

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2006

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Legislative Document

No. 2015

H.P. 1415

House of Representatives, February 14, 2006

**Resolve, Authorizing Certain Land Transactions by the Department  
of Conservation, Bureau of Parks and Lands**

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Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative TARDY of Newport. (GOVERNOR'S BILL)  
Cosponsored by Senator NUTTING of Androscoggin and  
Representatives: ADAMS of Portland, CARR of Lincoln, DUPLESSIE of Westbrook, PIOTTI  
of Unity, Speaker RICHARDSON of Brunswick, Senators: President EDMONDS of  
Cumberland, MILLS of Somerset, SCHNEIDER of Penobscot.

1       **Preamble.** The Constitution of Maine, Article IX, Section 23 requires that real  
2 estate held by the State for conservation or recreation purposes may not be reduced or its  
3 uses substantially altered except on the vote of 2/3 of all members elected to each House.

4       **Whereas,** certain real estate authorized for conveyance by this resolve is under the  
5 designations described in the Maine Revised Statutes, Title 12, section 598-A; and

6       **Whereas,** the Director of the Bureau of Parks and Lands within the Department of  
7 Conservation may sell or exchange lands with the approval of the Legislature in  
8 accordance with the Maine Revised Statutes, Title 12, sections 1837 and 1851; now,  
9 therefore, be it

10       **Sec. 1. Director of Bureau of Parks and Lands authorized, but not**  
11 **directed, to sell certain real estate in Frenchtown, Township A, Range 13**  
12 **WELS, County of Piscataquis. Resolved:** That the Director of the Bureau of Parks  
13 and Lands within the Department of Conservation may by quitclaim deed without  
14 covenant convey for appraised fair market value, and on such other terms and conditions  
15 as the director may direct, 6 lots or parcels of land situated in Frenchtown, Township A,  
16 Range 13 WELS, County of Piscataquis, State of Maine, being lots 4/5, 7, 9, 12, 23 and  
17 37 as shown on a plan entitled "First Roach Pond, Residential Lease Conversion" by  
18 Downeast Surveying and Development and dated October 21, 2004, which land is part of  
19 the public lot in said township as first described in the petition for partition and report of  
20 partition commissioners dated December 11, 1948, and recorded in the Piscataquis  
21 County Registry of Deeds in Book 20, Page 1, said lots being located northerly of the  
22 South Inlet Road, also presently known as the Frenchtown Road, and between said road  
23 and the southerly shore of First Roach Pond. The said 6 lots or parcels of land were  
24 included in Resolve 2003, chapter 137, section 2, which authorized sale to only the First  
25 Roach Pond Leaseholders Coalition; sale to the said coalition did not occur, and so this  
26 authorization allows the sale to persons who are not members of said coalition; and be it  
27 further

28       **Sec. 2. Director of Bureau of Parks and Lands authorized, but not**  
29 **directed, to convey certain real estate in Winterville Plantation, County of**  
30 **Aroostook. Resolved:** That the Director of the Bureau of Parks and Lands within the  
31 Department of Conservation may by quitclaim deed without covenant convey for  
32 appraised fair market value, and on such other terms and conditions as the director may  
33 direct, to Richard Vaillancourt and Norma Vaillancourt, of Eagle Lake, Maine, with a  
34 mailing address of Post Office Box 6, Eagle Lake, Maine 04739, a certain lot of land in  
35 Winterville Plantation, County of Aroostook, State of Maine, being approximately 75 feet  
36 by 75 feet (5,625 square feet) and being a portion of the Winterville Plantation public lot.  
37 Said parcel is currently occupied by said Richard Vaillancourt and Norma Vaillancourt,  
38 as lessees, pursuant to a lease dated May 26, 2004, with the Department of Conservation,  
39 Bureau of Parks and Lands as lessor; and be it further

40       **Sec. 3. Director of Bureau of Parks and Lands authorized, but not**  
41 **directed, to convey certain land in Smalls Falls, Township E, County of**  
42 **Franklin. Resolved:** That the Director of the Bureau of Parks and Lands within the  
43 Department of Conservation may by financial order, on such terms and conditions as the  
44 director may direct, and on such terms as the Department of Conservation and the

1 Department of Transportation consider appropriate and reasonable, transfer management  
2 responsibility of the following land to the Department of Transportation for the purpose  
3 of relocating a portion of State Route 4. The relocation must include construction,  
4 maintenance and repair of the highway, along with drainage, slope and any other rights  
5 necessary for the maintenance and repair thereof. The land is more particularly described  
6 as follows:

7 A portion of land, situated in Township E, County of Franklin, State of  
8 Maine, containing a total of 4.69 acres, as shown on a plan entitled "State  
9 of Maine Department of Transportation Right of Way Map, State  
10 Highway '32' (Route 4) Madrid-Township E, P.I.N. 0010019.00," Sheets  
11 1, 2, 3, 4, 5 and 6, of 30 sheets, dated September 2005, D.O.T. File No.  
12 4-233, to be recorded in the Franklin County Registry of Deeds, and on  
13 file at the Department of Transportation, 16 State House Station,  
14 Augusta, Maine. For reference see deed from Peter A. Tyler to the State  
15 of Maine, Department of Conservation, Bureau of Parks and Lands,  
16 dated March 9, 1998, and recorded in the Franklin County Registry of  
17 Deeds in Book 1735, Page 052.

18 ; and be it further

19 **Sec. 4. Director of Bureau of Parks and Lands authorized, but not**  
20 **directed, to convey certain land in Town of Pownal, County of Cumberland.**

21 **Resolved:** That the Director of the Bureau of Parks and Lands within the Department of  
22 Conservation may by quitclaim deed without covenant convey, to the Town of Pownal, a  
23 certain lot or parcel of land, situated on Route 9 adjacent to the existing town hall in the  
24 Town of Pownal, County of Cumberland, State of Maine, approximately 5.0 acres, and  
25 being a portion of Bradbury Mountain State Park. Said conveyance must be on such  
26 terms and conditions as the director may direct, including, but not limited to, the  
27 requirement that the use of the land be limited to public purposes, and in the event the  
28 land is no longer used for public purposes, title shall revert to the State of Maine, and  
29 further subject to the rights of the public to use an existing trail located on the premises.  
30 Said parcel from the State of Maine to the Town of Pownal must be surveyed. For  
31 reference see deed from Carl I. Knight, personal representative of the estate of Wilma  
32 Florence Knight, to the State of Maine, dated October 2, 1990, and recorded in the  
33 Cumberland County Registry of Deeds, October 4, 1990, in Book 9432, Page 290; and be  
34 it further

35 **Sec. 5. Director of Bureau of Parks and Lands authorized, but not**  
36 **directed, to convey certain land in Town of Newport, County of Penobscot.**

37 **Resolved:** That the Director of the Bureau of Parks and Lands within the Department of  
38 Conservation may by quitclaim deed without covenant convey for fair market value, and  
39 on such other terms and conditions as the director may direct, to Todd Lornell and Robin  
40 Lornell, both of 31 Douglas Road, Sutton, Massachusetts 01590, husband and wife, a  
41 certain lot or parcel of land, situated in the Town of Newport, County of Penobscot, State  
42 of Maine, being approximately 50 feet wide and 2,000 feet in length of the Four Season  
43 Adventure Trail, extending from Main Street southerly to land to be conveyed to the  
44 State. This conveyance is in exchange for an approximately 2.18-acre lot, to be used as a  
45 state-owned trail parking lot, and a recreational trail easement approximately 16 feet wide

1 and 1,000 feet in length across a section of the Lornell property. The said recreational  
2 trail easement is to extend in a westerly direction from the southeasterly corner of the  
3 Lornell property to the southwesterly corner of the Lornell property, running the length of  
4 the Lornell property and parallel with property of the Maine Central Railroad Company.  
5 For reference see deed from the Maine Central Railroad Company to the State of Maine  
6 dated October 25, 2004, and recorded in the Penobscot County Registry of Deeds,  
7 October 27, 2004, in Book 9601, Page 239; see also deed from Eugene A. Ferry to Todd  
8 Lornell, dated December 29, 2003, and recorded December 31, 2003, in the Penobscot  
9 County Registry of Deeds in Book 9148, Page 133; and see also deed from Eugene A.  
10 Ferry to Todd Lornell and Robin Lornell, dated September 14, 2005 and recorded in said  
11 Registry of Deeds, September 16, 2005, in Book 10093, Page 222; and be it further

12 **Sec. 6. Director of Bureau of Parks and Lands authorized, but not**  
13 **directed, to convey certain land in Town of Mars Hill, County of Aroostook.**

14 **Resolved:** That the Director of the Bureau of Parks and Lands within the Department of  
15 Conservation may by quitclaim deed without covenant convey for fair market value, and  
16 on such other terms and conditions as the director may direct, to Naturally Potatoes a  
17 Basic American Foods Division, LLC, a Delaware Limited Liability Company, 2999 Oak  
18 Road, Walnut Creek, California, a certain lot or parcel of land, situated in the Town of  
19 Mars Hill, County of Aroostook, State of Maine, being approximately 66 feet wide and  
20 2,190 feet in length extending from Station 1626+37 to Station 1648+27 on the Houlton  
21 to Presque Isle Recreational Trail and an easement approximately 10 feet in width and  
22 1,000 feet in length extending from Station 1720+67 to Station 1730+67 on said trail for  
23 the purpose of installing and maintaining an irrigation pipe within the state-owned  
24 property along the side of the traveled trail surface. This conveyance is in exchange for a  
25 certain lot or parcel of land approximately 100 feet in width and 2,350 feet in length, to  
26 be conveyed by quitclaim deed with covenant, located easterly of the Houlton to Presque  
27 Isle Recreational Trail, from approximately Station 1625+37 to Station 1649+27, said  
28 parcel of land to be surveyed, and for a recreational trail easement being approximately  
29 100 feet in width and 700 feet in length in the area of Station 1680+02 easterly to the  
30 thread of Presque Isle Stream, for the purposes of providing access to the existing  
31 abutment and bridge that cross the Presque Isle Stream, said trail easement to be  
32 surveyed. For reference see deed from UPC Wind Management, LLC to the State of  
33 Maine dated January 31, 2005, and recorded February 1, 2005 in the Aroostook County  
34 Registry of Deeds, Southern Division, in Book 4081, Page 198; and see trustee's deed  
35 from James E. Howard, trustee for the estate of Bangor & Aroostook Railroad Company  
36 to the State of Maine, dated June 24, 2005, and recorded in said Registry of Deeds, June  
37 29, 2005, in Book 4146, Page 35; and see also deed from Fresh Way, Inc. to Naturally  
38 Potatoes a Basic American Foods Division, LLC, dated September 23, 2005, and  
39 recorded in said Registry of Deeds, September 23, 2005, in Book 4187, Page 63; and be it  
40 further

41 **Sec. 7. Director of Bureau of Parks and Lands authorized, but not**  
42 **directed, to convey certain land in Town of Dexter, County of Penobscot.**

43 **Resolved:** That the Director of the Bureau of Parks and Lands within the Department of  
44 Conservation may by quitclaim deed without covenant convey, for fair market value, and  
45 on such other terms and conditions as the director may direct, including maintenance and  
46 safety obligations and responsibilities, a 50-foot wide trail crossing easement to benefit

1 the residential properties of Henri Vansluys and Lili Vansluys, Ron Snyder and Jane  
2 Snyder, Paul Bazinet and Mary Bazinet, Norris Fillmore and Diana Fillmore and Arnold  
3 Miller, all in the Town of Dexter, County of Penobscot, State of Maine. Said trail  
4 crossing easement is further bounded and described as follows:

5 An easement for residential purposes only 22 feet in width situated at the  
6 northerly end of Moose Lane in the Town of Dexter, County of  
7 Penobscot, State of Maine, more particularly described as follows:  
8 Beginning at an iron rod set on the northwesterly sideline of lands now or  
9 formerly of the State of Maine as described in Volume 9114, Page 194,  
10 said iron rod being located N 37° 07' 52" E, a tie distance of 22.24 feet  
11 from an iron rod found at the southeasterly corner of lands now or  
12 formerly of H. Ronald and Sara-Jane Snyder as described in Volume  
13 7903, Page 313, said iron rod also being located S 38° 38' 06" W, a tie  
14 distance of 77.75 feet from an iron rod found at the northeasterly corner  
15 of said lands of Snyder; Thence in a northeasterly direction, by and  
16 along the northwesterly sideline of said lands of the State of Maine along  
17 a curve to the right with a radius of 1,909.86 feet, an arc distance of  
18 22.07 feet to an iron rod set, said curve having a chord bearing N 37° 47'  
19 44" E, a chord distance of 22.07 feet; Thence S 47° 34' 29" E, through  
20 lands of the grantor, a distance of 66.19 feet to an iron rod set on the  
21 southeasterly sideline of said lands of the State of Maine; Thence in a  
22 southwesterly direction, by and along the southeasterly sideline of said  
23 lands of the State of Maine, along a curve to the left with a radius of  
24 1,843.86 feet, an arc distance of 22.08 feet to an iron rod set, said curve  
25 having a chord bearing S 37° 37' 46" W, a chord distance of 22.08 feet;  
26 Thence N 47° 34' 29" W, through lands of the grantor, a distance of  
27 66.26 feet to the point of beginning; Containing 1,457 square feet, 0.033  
28 acres. Bearings referenced herein are oriented to Magnetic North in the  
29 year of 1989. Documents referenced herein are recorded in the  
30 Penobscot County Registry of Deeds unless otherwise noted. All iron  
31 rods set referenced herein are capped 3/4" rebar stamped "Plisga & Day  
32 P.L.S. 2361."

33 For reference see deed from Maine Central Railroad Company to the State of Maine,  
34 Department of Conservation, Bureau of Parks and Lands, dated December 5, 2003, and  
35 recorded in the Penobscot County Registry of Deeds in Book 9114, Page 194; and be it  
36 further

37 **Sec. 8. Director of Bureau of Parks and Lands authorized, but not**  
38 **directed, to convey certain land in Town of Brownville, County of**  
39 **Piscataquis. Resolved:** That the Director of the Bureau of Parks and Lands within the  
40 Department of Conservation may by quitclaim deed without covenant convey for  
41 appraised fair market value, and on such other terms and conditions as the director may  
42 direct, including maintenance and safety obligations and responsibilities, a right-of-way  
43 easement, with utilities, located in the Town of Brownville, County of Piscataquis, State  
44 of Maine, being approximately 15 feet wide and 1,620 feet in length extending from  
45 Front Street, along the Katahdin Ironworks Recreational Trail to land of Barton Hughes  
46 and Cory Campbell, of Sangerville, Maine, and having a mailing address of Post Office

1 Box 162, Sangerville, Maine 04479. For reference see deed from James E. Howard,  
2 trustee for the estate of the Bangor & Aroostook Railroad Company to the State of Maine,  
3 dated April 30, 2004, and recorded in the Piscataquis County Registry of Deeds in Book  
4 1553, Page 124; and be it further

5 **Sec. 9. Director of Bureau of Parks and Lands authorized, but not**  
6 **directed, to convey certain land. Resolved:** That the Director of the Bureau of  
7 Parks and Lands within the Department of Conservation is authorized, but not directed, to  
8 convey for appraised fair market value all of the State's interest in and to certain lots or  
9 parcels of land located in the townships and counties listed below and on such other terms  
10 and conditions as the director may direct:

11 1. County of Aroostook, State of Maine: A certain lot or parcel of land, being the  
12 Glenwood West Public Lot located in the Township of Glenwood Plantation; a certain lot  
13 or parcel of land, being the Glenwood Center Public Lot located in the Township of  
14 Glenwood Plantation; a certain lot or parcel of land, being the Glenwood East Public Lot  
15 located in the Township of Glenwood Plantation; the Public Lot located in Township 2,  
16 Range 4 WELS; the common and undivided interest of the South Public Lot located in  
17 Township 4, Range 3 WELS; and the fee interest of the North Public Lot located in  
18 Township 4, Range 3 WELS; and all located in the County of Aroostook, State of Maine;

19 2. County of Penobscot, State of Maine: A certain lot or parcel of land, being the  
20 Greenfield Large Public Lot located in Greenfield Township; a certain lot or parcel of  
21 land, being the Greenfield Small Public Lot located in Greenfield Township; a certain lot  
22 or parcel of land, being a portion of the LaGrange North Public Lot located in the Town  
23 of LaGrange; and a certain lot or parcel of land, being the Public Lot located in Township  
24 2, Range 9 NWP; and all located in the County of Penobscot, State of Maine;

25 3. County of Washington, State of Maine: A certain lot or parcel of land, being the  
26 Public Lot located in Township 8, Range 3 NBPP, County of Washington, State of  
27 Maine; and

28 4. County of Franklin, State of Maine: A certain lot or parcel of land, being a  
29 portion of the Public Lot located in Wyman Township, County of Franklin, State of  
30 Maine, being subject to an option to lease agreement between the State of Maine as lessor  
31 and Redington Mountain Windpower, LLC dated February 5, 2004, a copy of which is on  
32 file in the offices of the State of Maine, Department of Conservation, Bureau of Parks and  
33 Lands, Augusta, Maine, and further subject to a contract of sale between the State of  
34 Maine as seller and Gareth V. Warren as purchaser and as authorized by Resolve 2005,  
35 chapter 97, section 2. A copy of said contract is on file in the offices of the State of  
36 Maine, Department of Conservation.

37

### SUMMARY

38 This resolve authorizes the Director of the Bureau of Parks and Lands within the  
39 Department of Conservation to convey certain property owned by the State and located in  
40 Aroostook, Cumberland, Franklin, Penobscot, Piscataquis and Washington counties.