

TOWN OF FALMOUTH
MAINE

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 October ___, 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.

Town Council of the Town Falmouth

EXHIBIT A
DESCRIPTION OF MILL CREEK TRIANGLE

A certain lot or parcel of land with the building and improvements thereon situate in the Town of Falmouth, County of Cumberland and State of Maine, on the northwesterly side of Route 88, also known as Foreside Road, bounded and described as follows:

BEGINNING on the northwesterly right of way line of Route 88 at a capped iron rod set by Owen Haskell, LLC and the southeasterly corner of land of GRANTEE, reference deed recorded in Cumberland County Registry of Deeds (CCRD) in Book 3112, Page 124, all as shown on a plan attached hereto entitled Conveyance Exhibit, Town of Falmouth & Falmouth Conservation Trust, Route 88 – Foreside Road, Falmouth, Maine, Figure E-1, dated January 2014, by Wright-Pierce, (“Figure E-1”);

Thence N 3° 13’ 25” W along the easterly line of said land of GRANTEE, a distance of 106.64 feet to a capped iron rod set by Owen Haskell, LLC;

Thence N 26° 35’ 55” W along the northeasterly line of said land of GRANTEE, a distance of 53.61 feet to a capped iron rod set by Owen Haskell, LLC and the northeasterly corner of said land of GRANTEE;

Thence N 71° 23’ 05” E along a southerly line of land being retained by GRANTOR, reference deed recorded in CCRD in Book 12993, Page 15, to and into the waters of Mill Creek, so-called, a distance of 18 feet, more or less, to the thread of Mill Creek;

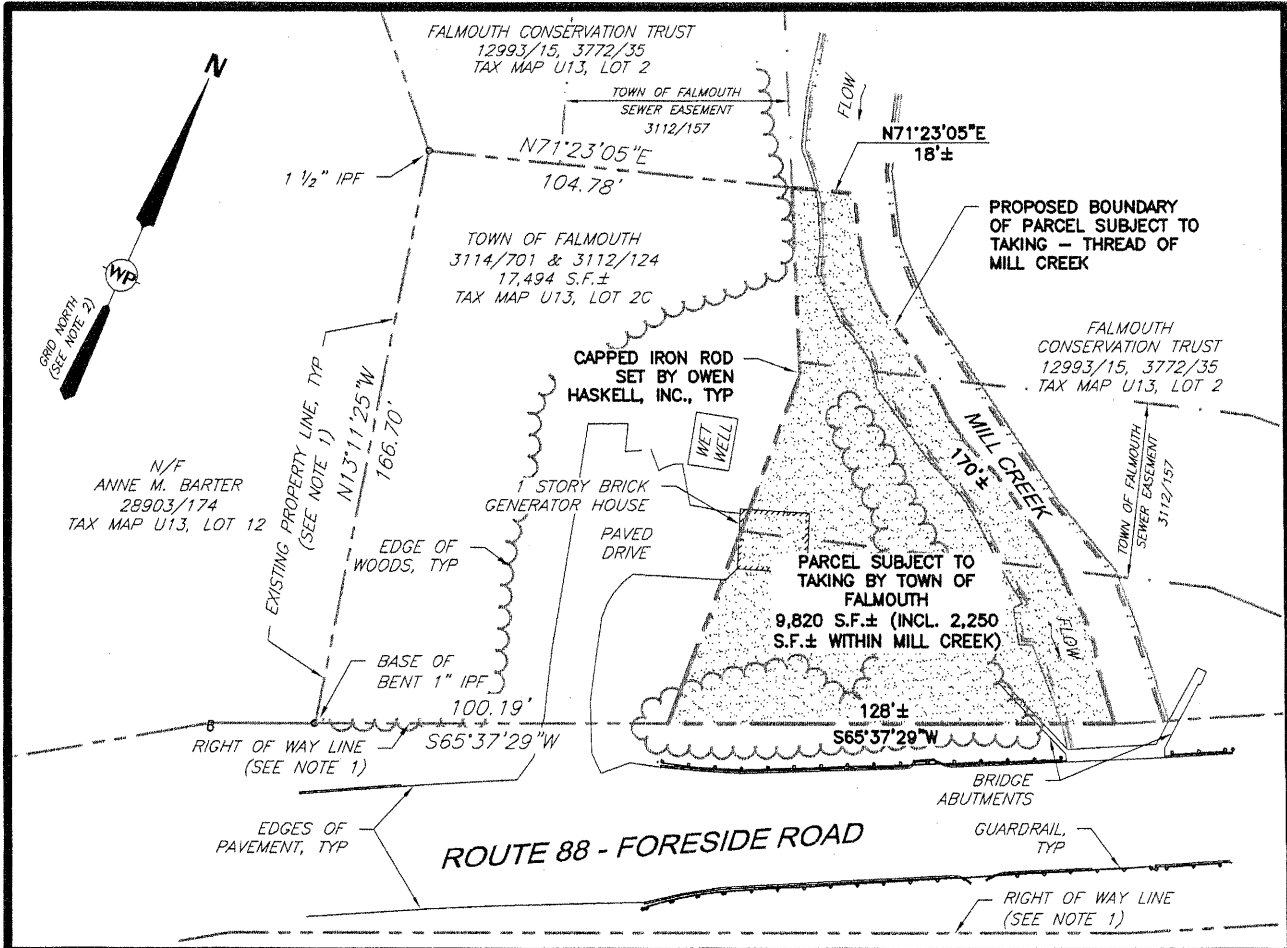
Thence in a generally southeasterly direction, along the thread of Mill Creek, along a southwesterly line of said land being retained by GRANTOR, a distance of 170 feet, more or less, to the northwesterly right of way line of Route 88;

Thence S 65° 37’ 29” W along the northwesterly right of way line of Route 88, from and out of the waters of Mill Creek, a distance of 128 feet, more or less, to the POINT OF BEGINNING, containing 9,820 square feet, more or less, including 2,250 square feet, more or less, lying within the waters of Mill Creek.

Meaning and intending to convey a portion of land of GRANTOR as described in a deed of The Nature Conservancy of the Pine Tree State, Inc., dated January 8, 1997, recorded in Cumberland County Registry of Deeds in Book 12993, Page 15.

Bearings are based on the Maine State Plane Coordinate System, West Zone, NAD 83, as noted on a plan entitled Boundary & Topographic Survey, Mill Creek Pump Station, Route 88, Falmouth, Maine, Made for Wright-Pierce, 99 Main Street, Topsham, Maine, dated January 23, 2014, prepared by Owen Haskell, Inc. (“Town of Falmouth Plan”).

EXHIBIT B



NOTES:

1. THE EXISTING CONDITIONS INFORMATION SHOWN ON THIS PLAN, INCLUDING BOUNDARIES AND SITE FEATURES, ARE FROM A PLAN ENTITLED BOUNDARY & TOPOGRAPHIC SURVEY, MILL CREEK PUMP STATION, ROUTE 88, FALMOUTH, MAINE, MADE FOR WRIGHT-PIERCE, 99 MAIN STREET, TOPSHAM, MAINE, DATED JULY 23, 2013, PREPARED BY OWEN HASKELL, INC., (TOWN OF FALMOUTH PLAN). THE PROPOSED BOUNDARIES AND RELATED INFORMATION PERTAINING TO THE PARCEL SUBJECT TO TAKING BY TOWN OF FALMOUTH WERE PREPARED BY WRIGHT-PIERCE.
2. BEARINGS SHOWN ARE BASED MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE, NAD 83, AS NOTED ON SAID TOWN OF FALMOUTH PLAN.
3. SEE TOWN OF FALMOUTH PLAN FOR DETAILED SITE FEATURES.
4. NO MONUMENTATION WAS SET AT THE PROPOSED BOUNDARY CORNERS SITUATED WITHIN MILL CREEK.

LEGEND

	PROPERTY LINE
	PROPOSED TAKING LINE NOW OR FORMERLY
N/F	TOWN OF FALMOUTH TAX MAP & LOT NUMBER
Tax Map U13, Lot 2C	DEED BOOK & PAGE FILED AT CUMBERLAND COUNTY REGISTRY OF DEEDS
3114/701	SQUARE FEET MORE OR LESS
S.F.	PARCEL SUBJECT TO TAKING
±	

CERTIFICATION

THIS PLAN IS BASED EXCLUSIVELY ON THE TOWN OF FALMOUTH PLAN REFERENCED IN NOTE 1, AND WRIGHT-PIERCE STATES THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, THE DETAILS SHOWN PERTAINING TO THE PARCEL SUBJECT TO TAKING BY TOWN OF FALMOUTH CONFORM TO THE MAINE STATE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE, SUBJECT TO THE NOTES SHOWN HEREON.

DATE WRIGHT-PIERCE ROBERT C. CLUNIE, JR. PLS#1213

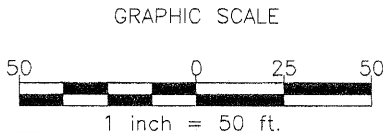
PLS SEAL

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CONVEYANCE EXHIBIT

TOWN OF FALMOUTH

**ROUTE 88 - FORESIDE ROAD
 FALMOUTH, MAINE**



PROJ NO: 12776A

FIGURE:

DATE: OCTOBER 10, 2014

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