

2014-214

83A-I-1

Ⓢ 2 readings? or 1 reading?

CREEVE ST. HEARING

Ⓢ Any signage over easement? JK - wouldn't object

Ⓢ add right to put in signage - into easement

Public
COMMENT.

Paul Gleason - balcony used to wrap 3 sides.

proposing balcony on back + creve

no concerns re access to Shore Beach.

Nancy Gleason - one objection

business re Creve ^{swampy + built} v. Demand Ave - bumpy - always has been

DMP - Creve

- no objection to discont w/ easement
- use/take whole ROW.

- no vehicles, just peds

- meter + bands.

- easement for public access?
pictures?

- septic in roadway?

- geometry of discont

DE
JS
CM
TO
BB
BH

CREEVE ST. DISCONTINUANCE HEARING.

DIAGNOSIS.

PUBLIC HEARING DISCONTINUANCE OF PORTION OF CREEVE ST. ON W. SIDE 601
PREVIOUSLY APPEARED 2/24/15 FOR WORKSHOP.

- ↓ DISCUSSION RE ① OWNERSHIP OF ADJACENT BEACH
- ② MAINTENANCE OF ISLAND ROW
- ③ NEED FOR ACCESS RIGHTS OVER CREEVE - GOLF CART.

REPORT TRIES TO ANSWER QUESTIONS + PRESENT MOTION FOR FORWARDING TO COUNCIL

B6. CREEVE ST - WEST SIDE OF 601, PLATTED IN LATE 1880s, ACCEPTED IN 1892
NEVER BUILT - JUST GRASS.

ADJACENT BUILDING ENCRATCHES. DISCONTINUANCE TO PROVIDE
DIMENSIONS FOR BALCONY

FIGURE 9
GRAPHIC ON P. 3.

QUESTIONS

① OWNERSHIP OF 'SIDE BEACH' - 1892 PLAN, BASIS OF STREET ACCEPTANCE.

SHOW BAY AVE ROW EXTENDING TO HIGH WATER
NO TITLE WORK, ^{FIG 8} _{P 6} SURVEYOR, CORPORATION COUNCIL INDICATE BY ACCEPTANCE,
CONTINUED 'RIGHTS TO USE'

IN PRACTICE, FUNCTIONAL AS PUBLIC BEACH

② MAINTENANCE - SURVEYOR, CC - SINCE WE ACCEPTED, WE HAVE OBLIGATION
EVEN IF NOT BUILT
IN PRACTICE, DPS HAS SAID ISLAND UREN CARES FOR WAYS.

GIVEN THAT DIAMOND AVE COULD BE IMPROVED TO PROVIDE
VIABLE ALT.

③ HOWEVER, APP HAS OFFERED A LIMITED PUBLIC ACCESS EASEMENT - PERS WHEEL
DPS + CC HAVE REVIEWED. BIKER GOLF CART

HOPING TO RESOLVE NEIGHBORS' CONCERNS.

NEW MOTION

9 NEW PUBLIC COMMENTS - ALL SUPPORTIVE
+ LETTERS FROM CMJ + FAIRPOINT → NEW MOTION - ~~NEW~~

Name

GREAT DIAMOND ISLAND

Section

To

DATE	DESCRIPTION	BOOK	PAGE
Nov. 8, 1892	All streets shown on Plan $\frac{362}{6}$ Acceptance	1	224
Feb. 1, 1960	Nancy Lane $\frac{76}{254}$ Public Landing to Valley St.	2	291
Feb. 1, 1960	Nichols Street - from Nancy Lane $\frac{76}{256}$ Northeastly	2	292
Jun. 21, 1961	Nancy Ln - Public Landing to Valley St. - Cert. of Taking CCRD $\frac{2611}{217}$		
Jun. 21, 1961	Nicholas St. - Nancy Lane Northeastly - Cert. of Taking C.C.R.D. $\frac{2611}{219}$		

Street Record

From: Jennifer Thompson
To: Helen Donaldson
Date: 3/4/2015 8:53 AM
Subject: Cleeve Street Discontinance

Hi Nell - My understanding from you is that, in connection with the pending request to discontinue a portion of Cleeve Street, the Planning Board asked questions about the City's rights with respect to Bay Avenue and other rights of way in that area of Great Diamond Island. My understanding is that Larry Walden, formerly of this office, previously did an analysis of that question and concluded that, at the very least, a public easement exists over Bay Avenue and the other rights of way such that the public does in fact have access rights to use those ways.

ATTACHMENT 2

A certain lot or parcel of land, 25 feet wide, situated on Great Diamond Island in the City of Portland, County of Cumberland, and State of Maine, being a portion of Cleeve Street to be discontinued by the City of Portland in 2015, and more particularly bounded and described as follows:

COMMENCING at the intersection of the westerly line of Crescent Avenue with the southeasterly line of Diamond Avenue;

THENCE S 66° 03' 54" W 208.77 feet, more or less, along the southeasterly line of Diamond Avenue, along land now or formerly of Diamond Island Association as described in a deed recorded at the Cumberland County Registry of Deeds in Deed Book 492, Page 259, and along the northerly line of a portion of Cleeve Street to be discontinued by the City of Portland to the **POINT OF BEGINNING**;

THENCE S 76° 06' 56" E 217.32 feet, more or less, along the centerline of said portion of Cleeve Street to be discontinued to a point along the extension of the westerly line of Meadow Avenue;

THENCE S 16° 58' 04" W 25.04 feet, more or less, along the extension of the westerly line of Meadow Avenue to a point at the intersection of the southerly line of Cleeve Street with the westerly line of Meadow Avenue;

THENCE N 76° 06' 56" W 219.65 feet, more or less, along the southerly line of said portion of Cleeve Street to be discontinued to a point in the easterly line of Bay Avenue;

THENCE N 11° 36' 08" W 17.91 feet, more or less, along the easterly line of Bay Avenue and westerly line of said portion of Cleeve Street to be discontinued to a point at the intersection of Bay Avenue with the southeasterly line of Diamond Avenue;

THENCE N 66° 03' 54" E 14.41 feet, more or less, along the southeasterly line of Diamond Avenue and along the northerly line of said portion of Cleeve Street to be discontinued to the **POINT OF BEGINNING**.

Meaning and intending to reserve to the City of Portland, Maine a public easement to be used solely for passive recreational uses and activities which shall be limited to pedestrian and non-motorized bicycle traffic for access to and from the so-called Bay Avenue. No motorized or mechanized, wheeled or tracked recreational vehicles of any kind may be operated or used on the easement area (described above), except that golf carts and wheelchairs or other similar non-recreational vehicles shall be permitted, subject to City regulation and control, in order to provide access over the easement area for the permitted uses and purposes.

ATTACHMENT 1

A certain lot or parcel of land situated on Great Diamond Island in the City of Portland, County of Cumberland, and State of Maine, being a portion of Cleeve Street as accepted by the City of Portland on November 8, 1892, and more particularly bounded and described as follows:

COMMENCING at the intersection of the westerly line of Crescent Avenue with the southeasterly line of Diamond Avenue;

THENCE S 66° 03' 54" W 111.59 feet, more or less, along the southeasterly line of Diamond Avenue to the **POINT OF BEGINNING**;

THENCE S 11° 36' 08" E 38.32 feet, more or less, along land now or formerly of Diamond Island Association as described in a deed recorded at the Cumberland County Registry of Deeds in Deed Book 492, Page 259, to a point along the northerly line of Cleeve Street;

THENCE S 76° 06' 56" E 120.77 feet, more or less, along said land now or formerly of Diamond Island Association and the northerly line of Cleeve Street to a point at the intersection of the northerly line of Cleeve Street with the westerly line of Crescent Avenue";

THENCE S 11° 36' 08" E 9.69 feet, more or less, along the extension of the westerly line of Crescent Avenue and crossing through Cleeve Street to an angle point;

THENCE S 16° 58' 04" W 41.31 feet, more or less, to a point at the intersection of the southerly line of Cleeve Street with the westerly line of Meadow Avenue;

THENCE N 76° 06' 56" W 219.65 feet, more or less, along the southerly line of Cleeve Street to an angle point in the easterly line of Bay Avenue;

THENCE N 11° 36' 08" W 17.91 feet, more or less, along the easterly line of Bay Avenue to a point at the intersection of Bay Avenue with the southeasterly line of Diamond Avenue;

THENCE N 66° 03' 54" E 111.59 feet, more or less, along the southeasterly line of Diamond Avenue to the **POINT OF BEGINNING**.

Bearings are based on the Maine State Coordinates, West Zone, NAD 1983, HARN, Grid North, and field surveys conducted by the City of Portland, Department of Public Services, Engineering Division.

Helen Donaldson - Re: Cleeve St Pedestrian Easement - Intertidal Area

From: Jennifer Thompson
To: Helen Donaldson; William Clark
Date: 3/3/2015 10:38 AM
Subject: Re: Cleeve St Pedestrian Easement - Intertidal Area

If Larry has previously opined about this, I'd tend to defer to him. However, Nell - can we have a chat about this at some point today so that I'm sure I understand the question/issue?

>>> William Clark 3/3/2015 9:33 AM >>>
Hi Nell,

The plan shows Bay Avenue along the water.

By Colonial Ordinance the public has a right to "foul, fish, and navigate" the area between the high and low water lines.

As for other uses, such as recreation, I would see how Jennifer Thompson sees it.

Larry Walden had the opinion that the fee title in Bay Avenue may rest with the Diamond Island Association.

I have not done any research to see if the Diamond Island Association has granted title in the beach area since the original laying out of the streets in 1892. If the Diamond Island Association has fee title then they could possibly throw a wrench in the works by kicking folks out of the intertidal area.

Jen, Your thoughts?

Nell, Sorry I cannot say who owns what as I am not licensed for Title Opinions.

Thanks,

Bill

>>> Helen Donaldson March 3, 2015 9:17 AM >>>
Bill,

So just to circle back on this to make sure I'm crossing all my Ts, if the Bay Avenue ROW goes to the water, then the public has rights to use (if not fee ownership), correct?

Sorry to pester you on this, I just want to make sure I have this all squared away...

Nell

>>> William Clark 2/26/2015 9:37 AM >>>
Hi Nell,

I would say that if we accepted it we have a responsibility.

There could be an issue with the possibility of Statutory Abandonment due to lack of maintenance which would be best to ask Corporation Counsel about.

The record drawing from 1892 controls. They should have not shown Bay Ave as a 50 foot wide ROW. The

beach area since the original laying out of the streets in 1892.

Since I am licensed as a Professional Land Surveyor I cannot make calls as to who owns a piece of property, but a Title Attorney is licensed to make opinions as to title.

I would pose the beach area ownership question to Corporation Counsel. Title may lie with the Diamond Island Association. It will be interesting to see their view on the subject. I have CCd Jennifer, Michael, and Nancy.

The layout for the Diamond Island Streets is in the text below and I have attached the plan referred to.

Thanks,

Bill

From DPS Engineering Street Records Book 1, Page 224.

DIAMOND ISLAND

The Committee having met at Great Diamond Island the place of beginning, on the fourteenth day of October at three o'clock in the afternoon, A.D. 1892, and having personally examined the ways and park areas proposed, and heard all the parties interested therein, said Committee did thereon determine and adjudge that the public convenience and necessities of the City required, that the new streets or public ways and park areas should be laid out as proposed.

And accordingly we proceeded to lay out and did lay out said new streets or public ways and park areas as follows:

All of the Streets or Public Ways and Park Areas shown on the plan herewith attached and made a part of this report with the names, widths and admeasurements marked upon said plan

(Indexed in tracing form 362/6)

Nov'r 8, 1892

>>> Helen Donaldson February 25, 2015 11:25 AM >>>

Bill,

We had the workshop for the Cleeve St. discontinuance yesterday and there was actually quite a bit of discussion regarding shore access (by foot and by golf cart), the adequacy of the Diamond Ave. access, whether the ped easement over Cleeve was sufficient, etc. In the course of the discussion, there were some questions about the ownership of the beach there. I know we own the Bay Ave. right-of-way, which is upland from the beach. So can you tell me who technically owns the beach?

Thanks, Bill.

Nell

>>> William Clark 2/19/2015 3:24 PM >>>

Hi James,

I received your letter yesterday and prepared the attached.

The Exhibit for the Pedestrian Easement can be edited as I only mentioned that the discontinuance for Cleeve Street would be in 2015, and did not have a firm date.

CREEVE ST. DISCONTINUANCE

DIA PETITIONED FOR PORTION OF CREEVE ST ON WEST SIDE GD 1 - LINEAR DISTANCE OF DISCONTINUANCE B/W WESTERN BOUND OF CRESCENT + EASTERN BOUNDARY OF BAM AVE APP 200 FT. PLUS TRIANGLE B/W CREEVE + DIAMOND AVE TO N.

BC. THIS PORTION OF CREEVE ST IS PLATTED IN EARLY 1800S BY DIA. + ACCEPTED BY CITY 1892

APPEARS BY THIS TIME, EASTERN PORTIONS BUILT, BUT THIS LEG NEVER CONSTRUCTED LATE 1800S. PARTIONS OF ELWEN HALL TO NORTH HAVE ENCRORATED COMM CTN OWNED BY DIA,

TODAY. DIA OWNS PROPS TO BOTH NORTH + SOUTH OF ROW (INC. ELWEN HALL) SOME EVIDENCE THAT ELWEN HALL'S SEPTIC IN ROW

UNDER DISCONTINUANCE, PROP TO ABUTTERS DISCONTINUANCE WOULD RECTIFY ENCRORAMENT, SEPTIC, + ALLOW DIA TO SETBACKS TO ADD A PARK

REVIEW STAFF REVIEWED PROPOSAL IN LIGHT OF THOSE BASIC FUNCTIONS OF ROW,

① UTILITIES. - APP REQUESTED VERIFICATION THAT NO UTILITIES EXIST, NO NEED PWD + CITY CONFIRMATION, WAITING ON OTHERS.

② ACCESS. ORIGINAL SUBMITTAL AGREED THAT NOT NEED FOR STAKE ACCESS. DIAMOND AVE 100 FT

PUBLIC COMMENT - LAD RE NEED TO MAINTAIN ACCESS OVER P-OW, A CENTER GRADE SOME EVIDENCE OF USE DESIRE LINE

APP AGREED TO 25 FT. PEDESTRIAN EASEMENT OVER SOUTHERN 1/2. STILL CONCERN: NOT ALLOWING FOR VEHICLES. UNENFORCEABLE. → PWD + CITY CONFIRMATION

CONCERN RE PRECEDENT, GENERAL OPPOSITION TO DISCONTINUANCE. - 2 ADD'L COMMENT. ONE EMAIL IN SUPPORT.

GENERAL COMMENT

PENDING THIS WORKSHOP. APP TO PROVIDE UTILITY LETTERS APP TO RENGE BOUNDARY SURVEY, DRAFT ORDERS + EASEMENT. SCHEDULE PUBLIC MEETING.

NEXT STEPS.

SD
CM
BH
TO.

CLEEVE ST. DISCONTINUANCE WORKSHOP. 2/29/15

(JK) - Bvitar - most access over Diamond Ave.

CMF sign-off - in mail. - no facilities in Cleeve St. area.

variances - difficult to meet undue hardship test

(PI) Paul Stevens - 21 Thomas - fix encroachment issue + restore patch.

Kate Putnam - 37 Summit - used to be balcony on rear of building
golf cart - use that beach - take golf cart to beach.
Cleeve difficult for golf cart

Susan Baker - Kaplan - 18 Crescent - next to Ellwell Hall / Diamond Ave
accidents on Diamond Ave - treacherous - not good for golf cart
gentler way on Cleeve Street.
important to have ped + vehicular access.

left Putnam - grade change Crescent to Cleeve is steep
majority of islanders live to north of Ellwell Hall - use \diamond
only streetlight is on Diamond Avenue
no requests to fix Diamond Ave ever.

Anne Weber - 12/2

deave - closing.
concern re triggering other discontinuances

not in favor

DIA - 1890 - corporation
to sell

↓
everyone who bought to
below

but not all deeds are
Deering Estates - not part of
can opt out.

- scope for Edwell - in ROW.

February 12, 2015

Barbara Barhydt, Development Review Manager
Planning Division, City of Portland
389 Congress Street
Portland ME 04101

RE: Petition for Discontinuance of Portion of Cleeve Street,
Great Diamond Island, Portland.

Dear Ms. Barhydt:

I am writing to update the Petition for Discontinuance of Portion of Cleeve Street filed last October by Diamond Island Association (DIA) in advance of the February 24, 2015 Planning Board workshop on this matter.

First, we now have a property description for the proposed discontinuance which was prepared by William Clark of the City's Public Services Department (copy enclosed). I have reviewed that description and have discussed it with Mr. Clark, and believe that it is appropriate and suitable for this purpose. DIA greatly appreciates Mr. Clark's assistance.

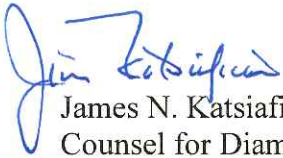
Second, DIA had requested discontinuance of the portion of Cleeve Street without retention of a public easement by the City. While access to the water traditionally has been over the portion of the accepted Diamond Avenue that is along the northern side of the DIA/Elwell Hall lot and this access will continue as it always has occurred, the City has asked DIA if it would provide the City with a pedestrian access easement over the area proposed to be discontinued. DIA agrees to provide a 25-foot wide public pedestrian easement over the southern half of the discontinued portion of Cleeve Street to the City; please consider our petition as so amended.

We still will request that the Council's discontinuance be without retention of public easement, since the defined term "public easement" as used in the discontinuance statute includes all access rights the public had enjoyed, which could be read to include rights of vehicular access. However, we will provide a separate easement to the City to be accepted by the Council immediately following the discontinuance; it would be part of the same Council proceeding and item. We will provide an updated plan following the Planning Board workshop that will depict this public pedestrian easement and are working with Corporation Counsel's Office to prepare a proposed order of discontinuance and public pedestrian easement so that these documents will be available when the Planning Board conducts a public hearing and makes its recommendation to the City Council.

Barbara Barhydt
February 12, 2015
Page 2

Thank you for your assistance in this matter.

Sincerely,



James N. Katsiaficas
Counsel for Diamond Island Association

cc: Jeffrey Levine, Planning & Urban Development, City of Portland
Alex Jaegerman, Director, Planning Division, City of Portland
Helen Donaldson, Planning Division, City of Portland
William Clark, Public Services, City of Portland
Jennifer L. Thompson, Associate Corporation Counsel, City of Portland
Lyn Sala, President, Diamond Island Association
Michael Burton, Diamond Island Association

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THENCE N 11° 40' 13" W 18.74 feet, more or less, along the easterly line of Bay Avenue to a point at the intersection of Bay Avenue with the southeasterly line of Diamond Avenue;

THENCE N 66° 03' 54" E 110.39 feet, more or less, along the southeasterly line of Diamond Avenue to the **POINT OF BEGINNING**.

Bearings are based on the Maine State Coordinates, West Zone, NAD 1983, HARN, Grid North, and field surveys conducted by the City of Portland, Department of Public Services, Engineering Division.

Reference is made to a plan titled "Plan of a part of Diamond Island" dated 1882 on file as plan number 362/6 in the Engineering Archives of said Engineering Division.

February 12, 2015

Debra Murphy
Fairpoint Communications
(Rights of Way)
5 Davis Farm Road
Portland, ME 04103

Re: Request for Utility Information on Facilities Located in or on Portion of Cleeve Street/Application to Discontinue Portion of Cleeve Street, Great Diamond Island, Portland, Maine

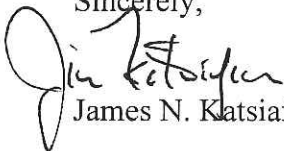
Dear Ms. Murphy:

This Firm represents Diamond Island Association (DIA), a Maine corporation that owns property on either side of a portion of Cleeve Street, so-called, located on Great Diamond Island, Portland, Maine.

By letter of October 31, 2014, I wrote to you to inform Fairpoint Communications that DIA is applying to the City of Portland to discontinue without retention of a public easement a portion of Cleeve Street, and has enclosed a copy of a plan (photoreduction enclosed) depicting the portion to be discontinued. I noted in the letter that as part of the application process, DIA must inform the City of Portland whether utilities have any facilities or interests in the portion of the way proposed to be discontinued. To date, I have not received a reply from Fairpoint Communications to my October 31, 2014 letter. **This matter will be before the Portland Planning Board for a workshop on February 24, 2015. Please let me know as soon as possible if your utility has any facilities or interests in the portion of the way proposed to be discontinued.**

Thank you for your assistance in this matter, and please contact me if you have any questions or comments about this discontinuance application.

Sincerely,



James N. Katsiaficas

cc: John Caprio, Fairpoint Communications (Engineering)
Lyn Sala, President, Diamond Island Association
Michael H. Burton, Diamond Island Association
Barbara Barhydt, Development Review Manager, City of Portland

PERKINS|THOMPSON
ATTORNEYS & COUNSELORS AT LAW

ESTABLISHED 1871

ONE CANAL PLAZA
PO BOX 426
PORTLAND ME 04112
TEL 207.774.2635
FAX 207.871.8026

www.perkinsthompson.com

February 12, 2015

Alice Richards
Central Maine Power Company
83 Edison Drive
Augusta, ME 04336

Re: Request for Utility Information on Facilities Located in or on Portion of Cleeve Street/Application to Discontinue Portion of Cleeve Street, Great Diamond Island, Portland, Maine

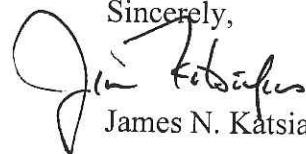
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Sincerely,


James N. Katsiaficas

cc: John Caprio, Fairpoint Communications (Engineering)
Lyn Sala, President, Diamond Island Association
Michael H. Burton, Diamond Island Association
Barbara Barhydt, Development Review Manager, City of Portland

City of Portland
Development Review Application
Planning Division Transmittal Form

Application Number: 2014-216 **Application Date:** 11/10/2014
CBL: 083A C003001 **Application Type:** Street Vacation/Discontinuance
Applicant: DIAMOND ISLAND ASSOC
Project Name: Cleeves Street
Address: 0 Cleeves Street
Project Description: Discontinuance of the portion of Cleeve Street that abuts the Elwell Hall Lot and the adjoining triangle of land so that it may restore the porch and balcony of the Hall while meeting City zoning requirements.
Zoning: IR2

Other Required Reviews:

- | | | |
|---|---|--|
| <input type="checkbox"/> Traffic Movement | <input type="checkbox"/> 14-403 Streets | <input type="checkbox"/> Housing Replacement |
| <input type="checkbox"/> Storm Water | # Units _____ | <input type="checkbox"/> Historic Preservation |
| <input type="checkbox"/> Subdivision | <input type="checkbox"/> Flood Plain | <input type="checkbox"/> Other _____ |
| # Lots _____ | <input type="checkbox"/> Shoreland | |
| <input type="checkbox"/> Site Location | <input type="checkbox"/> Design Review | |
| # Unit _____ | | |

Distribution List:

Planner	Barbara Barhydt	Parking
Zoning	Marge Schmuckal	Design
Traffic Engineer	Tom Errico	Corporation
Civil Engineer	David Sensus	Sanitation
Fire Department	Chris Pirone	Inspection
City Arborist	Jeff Tarling	Historic
Engineering	David Margolis-Pineo	DRC

abutters v. whole subd.
 who was notified?
 ↓
 all of GDI.
 - ~~Robert~~ Sophie - asked JK 12/9

Comments needed

Legal description? - noted JK 12/4
 • PLATTED - late 1800s?
 • Shorway Access Plan - asked JK 12/4
 - DC HOA - NMAA
 FR. MCKIMWAY
 'NIMBLE' - DIA
 → DMP - utilities
 → Mike M... all prep access
 who notified on abutts.

MMA.
 ① ID prep annex abutting amount of damages?
 ② Notice to abutters - proposed d.n.a.
 ③ Meeting of PB + motion
 ④ File order of discontinuance w/ clerk + mail notice to abutters
 ⑤ Council votes on order
 ⑥ Clerk records certificate of discont

October 31, 2014

Barbara Barhydt, Development Review Manager
Planning Division, City of Portland
389 Congress Street
Portland ME 04101

RE: Petition for Discontinuance of Portion of Cleeve Street,
Great Diamond Island, Portland, Without Public Easement

Dear Ms. Barhydt:

Diamond Island Association (DIA) owns and operates a community center and library at Elwell Hall on Great Diamond Island. DIA wishes to restore a porch and balcony that long had been a part of this building, but which had been removed in the early 1960s. However, a portion of Elwell Hall is within a right of way of a portion of an accepted but unbuilt and unused City street – Cleeve Street. DIA owns the lot on the opposite side of this portion of Cleeve Street, so that discontinuance of this portion without retention of public easement would provide DIA with a sufficient combined lot area to meet all side and rear setbacks and lot coverage requirements to permit the porch and balcony restoration.

Therefore, in accordance with State law (23 MRSA § 3026), Diamond Island Association (DIA) hereby petitions to have that portion of Cleeve Street between the westerly boundary of Crescent Avenue and the easterly boundary of Casco Bay or Bay Avenue, which serves now as the westerly terminus of said Cleeve Street, together with the triangle of land between Cleeve Street and the southerly boundary of Diamond Avenue, all located on Great Diamond Island within the City of Portland and all as more generally depicted with hatch marks on the plan entitled “Boundary Plan, 8 Crescent Avenue, Great Diamond Island, Portland, Maine 04109” dated September 5, 2014 and prepared by Northeast Civil Solutions for Diamond Island Association, attached as **Exhibit B**, discontinued by the City of Portland **without retention of a public easement**.

Discontinuance of that portion of Cleeve Street without retention of a public easement will not impair public access to the water. As the enclosed photographs and City GIS view show, there is no path over Cleeve Street – in fact, tables are there. Access to the water traditionally has been over the portion of the accepted Diamond Avenue that is along the DIA/Elwell Hall lot, and this access will continue as it always has occurred.

Barbara Baryhdt, City of Portland

October 31, 2014

Page 2

Cleeve Street was dedicated by the recording in the City Clerk's office on November 8, 1892 of a Plan in the City Clerk's office Volume 1, Page 224. The street was accepted by the City on November 8, 1892. (See copy of Street Record attached as **Exhibit A.**)

The only party owning property abutting the portion of Cleeve Street and the triangle to be discontinued is the Diamond Island Association.

We are obtaining letters from public utilities having lines or pipe or cables on Great Diamond Island – Portland Water District, Central Maine Power Company and FairPoint -- detailing whatever interests they have in the portion of Cleeve Street proposed to be discontinued. Copies of our letters to those utilities are enclosed, and we will provide responses from those utilities when they are obtained.

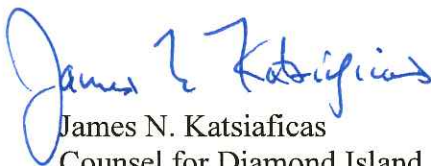
We understand that City Islands Liaison Michael Murray will supply a list of all property owners owning lots in the subdivision (**Exhibit C**) shown on the 1892 plan (copy of plan attached; here, this means all property owners whose lots are on the "public" side of Great Diamond Island) whose addresses appear in the City's assessment records, which list includes all owners of property abutting the portion of Cleeve Street proposed to be discontinued.

Also enclosed is the standard waiver and indemnification agreement provided by your office, signed by DIA President, Lyn Sala.

By separate letter to City Planning & Urban Development Department Head Jeffrey Levine and Planning Division Director Alex Jaegerman (copy enclosed), DIA is requesting a waiver of the \$2,000.00 fee that the City typically requires to cover your administrative costs and costs of providing notice to said property owners and mortgagees; therefore, no fee is enclosed with this application. DIA is acting on behalf of its more than 80 members to bring this discontinuance petition, and the additional land will permit expansion of Elwell Hall, a building that serves as a community center and library for the southern half of Great Diamond Island.

DIA hereby requests that the City take all further action necessary to complete discontinuing the above-described street. Please inform us if it is necessary for DIA to provide you with any further information, or take any further action. DIA understands that the matter will be brought up before the Planning Board for workshop and public hearing, that the Planning Board will make a recommendation to the City Council, and that final action on the street discontinuance will be made by the City Council.

Sincerely,



James N. Katsiaficas
Counsel for Diamond Island Association

cc: Jeffrey Levine, Planning & Urban Development, City of Portland

Barbara Baryhdt, City of Portland

October 31, 2014

Page 3

Alex Jaegerman, Director, Planning Division, City of Portland

Danielle West-Chuhta, Corporation Counsel, City of Portland

Lyn Sala, President, Diamond Island Association

Michael Burton, Diamond Island Association

STREET NAME: Portion of Cleeve Street (and adjoining triangle of land between it and Diamond Avenue right-of-way).

STREET DISCONTINUANCE REQUEST, REASON FOR REQUEST, AND DESCRIPTION OF THE EXTENT OF DISCONTINUANCE:

As stated in our letter of Oct. 31, 2014, Diamond Island Association requests the discontinuance of the portion of Cleeve Street that abuts the Elwell Hall Lot (83A-C-3) and of the adjoining triangle of land so that it may restore the porch and balcony of the Hall while meeting City zoning requirements.

CONTACT INFORMATION:

<p>Applicant – must be owner, Lessee or Buyer</p> <p>Name: Diamond Island Association</p> <p>Business Name, if applicable:</p> <p>Address:</p> <p>City/State : Zip Code:</p>	<p>Applicant Contact Information</p> <p>E-mail:</p> <p>Home #:</p> <p>Work #:</p> <p>Cell #: Fax#:</p>
<p>Adjoining Owner – (if different from Applicant)</p> <p>Name: David Kaplan and Susan Baker Kaplan</p> <p>Address: 18 Crescent Ave., Great Diamond Island</p> <p>City/State : Portland, ME Zip Code: 04109</p>	<p>Owner Contact Information</p> <p>E-mail:</p> <p>Home #:</p> <p>Work #:</p> <p>Cell #: Fax#:</p>
<p>Agent/ Representative</p> <p>Name: James N. Katsiaficas, Esq. Perkins Thompson</p> <p>Address: One Canal Plaza, PO Box 426 Portland, ME 04112-0426</p> <p>City/State : Zip Code:</p>	<p>Agent/Representative Contact information</p> <p>E-mail: jkatsiaficas@perkinsthompson.com</p> <p>Home #:</p> <p>Work #: (207) 400-8108</p> <p>Cell #: (207) 400-7650 Fax#: (207) 871-8026</p>
<p>Billing Information</p> <p>Name:</p> <p>Address:</p> <p>City/State : Zip Code:</p>	<p>Billing Information</p> <p>E-mail:</p> <p>Home #:</p> <p>Work #:</p> <p>Cell #: Fax#:</p>

Engineer Name: Address: City/State : Zip Code:	Engineer Contact Information E-mail: Home #: Work #: Cell #: Fax#:
Surveyor Name: Northeast Civil Solutions Address: 153 U.S. Route 1 Scarborough, ME 04074 City/State : Zip Code:	Surveyor Contact Information E-mail: Home #: Work #: (207) 883-1000 Cell #: Fax#: (207) 883-1001
Architect Name: Address: City/State : Zip Code:	Architect Contact Information E-mail: Home #: Work #: Cell #: Fax#:
Attorney Same as Agent/Representative Name: Address: City/State : Zip Code:	Attorney Contact Information E-mail: Home #: Work #: Cell #: Fax#:

APPLICATION FEES:

Check all reviews that apply. (Payment may be made by Credit Card, Cash or Check payable to the City of Portland.)

Street Discontinuance: A fee for the discontinuance must be submitted by check or credit card to the City of Portland in accordance with Section 14-54 of the Municipal Code along with direct reimbursement for noticing, legal ads, planner review time, and legal review.

___ \$2,000 – Public Street Discontinuance

The City invoices separately for the following:

- Notices (\$.75 each)
- Legal Ad (% of total Ad)
- Planning Review (\$40.00 hour)
- Legal Review (\$75.00 hour)

Third party review fees are assessed separately. Any outside reviews or analysis requested from the Applicant as part of the development review, are the responsibility of the Applicant and are separate from any application or invoice fees.

STREET DISCONTINUANCE APPLICATION

Applicant Checklist	Planner Checklist	# of Copies	GENERAL WRITTEN SUBMISSIONS CHECKLIST
X		1	Completed Application form
X		1	Application fees (waiver requested)
X		1	Written description of project (in Oct. 31, 2014 letter)
X		1	Legal Description of Street or portion thereof to be discontinued (Oct. 31, 2014 letter)
X		1	Evidence of right, title and interest for applicant's property
X		1	List of all abutting property owners
X		1	List of all public utilities within the right-of-way. (in Oct. 31, 2014 letter)
X		1	Summary of existing and/or proposed easement, covenants, public or private rights-of-way, or other burdens on the street
X		1	Letters from public utilities detailing interests they have in all or portion of street to be discontinued. (Requested; one response included)
X		1	Petition for Street Discontinuance (template included as Attachment 1 to application form). (in Oct. 31, 2014 letter)
X		1	Waiver and Indemnification Form (template included as Attachment 2 to application form).
Applicant Checklist	Planner Checklist	# of Copies	SITE PLAN SUBMISSIONS CHECKLIST
X		1	Boundary Survey of applicant's property and Street meeting the requirements of Section 13 of the City of Portland's Technical Manual

Handwritten notes:
 ✓
 PMS
 CMP
 FIREPLANET

APPLICATION SUBMISSION:

1. All site plans and written application materials must be submitted electronically on a CD or thumb drive with each plan submitted as separate files, with individual file which can be found on the **Electronic Plan and Document Submittal** page of the City's website at <http://me-portland.civicplus.com/764/Electronic-Plan-and-Document-Submittal>
2. In addition, one (1) paper set of the plans (full size), one (1) paper set of plans (11 x 17), paper copy of written materials, and the application fee must be submitted to the Building Inspections Office to start the review process.

The application must be complete, including but not limited to the contact information, application checklists, and applicant signature. The submissions shall include one (1) paper packet with folded plans containing the following materials:


1. One (1) full size site plans that must be folded.
2. One (1) copy of all written materials or as follows, unless otherwise noted:
 - a. Application form that is completed and signed.
 - b. Cover letter stating the nature of the project.
 - c. All Written Submittals (Sec. 14-527 (c), including evidence of right, title and interest.
3. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 50 feet.
4. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
5. One (1) set of plans reduced to 11 x 17.

Please refer to the application checklist (attached) for a detailed list of submission requirements.

APPLICANT SIGNATURE:

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

This application is for a Street Discontinuance only. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

Signature of Applicant: 	Date: Nov. 7, 2014
Authorized agent (attorney for Diamond Island Association)	

Know all Men by these Presents, That

I, Elbridge G. Smith of Portland, County of Cumberland and, Maine
 in consideration of Seventy-Eight Hundred Dollars. paid by
The Diamond Island Association, a Corporation existing by law and having
its location and place of business at said Portland.
 the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said
Diamond Island Association, its successors
 heirs and assigns forever, All that portion of Great Neck Island in said Portland
which was set off to James D. Fependen and Francis Fependen on
partitions between them and Nathaniel Deering and others, recorded
in the Gen. Reg. of Deeds, Book 468 P. 1442. Also all that portion of
said Island that was set off to them on partitions between them and
Edward E. Orelle and others recorded in said Registry, B. 468 Page 686
being lots marked 5 and 7 in a plan recorded in Plan Book 4
Page 24 together with the right to use the wharf and road leading
across numbers 4 & 3 to Stage number 5 of said Island, the same
being subject to the right of way and right to construct and maintain
a wharf, granted and described in a deed from Nathaniel Deering
and others to the United States, recorded in said Registry, Book 410
Page 53, and subject also to taxes for the current year which are to be
paid by the grantee:

Smith
to
Diamond Island
Association

To have and to hold the aforegranted and bargained Premises, with all the privileges and appurtenances thereof,
 to the said Diamond Island Association, its successors
 heirs and assigns, to their use and behoof forever. And I do covenant with the said
Grantee, its successors
 heirs and assigns, that I am lawfully seized in fee of the premises; that they are free of all
 incumbrances:
 that I have good right to sell and convey the same to the said Grantee
 to hold as aforesaid; and that I and my heirs shall and will warrant and defend the same to the
 said Grantee, its successors
 heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, I the said E. G. P. Smith
 and Maria G. Smith wife of the said E. G. P. Smith
 in testimony of her relinquishment of her right of dower in the above described premises, have hereunto
 set our hands and seals this ninth day of September in the year of
 our Lord one thousand eight hundred and eighty-two
 Signed, Sealed and Delivered
 in presence of Elbridge G. P. Smith Seal
Kathie M. Smith Seal
Annie Bourse

State of Maine, CUMBERLAND, SS. October 20th 1882 Personally appeared
 the above named Elbridge G. P. Smith
 and acknowledged the above instrument to be his free act and deed.
 Before me, W. H. Morrill, JUSTICE OF THE PEACE.
 Received Oct. 20. 1882, at 4 o'clock 40 m., P. M., and recorded according to the original.
 ATTEST; Francis G. Stevens REGISTER.

EXHIBIT A

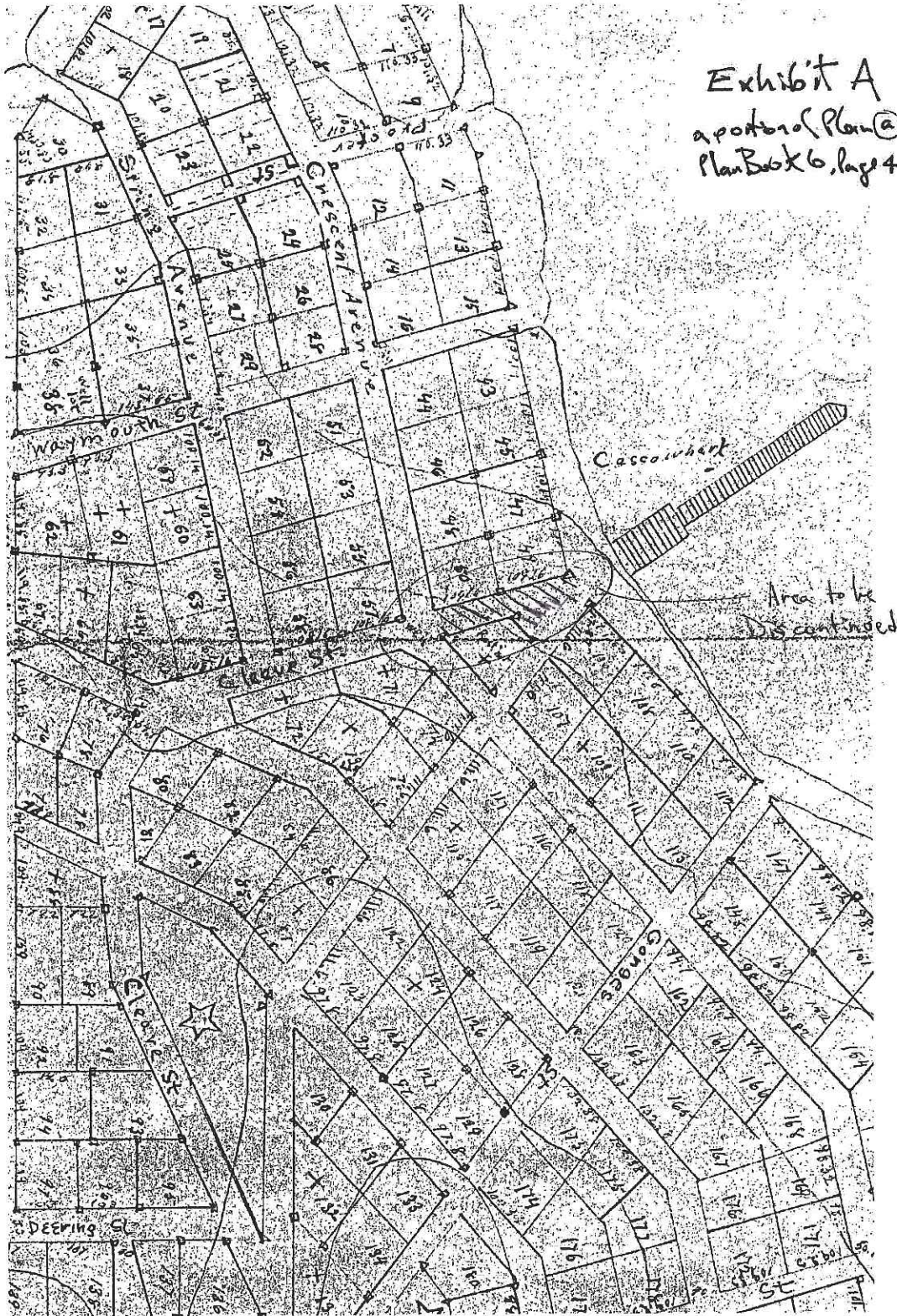


Exhibit A
a portion of Plan @
Plan Book 6, page 4

Name

GREAT DIAMOND ISLAND

Section

To

DATE	DESCRIPTION	BOOK	PAGE
Nov. 8, 1892	All streets shown on Plan $\frac{362}{6}$ Acceptance	1	224
Sept. 1, 1960	Nancy Lane $\frac{254}{76}$ Public Landing to Valley St.	2	291
Sept. 1, 1960	Nicholas Street - from Nancy Lane Northeastly $\frac{256}{76}$	2	292
Jun. 21, 1961	Nancy Ln - Public Landing to Valley St. - Cent. of Taking $\frac{256}{76}$ C.C.R.D.		
Jun. 21, 1961	Nicholas St. - Nancy Lane Northeastly - Cent. of Taking $\frac{256}{76}$ C.C.R.D.		

Street Record

EXHIBIT C

Property Owners in the Subdivision

[To be completed by City of Portland Islands Liaison]

ABUTTER LIST

Applicant for discontinuance of portion of Cleeve Street and adjoining triangle of land is Diamond Island Association, owner of the parcel on City of Portland Map/Lot No. 83A-C-3, described in a deed recorded in the Cumberland county Registry of Deeds in Book 492, Page 259.

Abutter to the south across Cleeve Street is Diamond Island Association, with a parcel that shares the same City Tax Map and Lot No. and same deed reference.

Abutters to the north across Diamond Avenue are David Kaplan and Susan Baker Kaplan, whose lot at 18 Crescent Avenue, Great Diamond Island, Portland, is shown as City of Portland Map/Lot No. 83A-D-1 and is described in a deed recorded in said Registry of Deeds in Book 11779, Page 140.

WAIVER AND INDEMNIFICATION

WHEREAS, Diamond Island Association, a Maine corporation in good standing, has requested the City of Portland to discontinue the portion of a certain way known as Cleeve Street westerly of Crescent Avenue, along with the triangular area between Diamond Avenue, Cleve Street and the abutting property owned by Diamond Island Association, pursuant to 23 MRSA § 3026 *et seq.*

WHEREAS, the City of Portland as a condition precedent to the discontinuance of the way requires a waiver of any claims which Diamond Island Association may have against the City for such discontinuance, and further, requires indemnification against any claims of third persons arising out of or resulting from the discontinuance of said way;

NOW, THEREFORE, in consideration of the City of Portland discontinuing said proposed town way, Diamond Island Association for itself and its successors and assigns, agrees as follows:

1. Diamond Island Association hereby waives any claim for damages which it may now or hereafter have against the City of Portland arising out of or resulting from the discontinuance of this way by the City pursuant to 23 MRSA § 3026 *et seq.*;
2. Diamond Island Association hereby agrees to indemnify and hold harmless the City of Portland against any claims by any third party against the City of Portland for damages arising out of or resulting from this discontinuance of said way by the City of Portland pursuant to said statute.

IN WITNESS WHEREOF, the **DIAMOND ISLAND ASSOCIATION** has caused this Agreement to be signed and sealed in its corporate name by Lyn Sala, its President, thereunto duly authorized, the day and year first written below.

Dated: 9-30-14

Diamond Island Association

By: 

Lyn Sala
Its President

BY HAND DELIVERY

November 7, 2014

Barbara Barhydt, Development Review Manager
Planning Division, City of Portland
389 Congress Street
Portland ME 04101

RE: Cleeve Street Discontinuance

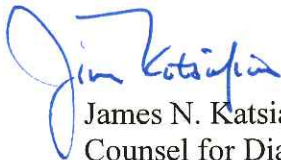
Dear Barbara:

I am writing to supplement our application of October 31, 2014 with the following materials as you had requested:

- Completed Application Form;
- Copy of Diamond Island Association's deed to the Elwell Hall property;
- One paper plan - 11 x 17;
- Copy of letter of November 3, 2014 from Portland Water District;
- Abutter List; and
- A copy of each submittal in pdf form on the enclosed thumb drive.

Thank you for your assistance with this application. Please let me know if any additional information is required.

Sincerely,



James N. Katsiaficas
Counsel for Diamond Island Association

cc: Jeffrey Levine, Planning & Urban Development, City of Portland
Alex Jaegerman, Director, Planning Division, City of Portland
Danielle West-Chuhta, Corporation Counsel, City of Portland
Lyn Sala, President, Diamond Island Association
Michael Burton, Diamond Island Association

October 31, 2014

PHILIP C. HUNT
JOHN S. UPTON
PEGGY L. McGEHEE
MELISSA HANLEY MURPHY
JOHN A. HOBSON
JAMES N. KATSIARICAS
TIMOTHY P. BENOIT
J. GORDON SCANNELL, JR.
FRED W. BOPP III
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SARA N. MOPPIN
SHAWN K. DOIL
JOSEPH G. TALBOT
LAUREN B. WELIVER
JOSEPH C. SIVISKI

Jeffrey Levine, Department Head
Planning & Urban Development
Planning Division, City of Portland
389 Congress Street
Portland ME 04101

Alexander Jaegerman, Director
Planning Division
City of Portland
389 Congress Street
Portland ME 04101

Re: Request for Fee Waiver/Petition for Discontinuance of Portion of Cleeve Street, Great Diamond Island, Portland, Without Public Easement

Dear Mr. Levine and Mr. Jaegerman:

This Firm represents Diamond Island Association (DIA) regarding its petition to have a portion of Cleeve Street discontinued by the City of Portland without retention of a public easement. We soon will be filing that petition with City Planning Division Development Review Manager Barbara Barhydt.

The reason for this letter is to request a waiver of the \$2,000 fee for the street discontinuance petition. Cleeve Street was dedicated by the recording in the City Clerk's office on November 8, 1892 of a Plan in the City Clerk's Office, Volume 1, Page 224. The street was accepted by the City on November 8, 1892. The only party owning property abutting the portion of Cleeve Street to be discontinued is DIA. DIA is acting on behalf of its more than 80 members – the owners of properties shown on the 1892 Plan – in bringing this discontinuance petition. Formal elimination of the long unused public road rights over Cleeve Street through discontinuance will permit expansion of Elwell Hall, a building that serves as a community center and library for the southern half of Great Diamond Island. Therefore, there are two public benefits to this discontinuance – the City will have its road maintenance obligation over this portion of Cleeve Street terminated, and Portland residents on the southern part of the Great Diamond Island will enjoy an improved community center/library facility. Public access to the water will not be impaired by this discontinuance; the public traditionally has used Diamond Avenue for pedestrian access to the water – not this portion of Cleeve Street.

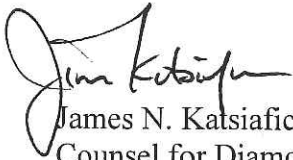
Jeffrey Levine, Alexander Jaegerman

October 31, 2014

Page 2

Therefore, DIA respectfully requests that the \$2,000 fee for its petition to discontinue Cleeve Street be waived. Thank you for your consideration.

Sincerely,



James N. Katsiaficas

Counsel for Diamond Island Association

cc: Barbara Barhydt, Development Review Manager, City of Portland
Lyn Sala, President, Diamond Island Association
Michael H. Burton, Diamond Island Association

PERKINS THOMPSON

ATTORNEYS & COUNSELORS AT LAW

ESTABLISHED 1871

ONE CANAL PLAZA
PO BOX 426
PORTLAND ME 04112
TEL 207.774.2635
FAX 207.871.8026

www.perkinsthompson.com

November 11, 2014

Barbara Barhydt, Development Review Manager
Planning Division, City of Portland
389 Congress Street
Portland ME 04101

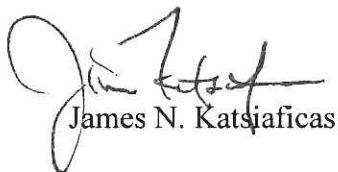
Re: Petition for Discontinuance of Portion of Cleeve Street,
Great Diamond Island, Portland, Without Public Easement

Dear Barbara:

Further to the pending Petition referenced above, please find enclosed Diamond Island Association's check in the amount of \$2,000 in payment of the street discontinuance fee.

Thank you for your assistance.

Sincerely,



James N. Katsiaficas

JNK/ems

Enclosure

cc: Alex Jaegerman, Director, Planning Division
Jeffrey Levine, Planning & Urban Development
Lyn Sala, President, Diamond Island Association
Michael H. Burton, Diamond Island Association

PHILIP C. HUNT

JOHN S. UPTON

PEGGY L. McGEHEE

MELISSA HANLEY MURPHY

JOHN A. HOBSON

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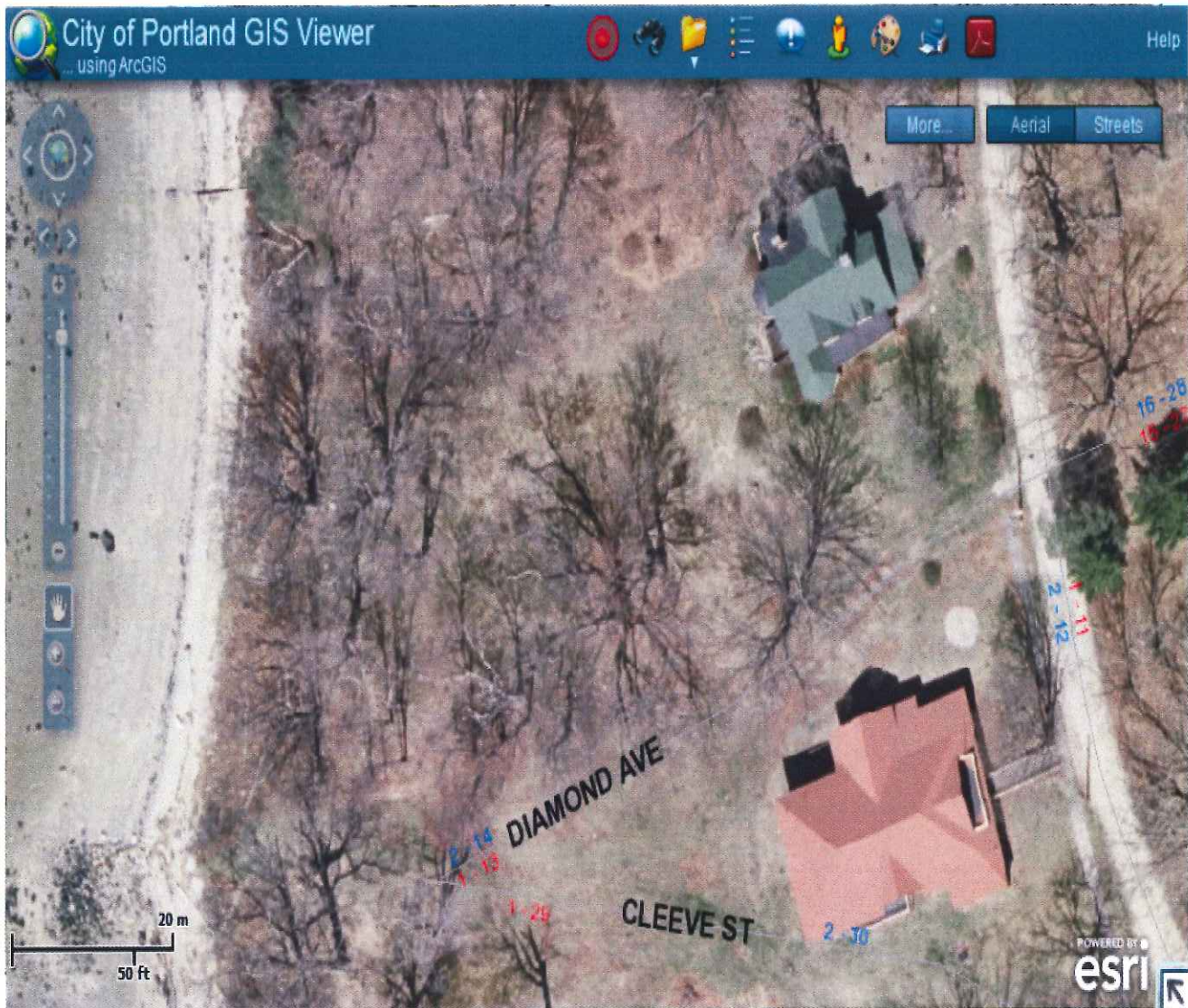
LAUREN B. WELIVER

JOSEPH C. SIVISKI

JOHN W. MASLAND







October 31, 2014

Alice Richards
Central Maine Power Company
83 Edison Drive
Augusta, ME 04336

Re: Request for Utility Information on Facilities Located in or on Portion of Cleeve Street/Application to Discontinue Portion of Cleeve Street, Great Diamond Island, Portland, Maine

Dear Ms. Richards:

This Firm represents Diamond Island Association (DIA), a Maine corporation that owns property on either side of a portion of Cleeve Street, so-called, located on Great Diamond Island, Portland, Maine. DIA is applying to the City of Portland to discontinue without retention of a public easement this portion of Cleeve Street, which more particularly is described as: that portion of Cleeve Street between the westerly boundary of Crescent Avenue and the easterly boundary of Casco Bay or Bay Avenue, which serves now as the westerly terminus of said Cleeve Street, together with the triangle of land between Cleeve Street and the southerly boundary of Diamond Avenue, all located on Great Diamond Island within the City of Portland and all as more generally depicted in hatch marks on the plan enclosed.

As part of the application process, DIA must inform the City of Portland whether utilities have any facilities or interests in the portion of the way proposed to be discontinued. **Therefore, we request that you inform us if your utility has any facilities or interests in the portion of the way proposed to be discontinued. Please reply to this request in writing at your earliest convenience so that I may inform the City on behalf of DIA whether your utility has any facilities or interests that are located in the portion of Cleeve Street proposed to be discontinued.**

Thank you for your assistance in this matter, and please contact me if you have any questions or comments about this discontinuance application.

Sincerely,


James N. Katsiaficas

Alice Richards
October 31, 2014
Page 2

cc: Lyn Sala, President, Diamond Island Association
Michael H. Burton, Diamond Island Association
Barbara Barhydt, Development Review Manager, City of Portland

October 31, 2014

Debra Murphy
Fairpoint Communications
(Rights of Way)
5 Davis Farm Road
Portland, ME 04103

PHILIP C. HUNT
JOHN S. UPTON
PEGGY L. McGEHEE
MELISSA HANLEY MURPHY
JOHN A. HOBSON
JAMES N. KATSIAFICAS
TIMOTHY P. BENOIT
J. GORDON SCANNELL, JR.

Re: Request for Utility Information on Facilities Located in or on Portion of Cleeve Street/Application to Discontinue Portion of Cleeve Street, Great Diamond Island, Portland, Maine

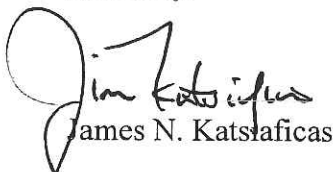
Dear Ms. Murphy:

This Firm represents Diamond Island Association (DIA), a Maine corporation that owns property on either side of a portion of Cleeve Street, so-called, located on Great Diamond Island, Portland, Maine. DIA is applying to the City of Portland to discontinue without retention of a public easement this portion of Cleeve Street, which more particularly is described as: that portion of Cleeve Street between the westerly boundary of Crescent Avenue and the easterly boundary of Casco Bay or Bay Avenue, which serves now as the westerly terminus of said Cleeve Street, together with the triangle of land between Cleeve Street and the southerly boundary of Diamond Avenue, all located on Great Diamond Island within the City of Portland and all as more generally depicted in hatch marks on the plan enclosed.

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Thank you for your assistance in this matter, and please contact me if you have any questions or comments about this discontinuance application.

Sincerely,


James N. Katsifacas

PERKINS THOMPSON
ATTORNEYS & COUNSELORS AT LAW

ESTABLISHED 1871

ONE CANAL PLAZA
PO BOX 426
PORTLAND ME 04112
TEL 207.774.2635
FAX 207.871.8026

www.perkinsthompson.com

October 31, 2014

Norman Twaddel
Portland Water District
225 Douglass Street, PO Box 3553
Portland, ME 04104-3553

Re: Request for Utility Information on Facilities Located in or on Portion of Cleeve Street/Application to Discontinue Portion of Cleeve Street, Great Diamond Island, Portland, Maine

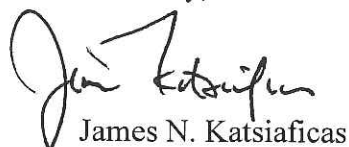
Dear Mr. Twaddel:

This Firm represents Diamond Island Association (DIA), a Maine corporation that owns property on either side of a portion of Cleeve Street, so-called, located on Great Diamond Island, Portland, Maine. DIA is applying to the City of Portland to discontinue without retention of a public easement this portion of Cleeve Street, which more particularly is described as: that portion of Cleeve Street between the westerly boundary of Crescent Avenue and the easterly boundary of Casco Bay or Bay Avenue, which serves now as the westerly terminus of said Cleeve Street, together with the triangle of land between Cleeve Street and the southerly boundary of Diamond Avenue, all located on Great Diamond Island within the City of Portland and all as more generally depicted in hatch marks on the plan enclosed.

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Thank you for your assistance in this matter, and please contact me if you have any questions or comments about this discontinuance application.

Sincerely,


James N. Katsiaficas

PHILIP C. HUNT
JOHN S. UPTON
PEGGY L. McGEHEE
MELISSA HANLEY MURPHY
JOHN A. HOBSON
JAMES N. KATSIAFICAS
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SHAWN K. DOIL
JOSEPH G. TALBOT
LAUREN B. WELIVER
JOSEPH C. SIVISKI



Portland Water District

FROM SEBAGO LAKE TO CASCO BAY

November 3, 2014

Mr. James Katsiaficas
Perkins Thompson
One Canal Plaza
P. O. Box 426
Portland, Maine 04112

Re: Proposed Vacation of Portion of Cleave Street – Great Diamond Island

Dear Mr. Katsiaficas:

In response to your October 31, 2014 letter, the Portland Water District has no water facilities within that portion of Cleave Street on Great Diamond Island that at your client is proposing to vacate. I have attached a map showing our facilities in the area. Therefore, the District does not object to the vacation of that portion of the street.

If you have any questions or need anything further, do not hesitate to call me at 774-5961 ext. 3057.

Sincerely yours,

PORTLAND WATER DISTRICT

Norman V. Twaddel
Right of Way Agent

Enclosure





8 Crescent Avenue GDI

November 03, 2014

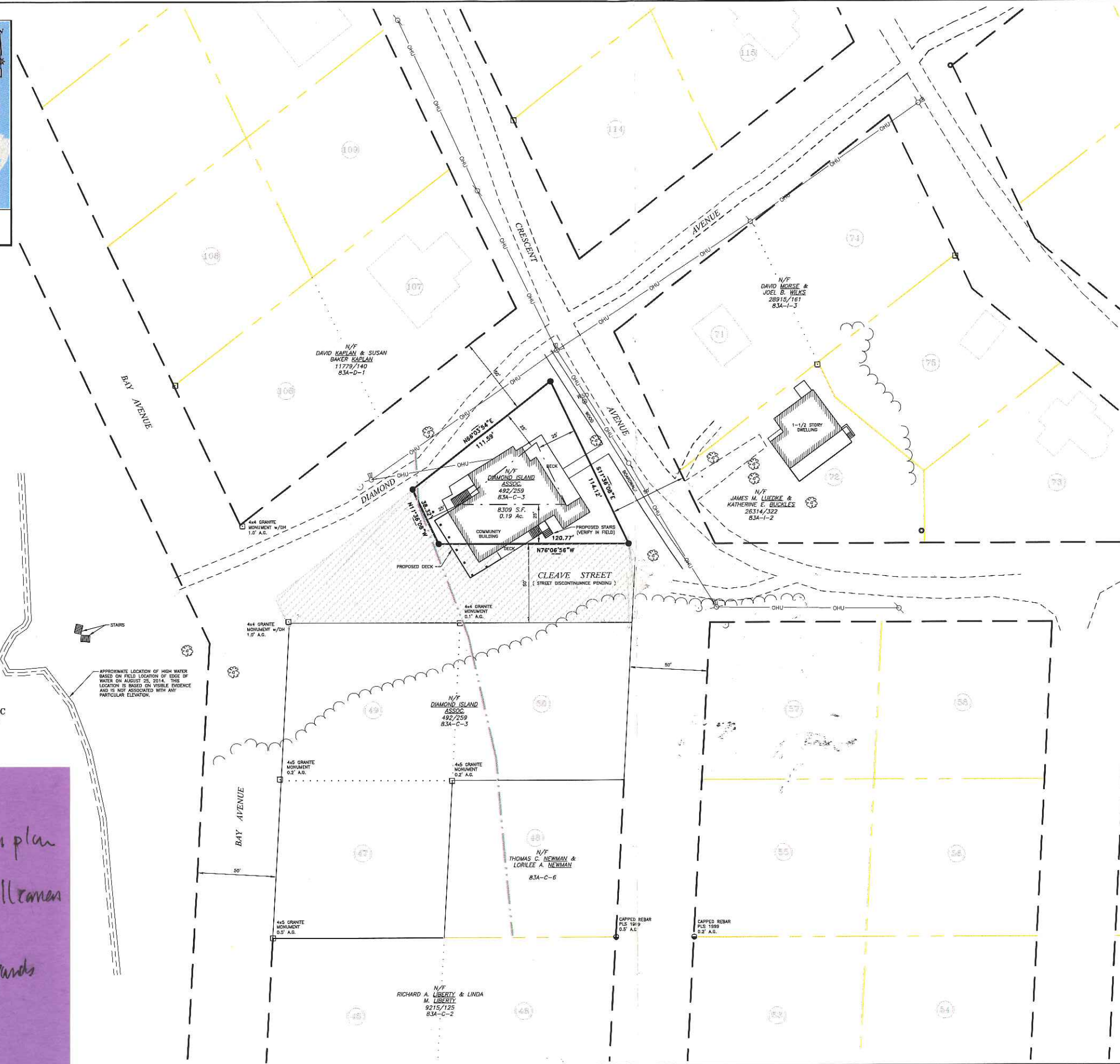




VICINITY MAP
N.T.S.



Blue circles 12/6
metes + bounds.
bearings - labeled on plan
Spec coordinates as all women
Annually require metes & bounds
follow est. protocol



LEGEND

- #5 REBAR WITH PLASTIC CAP STAMPED
- "NCS, INC. PLS 2080" SET ON SEPTEMBER 25, 2014
- FOUND IRON PIPE (SIZE & TYPE AS NOTED)
- FOUND MONUMENT (SIZE & TYPE AS NOTED)
- FOUND DRILL HOLE
- FOUND CAPPED IRON ROD (NUMBER AS NOTED)
- UTILITY POLE (NUMBER AS NOTED)
- GUY WIRE ANCHOR
- FOUND DECIDUOUS TREE (SIZE & TYPE AS NOTED)
- TREE LINE (APPROXIMATE)
- BOUNDARY LINE (SURVEYED)
- BOUNDARY LINE (NOT SURVEYED)
- EDGE OF WATER
- EDGE OF GRAVEL
- RIGHT-OF-WAY LINE
- ABUTTER LINE
- OVERHEAD UTILITY
- 250' SHORELAND ZONE
- NDW OR FORMERLY OWNED BY
- DEED BOOK AND PAGE (CCRD)
- TAX MAP-LOT
- PARENTHESIS DENOTE RECORD DATA

NOTES

1. THE BASIS OF BEARING FOR THIS SURVEY IS THE MAINE STATE COORDINATE SYSTEM, WEST ZONE, GRID NORTH.
2. DEED AND PLAN BOOK REFERENCES ARE TO THE CUMBERLAND COUNTY REGISTRY OF DEEDS.
3. RECORD OWNERSHIP OF THE PARCEL SURVEYED CAN BE FOUND IN A DEED FROM ELBRIDGE G.P. SMITH TO DIAMOND ISLAND ASSOCIATION DATED OCTOBER 20, 1882 AND RECORDED IN DEED BOOK 492, PAGE 258.
4. REFERENCE IS MADE TO THE FOLLOWING PLANS:
 - a. "PLAN OF PROPERTY (NO 3) BELONGING TO THE DIAMOND ISLAND ASSOCIATION" BY CHALEY AND CLIMAKOS, CIVIL ENGINEERS, DATED DECEMBER 18, 1886, RECORDED IN PLAN BOOK 6, PAGE 4.
 - b. "COPY OF ANSON'S PLAN WITH SUBMISSIONS UPON IT" BY E.C. JORDAN, CIVIL ENGINEER, DATED JANUARY, 1880, RECORDED IN PLAN BOOK 4, PAGE 24.
 - c. "PLAN OF PROPERTY BELONGING TO THE DIAMOND ISLAND ASSOCIATION" BY E.C. JORDAN, CIVIL ENGINEERS, DATED NOVEMBER 1882, RECORDED IN PLAN BOOK 4, PAGE 42.
5. THE PARCEL SURVEYED IS IDENTIFIED ON THE CITY OF PORTLAND TAX ASSESSOR'S MAP 83A, BLOCK 1, PARCEL 1.
6. THE PARCEL SURVEYED IS LOCATED IN THE IR-2 ZONE/DISTRICT*. PORTIONS OF BULK AND SPACE REQUIREMENTS ARE AS FOLLOWS:
 - MINIMUM LOT AREA = 20,000 S.F. (GRANDFATHERED)
 - MINIMUM FRONTAGE = 70'
 - SETBACKS:
 - FRONT = 25'
 - SIDE = 20'
 - REAR = 25'
- *OTHER MUNICIPAL AND STATE OVERLAY ZONES MAY EXIST AND APPLY. BEFORE PROCEEDING ON ANY PROJECT WE RECOMMEND VERIFYING CURRENT ZONING / SETBACKS / RESTRICTIONS WITH THE APPROPRIATE AGENCIES.
7. THE WIDTH AND LAYOUT OF ALL STREETS SHOWN WERE PROVIDED BY THE CITY OF PORTLAND. SAID STREETLINES WERE HELD FOR THE RIGHT-OF-WAY LINES, TYPICAL.
8. THE UTILITIES SHOWN ON THIS PLAN WERE FROM FIELD OBSERVATION ONLY. THERE MAY BE OTHER UTILITIES EXISTING THAT ARE NOT SHOWN. CONTACT DIG-SAFE (888)DIG-SAFE PRIOR TO ANY EXCAVATION WORK.

Revised	By	Date	Change

PROJECT: 34466 DRAWING NAME: 34466.DWG
 DATE: SEPTEMBER 05, 2014 SCALE: 1"=30' FB # 258 E. FB YES
 FIELD BY: SBM/MAC/BS FIELD DATE: 8-16-2014 DRAWN BY: JAP

BOUNDARY PLAN
 8 CRESCENT AVENUE GREAT DIAMOND ISLAND, PORTLAND MAINE 04109
 Owner:
DIAMOND ISLAND ASSOCIATION
 8 CRESCENT AVENUE GREAT DIAMOND ISLAND, PORTLAND MAINE 04109
 Prepared For:
TRAVIS BERUBE BUILDERS
 67 BOOTHBY AVENUE, SOUTH PORTLAND MAINE 04106

SURVEYING ENGINEERING LAND PLANNING
Northeast Civil Solutions
 INCORPORATED
 153 US ROUTE 1, SCARBOROUGH, MAINE 04074
 tel 207.883.1000 fax 207.883.1001 e-mail info@northeastcivilsolutions.com
 800.882.2227

STAMP AND SIGNATURE

TROY F. McDONALD
 MAINE P.L.S. No. 2080

10-09-2014
 DATE

IF THIS PLAN DOES NOT CONTAIN AN EMBOSSED SEAL, IT IS NOT AN ORIGINAL AND MAY BE VOID.

C:\Land Projects\34466\34466-Plan-01.dwg