



Helen Donaldson <hcd@portlandmaine.gov>

Re: encroachment license

2 messages

Jennifer Thompson <jlt@portlandmaine.gov>

Mon, Oct 5, 2020 at 9:29 AM

To: Helen Donaldson <hcd@portlandmaine.gov>, William Scott <wgs@portlandmaine.gov>

Hi Nell - The only other time I recall doing this was in the Verdante development and we added it to the license itself. So, attached is an additional redline with that language added. The only other change I made was to (now) paragraph 4 relating to indemnity. The language of that paragraph has been tweaked a number of times and the changes made by MMC and by me seem to have resulted in some disjointed language. So, I've replaced the whole of that paragraph with language from a prior version that, I think, represents a clear and agreeable provision. If, however, MMC wants to further clarify, please invite them to do so. If not, I've also attached a clean version that they can sign. They can then send the original to me and I'll send it along to Brendan for his consideration. In the meantime, it might make sense for you to give him a heads up that this is coming and to explain the proposed amount so that you can work through any questions he might have.

Will this work? Happy to talk if there are any questions.

Jen Thompson
Associate Corporation Counsel
City of Portland
207.874.8915

On Fri, Oct 2, 2020 at 3:49 PM Helen Donaldson <hcd@portlandmaine.gov> wrote:

Sorry she is connecting directly with you, Jen. This is the condition that will never end.

Assuming Bill is okay with the exhibit and the description, my only comment would be that we do need to resolve the financial element of this, as we've required compensation for overhangs above the ROW in the past. When I take the figures that they've provided in the exhibit here and run the numbers based on assessed value, I get the following:

<i>Assessed value method</i>		source
Total assessed land value	\$ 4,723,600	City Assessor
Lot size (SF)	547,246	City Assessor
Assessed land value/SF	\$ 8.63	
Overhang area (x # of floors)(SF)	440.13	License exhibit
Overhang value	\$ 3,799	

This has gone on so long, I can't remember how we were going to handle this. Do you draft it into the license itself? Or do we deal with it separately somehow?

On Thu, Oct 1, 2020 at 12:04 PM Jennifer Thompson <jlt@portlandmaine.gov> wrote:

Hello - do either of you have comments or questions on this?

Jen Thompson
Associate Corporation Counsel
City of Portland
207.874.8915

----- Forwarded message -----

From: **Penelope E. St Louis** <STLOUP@mainehealth.org>

Date: Tue, Sep 29, 2020 at 10:59 AM

Subject: encroachment license

To: Jennifer Thompson (jlt@portlandmaine.gov) <jlt@portlandmaine.gov>

Cc: Dominic R. Gagnon <DRGagnon@mmc.org>, Walter Pochebit <POCHEW@mmc.org>

Jenn: I have updated the redlined encroachment license to include a metes and bounds description and plan. Please advise if this is now acceptable.

Penelope E. St. Louis, Esq.

[110 Free Street](#)

[Portland, Maine 04101](#)

Direct: (207) 661-7157

CONFIDENTIALITY NOTICE: This email message, including any attachments, is for the use of the intended recipient(s) only and may contain information that is privileged, confidential, and prohibited from unauthorized disclosure under applicable law. If you are not the intended recipient of this message, any dissemination, distribution, or copying of this message is strictly prohibited. If you received this message in error, please notify the sender by reply email and destroy all copies of the original message and attachments.

--

Nell Donaldson
City of Portland Planning Division
(207) 874-8723
hcd@portlandmaine.gov

2 attachments



MMC Encroachment with diagram 10.05.2020.docx
23K



MMC Encroachment with diagram 10.05.2020 (clean).docx
23K

Helen Donaldson <hcd@portlandmaine.gov>
To: Jennifer Thompson <jlt@portlandmaine.gov>
Cc: William Scott <wgs@portlandmaine.gov>

Mon, Oct 5, 2020 at 3:15 PM

That works. Thanks, Jen.

[Quoted text hidden]