



**GARDINER CITY COUNCIL  
AGENDA ITEM INFORMATION SHEET**



<b>Meeting Date</b>	11/02/2022	<b>Department</b>	City Council
<b>Agenda Item</b>	4.o Agenda Item: Request from owner of 19 Partridge Dr to change deed restrictions		
<b>Est. Cost</b>			

**Background Information**

Ron Trahan is the owner of 19 Partridge Drive. In the deed (see attached) there are restrictions for building as follows:

1. The building must have 1700 square feet of living space
2. It must have an assessed value of \$200,000

Mr. Trahan is requesting that the 1700 square foot requirement be removed.

It is important to note that the approved subdivision from Planning Board (Ridgecrest) has a build requirement of a minimum of 1200 square feet.

Action on this requires a Council Vote and then the creation and filing of a Release Deed which will need to be drafted by our legal team.

I have spoken with our legal counsel and City Council has three options:

1. Vote to keep the deed restriction in place. It is a restriction that does not violate the subdivision requirements as it is more stringent.
2. Vote to remove the requirement from the deed and rely solely on the subdivision requirements.

<b>Requested Action</b>	'I move to remove the deed restriction of 1700sq foot minimum build from the deed to 19 Partridge Drive and direct the City Manager to sign a release deed on behalf of the City. "
<b>City Manager and/or Finance Review</b>	The Acting City Manager recommends the above 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 _____



OPR BK 11867 PGS 154 - 155 12/08/2014 10:24:27 AM  
INSTR # 2014029102 # OF PAGES 2  
ATTEST: BEVERLY BUSTIN-HATHEWAY  
REGISTER OF DEEDS KENNEBEC COUNTY, ME

**TRANSFER  
TAX  
PAID**

### MUNICIPAL QUITCLAIM DEED

CITY OF GARDINER, a body corporate and politic located in Kennebec County, Maine, for consideration paid, releases to **RONALD J. TRAHAN** and **MARGUERITE A. TRAHAN** both of Gardiner, Kennebec County, Maine, whose mailing address is 11 Partridge Drive, Gardiner, ME 04345, as joint tenants, the land designated as Map 22, Lot 64 on the assessor maps for the **City of Gardiner**, Kennebec County, Maine, and described as follows in the deed from Chad A. Coombs and Mariah D. Morris to Coombs Development, LLC, dated May 12, 2006, and recorded in the Kennebec County Registry of Deeds in Book 8917, Page 95:

Real estate, together with any buildings and improvements thereon, located on Partridge Drive in the City of Gardiner, Kennebec County, Maine, being Lot 2 in the Ridge Crest Estates Subdivision, so-called, as depicted in the subdivision plan recorded on June 19, 1987 in the Kennebec County Registry of Deeds in File No. D-87-102, as amended by the revised subdivision plan recorded on October 6, 1988 in said Registry in File No. E-88-237 (the "Premises").

EXPRESSLY RESERVING all public easements or other public interests in the above-described parcel for roads, sewers, or other purposes.

SUBJECT TO the following condition which shall run with and bind the land and Grantees' successors and assigns shall be subject to the same:

1. On or before July 1, 2015 ("Site Improvements Completion Deadline"), Grantees shall cause the Premises to be covered with gravel and/or topsoil (the "Site Improvements").

2. Other improvements on the Premises are restricted to one single family residence thereon, which may not be a mobile home and if Grantees erect such permitted improvements thereon, the following additional conditions shall apply thereto: the improvements shall be, in the opinion of Grantor, comparable in style (including architectural, finishes and general appearance) to the other homes on Partridge Drive with a value of not less than \$200,000 (excluding land), contain at least 1,700 square feet of living area, have a roof that will be shingled with architectural asphalt shingling, include an attached or integrated garage and, if a single story building, the roof must contain dormers, gables, or similar to break up the roofline ("Building Obligation").

For violation of any or all of the above conditions, Grantor shall have all of the following remedies without waiving any claims for breach of agreement: (1)

*Michelle Gerry  
Cumberland Title  
320 Water St  
Augusta, Me 04330*

Grantor may seek specific performance or (2) Grantor may perform or cause the Site Improvements and the Building Obligation to be completed for the account of Grantees, and Grantees shall reimburse Grantor for any amount paid and any expense or contractual liability so incurred, and any amounts due thereunder shall be deemed payable on demand of Grantor.

Meaning and intending to release, and hereby releasing, any interest the City of Gardiner may have in the above-described property acquired under and by virtue of a tax lien assessed against Coombs Development LLC and recorded in said Registry on June 23, 2009 in Book 10121, Page 316. Also hereby releasing any interest Grantor may have in the property pursuant to the following tax collector's lien certificates:

1. Recorded in said Registry on June 11, 2010 in Book 10441, Page 232; and
2. Recorded in said Registry on June 21, 2011 in Book 10760, Page 67.

Reference is also hereby made to the deed from 19 Partridge, LLC to the City of Gardiner, dated September 10, 2014 and recorded in said Registry in Book 11804, Page 210.

IN WITNESS WHEREOF, the City of Gardiner has caused this instrument to be signed and sealed by Scott Morelli, City Manager, duly authorized, this 4th day of December, 2014.

City of Gardiner

By   
 Scott Morelli, City Manager

STATE OF MAINE

Kennebec County

December 4, 2014

Personally appeared the above-named Scott Morelli, City Manager of the City of Gardiner, and acknowledged before me the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said body corporate and politic.

  
 Notary Public/Attorney at Law

Kathleen L. Cutler  
 Print or type name as signed

KATHLEEN L. CUTLER  
 Notary Public, Maine  
 My Commission Expires December 6, 2014