

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1458

S.P. 500

In Senate, March 23, 2005

**Resolve, Regarding the Conveyance of a Right-of-way across the
Elizabeth Levinson Center in Bangor**

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.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator SCHNEIDER of Penobscot.
Cosponsored by Representative BARSTOW of Gorham.

Sec. 1. Commissioner of Administrative and Financial Services authorized to transfer easement with no covenants of title across Elizabeth Levinson Center in Bangor, subject to conditions. Resolved:

That the Commissioner of Administrative and Financial Services is authorized and directed to convey to Leo J. Davis, his heirs and assigns, an easement with no covenants of title across the Elizabeth Levinson Center in Bangor. The Commissioner of Administrative and Financial Services shall convey the easement upon the following conditions.

1. The easement must be 50 feet in width and must extend from the Hogan Road along the entire boundary line of Leo J. Davis's property that borders the Elizabeth Levinson Center property. The easement must be located so as to provide the greatest degree of safety to the persons served by the Elizabeth Levinson Center.

2. The easement is for the limited purpose of providing access from the Hogan Road and providing public utilities to the property owned by Leo J. Davis. The easement is conveyed upon the condition that the property owned by Leo J. Davis, his heirs or assigns, is used exclusively as a site for a single-family residence. In the event that there is a change in the use of the property owned by Leo J. Davis, his heirs or assigns, the easement becomes void, and access along the easement described in this resolve is denied to Leo J. Davis, his heirs or assigns.

3. The surface of the route of travel must be maintained in an orderly and attractive manner by and at the cost of Leo J. Davis, his heirs or assigns. In the event that the route of travel is not maintained in a reasonable manner and thereby detracts from the appearance of the Elizabeth Levinson Center grounds and facilities, the easement becomes void.

4. The Director of the Elizabeth Levinson Center may review the proposed easement for purposes of safety as it relates to the users of the Elizabeth Levinson Center and consult with the Commissioner of Administrative and Financial Services and Leo J. Davis with regard to any necessary changes to ensure the safety of the Elizabeth Levinson Center's users.

5. The easement subject to the provisions of this resolve may not be granted until a survey of the property across which the proposed easement is to be granted has been completed and filed with the Department of Administrative and Financial Services. The surveyor selected to undertake the survey must be mutually agreed upon by the Commissioner of Administrative and Financial Services and Leo J. Davis and, upon completion of the survey, the surveyor shall file a copy of the survey with the Commissioner of Administrative and Financial Services. The cost of the survey must be borne by Leo J. Davis; and be it further

