

Zoning Division
Marge Schmuckal
Zoning Administrator



Department of Urban Development
Joseph E. Gray, Jr.
Director

CITY OF PORTLAND

143-A-40
Frederick M. & Viola A. Conti
265 St. Joseph Street
Portland, ME 04103

File

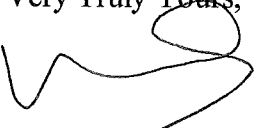
RE: called 265 St. Joseph Street - 143-A-40 & 41 - R-5 zone

Dear Mr & Mrs Conti,

It is my understanding that on October 5, 1998, The Portland City Council approved your proposal to donate a portion of your land on St. Joseph Street. This action in turn had the effect of the Council approving the front setback on the existing house. You also created a second, vacant lot off of St. Joseph Street. The plans submitted to me show that this new lot appears to meet today's Zoning Ordinance, including the required 50 foot of frontage, in order to be considered a buildable lot. Please note that full, final approvals to build can not be given until a specific proposal is submitted for review. At the time of submittal, all current ordinances would need to be met.

As Zoning Administrator, I see no zoning problems with the actions taken by the City Counsel. This correspondence shall be made part of your property's record on file within our office. It is my understanding that once your revised deeds are filed within the Cumberland County Registry of Deeds, our City's Assessor's office shall pick up the changes and revise their mapping.

Very Truly Yours,



Marge Schmuckal
Zoning Administrator

cc: Kathleen Brown, Economic Development
File
Assessors

Zoning Division
Marge Schmuckal
Zoning Administrator



Department of Urban Development
Joseph E. Gray, Jr.
Director

CITY OF PORTLAND

To: Kathleen Brown, Economic Development Director

September 3, 1998

From: Marge Schmuckal, Zoning Administrator

RE: called 265 St. Joseph Street - 143-A-40 & 41 - R-5 Zone

I have reviewed the information sent by you and from Tony Lombardo of Public Works. Although I am in favor of the basic premise proposed by the Contis, I have some concerns of where the "official" street is laid out. As shown on the submitted plan, the front steps of this building would literally be on City property. I realize that the street as laid out would basically be a continuous straight line from the existing street. However, the issue of the steps is troublesome from a Zoning standpoint and also as a City precedent.

I have measured the front steps to extend five feet from the house line. From a zoning perspective I would rather see these steps on the Conti property and not on City property. Because St. Joseph Street does not specifically connect with another street, I would think some accommodations could be met to curve the street slightly to miss the front steps. This would simplify the after-life of this building. Any time a survey or assessment was done on this property, the front steps on City land would always be a cloud on the property.

My only other concern would be that all other R-5 Zoning requirements be met so that we are not creating any nonconforming lots with this new street. I am not as concerned with the front setback on the existing building. It seems to me that the City already made the front setback nonconforming when the existing pavement extension was put in around 1956 or so, and the City is just now following up to "legalize" that past action. However, I would want to be sure that the undeveloped lot meet all the R-5 requirements, especially the 50' lot frontage requirements. I am uncertain where the lot lines would be for both lots as shown on the submitted plan. I think that they may be able to meet the requirements. However, I would be more comfortable making an interpretation on submitted plans containing all the details of both lots and the proposed street.

Again, I basically support this proposal with considerations to my recommendations.

cc: Penny Littell, Associate Corporation Counsel
Anthony Lombardo & Jim Robbins, Engineering/ Public Works

143-A-40-41

ORDER ACCEPTING DONATION OF LAND ON
ST. JOSEPH STREET

ORDERED, that land on St. Joseph Street is hereby accepted from
Frederick M. and Viola A. Conti, as described in the attached
deed.

Vicmfl@aol.com

REPORT
REGULAR CITY COUNCIL MEETING
EVENING SESSION
OCTOBER 5, 1998

The Portland City Council held its regular City Council Meeting at 7:30 p.m. in the City Council Chambers, City Hall. The Honorable Thomas V. Kane, Mayor, presided.

PLEDGE OF ALLEGIANCE:

ROLL CALL: Six Councilors present; Councilor Leeman arrived at 7:35; Councilors Geraghty and Campbell arrived at 7:40pm.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS:

PROCLAMATIONS:

**ORDER 107 PROCLAMATION HONORING PORTLAND NORTH GIRLS' LITTLE
(TAB 1) LEAGUE 1998 STATE CHAMPIONS - SPONSORED BY THOMAS V.
KANE, MAYOR.**

Proclamation read and presented by Councilor Dawson.

Councilor Leeman arrived.

**ORDER 108 PROCLAMATION HONORING PORTLAND HIGH BOYS' BASEBALL
(TAB 2) TEAM 1998 STATE CHAMPIONS - SPONSORED BY THOMAS V. KANE,
MAYOR.**

Proclamation read and presented by Councilor Dawson.

Councilors Geraghty and Campbell arrived.

**ORDER 109 PROCLAMATION HONORING MOHR AND SEREDIN AS
(TAB 3) CORPORATE CITIZEN OF THE MONTH FOR OCTOBER -
SPONSORED BY THOMAS V. KANE, MAYOR.**

Proclamation read and presented by Councilor Dawson..

**ORDER 110 PROCLAMATION HONORING UNUM LIFE INSURANCE
(TAB 4) COMPANY OF AMERICA'S SOCIAL INVESTMENT PROGRAM -
SPONSORED BY THOMAS V. KANE, MAYOR.**

**ORDER 113 ORDER APPROVING CELEBRATING COMMUNITY: A
(TAB 7) COMMUNITY CULTURAL PLAN FOR PORTLAND - SPONSORED BY
ROBERT B. GANLEY, CITY MANAGER.**

ORDERED, that the attached report, "Celebrating Community: A Community Cultural Plan for Portland" is hereby approved.

**ORDER 114 ORDER AUTHORIZING APPLICATION FOR UP TO \$100 MILLION
(TAB 8) FOR HUD EMPOWERMENT ZONE PROGRAM GRANT- SPONSORED
BY ROBERT B. GANLEY, CITY MANAGER.**

ORDERED, that the City Manager is authorized to apply for a grant, up to \$100 million, under Round II of the Housing and Urban Development Empowerment Zone Program.

**ORDER 115 ORDER ACCEPTING DONATION OF LAND ON ST. JOSEPH STREET -
(TAB 9) SPONSORED BY ROBERT B. GANLEY, CITY MANAGER.**

ORDERED, that land on St. Joseph Street is hereby accepted from Frederick M. and Viola A. Conti, as described in the attached deed.

**ORDER 116 ORDER ACCEPTING PEDESTRIAN EASEMENTS AND DRAINAGE
(TAB 10) LICENSE RE: UNUM PROJECT ON OUTER CONGRESS STREET -
SPONSORED BY ROBERT B. GANLEY, CITY MANAGER.**

ORDERED, that the attached pedestrian easements from UNUM to City are hereby approved substantially in the form attached;

BE IT FURTHER ORDERED, that the attached Drainage Licenses with the Maine turnpike Authority is hereby approved substantially in the form attached.

**ORDER 117 ORDER GRANTING LICENSE FOR WINTERFEST LIGHT
(TAB 11) FESTIVAL - SPONSORED BY ROBERT B. GANLEY, CITY MANAGER.**

ORDERED, that the attached license to the Maine Narrow Gauge railroad Company and the Portland Rotary Club for the placement of the Winterfest light exhibit from November 1, 1998 through January 24, 1999 is hereby approved.

Motion made by Councilor Harlow to accept orders 111-117; seconded by Councilor Cloutier. Passed 9-0.

LICENSES:

CITY OF PORTLAND, MAINE

MEMORANDUM

TO: Mayor and Members of the City Council

DATE: 9/22/98

FROM: Kathleen J. Brown, Economic Development Director

SUBJECT: Review and Recommendation to City Council to Accept Donation of Land
on St. Joseph Street

1. Meeting at which action is requested: October 5, 1998.
2. Can action be taken at a later date? Yes.

I. SUMMARY OF ISSUE

Frederick M. and Viola A. Conti contacted the Economic Development Department in order to start the process to donate a portion of their property on St. Joseph Street to the City of Portland.

Apparently, in 1958, the Public Works Department constructed a 35-foot extension of St. Joseph Street onto the Conti property at the end of the Street. However, a deed transferring the property from the Contis to the City was never recorded. At this time, the Contis are in the process of selling a portion of their property and would like to clear up this matter by donating that portion of St. Joseph Street which lies on their property.

II. REASON FOR SUBMISSION

The City Council must authorize acceptance of the land proposed to be donated by Frederick and Viola Conti.

III. FINANCIAL IMPACT

The Contis will assume responsibility for all costs associated with the donation of the property.

IV. INTENDED RESULT

The intended result would allow for Frederick and Viola Conti to complete the sale of property on St. Joseph Street.

V. STAFF RECOMMENDATION

The requested land donation has been reviewed by the Corporation Counsel's office, the Public Works Department, and the Zoning Administrator. Based on this review, staff is recommending that the City Council authorize the donation as presented.

Attachments

- A: Memo from Marge Schmuckal, Zoning Administrator, dated 9/3/98.
- B: Memo from Anthony Lombardo, P.E./Public Works, dated 9/2/98
- C: Sketch Plan depicting the creation of road frontage for a division of land dated 9/8/98.

cc: Penny Littell, Associate Corporation Counsel
Anthony Lombardo, P.E./Public Works
Marge Schmuckal, Zoning Administrator

Warranty Deed

FREDERICK M. CONTI & VIOLA A. CONTI with a mailing address of 30 Crockett Road, Raymond, Maine, for consideration paid, GRANTS with WARRANTY COVENANTS TO: the CITY OF PORTLAND, with a mailing address of 389 Congress Street, Portland, Maine, the following real property in Portland, Cumberland County, Maine:

A certain lot or parcel of land situated at the easterly terminus of St. Joseph's Street, in the City of Portland, County of Cumberland, and State of Maine, being more particularly bounded and described as follows:

Beginning at a point marking the southeasterly corner of St. Joseph Street (F/K/A Buckley Court) accepted by order of the City Council, passed January 6, 1958 and recorded in the City of Portland Records Volume 74, pages 16 & 17 and re-established from City of Portland Department of Engineering field notes dated January 28, 1975. Said point also being on the westerly sideline of land described in a deed to the herein grantors, dated June 22, 1979 and recorded at the Cumberland County Registry of Deeds in Book 7368, page 159;

Thence, N21°01'26"E along the easterly terminus of said St. Joseph Street and said westerly sideline of land of the herein grantors a distance of fifty and two hundredths (50.02') feet to a point marking the northeasterly corner of said St. Joseph Street, the northerly corner of the herein described parcel, and the southwesterly corner of land to be conveyed by the herein grantors,

Thence, S52°52'36"E along said land to be conveyed by the herein grantors, a distance of fifty and no hundredths (50.00') feet to a point and remaining land of the herein grantors;

Thence, 35°59'42"W along said remaining land of herein grantors, a distance of fifty-one and no hundredths (51.00') feet to a point;

Thence, N65° 46'52"W continuing along said remaining land of the herein grantors, a distance of thirty-five (35') feet, more or less, to said westerly line of the herein grantors;

Thence, N21°E along said westerly line of the herein grantors, a distance of eleven (11') feet, more or less, to the point of beginning.

The herein described parcel is subject to a right to maintain water pipes, and poles and wires for electricity across land conveyed to Leon T. Webber. The herein described parcel is also subject to a right of way to and from Buckley Court, said right of way to be ten (10') feet in width per Cumberland County Registry of Deeds Book 1859; page

65, dated February 26, 1947.

The herein described parcel is also subject to a sewer line easement as described in a deed from Frederick M. Conti to the City of Portland, dated September 25, 1958 and recorded at said registry in Book 2440, page 235.

Meaning and intending to describe a portion of the premises conveyed to the herein grantors, dated June 22, 1979 and recorded at the Cumberland County Registry of Deeds in Book 7368, page 159.

IN WITNESS WHEREOF, the said grantors have caused this instrument to be signed.

Date: _____

Frederick M. Conti

Date: _____

Viola A. Conti

STATE OF MAINE
CUMBERLAND, s

Dated: _____

Personally appeared the above-named Frederick M. Conti and Viola A. Conti and acknowledge the foregoing instrument to be their free act and deed.

Before me,

Notary Public/Attorney-at-Law