

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 780

S.P. 278

In Senate, March 10, 2015

**Resolve, Authorizing the Director of the Bureau of Parks and Lands
To Convey the Parcel of Land in Kittery Known as John Paul Jones
Memorial Park to the Town of Kittery**

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator HILL of York.
Cosponsored by Representative RYKERSON of Kittery and
Representative: BEAVERS of South Berwick.

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 Agriculture, Conservation and Forestry may sell or exchange lands with the approval of
 8 the Legislature in accordance with the Maine Revised Statutes, Title 12, section 1814 and
 9 section 1851, subsections 1 and 2; now, therefore, be it

10 **Sec. 1. Director of the Bureau of Parks and Lands is authorized, but not**
 11 **directed, to convey certain land known as John Paul Jones Memorial Park in**
 12 **Kittery. Resolved:** That the Director of the Bureau of Parks and Lands within the
 13 Department of Agriculture, Conservation and Forestry may gift by quitclaim deed
 14 without covenant, and on such other terms and conditions as the director may direct, the
 15 interests of the State in the property known as John Paul Jones Memorial Park, referred to
 16 in this resolve as "the property," situated between Hunter Avenue and Newmarch Street
 17 and between Water Street and Government Street in the Town of Kittery, County of
 18 York, with the buildings and improvements, together with all appurtenant rights and
 19 easements located on that property, to the Town of Kittery; and be it further

20 **Sec. 2. Restrictions. Resolved:** That the instrument transferring the interests of
 21 the State in the property must include the following terms and restrictions:

- 22 1. The property is to be used for public noncommercial governmental purposes only.
 23 If the property is used otherwise, title to the property must automatically revert to the
 24 Department of Agriculture, Conservation and Forestry, but only on those terms and
 25 conditions as the Director of the Bureau of Parks and Lands within the department may
 26 direct;
- 27 2. In the event the Town of Kittery proposes to transfer an interest in the property, in
 28 whole or in part, to a 3rd party not affiliated with the Town of Kittery, the department has
 29 a right of first refusal to take back the property at no cost and upon those terms and
 30 conditions as the director may direct; and
- 31 3. Notwithstanding any decision by the department not to exercise its right of first
 32 refusal, the department shall continue to hold the right of first refusal in perpetuity, and
 33 such right is a servitude on the property and runs with the land and is binding upon the
 34 Town of Kittery, its successors and assigns forever.

35 **SUMMARY**

36 This resolve authorizes the Director of the Bureau of Parks and Lands within the
 37 Department of Agriculture, Conservation and Forestry to gift the state property known as
 38 John Paul Jones Memorial Park to the Town of Kittery. It restricts the use of the property
 39 to public noncommercial governmental purposes, and the property reverts to the

1 Department of Agriculture, Conservation and Forestry if used otherwise. The resolve also
2 gives the department right of first refusal in perpetuity to take the property back if the
3 Town of Kittery proposes to transfer the property to a 3rd party not affiliated with the
4 town.