



Strengthening a Remarkable City, Building a Community for Life

www.portlandmaine.gov

Public Services Department
Michael J. Bobinsky, Director

January 29, 2010

James N. Katsiaficas, Esquire
Perkins and Thompson
1 Canal Plaza
P.O. Box 426
Portland, ME 04112

Re: Proposed Discontinuance of Oak Street between Spring and Pleasant Streets

Dear Attorney Katsiaficas:

This letter is in response to your request for Department of Public Services (the "Department") comments on proposed discontinuance of Oak Street and the City utilities located within.

I would like to begin this letter by indicating that the Department is not in favor of discontinuing Oak Street at this time. This determination is based on the need to maintain connectivity among the City's streets, and on the need for public access to the street.

First, the Department strongly feels that it may be desirable to reconnect the lower portion of Oak Street back into Spring Street in the future. Such reconnections are occurring or being discussed in several locations throughout the City. As such, we recommend and support, the use of licenses and/or easements as an effective way of meeting your client's needs presented to date without the City losing its ownership over this street.

Despite our strong preference to the contrary, should it be determined that Oak Street is to be discontinued the Department has no objection to your client taking over ownership and maintenance of the sewer system within the discontinued area (including the pipe until it connects to the sewer mains in both Spring and Pleasant Streets) since the system on this section of the street only services your client. The City has no desire to obtain an easement for this utility if the street is discontinued.

Additionally, should it be determined that Oak Street is to be discontinued the Department recommends and requests that your client provide a pedestrian easement at a location to be agreed upon by the City. Your client shall also provide clear and safe

pedestrian passage, during all seasons, including the sidewalk and stairs up to Spring Street. Safe passage may require the addition of additional pedestrian lights in this area.

Finally, if Oak Street were to be discontinued, we would further recommend and request that your client be required to maintain the retaining wall currently located within this portion of Oak Street.

Should you have any questions or need further information, please call me at 874-8801.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Bobinsky". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael Bobinsky,
Director of Public Services

cc: Penny St. Louis Littell, Director of Planning & Urban Development
Barbara Barhydt, Department of Planning & Urban Development
Jean Fraser, Department of Planning & Urban Development ✓
Danielle P. West-Chuhta, Associate Corporation Counsel
Katherine Earley, PE, Engineering Services Manager