



**GARDINER CITY COUNCIL  
AGENDA ITEM INFORMATION SHEET**



<b>Meeting Date</b>	03/03/2021	<b>Department</b>	Planning/Economic Dev
<b>Agenda Item</b>	4.f Step II Discontinuance of Portion of Commerce Drive (aka Enterprise Avenue) in Libby Hill Business Park		
<b>Est. Cost</b>	n/a		

**Background Information**

AUG Dist. LLC is purchasing Lot 15 in the Libby Hill Business Park. As part of the approval process for his business, he is asking for a small section of the hammerhead piece on Commerce Drive (aka Enterprise Avenue) be discontinued so that appropriate controls can be completed on Lot 15.

There are multiple steps to this process:

Step 2. Council meets to discuss the proposed discontinuance at a public meeting (not public hearing). If Council wishes to proceed with the discontinuance, they must do the following:

- City Council will issue and file with the City Clerk an Order of Discontinuance that accurately reflects the action taken by the City Council to discontinue a section of Commerce Drive, and that the City Council send abutting property owners best practicable notice of this action without delay and to set a Public Hearing for March 17, 2021 to hear public comments on the Order of Discontinuance.

<b>Requested Action</b>	'See attached Motions to be made'
<b>City Manager and/or Finance Review</b>	The City Manager and Economic Development Director recommend the attached action.
<b>Council Vote/ Action Taken</b>	
<b>Departmental Follow-Up</b>	

<b>City Clerk Use Only</b>	1 <sup>st</sup> Reading _____	Advertised _____	<b>EFFECTIVE DATE</b> _____
	2 <sup>nd</sup> Reading _____	Advertised _____ w/in 15 Days	
	Final to Dept _____	Updated Book _____	Online _____

**Wednesday, March 3, 2021 City Council Meeting:  
Discontinuance of Commerce Street**

**Step A: Motion to Discontinue a section of Commerce Street**

‘I move that the City Council issue an order to discontinue a section of Commerce Street (also known as Enterprise Avenue). Specifically, the section of Commerce Street that would be discontinued lies entirely within the property identified as Gardiner Tax Map 18A, Lot 15, and more specifically, the portion of Commerce Street depicted on the drawings numbered Sheet 2 of plans entitled “Amended Subdivision Plan, Libby Hill Business Park” prepared by OEST Associates, Inc., dated August 1998 and last revised September 3, 1999, signed by the Gardiner Planning Board September 16, 1999, and recorded at the Kennebec County Registry of Deeds on September 27, 1999 in Book E99, Page 176 and Page 177 (the “Plan”) which lies easterly of the following described line: beginning at the most southerly corner of Commerce Street depicted on Sheet 2 of the Plan, being S 67° 51' 37" E sixty feet from the intersection of the most easterly corner of the Pump Station Easement and a southerly corner of Commerce Street, both as depicted on said Sheet 2; thence running N 22° 08' 23" E to a point of curvature of a curve to the right having a radius of 351.97 feet.’

‘A public easement would not be retained upon discontinuance. Damages would be paid to abutting property owners as follows:

Name: AUG Commerce Distr. LLC

Amount: \$ 0’

**Step B: City Council then signs Order on Discontinuance**

**Step C: Motion to File with Clerk and Provide Notice**

‘I move that the City Council issue and file with the City Clerk an Order of Discontinuance that accurately reflects the action taken by the City Council to discontinue a section of Commerce Street, and that the City Council send abutting property owners best practicable notice of this action without delay.’

**Step D: Motion to Set a Public Hearing Date**

‘I move that the City Council set a public hearing date on March 17, 2021 to Discontinue a section of Commerce Street.’



**Order of Discontinuance of Commerce Street**

**TO:** Residents of the City of Gardiner and other interested persons

**FROM:** The Gardiner City Council

Having complied with all applicable requirements of 23 M.R.S. § 3026-A, the Gardiner City Council hereby orders the discontinuance of a section of Commerce Street (also known as Enterprise Avenue). Specifically, the section of Commerce Street that would be discontinued lies entirely within the property identified as Gardiner Tax Map 18A, Lot 15, and more specifically, the portion of Commerce Street depicted on the drawings numbered Sheet 2 of plans entitled "Amended Subdivision Plan, Libby Hill Business Park" prepared by OEST Associates, Inc., dated August 1998 and last revised September 3, 1999, signed by the Gardiner Planning Board September 16, 1999, and recorded at the Kennebec County Registry of Deeds on September 27, 1999 in Book E99, Page 176 and Page 177 (the "Plan") which lies easterly of the following described line: beginning at the most southerly corner of Commerce Street depicted on Sheet 2 of the Plan, being S 67° 51' 37" E sixty feet from the intersection of the most easterly corner of the Pump Station Easement and a southerly corner of Commerce Street, both as depicted on said Sheet 2; thence running N 22° 08' 23" E to a point of curvature of a curve to the right having a radius of 351.97 feet. Reference is hereby made to the excerpt of the Plan attached to this Order.

A public easement will not be retained upon discontinuance.

Having given best practicable notice to all abutting property owners, the Gardiner City Council further orders damages to the abutting property owners as follows:

Name: AUG Commerce Dist. LLC

Amount: \$ 0

Dated: March 3, 2021

**GARDINER CITY COUNCILORS**

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