

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1804

S.P. 673

In Senate, January 25, 2018

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell, Lease or Convey the Interests of the State in Certain Real Property Located in Augusta, Bangor, Bucksport, Limestone, Brookton Township, Penobscot County Unorganized Territory and Rockwood Strip Township

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 203.

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

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator DAVIS of Piscataquis.

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PART A

Sec. A-1. Authority to convey state property. Resolved: That, notwithstanding any other provision of law, the State, by and through the Commissioner of Administrative and Financial Services, referred to in this Part as "the commissioner," may:

1. Enter into a lease or leases or convey by sale the interests of the State in the state property described in section 2 with the buildings and improvements, together with all appurtenant rights and easements, and all personal property located on that property, including vehicles, machinery, equipment and supplies;

2. Negotiate, draft, execute and deliver any documents necessary to settle any boundary line discrepancies regarding the state property described in section 2;

3. Exercise, pursuant to the Maine Revised Statutes, Title 23, chapter 3, subchapter 3, the power of eminent domain to quiet for all time any possible challenges to ownership of the state property described in section 2;

4. Negotiate, draft, execute and deliver any easements or other rights that, in the commissioner's discretion, may contribute to the value of a proposed sale or lease of the State's interests in the state property described in section 2; and

5. Release any interests in the state property described in section 2 that, in the commissioner's discretion, do not contribute to the value of the remaining state property described in section 2; and be it further

Sec. A-2. Property interests that may be conveyed. Resolved: That the state property authorized to be sold or leased is:

1. A parcel of land at 108 Sewall Street in Augusta consisting of approximately 0.22 acre, conveyed to the City of Augusta, identified on Tax Assessor's Map 26 as Lot 118 and recorded in the Kennebec County Registry of Deeds, Book 11176, Page 203;

2. A parcel of land in Augusta at 187-189 State Street known as Smith-Merrill House consisting of approximately 0.81 acre, conveyed to the City of Augusta, identified on Tax Assessor's Map 33 as Lot 59 and recorded in the Kennebec County Registry of Deeds, Book 2632, Page 232;

3. A parcel of land and associated buildings in Augusta known as 221 State Street, a former Department of Health and Human Services state building, consisting of approximately 2.78 acres, conveyed to the City of Augusta, identified on Tax Assessor's Map 32 as Lots 25, 26 and 27 and recorded in the Kennebec County Registry of Deeds, Book 1342, Page 206 and Book 1332, Page 310;

4. A parcel of land and an associated building in Augusta known as 242 State Street, consisting of approximately 1.51 acres, identified on Tax Assessor's Map 32 as Lot 20 and recorded in the Kennebec County Registry of Deeds, Book 1070, Page 499;

1 5. A parcel of land and associated buildings in Bangor constituting the site now or
2 formerly known as the Bangor Mental Health Institute, occupied currently in part by the
3 Dorothea Dix Psychiatric Center and vacant land adjacent to the Elizabeth Levinson
4 Center, and any associated land and parking areas as may be necessary in the
5 determination of the commissioner consisting of approximately 100 acres and 6.28 acres
6 identified on Tax Assessor's Map R71 as Lot 009 and on Tax Assessor's Map R63 as Lot
7 008 and recorded in the Penobscot County Registry of Deeds, Book 601, Page 24; Book
8 601, Page 26; Book 601, Page 27; Book 11592, Page 296; Book 11592, Page 302; and
9 Book 2016, Page 87;

10 6. A parcel of land in Limestone at 6 Church Street known as Old Limestone Manor
11 consisting of approximately 0.45 acre, conveyed to the Town of Limestone, identified on
12 Tax Assessor's Map 04 as Lot 32 and recorded in the Southern Aroostook County
13 Registry of Deeds, Book 5315, Page 345;

14 7. A parcel of land at 418 Millvale Road in Bucksport formerly owned by Joan
15 Virginia Hasey, who bequeathed the property to the State, consisting of approximately
16 1.82 acres, conveyed to the Town of Bucksport, identified on Tax Assessor's Map 09 as
17 Lot 29 and recorded in the Hancock County Registry of Deeds, Book 1181, Page 352;
18 and

19 8. A parcel of land known as Carpenter Ridge in T2 R8 NWP of the Unorganized
20 Territory of Penobscot County consisting of approximately 1,500 acres, conveyed to the
21 State, identified in the Maine Land Use Planning Commission's parcel viewer as
22 PE004/01/2 and recorded in the Penobscot County Registry of Deeds, Book 4695, Page
23 241; and be it further

24 **Sec. A-3. Property to be sold as is. Resolved:** That the commissioner may
25 negotiate and execute leases and purchase and sale agreements upon terms the
26 commissioner considers appropriate; however, the state property described in section 2
27 must be sold "as is," with no representations or warranties.

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

30 **Sec. A-4. Exemptions. Resolved:** That any lease or conveyance pursuant to this
31 Part is exempt from any statutory or regulatory requirement that the state property
32 described in section 2 first be offered to the Maine State Housing Authority or another
33 state or local agency; and be it further

34 **Sec. A-5. Appraisal. Resolved:** That the commissioner shall have the current
35 market value of the state property described in section 2 determined by broker opinion of
36 value and current comparative market analysis. The commissioner may list the state
37 property for sale or lease with private real estate brokers and negotiate any sales or leases,
38 solicit bids, sell directly to purchasers or enter directly into leases with tenants. The
39 commissioner may reject any offers; and be it further

40 **Sec. A-6. Proceeds. Resolved:** That:

1 1. Any proceeds from the sale or lease of the state property described in section 2 as
2 108 Sewall Street, Augusta pursuant to this Part must, as designated by the commissioner,
3 be deposited into the Department of Administrative and Financial Services, Bureau of
4 General Services capital repair and improvement account for capital improvements;

5 2. Any proceeds from the sale or lease of the state property described in section 2 as
6 187-189 State Street, Augusta pursuant to this Part must, as designated by the
7 commissioner, be deposited into the Department of Administrative and Financial
8 Services, Bureau of General Services capital repair and improvement account for capital
9 improvements;

10 3. Any proceeds from the sale or lease of the state property described in section 2 as
11 221 State Street, Augusta pursuant to this Part must, as designated by the commissioner,
12 be deposited into the Department of Administrative and Financial Services, Bureau of
13 General Services capital repair and improvement account for capital improvements;

14 4. Any proceeds from the sale or lease of the state property described in section 2 as
15 242 State Street, Augusta pursuant to this Part must, as designated by the commissioner,
16 be deposited into the Department of Administrative and Financial Services, Bureau of
17 General Services capital repair and improvement account for capital improvements;

18 5. Any proceeds from the sale or lease of the state property described in section 2 as,
19 or as associated with, the Bangor Mental Health Institute, Bangor pursuant to this Part
20 must, as designated by the commissioner, be deposited into the Department of
21 Administrative and Financial Services, Bureau of General Services capital repair and
22 improvement account for capital improvements;

23 6. Any proceeds from the sale or lease of the state property described in section 2 as
24 6 Church Street, Limestone pursuant to this Part must, as designated by the
25 commissioner, be used to reimburse the department's administrative expenses and be
26 deposited into the Department of Administrative and Financial Services, Bureau of
27 General Services capital repair and improvement account for capital improvements, and
28 remaining proceeds must be provided to the Maine School of Science and Mathematics;

29 7. Any proceeds from the sale or lease of the state property described in section 2 as
30 418 Millvale Road, Bucksport pursuant to this Part must, as designated by the
31 commissioner, be deposited into the Department of Administrative and Financial
32 Services, Bureau of General Services capital repair and improvement account for capital
33 improvements; and

34 8. Any proceeds from the sale or lease of the state property described in section 2 as
35 Carpenter Ridge, T2 R8 NWP pursuant to this Part must, as designated by the
36 commissioner, be deposited into the Department of Administrative and Financial
37 Services, Bureau of General Services capital repair and improvement account for capital
38 improvements; and be it further

39 **Sec. A-7. Repeal. Resolved:** That this Part is repealed 5 years from its effective
40 date.

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PART B

Sec. B-1. Authority to convey state property. Resolved: That, notwithstanding any other provision of law, the State, by and through the Commissioner of Administrative and Financial Services, referred to in this Part as "the commissioner," may:

1. Enter into a lease or leases or convey by sale the interests of the State in the state property described in section 2 with the buildings and improvements, together with all appurtenant rights and easements, and all personal property located on that property, including vehicles, machinery, equipment and supplies;

2. Negotiate, draft, execute and deliver any documents necessary to settle any boundary line discrepancies regarding the state property described in section 2;

3. Exercise, pursuant to the Maine Revised Statutes, Title 23, chapter 3, subchapter 3, the power of eminent domain to quiet for all time any possible challenges to ownership of the state property described in section 2;

4. Negotiate, draft, execute and deliver any easements or other rights that, in the commissioner's discretion, may contribute to the value of a proposed sale or lease of the State's interests in the state property described in section 2; and

5. Release any interests in the state property described in section 2 that, in the commissioner's discretion, do not contribute to the value of the remaining state property described in section 2; and be it further

Sec. B-2. Property interests that may be conveyed. Resolved: That the state property authorized to be sold or leased or with respect to which an easement is to be delivered is:

1. A parcel of land in Brookton Township formerly occupied by the Brookton Elementary School consisting of approximately 4.5 acres, conveyed to the Town of Brookton, identified by Maine Revenue Services, Map WA028, Plan 2, as Lot 1 and recorded in the Washington County Registry of Deeds, Book 555, Page 324; and

2. A parcel of land in Rockwood Strip, T1 R1 NBKP, formerly occupied by the Rockwood Elementary School consisting of approximately 0.36 acre, conveyed to the State, identified and recorded in the Somerset County Registry of Deeds, Book 1516, Page 154; and be it further

Sec. B-3. Property to be sold as is. Resolved: That the commissioner may negotiate and execute leases and purchase and sale agreements upon terms the commissioner considers appropriate; however, the state property described in section 2 must be sold "as is," with no representations or warranties.

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

