

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2005

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Legislative Document

No. 1676

H.P. 1185

House of Representatives, May 19, 2005

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**Resolve, Authorizing the President of the Maine Community College System To Sell 1.37 Acres of Real Property Owned by Southern Maine Community College in South Portland**

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative BLISS of South Portland. (GOVERNOR'S BILL)  
Cosponsored by Senator BROMLEY of Cumberland and  
Representatives: BOWLES of Sanford, CUMMINGS of Portland, EBERLE of South Portland,  
Speaker RICHARDSON of Brunswick, RINES of Wiscasset, Senators: BRENNAN of  
Cumberland, DAVIS of Piscataquis, President EDMONDS of Cumberland.

2           **Sec. 1. Definitions. Resolved:** That, as used in this resolve,  
3 unless the context otherwise indicates, the following terms have  
4 the following meanings.

5           1. "Board of trustees" means the Board of Trustees of the  
6 Maine Community College System.

7           2. "President" means the President of the Maine Community  
8 College System.

9           3. "Property" means the real estate described in section 3  
10 of this resolve with any buildings and improvements, together  
11 with all appurtenant rights and easements, and all personal  
12 property located on that property, if any; and be it further  
13

14           **Sec. 2. Authority to convey property. Resolved:** That the  
15 president, pursuant to a duly authorized vote of the board of  
16 trustees, is authorized to:  
17

18           1. Convey by sale the interests of the Maine Community  
19 College System in the property;  
20

21           2. Negotiate, draft, execute and deliver any documents  
22 necessary to settle any boundary line discrepancies;  
23

24           3. Exercise the power of eminent domain to quiet for all  
25 time any possible challenges to ownership of the property;  
26

27           4. Negotiate, draft, execute and deliver any easements or  
28 other rights that, in the president's discretion, may contribute  
29 to the value of the proposed sale; and  
30

31           5. Release any interests in the property that, in the  
32 president's discretion, do not contribute to the value of the  
33 remaining property; and be it further  
34

35           **Sec. 3. Property interests authorized to be conveyed. Resolved:**  
36 That the property authorized to be sold or leased is the  
37 following:  
38

39           An unimproved parcel of land consisting of 1.37 acres, more  
40 or less, near, but not adjacent to, remaining property of  
41 Southern Maine Community College, in South Portland, Maine.  
42 Title to said parcel, designated Lots 124 and 125 on the  
43 City of South Portland Assessor's Map 005, was formerly held  
44 by the State of Maine but was transferred to the Maine  
45 Community College System in 2002; and be it further  
46  
47  
48

2           **Sec. 4. Property to be sold as is. Resolved:** That the property  
must be sold "as is," with no representations or warranties.

4           Title must be transferred by quitclaim deed without covenant  
and executed by the president; and be it further

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

12           **Sec. 6. Appraisal. Resolved:** That the president shall have  
14 the current market value of the property determined by an  
independent appraiser. The property may be listed for sale with  
16 a private real estate broker at its appraised value or auctioned  
or sold directly to a purchaser. The president may negotiate the  
18 terms of sale including the purchase price. The president may  
reject any offers.

20           If the president elects to solicit bids, notices of sale  
22 must be advertised; and be it further

24           **Sec. 7. Proceeds. Resolved:** That any proceeds from sales  
pursuant to this resolve must be deposited in an account to be  
26 designated by the president and used to purchase all or a portion  
of a parcel abutting Southern Maine Community College, said  
28 property to be used for parking or other uses in support of  
Southern Maine Community College's mission; and be it further

30           **Sec. 8. Sunset provision. Resolved:** That this resolve is  
32 repealed 3 years from its effective date.

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### SUMMARY

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38           This resolve authorizes the President of the Maine Community  
College System to sell a 1.37-acre, more or less, parcel of  
unimproved land owned by Southern Maine Community College in  
40 South Portland, provided that the proceeds of the sale are used  
to purchase land adjacent to the Southern Maine Community College  
42 campus for parking or other purposes of the college.