

South Portland City Council  
***Position Paper of the City Manager***

***Subject:***

**ORDER #140-15/16 - Authorizing the City Manager to accept delivery of drainage easement deeds granting the City drainage rights in certain easement areas located at 2 Kenneth Road, 4 Kenneth Road, 6 Kenneth Road, 8 Kenneth Road, and on a portion of Jamestown Court Owners Association's property on the southerly side of Broadway. Passage requires majority vote.**

***Position:***

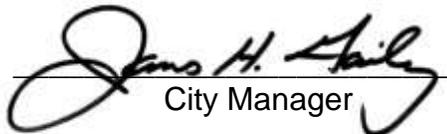
The City is in Phase III of the Thornton Heights/Pleasantdale sewer and stormwater modernization project. As part of this project, the City plans to handle stormwater from Kenneth Road and Scott Road by using existing drainage areas between properties at 91 Scott Road and 93 Scott Road, as well as existing areas behind properties at 8 Kenneth Road, 6 Kenneth Road, 4 Kenneth Road and 2 Kenneth Road and then across property of Jamestown Court. Although these drainage corridors exist today, there were no recorded easements encumbering the Kenneth Road and Jamestown Court properties.

The owners of these properties were notified of this project and given easement deeds to execute giving the City permission to discharge stormwater from Kenneth Road and Scott Road by the use of underground and/or surface pipes, fixtures or other appurtenances in the drainage easement area.

Once the easement deeds have been accepted by the City Council, they will be recorded in the Cumberland County Registry of Deeds.

***Requested Action:***

Council passage of ORDER #140-15/16.

  
City Manager



*Patrick Cloutier, Director*

April 27, 2016

To: James Gailey, City Manager

From: Patrick Cloutier, Director

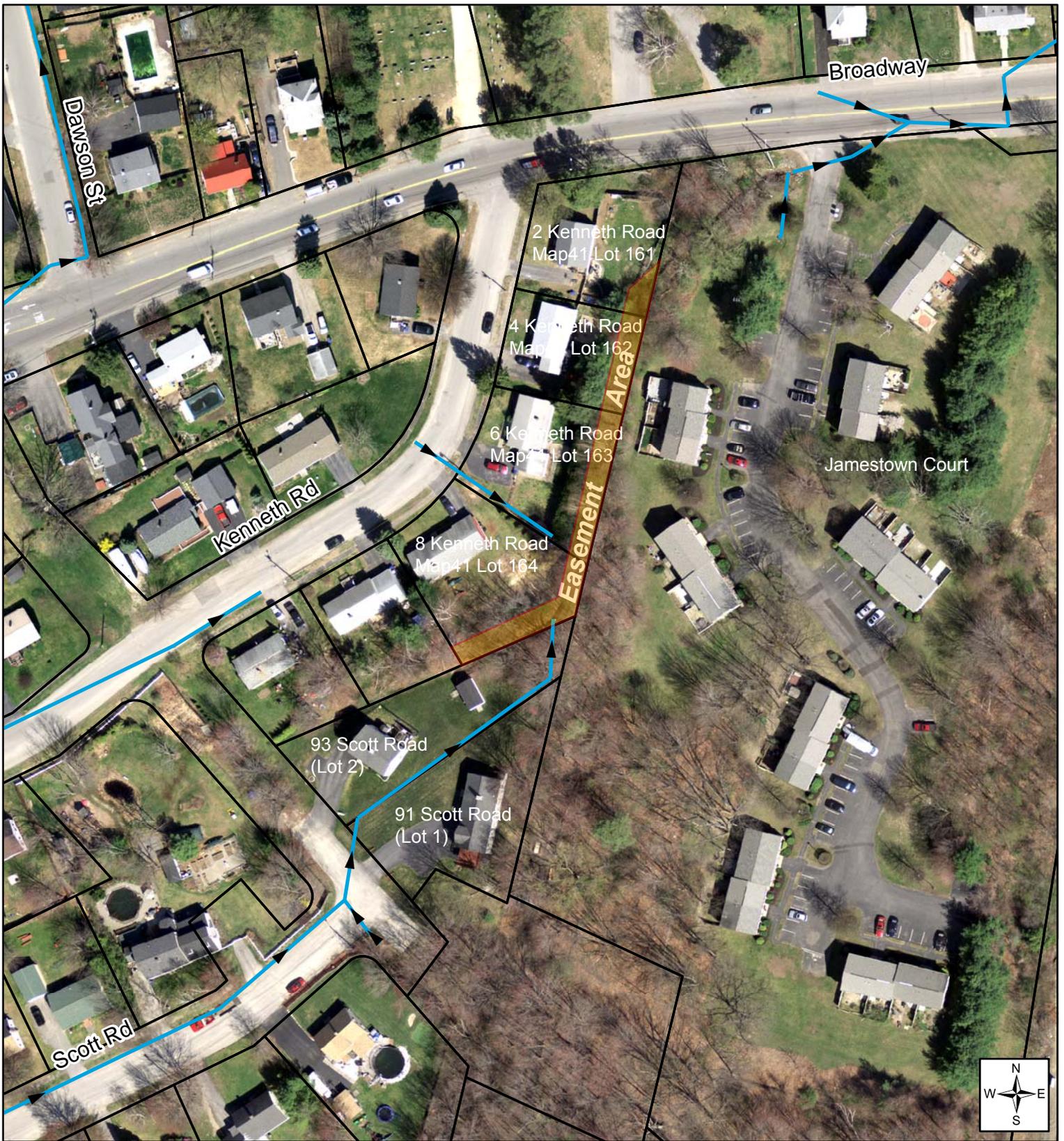
Re: Stormwater Easements on Kenneth Road – Thornton Heights Phase 3

As everyone is aware, the City is moving forward with the construction of the separation and street improvements project in Thornton Heights for this 2016 construction season.

Last fall, during the design of phase 3, consideration was being given to improvements to the existing stormwater drainage ditch between the properties on Kenneth and Scott Road and Jamestown Court. We noted that the plan for the subdivision in which the properties are located, Wescott Acres, shows those properties as being subject to a drainage easement. In addition, the deeds in the chain of title expressly refer to the properties as being subject to the drainage easement shown on the "Plat of Wescott Acres." However, despite these plan and deed references no actual drainage easement deed expressly granting the City of South Portland the right to use that drainage area is on record at the Registry. The properties are located at 8 Kenneth Road, 6 Kenneth Road, 4 Kenneth Road and 2 Kenneth Road, and Jamestown Court (see attached maps).

The design of phase 3 in this area did not include any drainage improvements at this time but we also recognized that there may be a need to maintain the ditch in the future that will require access into the easements to accomplish the work. The city, as a matter of practice, will provide adequate notice to the property owners in the event of the need to make any improvements.

Letters were sent to the property owners informing them of the easements. The city has answered questions and addressed any concerns and the property owners have signed the easements. We're requesting Council approval of the easements.



**Sewer Structures**

- Catch Basin in Sewer
- Sewer Manhole with CSO
- Vault or Chamber
- Interceptor Sewer Manhole
- Pump Station
- Treatment Plant
- Sewer Manhole
- Wet Well
- Service Tie
- Private Pump Stations
- Dead End

**Sewer Pipes**

- Force Main
- Gravity
- Service
- Siphon
- Storm

**Water System**

- Service Valves
- Water Valve
- Public Hydrants
- Private Hydrant
- Water Mains

**Stormwater Structures**

- Culvert Inlet
- Culvert Outlet
- Outfall
- Catchbasin
- Drain Manhole
- Outlet Control Structure

**Stormwater Pipes**

- CSO
- Culvert
- Gravity
- Roof Drain

**Terrain**

- Waterbody
- Wet Area
- 2 Foot Contours
- Hydrography

**Municipal**

- Political Boundary
- Parcels, 12/2008
- Buildings

**Sewer Districts**

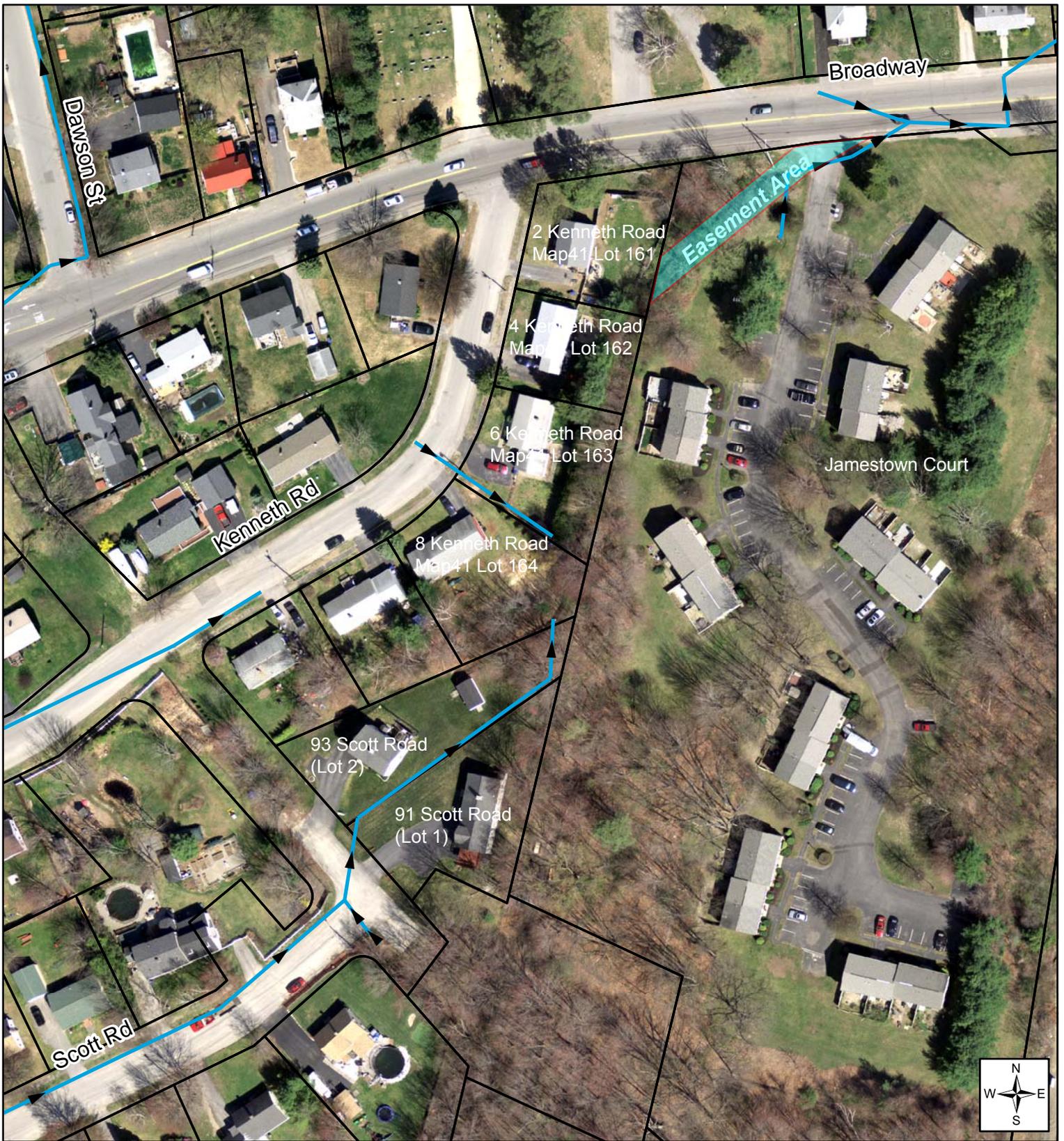
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| 1H  | 112 |
| 111 | 113 |



City of  
*South  
Portland*

**Water Resource  
Protection**

**GIS**  
MAPPING & ANALYSIS



**Sewer Structures**

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City of  
*South  
Portland*

**Water Resource  
Protection**

**GIS**  
MAPPING & ANALYSIS



CITY OF SOUTH PORTLAND

THOMAS E. BLAKE  
Mayor

JAMES H. GAILEY  
City Manager

EMILY F. CARRINGTON  
City Clerk

SALLY J. DAGGETT  
Jensen Baird Gardner & Henry

**IN CITY COUNCIL**

**ORDER #140-15/16**

District One  
CLAUDE V. Z. MORGAN

\_\_\_\_\_

District Two  
PATRICIA A. SMITH

\_\_\_\_\_

District Three  
EBEN C. ROSE

\_\_\_\_\_

District Four  
LINDA C. COHEN

\_\_\_\_\_

District Five  
BRAD FOX

\_\_\_\_\_

At Large  
MAXINE R. BEECHER

\_\_\_\_\_

At Large  
THOMAS E. BLAKE

**ORDERED**, that the City Manager be, and hereby is, authorized and directed to accept delivery on behalf of the City of a drainage easement deed, as shown on the attached, from the Jamestown Court Owners Association (JCOA) to the City, granting the City drainage rights in an easement area located on JCOA's property on the southerly side of Broadway;

**BE IT FURTHER ORDERED**, that that the City Manager be, and hereby is, authorized and directed to accept delivery on behalf of the City of a drainage easement deed, as shown on the attached, from Geoffrey A. and Jamie M. Crain to the City, granting the City drainage rights in an easement area located at 2 Kenneth Road (a portion of Tax Map 41, Lot 161);

**BE IT FURTHER ORDERED**, that that the City Manager be, and hereby is, authorized and directed to accept delivery on behalf of the City of a drainage easement deed, as shown on the attached, from Enrique V. Alonzo to the City, granting the City drainage rights in an easement area located at 4 Kenneth Road (a portion of Tax Map 41, Lot 162);

**BE IT FURTHER ORDERED**, that that the City Manager be, and hereby is, authorized and directed to accept delivery on behalf of the City of a drainage easement deed, as shown on the attached, from James R. and Allyn E. Joys to the City, granting the City drainage rights in an easement area located at 6 Kenneth Road (a portion of Tax Map 41, Lot 163); and

**BE IT FURTHER ORDERED**, that that the City Manager be, and hereby is, authorized and directed to accept delivery on behalf of the City of a drainage easement deed, as shown on the attached, from Raymond A. Drolet to the City, granting the City drainage rights in an easement area located at 8 Kenneth Road (a portion of Tax Map 41, Lot 164).

Fiscal Note: Less than \$1,000

Dated: May 2, 2016

## **DRAINAGE EASEMENT**

KNOW ALL PERSONS BY THESE PRESENTS that **JAMESTOWN COURT OWNERS ASSOCIATION**, a Maine nonprofit corporation with a principal place of business located at Jamestown Court, South Portland, Maine 04106 (hereinafter "Grantor"), in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, hereby RELEASES to the **CITY OF SOUTH PORTLAND**, a municipal corporation organized and existing under the laws of the State of Maine, with a principal place of business located at 25 Cottage Road, South Portland, Maine 04106 (hereinafter "the City"), its successors and assigns, the following perpetual rights and easements, in common with Grantor and others:

Drainage Rights: The right to flow and direct storm water through, over, under and across the area labeled "30' Drainage Easement to City" on a plan entitled "Final Plan Jamestown Court" prepared by Land Plan Associates and last revised June 20, 1984 recorded in the Cumberland County Registry of Deeds in Plan Book 143, Page 37; as amended and shown as "30' Drainage Easement to City" on a plan entitled "Final Plan Jamestown Court" prepared by Land Plan Associates and last revised September 4, 1984 recorded in the Cumberland County Registry of Deeds in Plan Book 144, Page 79; and as further amended "Exist. 30' Drainage Easement to City of South Portland" on a plan entitled "Amended Subdivision Plan Jamestown Court" prepared by Land Plan Associates and last revised February 20, 1985 recorded in the Cumberland County Registry of Deeds in Plan Book 148, Page 3 (as so amended, the "Easement Area"), including the right to tie into or otherwise direct storm water through any stormwater drainage lines, pipes, swales, detention basins, conduits, manholes, mains and other fixtures, facilities and appurtenances for drainage purposes located in said Easement Area. The Grantor hereby excepts and reserves its right, and the right of owners of lots at Jamestown Court, to use the Easement Area for the purpose for which it was intended and designed in terms of serving Jamestown Court, in common with the City.

It is the purpose of this drainage easement that the City be and hereby is authorized to discharge storm water from Kenneth Road and Scott Road through, over, under and across said Easement Area, whether through underground pipes, fixtures or other appurtenances, over the surface of the land or otherwise.

The herein described drainage easement being over and across the land of Grantor as acquired by Warranty Deed dated October 26, 1984 and recorded in the Cumberland County Registry of Deeds in Book 6603, Page 104.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal this 4 day of February, 2016.

Rob Brown  
Witness

**JAMESTOWN COURT OWNERS ASSOCIATION**

Patricia L. Hutti  
By: Patricia L. Hutti  
Its: President, duly authorized

STATE OF MAINE  
CUMBERLAND, ss.

2/4, 2016

Then personally appeared the above-named Patricia L. Hutti, President of Jamestown Court Owners Association, and acknowledged the foregoing instrument to be the free act and deed of said Jamestown Court Owners Association in her said capacity.

Before me,

Jennifer L. Owen  
Notary Public  
Print Name: Jennifer Owen  
My commission expires:



Jennifer L. Owen  
Notary Public  
State Of Maine  
My Commission Expires  
October 24, 2021

**DRAINAGE EASEMENT**

KNOW ALL PERSONS BY THESE PRESENTS that **GEOFFREY A. CRAIN** and **JAMIE M. CRAIN**, of 2 Kenneth Road, South Portland, Maine 04106 (hereinafter "Grantors"), in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, hereby grant and convey to the **CITY OF SOUTH PORTLAND**, a municipal corporation organized and existing under the laws of the State of Maine, with a principal place of business located at 25 Cottage Road, South Portland, Maine 04106 (hereinafter "the City"), its successors and assigns, with **Warranty Covenants**, the following perpetual rights and easements, in common with Grantors and others, including the owners of the numbered lots shown on a plan entitled "Plat of Wescott Acres – Section III in South Portland, Maine for Peter R. Dascanio" prepared by Owen Haskell, Inc. dated July 28, 1971 and recorded in the Cumberland County Registry of Deeds in Plan Book 89, Page 19 (the "Plan"):

Drainage Rights: The right to flow and direct storm water through, over, under and across the area labeled "Drainage Easement" on Lot 2 as shown on said Plan ("Easement Area"), including the right to tie into or otherwise direct storm water through any stormwater drainage lines, pipes, swales, detention basins, conduits, manholes, mains and other fixtures, facilities and appurtenances for drainage purposes located in said Easement Area.

It is the purpose of this drainage easement that the City be and hereby is authorized to discharge storm water from Kenneth Road and Scott Road through, over, under and across said Easement Area, whether through underground pipes, fixtures or other appurtenances, over the surface of the land or otherwise.

The herein described drainage easement being over and across the land of Grantors as acquired by Warranty Deed dated March 28, 2003 and recorded in the Cumberland County Registry of Deeds in Book 19099, Page 326.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals this 15 day of January, ~~2015~~ 2016

Inna Welden  
Witness

Geoffrey A. Crain  
Geoffrey A. Crain

Inna Welden  
Witness

Jamie M. Crain  
Jamie M. Crain

STATE OF MAINE  
Cumberland, ss.

January 15, 2016  
~~2015~~

Then personally appeared before me the above-named Geoffrey A. Crain and Jamie M. Crain and acknowledged the foregoing instrument to be their free act and deed.

Before me,

*Jessica B Hanscombe*

Notary Public/Attorney-at-Law

Print Name: *Jessica B Hanscombe*

My commission expires:

JESSICA B. HANSCOMBE  
Notary Public, State of Maine  
My Commission Expires 11/20/2021

**DRAINAGE EASEMENT**

KNOW ALL PERSONS BY THESE PRESENTS that **ENRIQUE V. ALONZO**, of 4 Kenneth Road, South Portland, Maine 04106 (hereinafter "Grantor"), in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, hereby grants and conveys to the **CITY OF SOUTH PORTLAND**, a municipal corporation organized and existing under the laws of the State of Maine, with a principal place of business located at 25 Cottage Road, South Portland, Maine 04106 (hereinafter "the City"), its successors and assigns, with **Warranty Covenants**, the following perpetual rights and easements, in common with Grantor and others, including the owners of the numbered lots shown on a plan entitled "Plat of Wescott Acres – Section III in South Portland, Maine for Peter R. Dascanio" prepared by Owen Haskell, Inc. dated July 28, 1971 and recorded in the Cumberland County Registry of Deeds in Plan Book 89, Page 19 (the "Plan"):

Drainage Rights: The right to flow and direct storm water through, over, under and across the area labeled "Drainage Easement" on Lot 3 as shown on said Plan ("Easement Area"), including the right to tie into or otherwise direct storm water through any stormwater drainage lines, pipes, swales, detention basins, conduits, manholes, mains and other fixtures, facilities and appurtenances for drainage purposes located in said Easement Area.

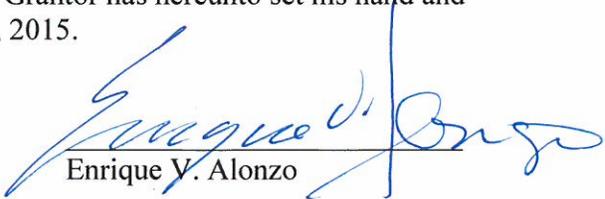
It is the purpose of this drainage easement that the City be and hereby is authorized to discharge storm water from Kenneth Road and Scott Road through, over, under and across said Easement Area, whether through underground pipes, fixtures or other appurtenances, over the surface of the land or otherwise.

The herein described drainage easement being over and across the land of Grantor as acquired by deed dated June 26, 1975 and recorded in the Cumberland County Registry of Deeds in Book 3705, Page 283. Katherine Alonzo died on September 21, 2011, and Enrique V. Alonzo owns the property as the sole surviving joint tenant.

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal this 18<sup>th</sup> day of November, 2015.

Witness

  
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\_\_\_\_\_

Enrique V. Alonzo

STATE OF MAINE  
Cumberland, ss.

November 18, 2015

Then personally appeared before me the above-named Enrique V. Alonzo and acknowledged the foregoing instrument to be his free act and deed.

Before me,



Notary Public/~~Attorney-at-Law~~

Print Name: Sherry F. Nadeau

My commission expires: 10/5/17

**DRAINAGE EASEMENT**

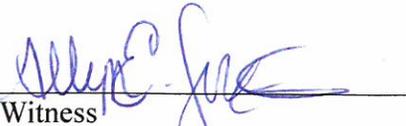
KNOW ALL PERSONS BY THESE PRESENTS that **JAMES R. JOYS** and **ALLYN E. JOYS**, of 6 Kenneth Road, South Portland, Maine 04106 (hereinafter "Grantors"), in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, hereby grant and convey to the **CITY OF SOUTH PORTLAND**, a municipal corporation organized and existing under the laws of the State of Maine, with a principal place of business located at 25 Cottage Road, South Portland, Maine 04106 (hereinafter "the City"), its successors and assigns, with **Warranty Covenants**, the following perpetual rights and easements, in common with Grantors and others, including the owners of the numbered lots shown on a plan entitled "Plat of Wescott Acres – Section III in South Portland, Maine for Peter R. Dascanio" prepared by Owen Haskell, Inc. dated July 28, 1971 and recorded in the Cumberland County Registry of Deeds in Plan Book 89, Page 19 (the "Plan"):

Drainage Rights: The right to flow and direct storm water through, over, under and across the area labeled "Drainage Easement" on Lot 4 as shown on said Plan ("Easement Area"), including the right to tie into or otherwise direct storm water through any stormwater drainage lines, pipes, swales, detention basins, conduits, manholes, mains and other fixtures, facilities and appurtenances for drainage purposes located in said Easement Area.

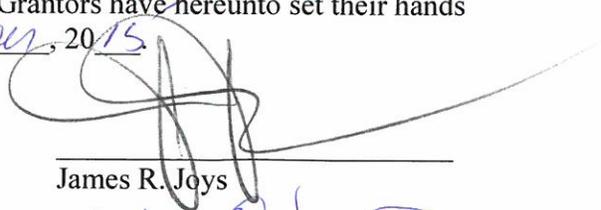
It is the purpose of this drainage easement that the City be and hereby is authorized to discharge storm water from Kenneth Road and Scott Road through, over, under and across said Easement Area, whether through underground pipes, fixtures or other appurtenances, over the surface of the land or otherwise.

The herein described drainage easement being over and across the land of Grantors as acquired by Quitclaim Deed with Covenant dated November 16, 2001 and recorded in the Cumberland County Registry of Deeds in Book 16986, Page 315.

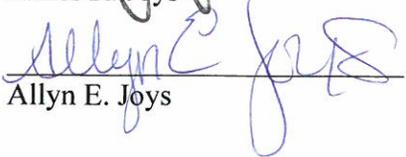
IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals this 28 day of December, 2015.

  
Witness

  
Witness



James R. Joys

  
Allyn E. Joys

STATE OF MAINE  
Cumberland, ss.

12/28, 2015

Then personally appeared before me the above-named Allyn E. Joys and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Mary M Perry  
Notary Public/~~Attorney-at-Law~~  
Print Name: Mary M Perry  
My commission expires: 10/3/2019

**DRAINAGE EASEMENT**

KNOW ALL PERSONS BY THESE PRESENTS that **RAYMOND A. DROLET**, of 8 Kenneth Road, South Portland, Maine 04106 (hereinafter "Grantor"), in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, hereby grants and conveys to the **CITY OF SOUTH PORTLAND**, a municipal corporation organized and existing under the laws of the State of Maine, with a principal place of business located at 25 Cottage Road, South Portland, Maine 04106 (hereinafter "the City"), its successors and assigns, with **Warranty Covenants**, the following perpetual rights and easements, in common with Grantor and others, including the owners of the numbered lots shown on a plan entitled "Plat of Wescott Acres – Section III in South Portland, Maine for Peter R. Dascanio" prepared by Owen Haskell, Inc. dated July 28, 1971 and recorded in the Cumberland County Registry of Deeds in Plan Book 89, Page 19 (the "Plan"):

Drainage Rights: The right to flow and direct storm water through, over, under and across the area labeled "Drainage Easement" on Lot 5 as shown on said Plan ("Easement Area"), including the right to tie into or otherwise direct storm water through any stormwater drainage lines, pipes, swales, detention basins, conduits, manholes, mains and other fixtures, facilities and appurtenances for drainage purposes located in said Easement Area.

It is the purpose of this drainage easement that the City be and hereby is authorized to discharge storm water from Kenneth Road and Scott Road through, over, under and across said Easement Area, whether through underground pipes, fixtures or other appurtenances, over the surface of the land or otherwise.

The herein described drainage easement being over and across the land of Grantor as acquired by Warranty Deed dated July 31, 2015 and recorded in the Cumberland County Registry of Deeds in Book 32481, Page 338.

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal this 1 day of April, 2016.

Tina A. Weden  
Witness

Raymond A. Drolet  
Raymond A. Drolet

STATE OF MAINE  
Cumberland, ss.

2/1, 2016

Then personally appeared before me the above-named Raymond A. Drolet and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Mary M Perry  
Notary Public/~~Attorney-at-Law~~  
Print Name: Mary M Perry  
My commission expires: 10/3/2019