

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: P. Samuel Hoffses, Chief
Inspection Services

DATE: 4/29/86

FROM: Richard P. Flewelling
Associate Corporation Counsel

SUBJECT: Sisters of Mercy Subdivision/Little Diamond Island

Although the recording plat for the Sisters of Mercy subdivision on Little Diamond Island purports to require a \$50,000 bond as a condition precedent to issuance of any building permit (see attached), some lot owners have already said they have no intention of using the sandbar in connection with construction. In those cases, assuming the application meets all other requirements, I suggest you issue the permit subject to the following conditions in lieu of a bond:

1. The sandbar between Little and Great Diamond Islands shall not be used for the transportation of any vehicles, equipment or materials in connection with the work authorized by this permit.
2. If there is any breach of condition #1 above, this permit may immediately be revoked, and no new permit shall be issued unless a bond is first posted with the City in accordance with the Note on a plan of land on Little Diamond Island for St. Joseph's Convent and Hospital dated June 1984, recorded in the Cumberland County Registry of Deeds in Plan book 148, Page 61.
3. If there is any damage to said sandbar as the result of any breach of condition #1 above, no certificate of occupancy shall be issued for any structure erected pursuant to this permit unless and until such damage is repaired to the City's satisfaction.

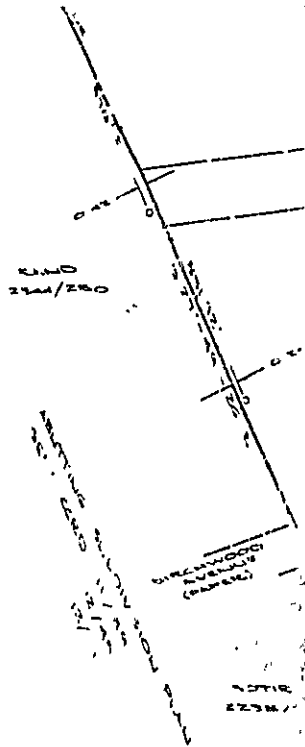
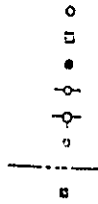
If you have any questions, please contact me.

Richard P. Flewelling
Richard P. Flewelling
Associate Corporation Counsel

REF/smb

cc: Warren Turner
Rick Knowland

LEGEND:
 IRON PIPE OR ROD FOUND ○
 MONUMENT FOUND □
 IRON ROD TO BE SET ○
 UTILITY POLE ○
 HYDRANT ○
 FENCE POST ○
 BROOK ○
 MONUMENT TO BE SET □



NOTE.
 EVERY APPLICANT FOR A CITY OF PORTLAND BUILDING PERMIT WITH RESPECT TO THIS SUBDIVISION PLAN SHALL, AS A CONDITION PRECEDENT TO THE GRANTANCE THEREOF, POST WITH THE CITY A BOND, IN THE AMOUNT OF \$ 50,000.00 AND IN A FORM SATISFACTORY TO THE CITY, FOR THE REPAIR, REPLACEMENT OR RESTORATION OF ANY PORTION OF THE SANDBAR BETWEEN LITTLE DV. DND AND GREAT DIAMOND ISLANDS WHICH IS DAMAGED BY THE TRANSPORTATION OF VEHICLES, EQUIPMENT OR MATERIALS IN CONNECTION WITH WORK AUTHORIZED BY THE PERMIT. NO CITY OCCUPANCY PERMIT SHALL BE ISSUED UNTIL AND UNLESS THE PUBLIC WORKS AUTHORITY HAS INSPECTED THE SANDBAR AND CERTIFIED THAT NO SUCH DAMAGE HAS BEEN CAUSED OR THAT ALL SUCH DAMAGE HAS BEEN REPAIRED TO THE CITY'S SATISFACTION, AT WHICH TIME THE BOND SHALL BE CANCELLED.

IF AT ANY TIME THE PUBLIC WORKS AUTHORITY DETERMINES IN ITS SOLE AND EXCLUSIVE JUDGMENT THAT IMMEDIATE AND IRREPARABLE DAMAGE IS BEING OR MAY BE CAUSED TO ANY PORTION OF THE SANDBAR WHETHER BY MAN OR NATURE, OR BOTH, THE PUBLIC WORKS AUTHORITY MAY ORDER THAT ALL OR ANY PORTION OF SUCH TRAFFIC IMMEDIATELY CEASE UNTIL FURTHER NOTICE

DATE 5/6/85
 BOOK 148
 PAGE 61
 TIME 3:41

REC'D FROM *Quincy Bay*