



GARDINER CITY COUNCIL
AGENDA ITEM INFORMATION SHEET



Meeting Date	07/22/2020	Department	Planning/Economic Dev
Agenda Item	4h. Discontinuance of Portion of Commerce Street in Libby Hill Business Park/Set Public Hearing Date		
Est. Cost	n/a		

Background Information

Ben Philbrook is purchasing Lot 15 in the Libby Hill Business Park. As part of the approval process for his business, the Planning Board asked for a small portion of the hammerhead piece on Commerce Drive (aka Enterprise Avenue) be discontinued so that appropriate controls can be completed on Lot 15.

The City Council is being asked to set a Public Hearing on August 5, 2020, to hear public comment on this proposed discontinuance. At that same meeting the City Council will be asked to vote to discontinue the small portion.

Please see email and pertinent notifications attached.

Requested Action	'I move to set a Public Hearing on August 5, 2020 for the proposed discontinuance of a small portion of Commerce Drive.'
City Manager and/or Finance Review	The City Manager recommends the above action.
Council Vote/ Action Taken	
Departmental Follow-Up	

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

Christine Landes

From: Lyons, Patrick <plyons@eatonpeabody.com>
Sent: Tuesday, July 14, 2020 5:24 PM
To: Tracey Desjardins
Cc: Christine Landes
Subject: RE: Lot 15 Libby Hill Business Park
Attachments: Initial Notice of Proposed Discontinuance (03518729xAE394).docx; Notice Letter Attachment (03520537xAE394).jpg

Tracey,

Please review the attached notice of proposed discontinuance and attachment. If this looks good to you, please provide this notice to the buyer of the property, the City (as owner of Lot 15), and to be safe the owner of Lot 16 (if that is not the City as well).

Please let me know if you have any questions. Once you approve and send out the notice let me know and I will prepare the subsequent materials needed for the City Council to execute the discontinuance. Please make copies of all notices issues and provide them to me for my records.

Best,
Patrick

Patrick W. Lyons
Eaton Peabody
80 Exchange Street
P.O. Box 1210
Bangor, ME 04402-1210
Tele: 207.992.4307
Fax: 207.942.3040
[Professional Profile](#) | [Website](#)

This message is intended only for the designated recipient, and is otherwise confidential as a matter of law. If you are not a designated recipient, you must not review, print, copy, distribute, or retain a copy of this message. If you received this e-mail by mistake, please notify the sender by return e-mail immediately, and destroy or delete this message. Thank you.

From: Tracey Desjardins <TDesjardins@gardinermaine.com>
Sent: Friday, July 10, 2020 1:46 PM
To: Lyons, Patrick <plyons@eatonpeabody.com>
Cc: Christine Landes <CLandes@gardinermaine.com>
Subject: Lot 15 Libby Hill Business Park

Hi Patrick – in regards to Discontinuance process for the hammerhead along Commerce Drive here is the information you were looking for:

Purchaser Name: Ben Philbrook
Property Address: No street address yet. Commerce Drive is the road, however under the GIS its labeled as Enterprise Avenue?
Map: 18 A

Lot: 15

Deed: Book 9125 Page 310 – 315

Tracey K. Desjardins

Economic Development Director/Planning

6 Church Street

Gardiner, ME 04345

Office: 207-582-4200 Cell: 207-242-1907 Fax: 207-582-6895

e: tdesjardins@gardinermaine.com

w: www.gardinermaine.com

Under Maine's Freedom of Access ("Right to Know") law, all e-mail and e-mail attachments received or prepared for use in matters concerning the City of Gardiner, business or containing information relating to city business are likely to be regarded as public records which may be inspected by any person upon request, unless otherwise made confidential by law. If you have received this message in error, please notify us immediately by return email. Thank you for your cooperation

Notice of Proposed Discontinuance of Portion of Commerce Street

TO: _____

FROM: The Gardiner City Council

Dear Property Owner:

Our records show that you have an interest in property abutting Commerce Street in Gardiner, Maine. This is to notify you that on July 22, 2020, at [____] PM the Gardiner City Council will meet [in the Council Chambers at City Hall?] to determine whether it will issue an order to discontinue a portion of Commerce Street, and determining damages, if any, regarding abutting property owners.

The only portion of Commerce Street (also known as Enterprise Avenue) 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 letter.

If an Order of Discontinuance is issued and subsequently approved by vote of the City Council, the City will have no obligation to maintain that portion of Commerce Street but the public may still have the right to travel over it by way of public easement and a utility easement may also be retained. Abutting property owners have the right to enter into private agreements regarding maintenance of and access to the discontinued portion of Commerce Street.

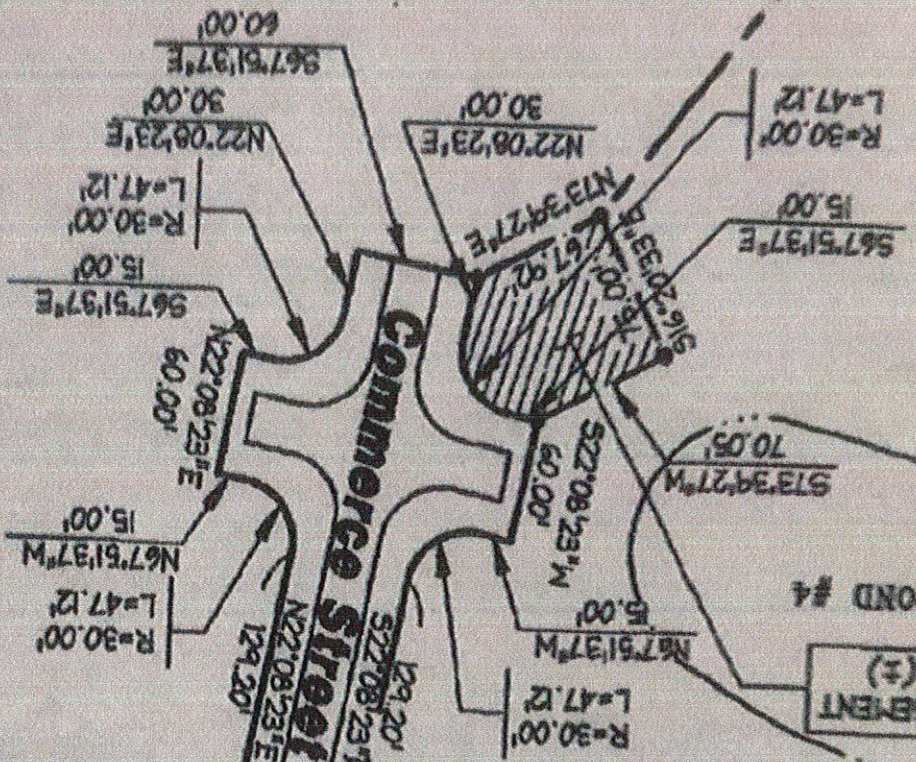
These matters will be discussed at the City Council's meeting on July 22, 2020, at [____] PM, and at a public hearing to be held once scheduled by the City Council.

Dated: July 15, 2020

LOT 15

1193.39'

N63°31'04"E
652.44'



PUMP STATION EASEMENT
AREA (629 S.F. (±))

POND #4

MATCH LINE

LOT 16
9.0 AC.

Commerce Street

Enterprise Avenue

60.00' R.O.W.
24' PAVEMENT

POND #2

1055.13'

1055.13'