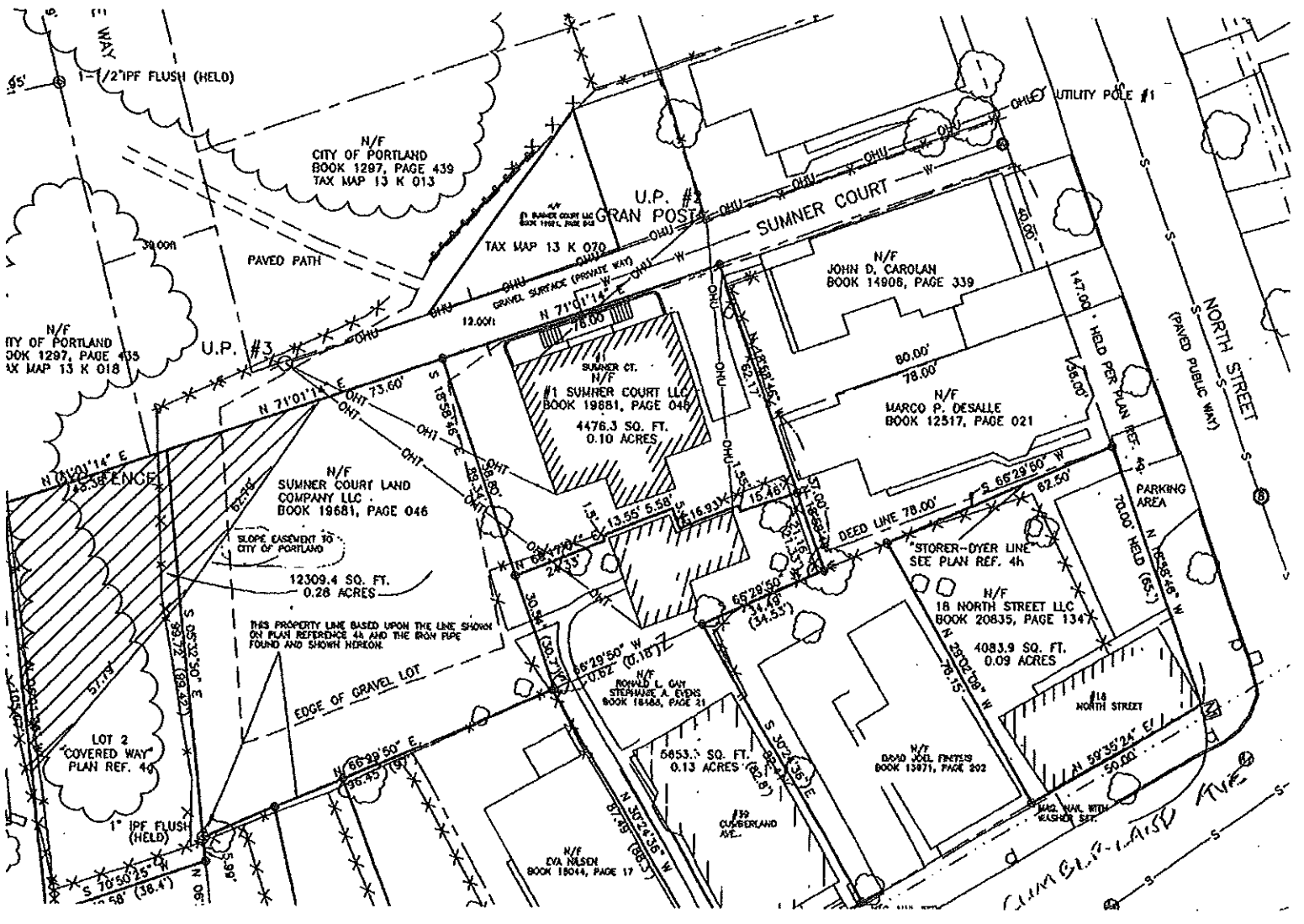
Nicholas J. Morrill
Attorney-at-Law
Email: nmorrill@hablaw.com

NJM

cc: Sumner Court Land Company
Ronald L. Gan and Stephanie A. Evans

/enclosures

G:\CLIENTS\G\Gan\Sumner Court\City of Portland.James Adolf.ltr.doc



N/F
CITY OF PORTLAND
BOOK 1297, PAGE 439
TAX MAP 13 K 013

N/F
CITY OF PORTLAND
BOOK 1297, PAGE 435
TAX MAP 13 K 018

U.P. #3
GRAN POST
TAX MAP 13 K 020

N/F
JOHN D. CAROLAN
BOOK 14908, PAGE 339

N/F
MARCO P. DESALLE
BOOK 12517, PAGE 021

N/F
SUMNER COURT LAND
COMPANY LLC
BOOK 19681, PAGE 046

SUMNER CT.
N/F
#1 SUMNER COURT LLC
BOOK 19681, PAGE 046
4476.3 SQ. FT.
0.10 ACRES

N/F
18 NORTH STREET LLC
BOOK 20835, PAGE 134
4083.9 SQ. FT.
0.09 ACRES

N/F
RONALD L. GAY
STEPHANNE A. EVENS
BOOK 18486, PAGE 21

N/F
DANIEL JOEL FRETIS
BOOK 13871, PAGE 202

N/F
EVA NILSEN
BOOK 18044, PAGE 17

THIS PROPERTY LINE BASED UPON THE LINE SHOWN
ON PLAN REFERENCE 44 AND THE IRON PIPE
FOUND AND SHOWN HEREON

EDGE OF GRAVEL LOT

LOT 2
COVERED WAY
PLAN REF. 44

CUMBERLAND AVE

NORTH STREET
(PAVED PUBLIC WAY)

PARKING AREA

ROAD MARK WITH
EASER SET

UTILITY POLE #1

U.P. #3

PAVED PATH

SLOPE EASEMENT TO
CITY OF PORTLAND

12309.4 SQ. FT.
0.28 ACRES

#32
CUMBERLAND
AVE.

147.00' HELD PER PLAN REF. 44

70.00' HELD (C.S.)

#18
NORTH STREET

50.00'

50.00'

50.00'

50.00'

50.00'

50.00'

50.00'

50.00'

50.00'

50.00'

RELEASE OF EASEMENT DEED

KNOW ALL BY THESE PRESENTS, that the **CITY OF PORTLAND**, a body politic and corporate, located in the City of Portland, County of Cumberland and State of Maine, whose mailing address is 389 Congress Street, P.O. Box 544, Portland, Maine 04112 ("Grantor") do hereby release unto **SUMNER COURT LAND COMPANY, LLC**, a Maine limited liability company with a mailing address of 15 Longfellow Street, Portland, Maine 04103, and **RONALD L. GAN** and **STEPHANIE A. EVANS**, individuals whose mailing address is 15 Longfellow Street, Portland, Maine 04103 (collectively "Grantee") any and all right, title and interest Grantor has in an easement for soil erosion control being more particularly described in a deed by Alfred T. Fuller and Assunta T. Fuller to the City of Portland dated May 13, 1977 and recorded in the Cumberland County Registry of Deeds in Book 4034, Page 181, and being further shown and depicted on a plan entitled "Boundary Survey of Lots on Sumner Court, Cumberland Ave. & North Street Portland, Maine" made for Ronald L. Gan by Back Bay Boundary, Inc. dated April 7, 2005.

IN WITNESS WHEREOF, the City of Portland has caused this instrument to be executed by _____, its _____ thereunto duly authorized this _ day of August, 2007.

CITY OF PORTLAND

Witness

By:
Its:

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

August __, 2007

Then personally appeared the above-named _____, _____ of the City of Portland and acknowledged the foregoing instrument to be his/her free act and deed in her/her said capacity and the free act and deed of the City of Portland.

Before me,

Notary Public/Attorney-at-Law
Name:
Commission Expiration:

CORRECTIVE WARRANTY DEED

SUMNER COURT LAND COMPANY, LLC

a Maine limited liability company with a mailing address of 15 Longfellow Street, Portland, Maine 04103

for consideration paid, grants to

RONALD L. GAN and STEPHANIE A. EVANS

their mailing address being 15 Longfellow Street, Portland, Maine 04103, with WARRANTY COVENANTS, as Joint Tenants and not as tenants in common, the following described real property in the City of Portland, County of Cumberland and State of Maine:

See Exhibit A attached hereto and made a part hereof

Also hereby conveying all rights, easements, privileges, and appurtenances, belonging to the premises hereinabove described.

IN WITNESS WHEREOF Sumner Court Land Company, LLC has caused this instrument to be signed in its corporate name and sealed with its corporate seal by Ronald L. Gan its duly authorized member this _ of August 2007.

Sumner Court Land Company, LLC

Witness:

By: Ronald L. Gan
Its: Member

State of Maine
County of Cumberland, ss.

August __, 2007

Personally appeared before me the above-named Ronald L. Gan, Member of Sumner Court Land Company, LLC and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of Sumner Court Land Company, LLC.

Before me,

Notary Public/Attorney at law

Name:

Commission Expiration:

EXHIBIT A

A certain lot or parcel of land situated on the southerly side of said Sumner Court in said City of Portland and being lot numbered 2 on a plan of lots of Fort Sumner Terrace, otherwise known as the Anderson Estate, which plan is recorded in the Cumberland County Registry of Deeds in Plan Book 11, Page 63, being the same lot as corrected by deed dated January 29, 1912, recorded in the Cumberland County Registry of Deeds in ~~Book 898, Page 183.~~
Book 898, Page 183.

Being a portion of the premises as conveyed by Sheldon Ashby to Sumner Court Land Company, LLC by virtue of a Warranty Deed dated June 27, 2003 and recorded in the Cumberland County Registry of Deeds in Book 19681, Page 46.

The purpose of this Corrective Warranty Deed is to vest title to the above-described parcel of land in the name of Ronald L. Gan and Stephanie A. Evans. It was the intent of Ronald L. Gan and Stephanie A. Evans, both individually and as Members of Sumner Court Land Company, LLC, on June 27, 2003 to take title to the above-described parcel of land in his individual name, while taking title to the other land described in the Warranty Deed recorded in the Cumberland County Registry of Deeds in Book 19681, Page 46 in the name of Sumner Court Land Company, LLC.

G:\CLIENTS\G\Gan\Sumner Court\Corrective Warranty Deed.doc

WARRANTY DEED

SHELDON ASHBY

of 37 William Street, Portland, ME 04103

for consideration paid, grants to

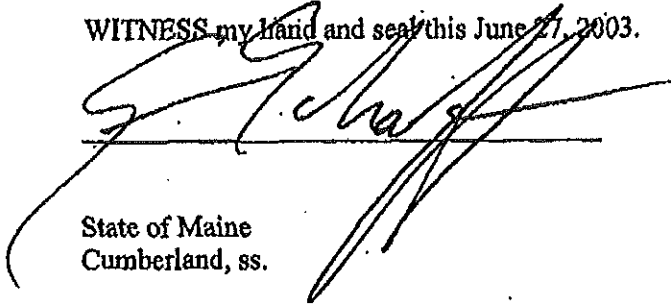
SUMNER COURT LAND COMPANY, LLC

A Maine Limited Liability Company with a mailing address of 4646 North Hermitage, Chicago, IL 60640, with WARRANTY COVENANTS, the following described real property in Portland, County of Cumberland and State of Maine:

See Exhibit A attached hereto and made a part hereof

Also hereby conveying all rights, easements, privileges, and appurtenances, belonging to the premises hereinabove described.

WITNESS my hand and seal this June 27, 2003.



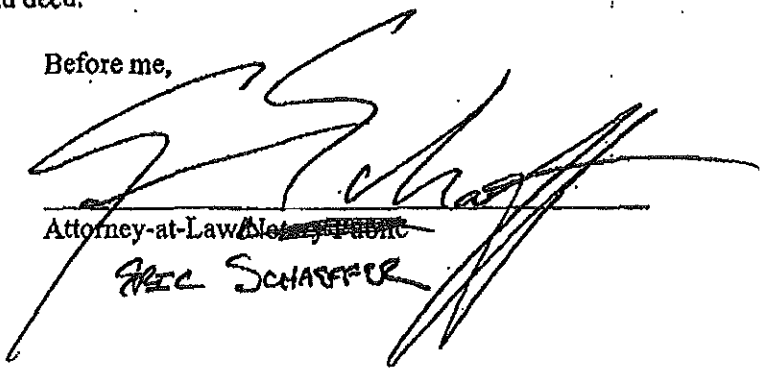

Sheldon Ashby

State of Maine
Cumberland, ss.

June 27, 2003

Personally appeared before me the above-named Sheldon Ashby and acknowledged the foregoing instrument to be his free act and deed.

Before me,



Attorney-at-Law/~~Notary Public~~
MIC SCHAEFFER

SUMNER

EXHIBIT A

A certain lot or parcel of land situated on Sumner Court, in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Commencing on the southerly line of a passageway leading from North Street at right angles to said street at a point one hundred fifty-six (156) feet from North Street; thence

Southerly parallel with North Street eighty-nine and one-half (89 1/2) feet, more or less, to the southerly line of Lot No. 16; Plan A in the division of estate of Lemuel Dyer; thence:

Westerly by said line, ninety-seven (97) feet, more or less, to land Anderson called the covered way; thence

Northerly by said covered way, ninety-nine and five twelfths (99 5/12) feet, more or less, to the southerly line of passageway from North Street; thence

Along said line easterly, seventy-four and four twelfths (74 4/12) feet to the point of beginning.

Also the right of way and unobstructed use of a passageway leading from North Street, being part of a lot of land deeded to C.W. Baker by H.H. Shaw by deed dated April 21, 1884, recorded in the Cumberland County Registry of Deeds in Book 505, Page 395.

Also a certain lot or parcel of land situated on the southerly side of said Cummer Court in said City of Portland and being lot numbered 2 on a plan of lots of Fort Sumner Terrace, otherwise known as the Anderson Estate, which plan is recorded in the Cumberland County Registry of Deeds in Plan Book 11, Page 63, being the same lot as corrected by deed dated January 29, 1912, recorded in the said Registry of Deeds in Book 898, Page 183.

SUMNER

Received
Recorded Register of Deeds
Jul 02, 2003 02:41:46P
Cumberland County
John B. O'Brien

After Recording Return to:
Hopkinson, Abbonanza & Backer
511 Congress Street, Ste. 801
Portland, Maine 04101
(207) 772-5845

0077679

8K16831PE003

SHORT FORM WARRANTY DEED

Alfred T. Fuller of Eastern Avenue, Long Island, ME, FOR CONSIDERATION PAID, grants to Sheldon Ashley of 3 Summer Court, Portland, ME, with WARRANTY COVENANTS, the following described real property located in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Commencing on the southerly line of a passageway leading from North Street at right angles to said street at a point one hundred fifty-six (156) feet from North Street, thence

Southerly parallel with North Street, eighty-nine and one-half (89 1/2) feet, more or less to the southerly line of Lot No. 16, Plan A in the division of estate of Larned Dyer, thence

Westerly by said line, ninety-seven (97) feet, more or less, to land Anderson called the covered way, thence

Northerly by said covered way, ninety-nine and five twelfths (99 5/12) feet, more or less to the southerly line of passageway from North Street, thence

Along said line, seventy-four and four twelfths (74 4/12) feet to the point of beginning.

MAINE REAL ESTATE TAX PAID

Also the right of way and unobstructed use of a passageway leading from North Street, being part of a lot of land deceded to C. W. Baker by H. H. Shaw by deed dated April 21, 1884, recorded in the Cumberland County Registry of Deeds in Book 564, Page 395.

Also a certain lot or parcel of land situated on the southerly side of said Summer Court in said City of Portland said being lot numbered 2 on a plan of lots of Fort Summer Terrace, otherwise known as the Anderson Estate, which plan is recorded in the Cumberland County Registry of Deeds in Plan Book 11, Page 63, being the same lot as conveyed by deed dated January 29, 1912, recorded in the said Registry of Deeds in Book 898, Page 183.

The premises are conveyed together with and subject to any and all easements or appurtenances of record, insofar as the same are in favor and applicable.

This conveyance is made subject to unpaid real estate taxes for the current tax year, if any, which the Grantee herein, by acceptance of this deed, assumes and agrees to pay.

Meaning and intending to convey and hereby conveying the same premises conveyed to Alfred T. Fuller and Assuree T. Fuller by deed of Santos J. Veda dated May 15, 1974 and recorded in the Cumberland County Registry of Deeds in Book 3546, Page 292. Assuree T. Fuller was deceased August 1, 1989.

2-29-89 71

BK 16831P0004

WITNESS my hand and seal this 10th day of October, 2001.

WITNESS

Alfred T. Fuller by Frederick Fuller
Alfred T. Fuller by Frederick Fuller under Power
of Attorney dated September 27, 2001

STATE OF MAINE
Cumberland, ss.

October 10, 2001

as attorney in fact for Alfred T. Fuller

Personally appeared the above named Frederick Fuller and acknowledged the foregoing instrument to be his free act and deed, in his said capacity.

Before me,

James R. Lemieux, Attorney at Law

S:\JC\ref\ref\ellent\AA\shby\104264\SPWD.indiv.wpd

RECEIVED
RECORDED REGISTRY OF DEEDS

2001 OCT 11 AM 10:20

CUMBERLAND COUNTY

John B. O'Brien

182

We have and to hold the aforegranted and bargained premises with all the privileges and appurtenances thereof to the said City of Portland, its Successors

heirs and assigns, to its and their use and behoof forever.

And we do COVENANT with the said Grantee, its Successors and assigns, that we are lawfully seized in fee of the premises that they are free of all encumbrances:

that we have good right to sell and convey the same to the said Grantee to hold as aforesaid; and that we and our heirs shall and will WARRANT and DEFEND the same to the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, We the said Alfred T. Fuller

and Assunta T. Fuller

wife of the said

Alfred T. Fuller.

Joining in this deed as Grantor and relinquishing and conveying our right by descent and all other rights in the above described premises, have hereunto set our hands and seals this 13th day of May in the year of our Lord one thousand nine hundred and seventy-two.

Signed, Sealed and Delivered in presence of

William H. Sawyer

Alfred T. Fuller
Assunta Fuller



State of Maine, } as.
Cumberland

May 13th 1972

Personally appeared the above named Alfred T. Fuller

and acknowledged the above

instrument to be his free act and deed.

Before me,

Henry E. Nichols MY COMMISSION EXPIRES
Justice of the Peace. MARCH 19 1983
Notary Public.

STATE OF MAINE
CUMBERLAND, ss. REGISTRY OF DEEDS
Received at 4 H. 20 M. P. M. on JUN 14 1977 and recorded in
Book 4034 Page 181 Attest
Margaret L. Steben Register

3546

292

9460

NOTICE TO THE PUBLIC OF THE RECORDING OF THIS DEED

Know All Men by these Presents,

I, **Santino J. Viola**, of Portland, in the County of Cumberland and State of Maine

in consideration of One Dollar and other valuable considerations

paid by **Alfred T. Fuller and Assunta T. Fuller**, both of 28 North Street, in said City of Portland

the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey, unto the said **Alfred T. Fuller and Assunta T. Fuller**, as joint tenants and not as tenants in common, their Heirs and Assigns forever,

the following described property:

A certain lot or parcel of land situated on Sumner Court, in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows: Commencing on the southerly line of a passageway leading from North Street at right angles to said street at a point one hundred and fifty-six (156) feet from North Street; thence southerly, parallel with North Street, eighty-nine and one-half (89-1/2) feet, more or less, to the southerly line of Lot No. 16, Plan A in the division of estate of Lemuel Dyer; thence westerly by said line, ninety-seven (97) feet, more or less, to land Anderson called the covered way; thence northerly by said covered way, ninety-nine and five twelfths (99-5/12) feet, more or less, to the southerly line of passageway from North Street; thence along said line easterly, seventy-four and four twelfths (74-4/12) feet to the point of beginning.

Also the right of way and unobstructed use of a passageway leading from North Street, being part of a lot of land deeded to C. W. Baker by H. H. Shaw by deed dated April 21, 1884, recorded in Cumberland County Registry of Deeds, in Book 505, Page 395.

Also a certain lot or parcel of land situated on the southerly side of said Sumner Court, in said City of Portland, and being lot numbered 2 on a plan of lots of Fort Sumner Terrace, otherwise known as the Anderson Estate, which plan is recorded in Cumberland County Registry of Deeds, in Plan Book 11, Page 63, being the same lot as corrected by deed dated January 29, 1912, recorded in said Registry of Deeds, in Book 898, Page 183.

Being the same premises conveyed to me by J. Victor Leclerc, et al. by deed dated August 3, 1961 and recorded in said Registry of Deeds, in Book 2630, Page 499.

This conveyance is made subject to taxes for 1974, which the Grantees assume and agree to pay.

294

In Witness Whereof, I, the said Santino J. Viola,

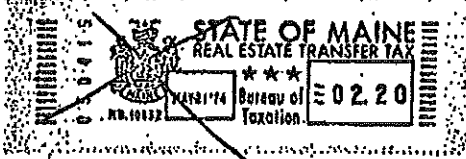
and I, Alice B. Viola wife of the said Santino J. Viola

joining in this deed as Grantor, and relinquishing and conveying my rights by descent and all other rights in the above described premises, have hereunto set our hands and seals this fifteenth day of May in the year of our Lord one thousand nine hundred and seventy-four.

Signed, Sealed and Delivered in presence of

Joseph J. Montfusco

Santino J. Viola
Alice B. Viola



State of Maine, Cumberland } ss.

May 15, 19 74

Personally appeared the above named Santino J. Viola

and acknowledged the above instrument to be his free act and deed.

Before me,

Joseph J. Montfusco
Notary Public

MAY 21 1974
REGISTRY OF DEEDS, CUMBERLAND COUNTY, MAINE
Received at 9 45 AM, and recorded in
BOOK 9,546 PAGE 292 *W. Keith Huggins* Register

H & A Hopkins & Abbondanza
ATTORNEYS

Please respond to our Portland office

- James A. Hopkins
- Richard J. Abbondanza
- Michelle R. Santlago
- Nicholas J. Morrill

September 14, 2007

Mr. Bill Clark
Senior Technical Engineer
City of Portland Public Works
55 Portland Street
Portland, Maine 04101

**Re: Sumner Court Soil Erosion Control Easement
Sumner Court Land Company, LLC, Ronald L. Gan and Stephanie A. Evans**

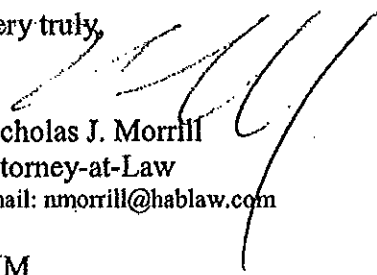
Dear Mr. Clark:

I understand that you are working with Attorney Jim Adolf in researching the soil control easement that benefits the City of Portland and burdens the land owned by Sumner Court Land Company, LLC, and Mr. Gan and Mrs. Evans.

I have enclosed for your review a copy of the Boundary Survey prepared by Back Bay Boundary, Inc. that was referenced in my memorandum to Jim Adolf dated August 13, 2007.

My client is requesting that if the City cannot determine the purpose for which the easement was granted to the City of Portland, or if the City no longer needs such an easement over these properties, that it releases all of its right, title and interest in and to the easement. If you should need any further information please do not hesitate to contact me, or my client.

Very truly,


Nicholas J. Morrill
Attorney-at-Law
Email: nmorrill@hablaw.com

NJM

cc: Ronald L. Gan
Jim Adolf, Esq.

/enclosure

746 High Street
Bath, Maine 04530
Telephone 207-386-0400
Facsimile 207-386-0334

511 Congress Street ■ Suite 801
Portland, Maine 04101
Telephone 207-772-5845
Facsimile 207-874-2330

34 Center Street ■ Suite 2
Auburn, Maine 04210
Telephone 207-689-2140
Facsimile 207-689-2148

CITY OF PORTLAND, MAINE

Department of Public Works
Engineering Division

55 Portland Street, Portland, Maine 04101
(207) 874-8846 Fax (207) 874-8852

Strengthening A Remarkable City - Building A Community For Life

Project: Sumner Ct. Land Co. LLC
Sheet No.: _____ Of _____
Calculated By: WGC Date 9-24-07
Checked By: _____ Date _____
Scale: _____

✓ = have copy.

Sumner Court Land Company, LLC

2 lots w/ passageway ✓ 1968/46 6/27/03 7/02/03
* no mention of
easement to City
W

Sheldon Ashby

2 lots w/ passageway ✓ 1683/003 10/10/01 10/11/01
* no mention of easement
to city but "subject to
any and all easements"
- subject to unpaid
real estate taxes
W
REF #A 3546/292

City of Portland

"Easement for
Soil Erosion
Control"
✓ 4034/101 5/13/77
W 6/14/77

Alfred T. Fuller

deceased 8/01/1989

Alfred T. Fuller & Assunta T. Fuller

2 lots w/ passageway ✓ 3546/292 5/10/1974 ✓ 5/21/1994
- subject to 1974 taxes
W
REF #A 2630/499 J. Victor Leclerc et al do grantor

Santino J. Viola

2630/499 8/03/1961

J. Victor Leclerc, et al

Marge Schmuckal - Re: Sumner Court

From: William Scott
To: Danielle West-Chuhta
Date: 5/16/2012 10:10 AM
Subject: Re: Sumner Court
CC: Charles Wordell; Gary Wood; Marge Schmuckal; Michelle Sweeney; Willi...
Attachments: CCRD PB11 PG63.pdf; CCRD00440_191.pdf; CCRD00440_192.pdf; CCRD PB11 PG51.pdf

I've attached two deeds and two plans found at the Registry which I think are pertinent to this topic. I have an opinion on what they mean but I'd rather discuss that with you by phone or in person.

Also, just so you know, I have had discussions with Gary about this topic, a year or two ago. But those were before I uncovered these documents (during the last two months).

>>> William Clark 5/16/2012 9:39 AM >>>
Hi Danielle,

Sorry to say I have not been on the case as I've been tied up with other stuff.

Anyway,

Street Status

We have not accepted it as a City Street.

We have not continued it as a Paper Street in 1997.

I have a document "Paper Streets That DPW Plows" from 1/02/2001 (attached) and Sumner Ct is on the list.

Also attached is a DPW plan showing Sumner Ct and the City Erosion Control Easement.

Am copying Bill Scott as he has been on the case with Gary Wood, and Michelle and Charles as they may have fielded vault info requests for Sumner Court.

I hope this helps.

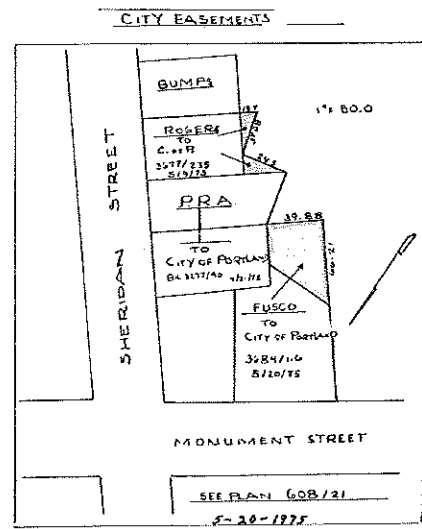
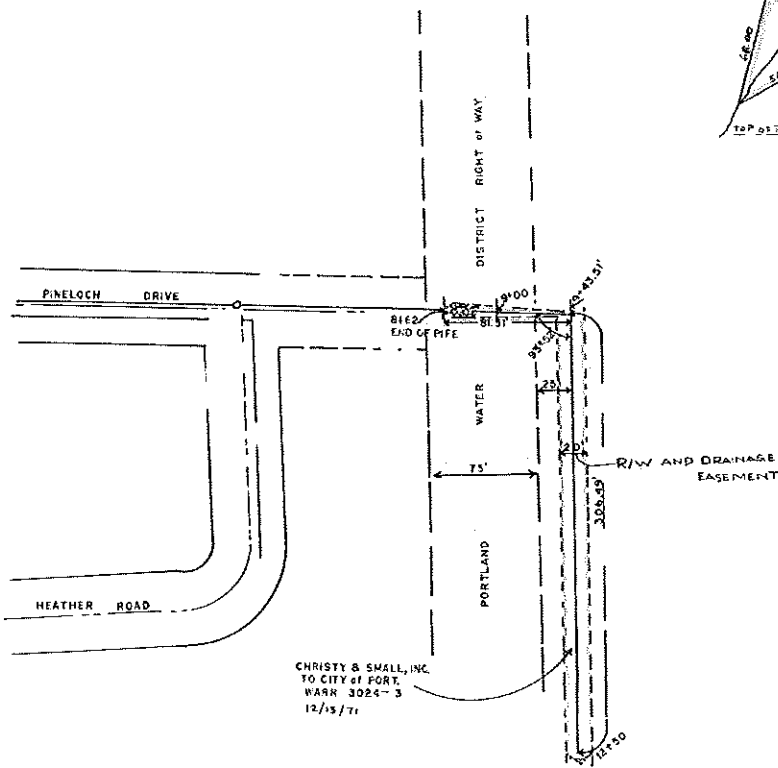
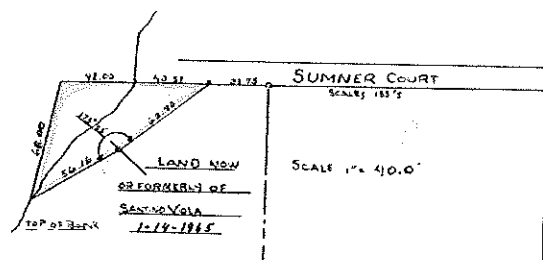
Bill

>>> Danielle West-Chuhta May 15, 2012 3:30 PM >>>
Bill:

We need to know the ownership status of sumner court. Can you please provide me with the status - thanks!

Danielle

NORTH ST.



Unaccepted Streets That We Plow As Of January 1, 2001

Almon Street 3-5
Almonte Street 3-4
Anthony Avenue 4-4
Arlington Place 3-2
Beal Street 5-5
Beaumont Street 5-4
Belden Street 5-4
Blueberry Road 3-5
Brandon Street 5-4
Brewster Street 5-5
Campbell Road 5-3
Caribou Street 3-3
Chester Street 4-5
Cliff Street 3-3
Coolidge Avenue 5-5
Corless Road 4-5
Cornell Street 4-3
Cranston Street 4-5
Daggett Street 4-4
Dakota Street 4-4
Dale Street 5-3
Dayton Street 5-5
Dedham Street 5-5
Dover Avenue 5-5
Drake Street 4-4
Dudley Street 4-1
East Cove Street 1-1
Elbert Street 5-4
Eleanor Street 5-5
Emmons Street 4-5
Epping Street 5-4
Euclid Street 5-4
Fenway Street 3-3
Florida Avenue 4-4
Garden Lane 1-4
Gilbert Lane 1-2
Gilman Place 2-3
Goodale Street 5-4
Grace Street Place 4-1
Greenlaw Street 3-5
Grove Street 5-4
Hall Court 1-3
Helene Street 4-5
Hemingway Street 5-4

High Street Court 1-4
Hillcrest Avenue 3-5
Hingham Street 5-5
Houlton Street 2-2
Idaho Street 4-4
Iffley Street 5-4
Jill Street 4-1
Juniper Street 5-6
King Street 5-4
Label Street Ave - 5-4
Leighton Avenue 5-4
Levia Street 3-5
Lomond Street 3-5
Lorenzo Street 3-5
Macy Street 3-5
Magnolia Street 4-3
Marlborough Road 4-4
Mason Street 3-4
Meriline Avenue 3-5
Motley Street 3-4
Newcomb Street 5-4
Nottingham Avenue 4-4
Nye Street 2-1
Oramel Avenue 5-5
Penn Avenue 4-4 *used to be Pennsylvania Ave.*
Philbrick Avenue 3-5
Poe Street 5-3
Poplar Street 1-1
Prentiss Street 4-5
Prim Street 5-5
Princeton Street 4-3
Randolf Street 5-4
Riggs Street 3-5
Saville Street 5-4
Scammel Street 3-5
Short Street 5-5
Slemons Street 4-4
Stratton Place 2-1
Stuart Street 5-5
Sumner Court 1-1
Talbot Street 5-6
Tampa Street 4-4
Tarbell Avenue 5-5
Terrace Avenue 3-5
Toronita Street 4-4

Trowbridge Place 2-4
True Street 4-5
Tyler Street 5-4
Verrill Street 5-4
View Street 5-5
Wessex Street 3-5
Wirt Street 5-4

PLAN OF
 FORT SUMNER TERRACE
 PORTLAND ME.
 SCALE 80 FT = 1 INCH

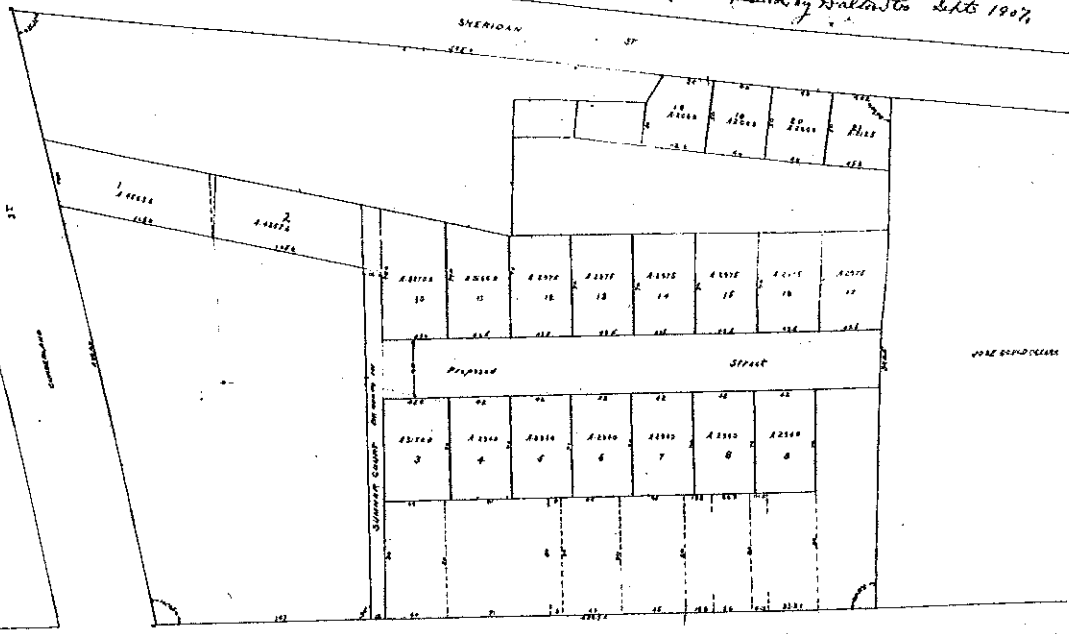
Also Known As

Ampson Estate

Recorded by Deeds 156 Sept 1907

Book 4, Page 63
 Certificate of City of Portland
 dated December 15, 1903
 of 1 A. 55 7/8 A. 55 7/8 A. 55 7/8
 in Plan Book 11 Page 43
 West Street & Hill Street

SHERIDAN ST

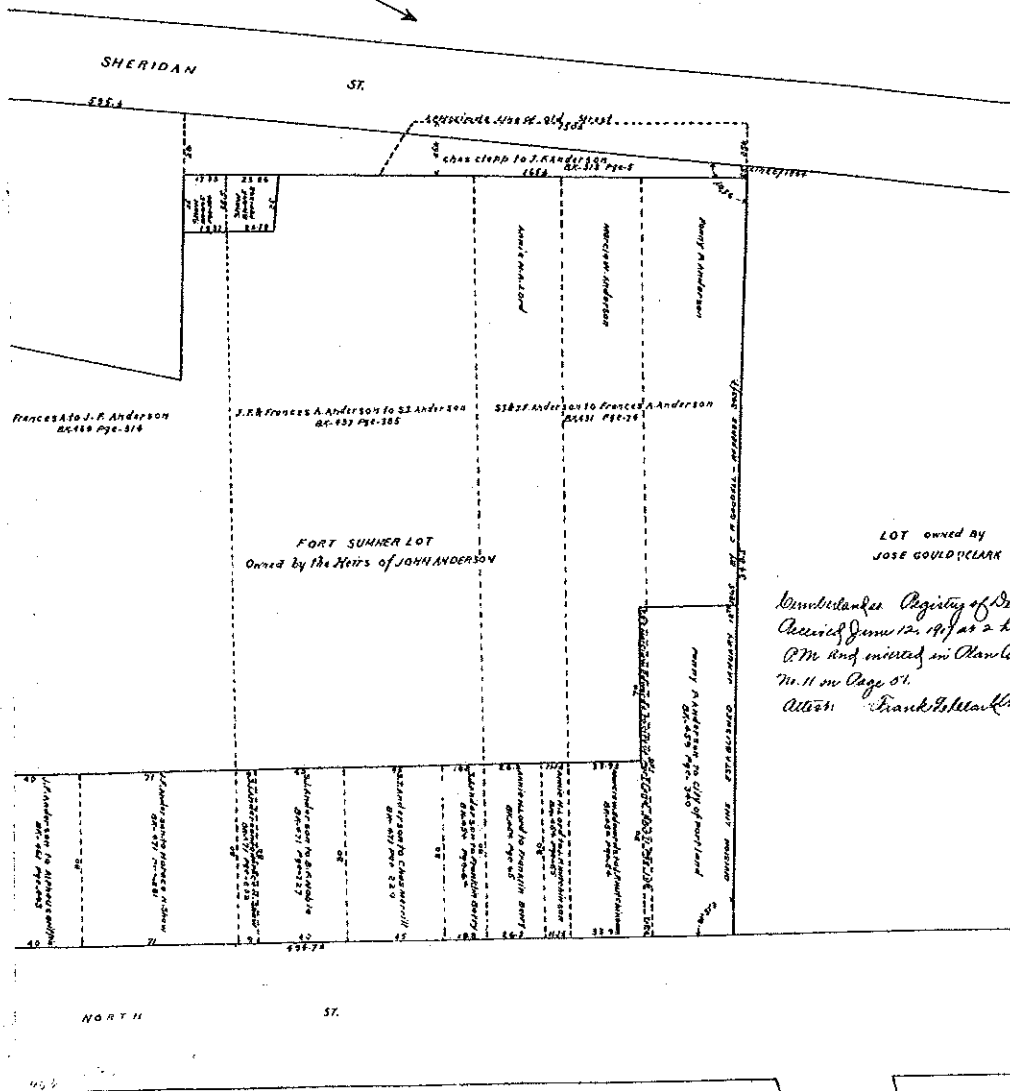


NORTH ST

WATER RESERVOIR

57

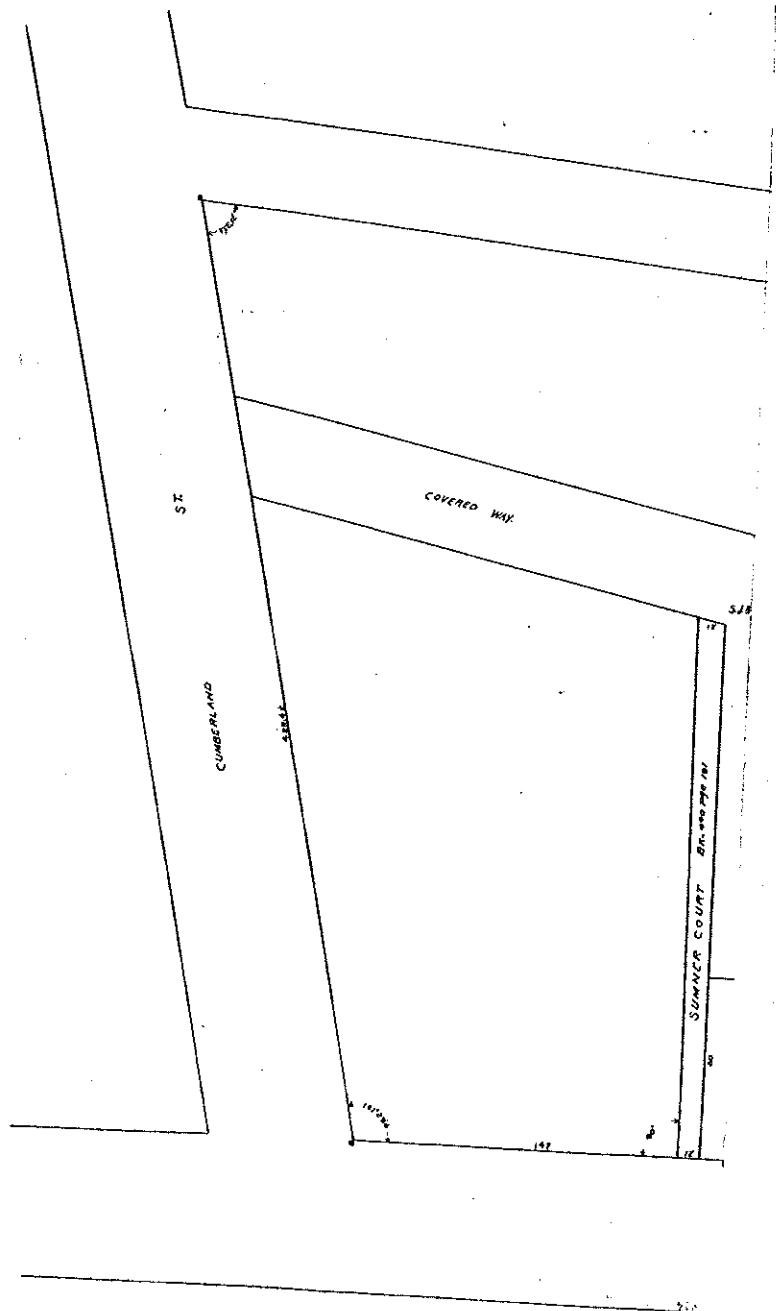
**PLAN OF
ANDERSON HEIRS PROPERTY.
PORTLAND ME.**
SCALE 30 FT. = 1 INCH.



LOT owned by
JOSE GOULD CLARK

Circumstances Registry of Deeds
Accessed June 12, 1874 at 2 P.M.
P.M. and entered in Plan Book
No. 11 on Page 57.
Attest: Frank H. H. [Signature]

Book 11, Pg 57



Know all Men by these Presents, That

I Eben Leach of Portland in the County of Cumberland and State of Maine

Leach
to
Anderson

in consideration of one dollar to me paid by
John F. Anderson of said Portland

the receipt whereof I do hereby acknowledge, do hereby remise, release, bargain, sell and convey, and forever quit-claim unto the said Anderson his

heirs and assigns forever all my right, title and interest in and to any and all land lying between the southerly line of said Andersons land on the westerly side of North street in said Portland and another line commencing on said street at a point one hundred and fifty nine feet northerly of the north westerly corner of Cumberland and North streets and running westerly therefrom at right angles with North street to the "covered way" so called. Also one half in common and undivided of all my right, title and interest in and to the land lying between the above described line at right angles with North street and another line commencing at a point on North street twelve feet southerly therefrom and running parallel to said first described line to said covered way said last described land to be used in common by us and our heirs and assigns forever as a passage way or court for the benefit of the adjoining land and to be kept open and not obstructed. This deed with said Andersons deed to me under date of October sixth A.D. 1877 is given to create said passage way of which we are to preserve as well as to hold to each other our respective rights as above outside of the passage way.

16)

To have and to hold the same, together with all the privileges and appurtenances thereunto belonging, to the said Anderson his

heirs and assigns forever. And I do covenant with the said Anderson his heirs and assigns, that I will warrant and forever defend the promises to the said Anderson his heirs and assigns forever, against the lawful claims and demands of all persons claiming by, through, or under me.

In witness whereof, I the said Eben Leach and Abby P. Leach wife of the said Eben by Fred K. Dow her attorney in testimony of her relinquishment of her right of dower in the above described premises, have herunto set our hand and seal this twenty ninth day of October in the year of our Lord one thousand eight hundred and seventy seven.

Signed, sealed and delivered in presence of
Wm. H. Keal witness
to both
Eben Leach seal
Abby P. Leach seal
By Fred K. Dow her atty.

Cumberland, ss. October 29 A.D. 1877. Personally appeared the above named Eben Leach and acknowledged the above instrument to be his free act and deed.

Before me, William H. Keal Justice of the Peace.

RECEIVED Oct. 31. 1877, at 9 o'clock 15 m. A. M., and recorded according to the original.

Attest, Henry C. Houston Register.

Know all Men by these Presents, That
I John F. Anderson, ^{of Portland} Cumberland County, Maine

In consideration of one dollar
Eben Leach of said Portland

paid by Anderson
to
Leach.

the receipt whereof I do hereby acknowledge, do hereby remise, release, bargain, sell and convey, and forever quit-claim unto the said Leach his

heirs and assigns forever all my right, title and interest in and to any and all land lying between the northerly line of the land on the westerly side of North street in said Portland formerly owned by Joseph W. Dyer, and another line commencing on said street at a point one hundred and forty seven feet north- westerly of the north westerly corner of Cumberland and North streets and running westerly there from and at right angles with North street to the "covered way" so called. Also one half in common and undivided of all my right, title and interest in and to the land lying between the above described line at right angles with North street and another line commencing twelve feet northerly therefrom on North street and running parallel thereto to said covered way. Said last described land to be used in common by us and our heirs and assigns forever, as a passage way or court for the benefit of the adjoining land and to be kept open and not obstructed.

167

To have and to hold the same, together with all the privileges and appurtenances therunto belonging, to the said Leach his

heirs and assigns forever. And I do covenant with the said Leach his

heirs and assigns, that I will warrant and defend the premises to the said

heirs and assigns forever, against the lawful claims and demands of all persons claiming by, through, or under me.

In witness whereof, I the said Anderson and Marcia W. Anderson wife of the said John F. in testimony of her relinquishment of her right of dower in the above described premises, have herunto set our hands and seals this sixth day of October in the year of our Lord one thousand eight hundred and twenty seven.

Signed, Sealed and delivered in presence of
Sam. J. Anderson John F. Anderson seal
Marcia W. Anderson seal

Cumberland, ss. Oct. 29th 1877. Personally appeared the above named John F. Anderson and acknowledged the above Instrument to be his free not and deed.

Before me, Sam. J. Anderson, Justice of the Peace.

RECEIVED Oct. 31. 1877, at 9 o'clock 45 m. A. M., and recorded according to the original.

Attest, Henry C. Houston, Register.

Map



Parcels	Stream Overlay Zone	Zoning (continued)	Zoning (continued)
Parcel	Stream_protection	R2 Residential	C25
Interstate	Island Zoning	R3 Residential	C26
Interstate	C43	R4 Residential	C27
Streets	I-B	R5 Residential	C28
Street	I-TS	R6 Residential	C29
Buildings	I-R1	ROS Recreation Open Space	C30
Building	I-R2		C31
Out Building			

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

City Home Departments City Council E-Services Calendar Jobs

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information:

Services

Applications

Doing Business

Maps

Tax Relief

Tax Roll

Q & A

browse city services a-z

browse facts and links a-z

CBL	013 K049001
Land Use Type	VACANT LAND
Property Location	0 SUMNER CT
Owner Information	GAN RONALD L & STEPHANIE A EVANS JTS - <i>Sumner Court Land Company LLC</i>
	4646 N HERMITAGE CHICAGO IL 60640
Book and Page	25457/131
Legal Description	13-K-49 SUMNER COURT 8122 SF
Acres	0.186

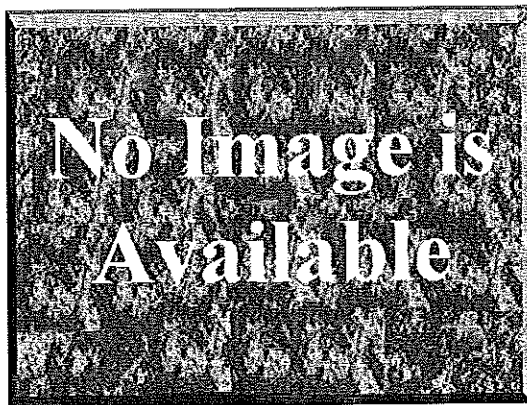
Current Assessed Valuation:

TAX ACCT NO.	1564	OWNER OF RECORD AS OF APRIL 2011
		GAN RONALD L & STEPHANIE A EVANS JTS
LAND VALUE	\$16,200.00	4646 N HERMITAGE
BUILDING VALUE	\$0.00	CHICAGO IL 60640
NET TAXABLE - REAL ESTATE	\$16,200.00	
TAX AMOUNT	\$296.14	

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or e-mailed.



Best viewed at 800x600, with Internet Explorer



[View Map](#)

Sales Information:

Sale Date	Type	Price
9/10/2007	LAND + BUILDING	\$0.00
7/1/2003	LAND	\$20,000.00
10/11/2001	LAND	\$20,000.00

Book/Page
 25457/131
 19681/46
 16831/3
this was not cheaper

[New Search!](#)

