



## **TOWN OF FALMOUTH**

### **ORDER NO 48-2015**

#### **MILL CREEK CONDEMNATION ORDER**

Pursuant to 30-A M.R.S. § 3402 and 23 M.R.S. §§ 3021, *et seq.*, the Town Council of the Town of Falmouth, Maine, having determined at a meeting held on November 10, 2014, that the immediate taking of the below described property interests is required by public exigency, to wit, the installation of a new sewer pump station and associated piping and equipment, which installation is needed to the public health and welfare of the residents of the Town of Falmouth, as well the residents of the Town of Cumberland, and having further determined that said taking is needed in order to clear title to the below described property so that said installation may occur and having complied in all other respects with the requirements of law, hereby ORDER that the following described interests in real property be and hereby are taken and condemned by the Town of Falmouth for public sewer purposes:

#### **LOCATION**

A description of the parcel being taken is as follows:

A certain tract or parcel of land of 9,820 +/- square feet, being a portion of the 23 +/- acre parcel described in a deed from the Nature Conservancy of the Pine Tree State, Inc. to the Falmouth Conservation Trust dated January 8, 1997 and recorded in the Cumberland County Registry of Deeds (the "Registry") Book 12993, Page 15, said parcel subject to this Order being more particularly described on Exhibit A attached hereto and made a part hereof and depicted on Exhibit B attached hereto and made a part hereof and hereinafter referred to as the "Mill Creek Triangle."

#### **REAL PROPERTY INTERESTS TAKEN**

The property interests being taken by this Order are as follows:

1. The fee simple interest in the Mill Creek Triangle, said fee simple interest being currently held by the Falmouth Conservation Trust a/k/a the Falmouth Land Trust, by virtue of said above referenced deed from The Nature Conservancy of the Pine tree State, Inc., subject to a certain Conservation Easement held by the Town of Falmouth

set forth in a certain Indenture between The Nature Conservancy of the Pine Tree State, Inc. and the Town of Falmouth, dated October 7, 1975 and recorded in the Registry Book 372, Page 35 (the "Conservation Easement"), a reversionary interest in The Nature Conservancy of the Pine Tree State, Inc. as contained in the above referenced deed recorded in the Registry Book 12993, Page 15 (the "Reversionary Interest") and sewer easement granted to the Town of Falmouth by Charles S. Payson by deed dated October 28, 1969 and recorded in the Registry Book 3112, Page 157 (the "Sewer Easement");

2. The Conservation Easement, but only as it burdens the Mill Creek Triangle.
3. The Reversionary Interest, but only as it burdens the Mill Creek Triangle; and
4. The Sewer Easement, but only as it burdens the Mill Creek Triangle.

Pursuant to this Order, the Town of Falmouth shall be the fee simple absolute owner of the Mill Creek triangle free and clear of the Conservation Easement, the Reversionary Interest and the Sewer Easement.

#### PROPERTY OWNERS

The names and addresses of the owners of property interests to be taken and condemned are as follows:

The Falmouth Conservation Trust a/k/a the Falmouth Land Trust  
P.O. Box 6172  
Falmouth, ME 04105

The Nature Conservancy of the Pine Tree State  
14 Maine Street, Suite 401  
Brunswick, ME 04011

Town of Falmouth  
271 Falmouth Road  
Falmouth, ME 04105  
Attn: Town Manager

#### AMOUNT OF DAMAGES

The damages determined by the Town Council to be just compensation for the property interests to be taken and condemned under this Order are as follows:

To the Falmouth Conservation Trust a/k/a Falmouth Land Trust, the sum of Three Thousand Dollars (\$3,000.00);

To the Nature Conservancy of the Pine Tree State, Inc. Zero Dollars (\$0.00); and

To the Town of Falmouth, Zero Dollars (\$0.00).

Signed and dated this \_\_\_\_ day of \_\_\_\_\_, 2014.

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**Town Council of the Town Falmouth**