

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 504

H.P. 379

House of Representatives, February 1, 2005

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Estate Located along the New Belgrade Road in Augusta

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

Reference to the Committee on State and Local Government suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative LERMAN of Augusta.

2 **Sec. 1. Definitions. Resolved:** That, as used in this resolve,
the following terms have the following meanings.

4 1. "Commissioner" means the Commissioner of Administrative
and Financial Services.

6 2. "State property" means the real estate described in
8 section 3 of this resolve with the buildings and improvements,
together with all appurtenant rights and easements, and all
10 personal property located on that property, including vehicles,
machinery, equipment and supplies; and be it further

12 **Sec. 2. Authority to convey state property. Resolved:** That the
14 State, by and through the commissioner, may:

16 1. Enter into a lease or leases or convey by sale the
interests of the State in the state property;

18 2. Negotiate, draft, execute and deliver any documents
20 necessary to settle any boundary line discrepancies;

22 3. Exercise, pursuant to the Maine Revised Statutes, Title
23, chapter 3, the power of eminent domain to quiet for all time
24 any possible challenges to ownership of the state property;

26 4. Negotiate, draft, execute and deliver any easements or
other rights that, in the commissioner's discretion, may
28 contribute to the value of a proposed sale or lease of the
State's interests; and

30 5. Release any interests in the state property that, in the
32 commissioner's discretion, do not contribute to the value of the
remaining state property; and be it further

34 **Sec. 3. Property interests that may be conveyed. Resolved:** That
36 the state property authorized to be sold or leased is the
following:

38 A rectangular parcel of land 50 feet by 113.4 feet, more or
40 less, bounded on the north by land conveyed to Luke Bolduc by the
State of Maine, Book 5667, Page 32 and extending 50 feet
42 southerly from the southeast and southwest corners of said land
of Luke Bolduc to Lot 9 as shown on Plat of Revisions to the
44 Gabourie Subdivision in Augusta, Maine, recorded in the Kennebec
County Registry of Deeds, Book 30, Page 30; and be it further

46 **Sec. 4. Property to be sold as is. Resolved:** That the commissioner
48 may negotiate and execute leases and purchase and sale agreements
upon terms the commissioner considers

2 appropriate; however, the state property must be sold "as is,"
with no representations or warranties.

4 Title must be transferred by quitclaim deed without covenant
or release deed and executed by the commissioner; and be it
6 further

8 **Sec. 5. Exemptions. Resolved:** That any lease or conveyance
pursuant to this resolve is exempt from any statutory or
10 regulatory requirement that the property first be offered to the
Maine State Housing Authority or another state or local agency;
12 and be it further

14 **Sec. 6. Appraisal. Resolved:** That the commissioner shall have
the current market value of the state property determined by an
16 independent appraiser. The commissioner may list the property
for sale or lease with private real estate brokers at the
18 property's appraised value and negotiate sales or leases, solicit
bids, sell directly to purchasers or enter directly into leases
20 with tenants. The commissioner may reject any offers.

22 The commissioner shall establish the rent or purchase price
and the terms of lease or sale.

24 Prior to transfer, the buyer shall provide the State at the
26 buyer's own cost and expense an updated survey showing the
property described herein together with adjacent property
28 described in Book 5667, Page 32; Book 4952, Page 283; and Book
5691, Page 307. The buyer shall also provide a certificate of
30 title or title insurance policy demonstrating ownership of former
Lot 10, acquired in 2 separate transactions: Book 4952, Page 283
32 and Book 5667, Page 32. The buyer shall demonstrate to the
satisfaction of the commissioner that the transfer herein does
34 not create an illegal subdivision on a substandard lot or violate
any local or state law, ordinance or regulation.

36 If the commissioner elects to solicit bids, the commissioner
38 shall publish notices of sale sufficient to advertise the
properties. The commissioner may reject any bids; and be it
40 further

42 **Sec. 7. Proceeds. Resolved:** That any proceeds from sales
pursuant to this resolve must be deposited in the Special Revenue
44 Account for Maine Veterans Memorial Cemetery at Civic Center
Drive, Account No. 014 15A 2101 402; and be it further

46 **Sec. 8. Repeal. Resolved:** That this resolve is repealed 3
48 years from its effective date.

SUMMARY

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4 This resolve authorizes the Commissioner of Administrative
and Financial Services to sell or lease the State's interests in
a small portion of the Maine Veterans Memorial Cemetery lying
6 along New Belgrade Road, also known as Civic Center Drive, in
Augusta, Maine.