



CITY OF PORTLAND
Planning and Urban Development Department

MEMORANDUM

TO: Robert B. Ganley, City Manager
DATE: March 2, 1995
FROM: Joseph E. Gray, Jr., Director of Planning and Urban Development
SUBJECT: Item for March 20, 1995 City Council Agenda
Demolition Order regarding 40 Clayton Street

Summary of Issue:

The City's Building Inspections Division and the Fire Department are recommending the demolition of the property located at 40 Clayton Street. Videotape of the condition of the property is available for review.

The building has been the subject of a great number of complaints over the past ten years. The attached reports from the Building Inspector and the Fire Department details the structural safety and fire concerns which these departments have with the building's present condition.

The property has been secured by the City's Trade Department on a number of occasions. This building is located between two occupied single family dwellings. All mechanical systems in the building have been damaged because of the building being abandoned. As a result, the property can not be occupied.

Representatives of the City Departments will be at the public hearing, and a video tape of the premises will be available for review at the public hearing.

Order # Order of Demolition-(17 M.R.S.A. Section 2851 ct Seg)
RE Premises at 40 Clayton St.-Sponsored by Robert B. Ganley,
City Manager.
Order # Order approving order of demolition RE: 40 Clayton St.
Sponsored by Robert B. Ganley, City Manager

This single family which has been abandoned, should be demolished. This structure has been abandoned for over ten years and has become dilapidated. The structure has also become structural unsound in certain areas of the floor system. The plumbing, heating and electrical systems, have been disabled and the building is unsuitable for residential use. Many attempts to work with the owner to rehab the building have been unsuccessful. This order gives the owner one final thirty(30) day period to remove it. After that, the City will have the building razed and try to recover its cost by enforcing the lien against the real estate: This order seeks the approval required by State Law before the City can demolish the structure.

The two items require five(5) affirmative votes for passage, after an opportunity for public comment has been given.

382-C-011



CITY OF PORTLAND
Planning and Urban Development Department

MEMORANDUM

TO: Joseph E. Gray, Jr., Director of Planning and Urban Development
FROM: P. Samuel Hoffses, Chief of Inspection Services **DATE:** March 2, 1995
SUBJECT: 40 Clayton Street (382-C-11)

As you are aware, this proposed demolition was scheduled for the Monday, December 5, 1994 Council Meeting but was withdrawn because the owner, Ms. Olive Collins, could not be found to be served notice.

On March 1, 1995, LT. McDougall of the Portland Fire Department and I conducted an inspection of 40 Clayton Street and found the same conditions as all previous inspections.

This building has been abandoned for over ten years and has been inspected by this division a number of times during this period. Many of our inspections have found this building open and evidence that people had entered the building causing damage.

On the September 7, 1994 inspection, the building was found to be secured because the City had completed this work recently. Therefor, only an exterior inspection was conducted. We found the property covered with heavy vegetation, so heavy that we could not see the house from the street. This poses not only a severe fire hazard but also a possible site for illegal activities. The building in question has deteriorated substantially during this time frame, and structural damage is now apparent in the building, floor joist (cellar), and with the huge amount of debris in every room and basement, this constitutes a fire hazard. This property is located in a very nice neighborhood, and on a frequently traveled street.

During our inspections, we found the building to meet the criteria as a dangerous building due to the fact that the building constitutes a hazard to health and safety because of inadequate maintenance, dilapidation, obsolescence and abandonment.

The building's power has been discontinued, the meter has been removed. The plumbing is inoperable and the heating system would have to be replaced.

There has been a minimum of two interior inspections of the building, one on July 15, 1994 by Code Enforcement Officers David Jordan and Marland Wing. The second inspection was done by LT. McDougall and C.E.O., Jordan and I on October 13, 1994. On that date, I did a video tape.

The interior inspection found the building full of trash and garbage with evidence of rodent. The basement floor had about an inch of water on it. The floor joists have rotted in some areas and the subfloor shows signs of being unstable.

I am requesting that this building be placed on the City Council Agenda for razing.

/el

Attachments: letter to owner from David Jordan date July 18, 1994
copy of assessment tax map
Mr. Charles Lane, Letter for title opinion



CITY OF PORTLAND
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AGENDA
REGULAR CITY COUNCIL MEETING
AFTERNOON SESSION
MARCH 20, 1995

The Portland City Council will hold the Afternoon Session of its regular City Council Meeting at 4:00 p.m. in the City Council Chambers, City Hall. The Honorable Richard W. Paulson, Jr., Mayor, will preside.

ROLL CALL:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

CONSENT ITEMS:

LICENSES:

APPOINTMENTS:

BUDGET ITEMS:

UNFINISHED BUSINESS:

ORDER 194 - ORDER GRANTING MUNICIPAL OFFICERS' APPROVAL FOR NEW AND
(TAB 1) RENEWAL STATE LIQUOR LICENSES AND SPECIAL ENTERTAINMENT PERMITS
- SPONSORED BY NADEEN M. DANIELS, CITY CLERK.

LIQUOR LICENSES:

RENEWAL APPLICATIONS TO BE CONSIDERED:

MALT, SPIRITUOUS, AND/OR VINOUS AND SPECIAL ENTERTAINMENT PERMITS:

Robert Larkin, d/b/a Bubba's Sulky Lounge, 92 Portland Street
(Class A Lounge, Entertainment with Dance)

This item was tabled to this afternoon's meeting because the police originally recommended denial. They have changed their recommendation to approval following an analysis of the calls previously attributed to Bubba's.

Five affirmative votes are required for passage; after an opportunity for public comment has been given.

ORDER 195 - ORDER AUTHORIZING AGREEMENT WITH ANIMAL REFUGE LEAGUE OF
(TAB 2) WESTBROOK - SPONSORED BY ROBERT B. GANLEY, CITY MANAGER.

This order authorizes a contract between the City Portland and the Animal Refuge League for a term beginning January 1, 1995 through December 31, 1995. For several years the Animal Refuge League has provided to the City essential services such as providing shelter for strayed and lost dogs and cats and providing services relating to humane disposition of dogs and cats in the event they are not claimed by their owners or suitable homes can not be found for them.

CITY OF PORTLAND, MAINE
M E M O R A N D U M

TO: P. Samuel Hoffses, Director of Inspection Services
FROM: Charles A. Lane, Associate Corporation Counsel
Ext. 8480
DATE: February 22, 1995
RE: Premises at 40 Clayton Street

A hearing regarding the proposed demolition of the premises at 40 Clayton Street has been scheduled for Monday, March 20, 1995 at 4:00 p.m.

It is my understanding that Marge will deliver all the materials for the council package, except the Order of Demolition, and deliver that material to the Manager's office on or before Tuesday, March 14, 1995.

I suggest that all the recipients of the memorandum meet with me on Monday morning, March 20th at 11:00 o'clock to prepare for the hearing. If that time should be inconvenient, please let me know.



Charles A. Lane
Associate Corporation Counsel

cc: Marge Schmuckal, Asst. Chief of Inspection Services
Lt. Galen McDougal, Fire Prevention Bureau
Joseph E. Gray, Director of Planning and Urban Development

CAL:rlj

Corporation Counsel
Gary C. Wood



CITY OF PORTLAND

Associate Counsel
Charles A. Lane
Elizabeth L. Boynton
Natalie L. Burns
Donna M. Katsiaficas

September 8, 1994

James M. Amendolara, Esq.
Maine Title Company
10 Free Street
Portland, ME 04101

RE: Request for Title Opinion - Demolition Program

Dear Jim:

Would you please undertake a forty year title search on the property described below. The property is being considered for removal, pursuant to Maine's Dangerous Building Statute (17 M.R.S.A. Section 2851, et seq.). Notice of the proceedings must be given to the owner and all parties in interest, as defined in 14 M.R.S.A. Section 6321 (foreclosure proceedings).

According to records in the Assessor's office, the property is described as follows:

40 Clayton Street
382-C-11
Frances J. Smith
to
James F. Collins
and
Olive M. Collins
Deed dated March 4, 1963
Book 2735, page 290

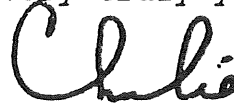
James F. Collins is believed to have died on March 30, 1984.

Would you please forward your report on the property to me as soon as it has been completed. You should direct the bill for your services to :

Joseph E. Gray, Jr.
Director of Planning and Urban Development
389 Congress Street
Portland, ME 04101

Your bill should clearly indicate that the title work was done in connection with the demolition of the property.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Charlie", written in dark ink.

Charles A. Lane
Associate Corporation Counsel

CAL:rlj

cc: Joseph E. Gray, Jr., Director of Planning and Urban
Development
P. Samuel Hoffses, Chief of Inspection Services

Inspection Services
Samuel P. Hoffses
Chief

*Sam
Free For City
Connect Pension
File*



Planning and Urban Development
Joseph E. Gray Jr.
Director

CITY OF PORTLAND--

July 18, 1994

RE: 40 Clayton St.

Olive Collins
819 Congress St.
Portland, ME 04102

Dear Mrs. Collins,

This letter is in regard to property you own at 40 Clayton Street, Portland, Maine. A recent extensive inspection by Code Enforcement Officer Marland Wing and I, has produce many violations of the City of Portland Municipal Codes, also under the Office of State Fire Marshal Laws for the Fire Service, chapter 2 Section. 2851 Dangerous Buildings "whenever the municipal officers shall find a building or structure or any portion thereof or any wharf, pier, pilings or any portion thereof which is or was located on or extending from land within the boundaries of the municipality, as measured from low water mark, is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment or is otherwise dangerous to life or property, they may after notice and hearing on this matter, adjudge the same to be a nuisance or dangerous and may make and record an order prescribing what disposal shall be made thereof."

These are also violations of the City of Portland Municipal Codes, Chapter 22, Section 22.5, which states, "All buildings and vacant properties to be kept free of rodent. Every building which existed on April 16, 1956 and every alteration, addition or extension thereto shall be rodent-proofed and maintained in such condition, and all vacant or unimproved property shall be kept free from rodent harborage at all times."

This office has had requests dating back to June 15, 1989 regarding the condition of this property. It is quite obvious you have no intension of complying with the directives from this office. (The building in question has deteriorated substantially during this time frame, and structural damage is now apparent in the building, floor joist cellar, and with the huge amount of debris in every room and basement this constitutes a fire hazard.) With these conditions existing for such a long period of time, I am going to

recommend to the City of Portland Chief Inspector that this structure be demolished if it is not brought up to Municipal and State standards. I am allowing twenty(20) days for you to comply with and respond to this correspondence. Your prompt attention to this matter is mandatory.

Sincerely,

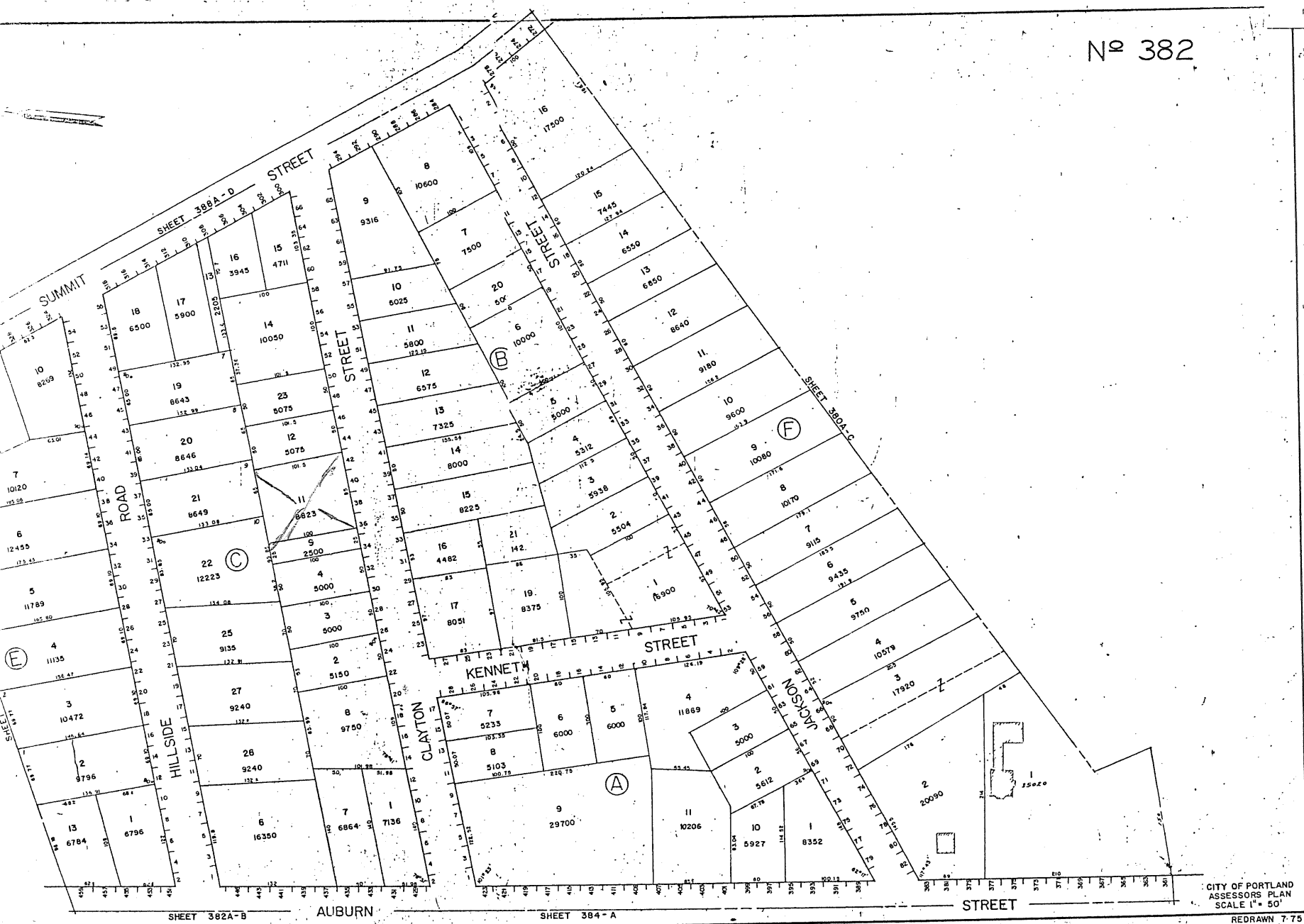
A handwritten signature in black ink, appearing to read "David Jordan", with a large, stylized loop at the end.

David Jordan
Code Enforcement Officer

/el

cc: P. Samuel Hoffses, Chief of Inspection Services

Nº 382





CITY OF PORTLAND
Planning and Urban Development Department

MEMORANDUM

To: Charles A. Lane - Asst. Corp. Counsel

From: P. Samuel Hoffses - Chief of Inspections

Re: 40 Clayton Street (382-C-11)

Date: September 8, 1994

On September 7, 1994, Lt. MacDougal of the Portland Fire Department and I conducted an inspection of the above referenced property.

This building has been abandoned for over 10 years, and has been inspected by this division a number of times during this period. Many of our inspections had found this building open and evidence that people had entered the building causing heavy damage.

On the September 7, 1994 Inspection we found the building secured because the City had done this work recently. Therefore only an exterior inspection was conducted. We found the property covered with heavy vegetation, so heavy that we could not see the house. This poses not only a severe fire hazard but a possible site for illegal activities. This property is located in a very nice neighborhood, and on a well traveled street.

During our inspections we found the building meets the criteria as a dangerous building due to the fact the building constitutes a hazard to the health and safety because of inadequate maintenance, dilapidation, obsolence and abandonment.

The building's power has been discontinued, the meter removed. The plumbing is inoperable and the heating system would have to be replaced.

An interior inspection completed on July 15, 1994 by Code Enforcement Officers David Jordan and Marland Wing. They found the interior full of trash and garbage and evidence of rodents. The basement floor has about 1 inch of water. The floor joists have rotted in some areas and the subfloor shows signs of being unstable.

I am requesting that this building be placed on the Council Agenda for razing.

Attachments: letter to owner from D. Jordan on 7/18/94
Copy of Assessment Tax Map
Memo to you from M. Schmuckal on 8/23/94/
Photos



CITY OF PORTLAND
Planning and Urban Development Department

MEMORANDUM

TO: Charles Lane, Associate Corporation Counsel
DATE: August 23, 1994
FROM: Marge Schmuckal, *MS* Asst. Chief of Inspection Services
SUBJECT: Title Search and other preparation for the proposed demolition of
40 Clayton Street - 382-C-11, owner: Olive M. Collins
DATE: August 23, 1994

At the request of Mr. Joseph E. Gray, Jr., Director of Planning and Urban Development and P. Samuel Hoffses, Chief of Inspection Services, we would like to go forward with demolition procedures for 40 Clayton Street. Please review our findings which we have attached, and take the necessary actions to place this on a future Council agenda. We feel that this structure meets the criteria of the dangerous building outline under Subsection 2851 of the Maine Revised Statutes.

/el

cc: ~~Joseph E. Gray, Jr., Director of Planning and Urban Development~~
✓ P. Samuel Hoffses, Chief of Inspection Services

CITY OF PORTLAND, MAINE
M E M O R A N D U M

TO: P. Samuel Hoffses, Director of Inspection Services

FROM: Charles A. Lane, Associate Corporation Counsel
Ext. 8480

DATE: November 16, 1994

RE: Premises at 40 Clayton Street

A hearing regarding the proposed demolition of the premises at 40 Clayton Street has been scheduled for Monday, December 5th at 4:00 p.m.

It is my understanding that Marge will assemble all the materials for the council package and deliver that material to the Manager's office.

I suggest that all the recipients of the memorandum meet with me on Monday morning, December 5th at 11:00 o'clock to prepare for the hearing. If that time is inconvenient, please let me know.



Charles A. Lane
Associate Corporation Counsel

cc: Marge Schmuckal, Asst. Chief of Inspection Services
Lt. Galen McDougal, Fire Prevention Bureau
Joseph E. Gray, Director of Planning and Urban Development

CAL:rlj

Sam

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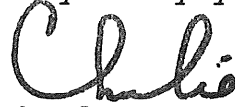
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Joseph E. Gray, Jr.
Director of Planning and Urban Development
389 Congress Street
Portland, ME 04101

Your bill should clearly indicate that the title work was done in connection with the demolition of the property.

Very truly yours,

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Charles A. Lane
Associate Corporation Counsel

CAL:rlj

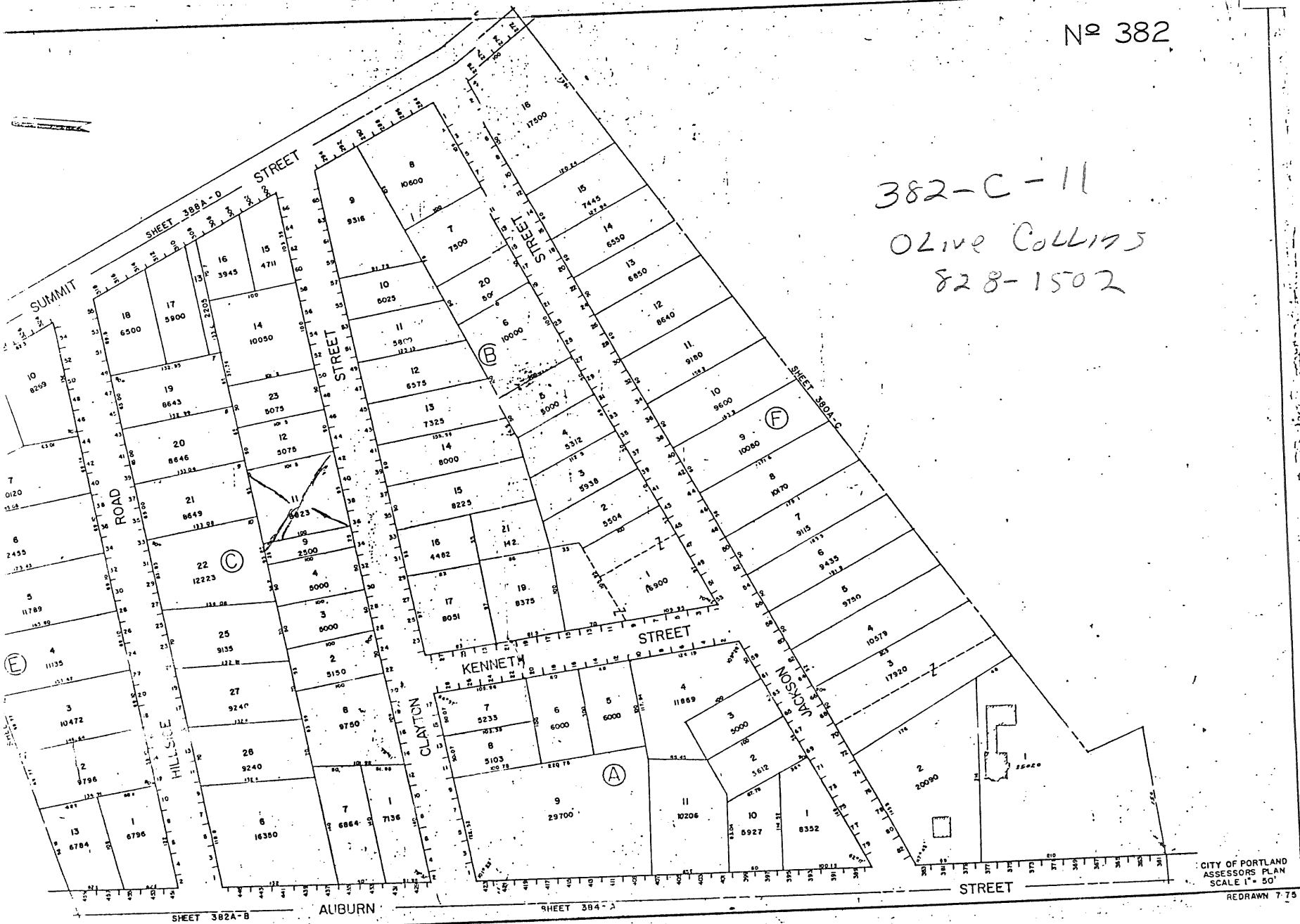
cc: Joseph E. Gray, Jr., Director of Planning and Urban
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P. Samuel Hoffses, Chief of Inspection Services

Nº 382

382-C-11

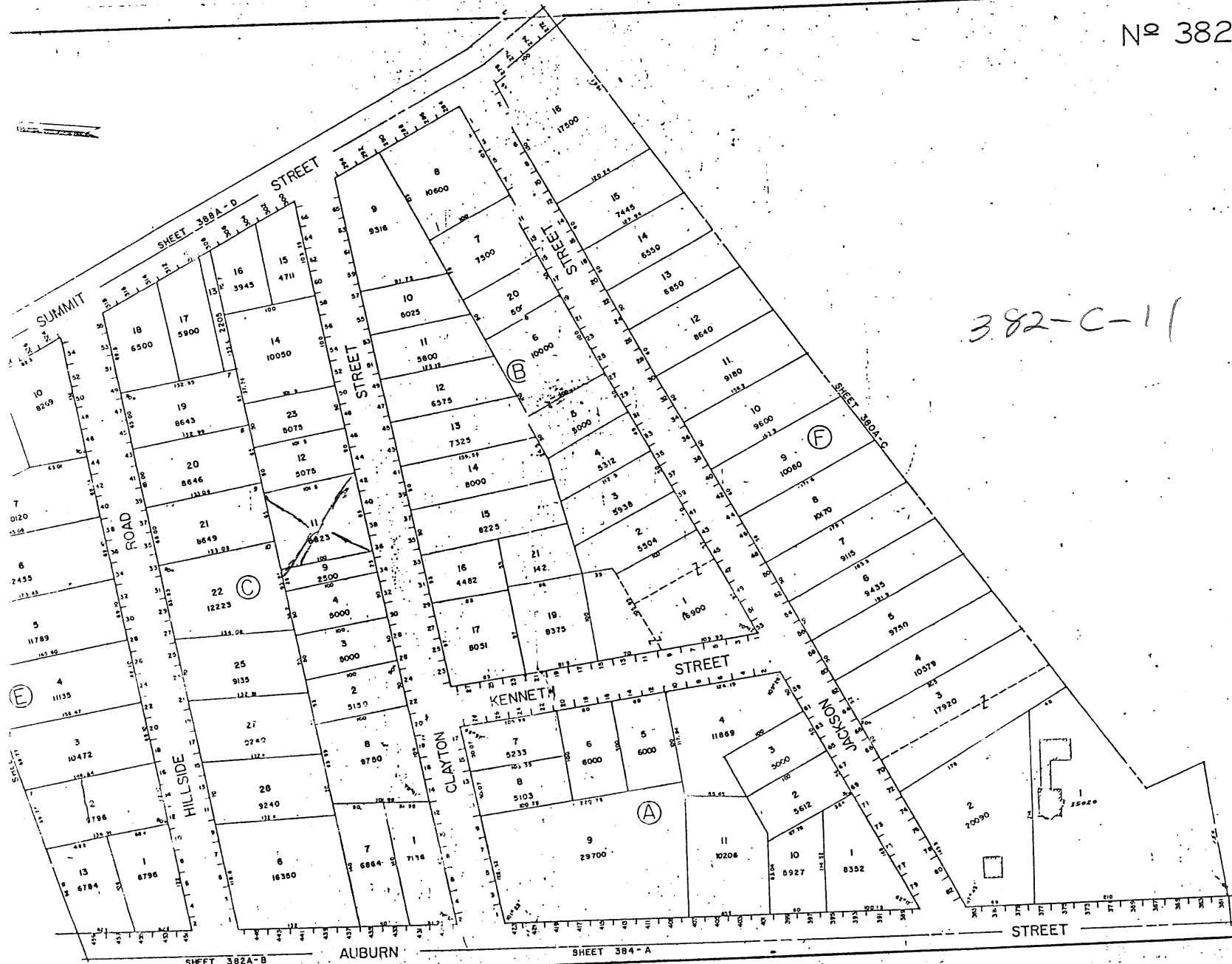
OLIVE COLLINS

828-1502



Nº 382

382-C-11



CITY OF PORTLAND, MAINE
M E M O R A N D U M

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Lt. Galen McDougal, Fire Prevention Bureau
Joseph E. Gray, Director of Planning and Urban Development

CAL:rlj

OLIVE
COLLINS
END of

April -

828-1592

called Ms Collins
Told her NO
Time extension.
B

DEPT. OF BUILDING INSPECTION
CITY OF PORTLAND, ME

APR 10 1995
RECEIVE

THANK

YOU

I'll BE

BACK

either

Tuesday or

Monday