



CITY OF PORTLAND
Planning and Urban Development Department

MEMORANDUM

TO: Joseph E. Gray, Jr., Director of Planning and Urban Development
FROM: Z. Samuel Hoffses, Chief of Inspection Services
SUBJECT: 40 Clayton Street (372-C-11)

DATE: March 2, 1995

As you are aware, this proposed demolition was scheduled for the Monday, December 5, 1994 Council Meeting but was withdrawn because the owner, Ms.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. Therefore, 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

Inspection Services
Samuel P. Hoffes
Chief

*Sign
back for City
Council Resolution
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

Collins

2

7/18/94

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,

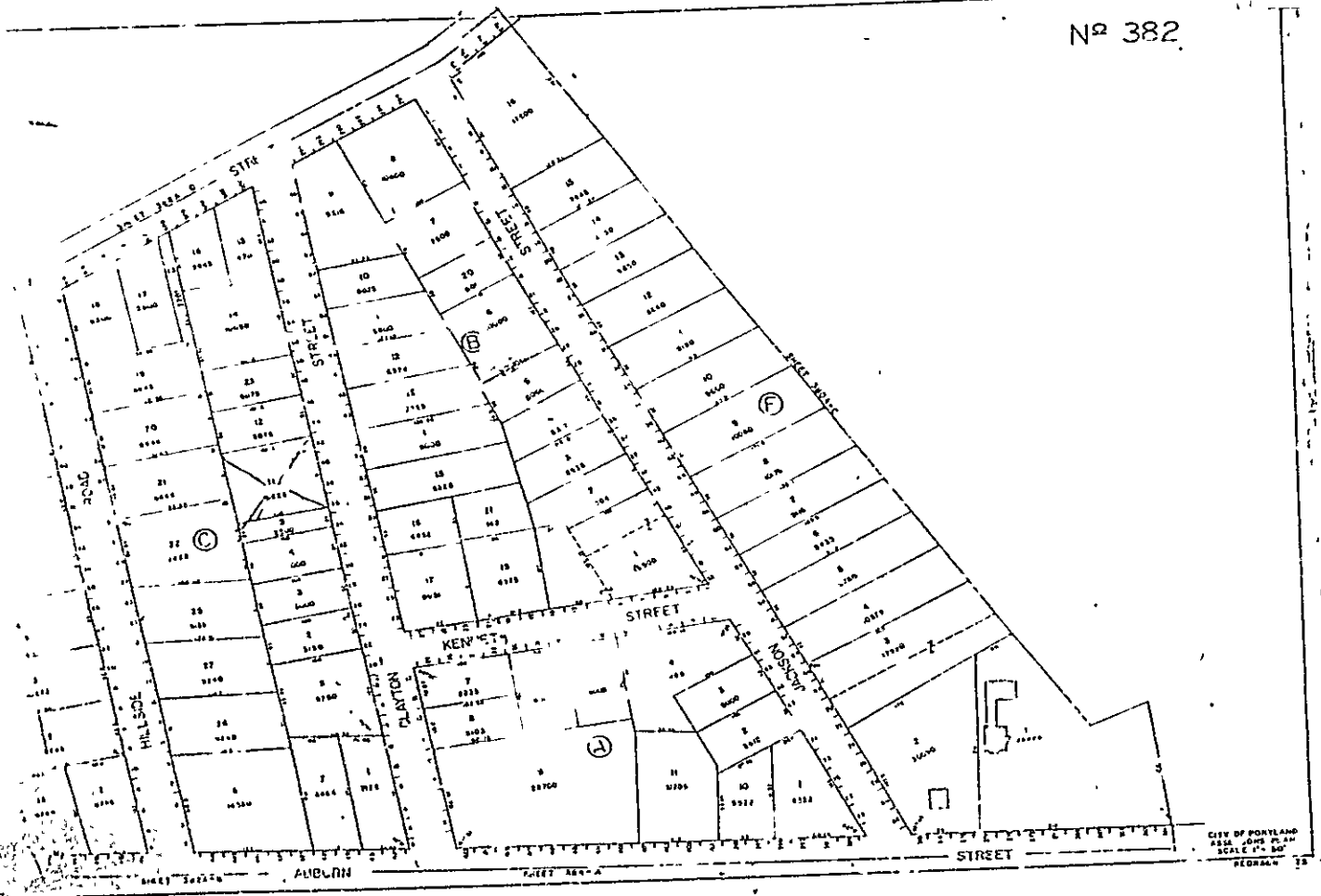


David Jordan
Code Enforcement Officer

/el

cc: Samuel Hoffses, Chief of Inspection Services

Nº 382



CITY OF PORTLAND
ASSESSOR JOHN P. SMITH
SCALE 1" = 50'
REDRACED '15

Corporation Counsel
Gay C. Wood



CITY OF PORTLAND

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

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 prop rty.

Very truly yours,



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

1. Unsafe - open - close to other occupied structures
2. Unsanitary - plumbing missing - broken - not usable
3. Constitutes a fire hazard - open -
4. UNSUITABLE or IMPROPER for occupancy
NO power (ELE), plbg, water -
5. Constitutes a hazard to health or safety (open)
6. Inadequate maintenance -
7. dilapidation -
8. Obsolescence
9. Abandonment.
10. dangerous to life or property

Brickett 30 Aug 21, 60 day

Winter St. - 60 days - ^{FIN} contract.

Anderson St.

→ check security

40 Chayton ST.

① UNSAFE - open, fire hazard

② UNSANITARY - NO sanitary facilities - PLUMB, ELE, HEAT. STRUCTURE FULL OF TRASH -

③ UNSUITABLE FOR OCCUPANCY - 12 PLUMB, ELE, HEAT -

④ INADEQUATE MAINTENANCE - NO WORK ON STRUCTURE SINCE ABANDONMENT.

⑤ DERELICTION - NO WORK ON STRUCTURE OR PROPERTY FOR OVER TEN YEARS -

⑥ ABANDONMENT - OVER 10 YEARS SINCE SOMEBODY LIVED THERE.

⑦ DANGEROUS TO LIFE OR PROPERTY -



L

1. Un safe - open - close To
2. Unsanitary - plumbing missing - b
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SAFETY (open)
6. Inadequate maintenance
7. Dilapidated
8. Obsolescence
9. Abandonment -
10. dangerous To life or

Brackett 30 days - 60

Winter St. - 60 days - Fire
conite

Anderson St.

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

TO: P. Samuel Hoffsas, 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.



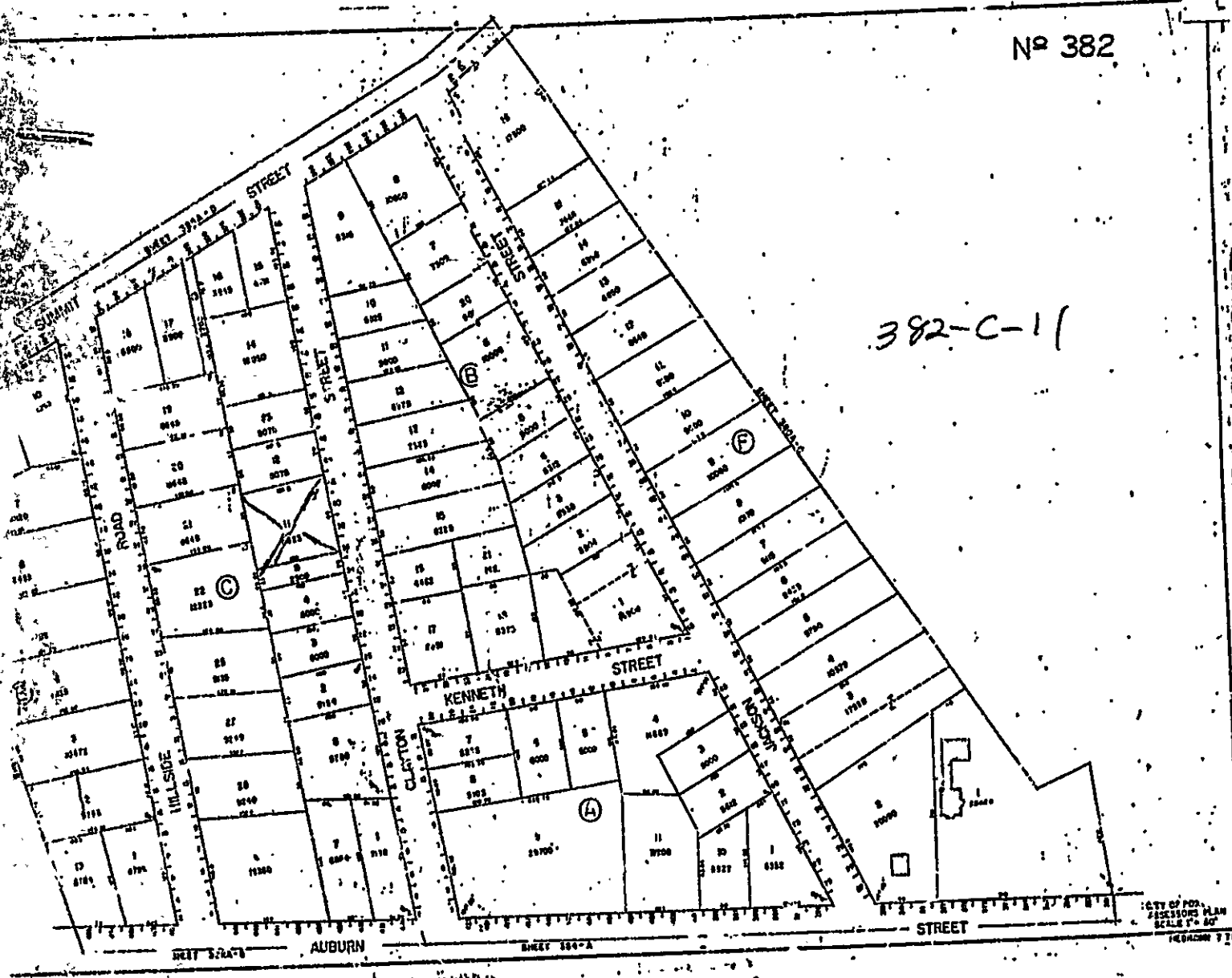
Charles A. Lane
Associate Corporation Counsel

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

CAL:rlj

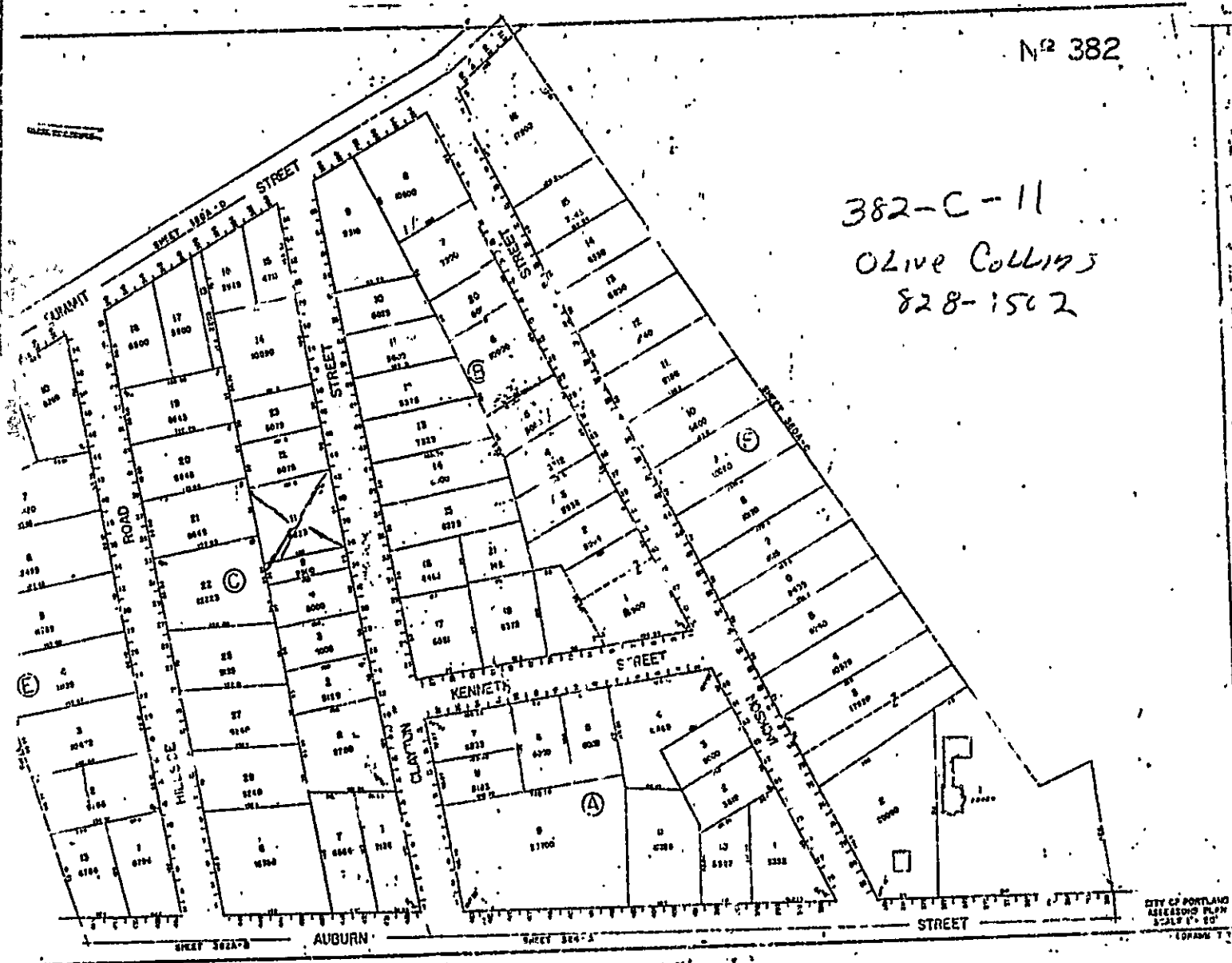
No 382

382-C-11



N^o 382

382-C-11
Olive Collins
828-1502



CITY OF PORTLAND
ASSESSOR'S PLAN
SCALE 1" = 50'

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

Very truly yours,



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

Soon
Corporation Counsel
Gary C. Wood



CITY OF PORTLAND

Associate Counsel
Charles A. Lane
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Natalie L. Burns
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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:

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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

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
Josepl. E. Gray, Director of Planning and Urban Development

CAL:rlj



CITY OF PORTLAND
Planning and Urban Development Department

MEMORANDUM

TO: Charles Lane, Associate Corporation Counsel
FROM: Marge Schmuckal, *MS* Asst. Chief of Inspection Services **DATE:** August 23, 1994
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
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 inspection 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, obsolescence and abandonment.

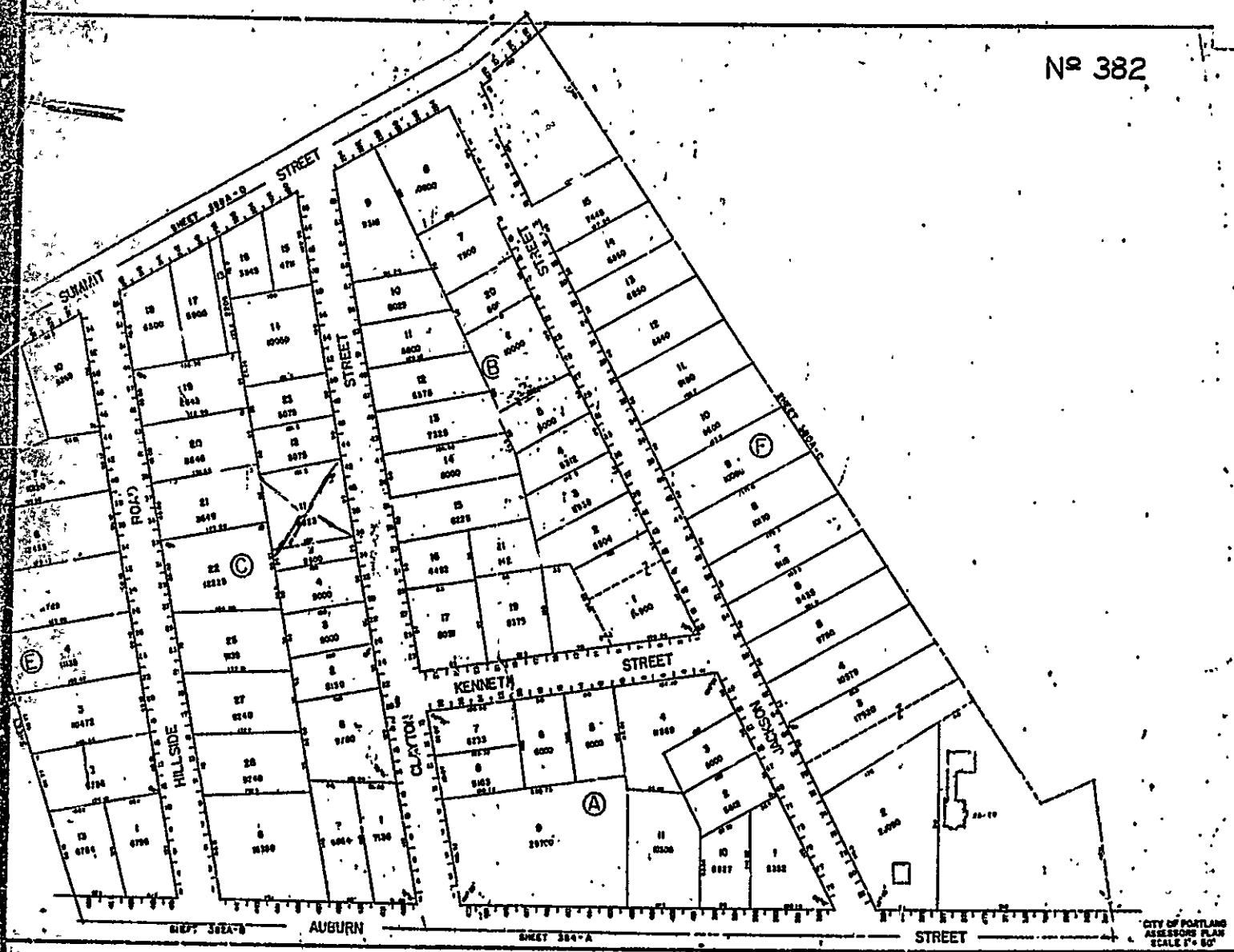
The building's power has been discontinued, the meter removed. The plumbing is inoperable and the heating system would have to be replaced.

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

N^o 382



CITY OF PORTLAND
ASSESSOR'S PLAN
SCALE 1" = 80'
GEORGE F. TO...

Collins

2

7/18/94

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,



David Jordan
Code Enforcement Officer

/el

cc: P. Samuel Hoffses, Chief of Inspection Services

Inspection Services
Samuel P. Hoffes
Chief

*Sam
Rec'd for City
Council Review
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,

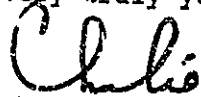
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Your bill should clearly indicate that the title work was done in connection with the demolition of the property.

Very truly yours,



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

Corporation Counsel
Gary C. Wood



CITY OF PORTLAND

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

September 8, 1994

James M. Amendclara, Esq.
Malco Title Company
10 Free Street
Portland, ME 04101

RE: Request for Title Opinion - Demolition Program

Dear Jim:

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Director of Planning and Urban Development
389 Congress Street
Portland, ME 04101

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

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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 Schmuckel, Asst. Chief of Inspector Services
Lt. Galen McDougal, Fire Prevention Bureau
Joseph E. Gray, Director of Planning and Urban Development

CAL:rlj

This order must be read on the 15th day. It received its first reading at the 15th Council meeting. Five affirmative votes were required for passage; after an opportunity for public comment had been given.

PUBLIC HEARINGS:

RESOLUTIONS:

COMMUNICATIONS:

ORDERS:

**ORDER 201 - ORDER OF DEMOLITION - (17 M.R.S.A. SECTION 2651 et. seq) RE:
(TAB 3) PREMISES AT 40 CLAYTON STREET - SPONSORED BY ROBERT R. GANLEY,
CITY MANAGER.**

The building has been the subject of a great number of complaints over the past ten years. Reports from the Building Inspector and the Fire Department, which are included in the backup material detail 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's abandoned state. As a result, the property can not be occupied.

Appropriate notification of this public hearing has been given to the property owner and the public.

This order gives the building 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.

This item requires five (5) affirmative votes for passage; after an opportunity for public comment has been given.

AMENDMENTS:

- 30 days to clean house - 180 to sell -

REQUEST FOR EXECUTIVE SESSION:

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
Planning and Urban Development Department

MEMORANDUM

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

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/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
Planning and Urban Development Department

MEMORANDUM

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/e1

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
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.

Olive
Collins
- End of April -

~~878-1592~~

called Ms Collins
Told her NO
Time extension.

CITY OF PORTLAND
APR 10 1995
RECEIVED

THANK
YOU
I'LL BE
BACK
either
today or
Monday

13/00T/94 done video of 40 Clayton St.
8/12/94 was sch. for Demo-
8/mar/95 Insp.

Marg
David
myself

1423 TAX as of 20 jan/95

20/mar/95 Council

30 days to clean
House 180 to sell -

J. Madril
773-8932
Derry
Barid

Sam Collins

828-1502

M. Clayton St

8:30
11:48
L
P

112

40 Clayton ST.

382-0-11

113

114

115

116

117

40 Clayton ST.

- ① Unsafe - open fire hazard
- ② Unsanitary - No sanitary facilities - PLUMB, ELEC, LOCAL STRUCTURE FULL OF TRASH
- ③ Unsuitable for occupancy - No PLUMB, ELEC, HEAT
- ④ Inadequate maintenance - No work on structure since abandonment
- ⑤ Deterioration - No work on structure or property for over Ten years
- ⑥ Abandonment - Over 10 years since somebody lived there
- ⑦ Dangerous to Life or Property