



**TOWN OF FALMOUTH**

**ORDER NO 93-2019**

**APPROVING NOTICE OF INTENTION TO TAKE PROPERTY  
INTERESTS FOR DRAINS AND CULVERTS AND  
SCHEDULING OF PUBLIC HEARING**

**BE IT HEREBY ORDERED THIS 8<sup>th</sup> DAY OF APRIL 2019, BY THE  
FALMOUTH TOWN COUNCIL, FALMOUTH MAINE, IN TOWN  
COUNCIL ASSEMBLED:**

**WHEREAS**, the Town Council has determined pursuant to 23 M.R.S. § 3251 that an easement over certain real property located along the extension of Underwood Road is necessary for public purposes and convenience for the construction of stormwater drainage improvements and related surface stabilization work.

**NOW THEREFORE**, it is hereby ordered that the attached Notice of Intention regarding the foregoing shall be posted in accordance with 23 M.R.S. § 3022, and that a public hearing shall be held on April 22, 2019 on an Order of Condemnation of the above-referenced property interest.

**Attest:** \_\_\_\_\_

**Ellen Planer  
Town Clerk**

**TOWN OF FALMOUTH  
MAINE**

**NOTICE OF INTENTION TO TAKE PROPERTY INTERESTS FOR CONSTRUCTION  
OF DRAINS AND CULVERTS PURSUANT TO 23 M.R.S. § 3251**

Pursuant to 23 M.R.S. § 3251 and 23 M.R.S. § 3022, the Town Council of the Town of Falmouth, Maine hereby gives notice of its intention to take certain property interests as described below by Order of Condemnation for the purpose of installing drains, culverts and associated piping near Underwood Road and the Underwood Road extension, in which the Town has accepted a utility easement, and to award damages for said taking at a meeting/public hearing to be held at the Falmouth Town Hall on April 22, 2019 at 7:00 P.M., at which all persons interested therein may be present.

**LOCATION:**

A description of the easement area being taken is as follows: An easement over certain property located in the Town of Falmouth, County of Cumberland, State of Maine being described as follows (hereinafter, the "Easement Area"):

Starting at a point located at the intersection of the northeasterly sideline of the extension of the Underwood Road right-of-way, as it extends southeasterly from Glen Road, and the southwesterly corner of land now or formerly of Casco Bay Limited Partnership being described in a deed recorded in the Cumberland County Registry of Deeds in Book 10621, Page 45;

Thence N 34° 04' 02" E a distance of six and one tenth feet (6.1') to the center of the Underwood Spring stream;

Thence continuing along the center of the stream and by and along land now or formerly of Deborah E. Zimmermann (also referred to in instruments of record as Deborah E. Zimmerman) being described in a deed recorded in said Registry of Deeds in Book 9502, Page 252 by the following courses:

N 27° 33' 14" W a distance of eight and six tenths feet (8.6');

N 46° 58' 13" W a distance of eight and one-tenths feet (8.1');

N 55° 34' 39" W a distance of eight and nine-tenths feet (8.9');

N 0° 05' 01" E a distance of four and eight-tenths feet (4.8')

N 14° 35' 45" W a distance of eleven and three-tenths feet (11.3'); and

N 26° 10' 47" W a distance of eight and nine-tenths feet (8.9');

Thence turning and running S 67° 42' 53" W through land of Walter Libby to the northeasterly sideline of said extension of Underwood Road; and

Thence turning and running S 55° 55' 32" E along the northeasterly sideline of said extension of Underwood Road a distance of sixty one and eight-tenths feet (61.8') to the point of beginning.

The Easement Area is shown as "Proposed Drainage Easement 893+/- SF" on the plan dated November, 2018 entitled "Taking Exhibit Town of Falmouth & Walter & DeHahn Libby" prepared by Wright-Pierce, Project number 13042A, a copy of which is attached hereto as **Exhibit A**.

Being a portion of the premises awarded to Walter Libby by virtue of an Amended Decision and Judgment issued by the Cumberland County Superior Court in a Civil Action Docket No. RE-02-64 dated May 2, 2007 and recorded on January 13, 2014 in said Registry of Deeds in Book 31283, Page 111.

**REAL PROPERTY INTERESTS TO BE TAKEN:**

An easement over the Easement Area to discharge water in and near Underwood Stream and to install, use, maintain, inspect, repair and replace storm drainage piping, structures and appurtenances, including measures for channel and slope stabilization, including access to the Easement Area with persons, equipment and vehicles for such purposes.

Signed by the Town Council of the Town of Falmouth, Maine this 8<sup>th</sup> day of April, 2019.

\_\_\_\_\_  
Caleb Hemphill, Chair

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Claudia King, Vice Chair

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Aaron Svedlow

\_\_\_\_\_  
Andrea Ferrante

\_\_\_\_\_  
Ted Asherman

\_\_\_\_\_  
Hope Cahan

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Amy Kuhn

**EXHIBIT A**

**Wright-Pierce plan**