

Open Space Division
271 Falmouth Road
Falmouth, ME 04105

Date: October 3, 2019
To: Town Council
Cc: Nathan Poore, Town Manager
Lucky D'Ascanio, Parks and Community Programs Director
From: Amanda L. Stearns, Open Space Manager
Re: Purchase of Land for Permanent Trail Connection

The purchase of this property was discussed by the Council in executive session February 25, 2019 and again in public session on March 11, 2019. At the March 11 meeting, an order was scheduled for March 25 but postponed because the purchase and sales agreement had not been finalized at that time. Inadvertently, the purchase and sales agreement was finalized and executed without the order passed. To rectify this administrative error, it is requested that the Council pass the order which will designate the sum of \$21,000 to fund the purchase of the land and associated survey and legal costs.

Attached are the documents submitted to the Council on February 11, 2019. They explain in more detail the request. Securing permanent rights for segments of our trail system has been a priority for the Land Management and Acquisitions Committee and open space staff and is emphasized in the 2018 Open Space Plan.

With approval from the Council, it is anticipated that a closing will be scheduled as soon as time permits.

Excerpt from the March 11, 2019 approved Council minutes:

“Item 5 Discussion about purchasing 1.25 acres of land to provide permanent protection of a portion of the Cross Falmouth Corridor.

Chair Hemphill said the Council previously met in executive session to review this proposal. This spot on the map represents a gap in the Cross Falmouth trail corridor. There was an agreement with the landowner for use, but nothing binding. The Town has now discussed and reached an agreement with the current landowner to purchase this small portion of the property to preserve the trail connectivity. Councilor Asherman supported this purchase; the town's residents value the open space and preserving recreational use. Council actions on this purchase were scheduled for March 25.”

REQUEST FOR ACQUISITION OF LAND

[portion of parcel known as ML# R03-006]

Submitted by the Open Space Manager on behalf of the Land Management and Acquisitions Committee, February 11, 2019

PURPOSE: To provide permanent protection of a critical portion of the Cross Falmouth Corridor located adjacent to the Town Forest. The Cross Falmouth Corridor is a ~14-mile trail corridor that extends from the Windham town line to Portland at its southern terminus. The corridor trail passes through the North Falmouth Community Forest, Blackstrap Hill Community Forest, Hadlock Community Forest, Town Forest, Community Park and River Point Conservation Area. The trail provides regional connections to Windham's Lowell Preserve, Cumberland's Rines Forest and Portland's Presumpscot River Preserve. The Cross Falmouth Corridor is the nucleus of these four trail systems, providing a central connection point (see Attachment 1).

This section of the trail is considered a social (unsecured) section and does not exist on official maps of our trail system. The landowner could deny use at any time.

LMAC RECOMMENDATION: LMAC, as part of its 2018 goals, set the purchase by fee or easement of unsecured trail segments as its number one priority, including this segment. For that reason, the committee did not rate this parcel in the same manner as it would typically rate a parcel for conservation acquisition.

CONSISTENCY WITH OPEN SPACE PLAN:

This acquisition is consistent with the following recommended actions of the recently accepted 2018 Open Space Plan:

- 3-1 Increase access to open spaces designated for recreation in accordance with the following benchmarks:
 - b. Within the Rural Area: Strive for an interconnected recreational trail network with good signage and readily available maps.

This section of the Cross Falmouth Corridor is vital to maintaining an interconnected trailwork as it is near several neighborhood trailheads and there are not any other options for the location of the trail.

- 4-1 Identify the suitability for preservation of remaining undeveloped properties and those containing trails with accompanying trail licenses and prioritize those parcels that also have a high potential or risk for development. Enter into a dialogue with the owners of these properties about property or trail preservation potential.

This property has been on the list for some years and with a recent change in ownership staff have been able to negotiate a positive outcome with the owners. They are interested in selling a small portion of the property while retaining development potential in the remaining land.

PARCEL DESCRIPTION: The purchase consists of 1.25 acres of land, a portion of property owned by Kimberly and Bryan Wyatt (see Attachment 2). Staff and LMAC committee members have reviewed the site and determined that this acreage will provide adequate area for the corridor with a relocation of the existing trail to the easterly edge of the property (see Attachment 3). This acreage is adjacent to the Town Forest. Combined with the Gregory Greene trail license it contains the last unprotected section of the Cross Falmouth Corridor in the Town Forest/Community Park area.

PURCHASE PRICE: The owners have agreed to a \$15,000 purchase price with the town covering the closing costs. The per acre cost is consistent with recent small parcel purchases. We are not recommending an appraisal due to the discreet purpose of the acquisition and the low negotiated price. An appraisal would add unwarranted cost to the acquisition.

The cost of acquiring this property is *estimated* to be:

Land cost	\$15,000
Appraisal	0
Survey	1,650
Appraisal Review	0
Title Search	500
Title Insurance	800
Closing Costs	3,000
Trail Relocation	500
TOTAL =	\$21,450

There is no outside funding associated with this acquisition, therefore the request is to use funds in the current acquisition account, 341-8300.

REQUESTED COUNCIL ACTION: Should the Council wish to pursue this acquisition the following actions are required:

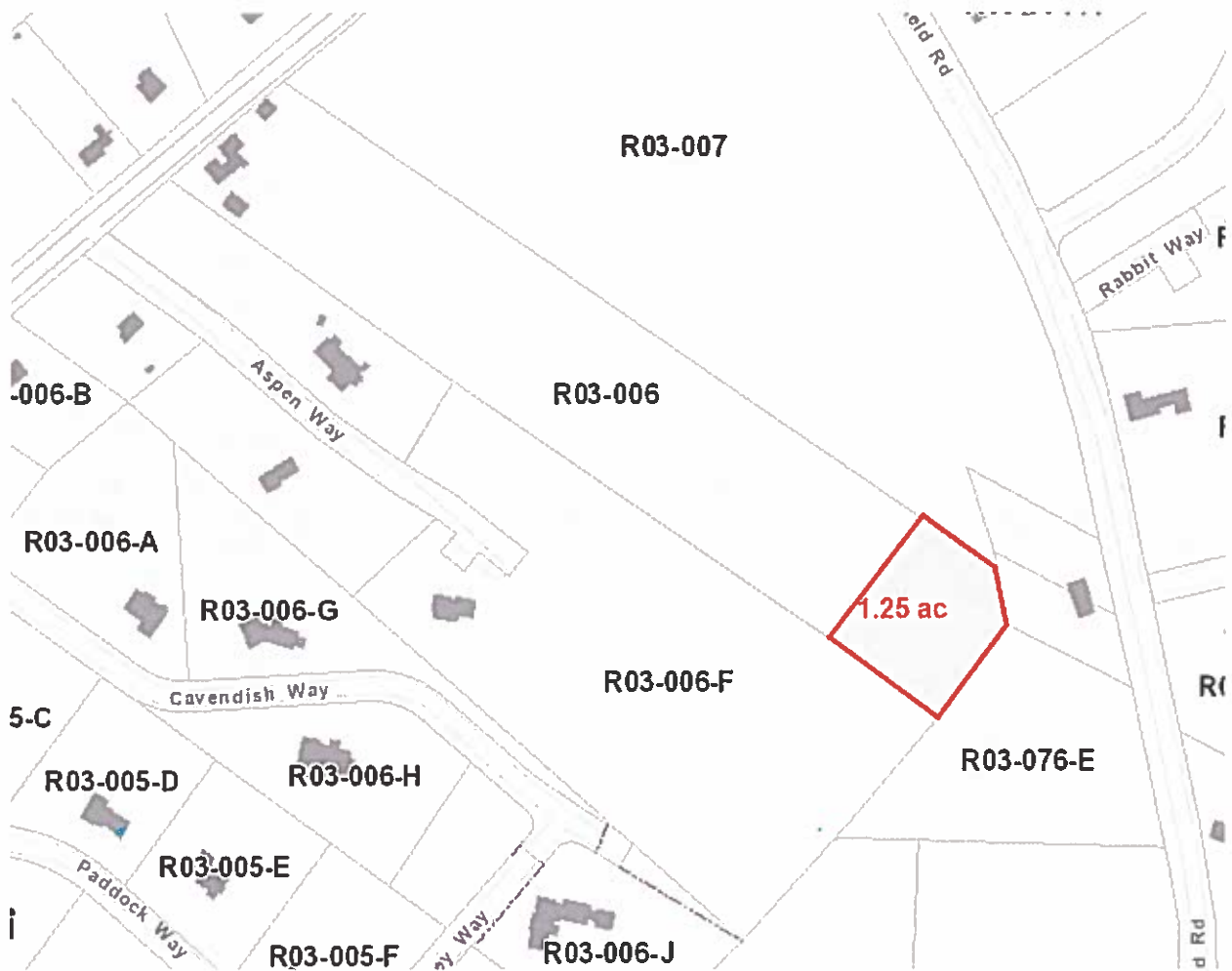
1. Authorize the Town Manager to sign a Purchase & Sale agreement with the property owner.
2. Authorize the expenditure of up to \$21,000 from the acquisition fund. Trail relocation will be paid for out of the Open Space Operations budget.
3. Authorize the Town Manager to close on the property provided that there is a favorable title search and title insurance is available.

Attachment 1

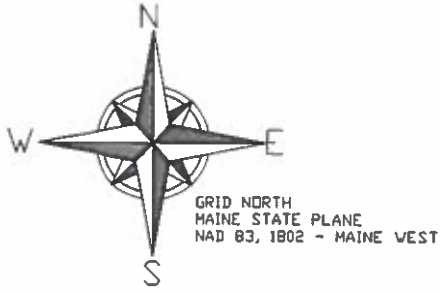


Attachment 2
Town Forest – Community Park Connector
Wyatt Property Purchase

R03-006, 131 Winn Road

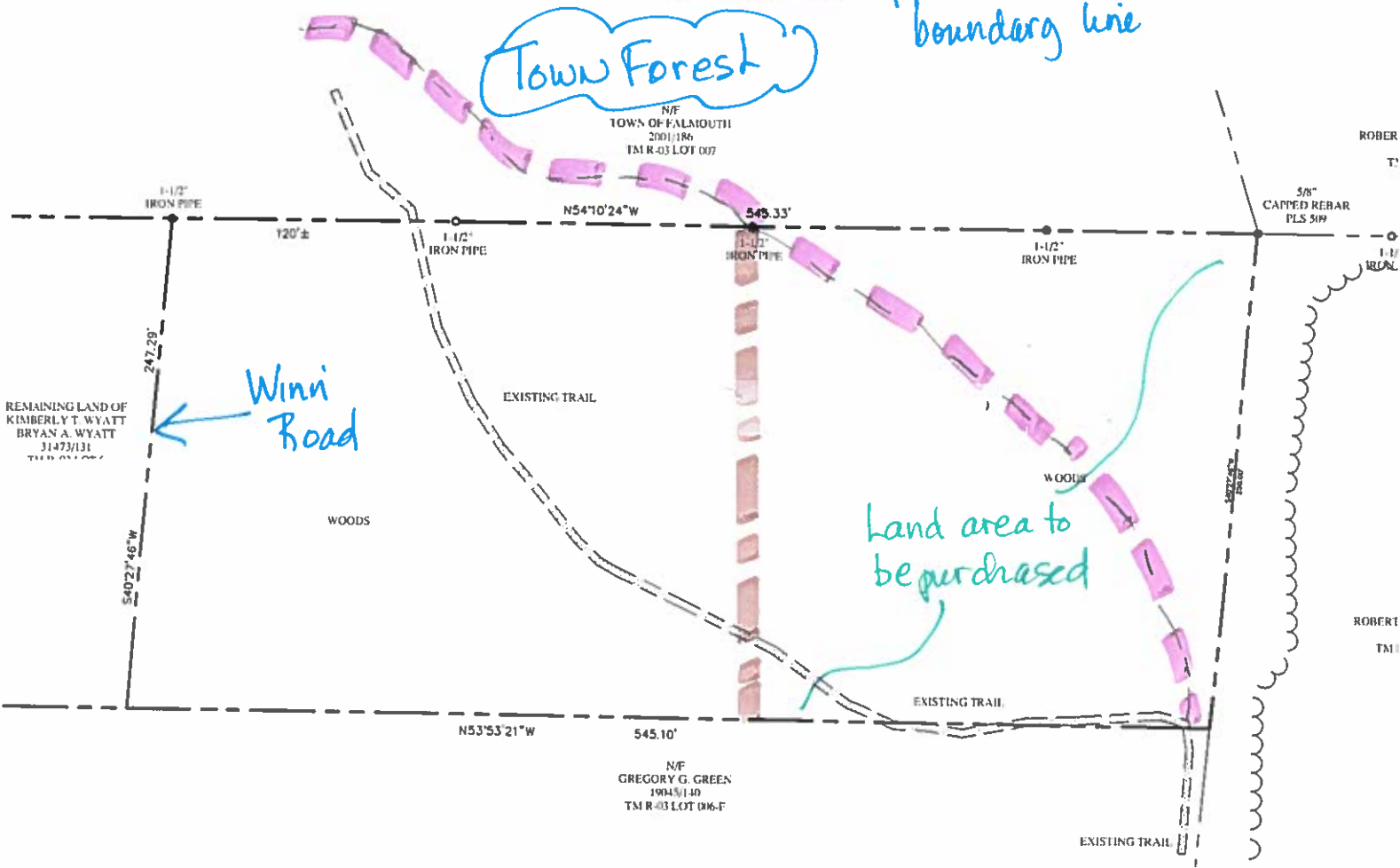


Attachment 3



Approximate trail relocation

Approximate location of new boundary line



PLAN REFERENCES:

- (1) BOUNDARY SURVEY WIN ROAD AND FIELD ROAD FALMOUTH, MAINE FOR TOWN OF FALMOUTH 271 FALMOUTH ROAD FALMOUTH, MAINE DATED DECEMBER 22, 2008 BY SURVEY INC.
- (2) PLAN OF PROPERTY IN FALMOUTH, MAINE MADE FOR CHARLES P. HARRIMAN STANDARD BOUNDARY SURVEY DATED 6-25-86 BY III AND LC JORDAN.
- (3) STANDARD BOUNDARY SURVEY ON FIELD ROAD, FALMOUTH, MAINE MADE FOR ROBERT F. MONTGOMERY DATED MARCH 30, 1999 BY OWEN HASKELL, INC.

SURVEY NOTES:

- (1) THE OWNERS OF RECORD ARE KIMBERLY T. WYATT AND BRYAN A. WYATT DESCRIBED IN A DEED RECORDED IN BOOK 31473 PAGE 131 IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS.
- (2) THE PARCEL IS SHOWN AS A PORTION OF LOT 6 ON THE TOWN OF FALMOUTH ASSESSOR'S MAP R-03.
- (3) BEARINGS ARE GRID NORTH, MAINE STATE PLANE 1802 WEST ZONE.
- (4)

