

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

***Subject:***

**ORDER #46-16/17 - Authorizing the method of sale of tax-acquired property located at 757 Main Street, Unit 29 (Map 63, Lot 29A-113) as offering for sale by public auction pursuant to Sec. 2-171(2)(a) of the Code of Ordinances and authorizing the City Manager to take any and all such further action necessary to proceed with sale of the property. Passage requires majority vote.**

***Position:***

This item is brought forward to authorize the sale of tax acquired property located at 757 Main Street, Unit 29.

The property is shown on the City's tax maps as Map 63, Lot 29A-113, in the A Residential zone and consists of approximately fifty condo units. This is a one-bedroom unit on the property. The assessed valuation is \$107,200.

The property was abandoned and became tax acquired in January 2015. The City has perfected the title providing better marketing of the property. The unit has been vacant since 2011 and has been maintained by the condo association. Trash and food were removed and spraying for bugs was done. The condo association is charging the City monthly condo fees of \$188.00.

The disposition of the property was discussed with the City Council at the workshop held on August 10, 2015. The City Council agreed that the property should be sold and to present an order to the City Council to authorize the sale based on the method that is most beneficial to the City. I am recommending the property be sold through a public auction.

The Planning Board held a public hearing on June 9, 2015. By a vote of 5-0 (Giles absent, District 3 vacant) recommended the sale of the property. Attached is a copy of the Planning Board report.

This order is brought forward to authorize the method of sale.

***Requested Action:***

Council passage of ORDER #46-16/17.

A handwritten signature in black ink that reads "Donald H. Gurish". The signature is written in a cursive style with a large initial "D".

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Interim City Manager

**MEMORANDUM**

**To:** City Council

**From:** Planning Board

**Date:** June 12, 2015

**Subject:** Land Use Recommendation –Tax Acquired Properties - City of South Portland  
 -- Meeting of June 9, 2015

**INTRODUCTION**

The City's Finance Director had requested a land use recommendation for the sale of three (3) tax acquired properties located at 2A Gerry Avenue, 757 Main Street Unit #29, and 40 Maine Turnpike Spur. These properties are further identified as Tax Assessor's Map 53 Block 2A Lot 85 and located in Residential District G, and Tax Assessor's Map 63 Block 29A Lot 113, and Tax Assessor's Map 78 lot 119 are located in Residential District A.

Public hearing notices were mailed on June 2, 2015 to the 31 owners of property within 500 feet of the proposed project, one to the applicant, to Conservation Commission, Planning Board, and the City Council.

This request was reviewed under Chapter 2, Section 2-1712(b) Sale of real property and Chapter 27 Zoning, Article V Residential Districts A and G.

**ZONING RECOMMENDATION FROM THE PLANNING BOARD**

By a vote of (5-0) (E. Giles absent, District 3 vacant), the Planning Board to r recommend the City Council sell the parcels know as of 2A Gerry Ave (Map 58 Block 2A Lot 85); 757 Main Street, Unit #29 (Map 63 Block 29A Lot 113); and, 40 Maine Turnpike Spur (Map 78 Lot 119), per Code of Ordinances Section 2-171(2)(b) the City's sale real property.

**ANALYSIS OF ZONING TEXT AMENDMENT REQUEST**

**PARCEL SUMMARY**

<b>Zoning:</b>	<b>Residential District A and G</b>
<b>Existing Land Use:</b>	
• 2A Gerry Avenue (53-2A-85);	Condominium unit
• 757 Main Street Unit 29A (63-29A-113)	Condominium unit
• 40 Maine Turnpike Spur (78-119)	Vacant Land

**Ordinance Section 2-171(2)(b)(3):**

The City's sale of city owned property. This ordinance states that after the review by the Planning Board, the City Council shall decide whether to sell such property and any property to be sold shall then be put out to public bid for sale to the highest bidder, however, the city may reserve the right to establish a minimum bid, to reject any bid which fails to meet the minimum bid requirement, and to establish such other conditions or restrictions on the bid or subsequent use of the property as it deems in the best interest of the city.

### **Analysis of the Request**

The Finance Director is recommending selling of these properties to recover back taxes, fees, and interest on the taxes and fees. Two of the three properties are condo units and the third property vacant land adjacent to Maine Turnpike spur and do not involve any public utility nor is the City interested in the parcels (See Attachment #1 Property Acquisition report). The condominium developments have all the public utilities services, parking areas and limited common open space. The vacant parcel located at 40 Maine Turnpike Spur is a land located parcel and does not have legal street frontage (see Attachment #2 Aerial Maps and Assessor Property Records Cards).

### **STAFF COMMENTS**

No staff review.

### **PUBLIC COMMENTS**

At the time meeting, no public comments were received.

### **Planning Board Meeting June 9, 2015**

Agenda Item #4. PUBLIC HEARING – Land Use Recommendation – 2A Gerry Ave; 757 Main Street, Unit #29; and 40 Maine Turnpike Spur – City of South Portland

The City's Finance Director is requesting a land use recommendation for the sale of three (3) tax acquired properties located at 2A Gerry Avenue, 757 Main Street Unit #29, and 40 Maine Turnpike Spur. These properties are further identified as Tax Assessor's Map 53 Block 2A Lot 85 and located in Residential District G, and Tax Assessor's Map 63 Block 29A Lot 113, and Tax Assessor's Map 78 lot 119 are located in Residential District A.

Public hearing notices were mailed on June 2, 2015 to the 31 owners of property within 500 feet of the proposed project, one to the applicant, to Conservation Commission, Planning Board, and the City Council.

**T. Haeuser** explained that there are sometimes requests for recommendations on disposition of city owned property. He showed each of the three properties on a map. The city does everything it can with property owners so that properties don't become tax acquired. Once in a while properties might be in an area that would make sense for the city to continue to own. The role tonight is to see if there's public interest in these tax acquired properties. Mr. Puleo provided deed and property information. Staff doesn't see a reason to hold onto these parcels and their recommendation is that they be sold.

PUBLIC HEARING OPEN

PUBLIC HEARING CLOSED

### **Motion**

**K. Phillips** motioned to recommend that the City Council the sells the parcels know as of 2A Gerry Ave (Map 58 Block 2A Lot 85); 757 Main Street, Unit #29 (Map 63 Block 29A Lot 113); and, 40 Maine Turnpike Spur (Map 78 Lot 119), per Code of Ordinances Section 2-171(2)(b) the City's sale real property; **L. Boudreau** seconded (5-0) (E. Giles absent, District 3 vacant).

**W. Laidley** wants to caution anyone watching about these situations. It may look simple but you should have attorney do work before investing money into these situations. The city has one claim on these properties; there may be other claims that have to be dealt with before getting clear title.

### **RECOMMENDATION**

The Planning Board voted 5-0 (E. Giles absent, District #3 vacant) to recommend to the City Council to sell the parcels know as of 2A Gerry Ave (Map 58 Block 2A Lot 85); 757 Main Street, Unit #29 (Map 63 Block 29A Lot 113); and, 40 Maine Turnpike Spur (Map 78 Lot 119), per Code of Ordinances Section 2-171(2)(b) the City's sale real property

### **Attachments**

1. Property Acquisition Report from the Finance Department
2. Aerial Maps and Assessor's Vision Property Cards
- 3.



CITY OF SOUTH PORTLAND

THOMAS E. BLAKE  
Mayor

DON GERRISH  
Interim City Manager

SALLY J. DAGGETT  
Jensen Baird Gardner & Henry

EMILY F. CARRINGTON  
City Clerk

IN CITY COUNCIL

ORDER #46-16/17

District One  
CLAUDE V. Z. MORGAN

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District Two  
PATRICIA A. SMITH

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District Three  
EBEN C. ROSE

\_\_\_\_\_

District Four  
LINDA C. COHEN

\_\_\_\_\_

District Five  
BRAD FOX

\_\_\_\_\_

At Large  
MAXINE R. BEECHER

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At Large  
THOMAS E. BLAKE

**ORDERED**, that pursuant to Sec. 2-171(2)(a) of the Code of Ordinances of the City of South Portland, tax-acquired property located at 757 Main Street, Unit 29, being Lot No. 29A-113 a condominium living unit subject to and with the establishment of Kings Wood Park Condominium Declaration establishing Kings Wood Park Condominium dated October 24, 1980 and recorded in the Cumberland County Registry of Deeds in Book 4685, Page 212 and further described in a deed from James Litrocapes to Patricia St. John dated February 28, 2007 and recorded in the Cumberland County Registry of Deeds in Book 24891, Page 212, be offered for sale by public auction; and

**BE IT FURTHER ORDERED**, that the Interim City Manager is hereby authorized to take any and all such further action necessary to proceed with such sale; and

**BE IT FURTHER ORDERED**, that the Interim City Manager is hereby authorized to complete the sale, including, without limitation, execution and delivery of the deed and any other paperwork reasonably incident to the sale; and

**BE IT FURTHER ORDERED**, that 30% of the net proceeds from the sale be credited to the Land Bank Account and the remaining 70% of the net proceeds be credited to the Municipal Building and Land Acquisition Account.

Dated: September 7, 2016

Fiscal Note: Less than \$1,000