

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

N I N E T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 1427

H. P. 1019

House of Representatives, January 19, 1960.

Committee on Legal Affairs suggested.

HARVEY R. PEASE, Clerk

Presented by Mr. Knight of Rockland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY

**AN ACT to Authorize School Administrative District No. 5 to Take a  
Schoolhouse Lot by Condemnation in the City of Rockland.**

**Preamble.** The school directors of School Administrative District No. 5 have determined that it is necessary to construct a new school building to adequately and safely provide for secondary education in said district. The directors have determined that the most suitable site for said building and lot is in the City of Rockland. It is impossible to ascertain some of the owners of portions of said site. This act permits the acquisition of specified property in the City of Rockland by School Administrative District No. 5 for school purposes.

Be it enacted by the People of the State of Maine, as follows:

**Schoolhouse lot by condemnation.** The school directors of School Administrative District No. 5 are authorized to lay out a schoolhouse lot and playground not exceeding 25 acres in the City of Rockland. When such schoolhouse lot has ceased to be used for school purposes for 2 successive years, said lot reverts to the owner, his heirs or assigns, on demand by him or them in writing to the school directors of School Administrative District No. 5. The directors shall give notice of the taking to all interested parties. Such property is particularly described as follows, to wit:

Beginning at a point located on the southerly side of Cedar Street 110 feet from the intersection of Cedar Street and Broadway at the northeast corner of heirs of William P. Harding; thence south 58° west 275 feet by land of Wheaton and Hodgkins on the east to a point and land of Hodgkins; thence southerly 228 feet by land of Hodgkins on the north to a point on the westerly side of

Broadway; thence southwesterly  $304\frac{1}{2}$  feet along the westerly side of Broadway to a point and land of Knight; thence north  $35^{\circ}$  west 90 feet by land of Knight on the south to a point at the brook; thence southerly along the brook 375 feet by land of Knight and Clark on the east to a point and house lots on the northerly side of Lawn Avenue; thence northwesterly 440 feet by said house lots on the south to a point and land of Howard; thence northeasterly 75 feet by land of Howard on the west to a point; thence northwesterly 605 feet by land of Howard, Penney and Gray on the south to a brook and Melrose Park Development; thence northeasterly along said brook 175 feet by Melrose Park Development on the west to a point; thence north  $44^{\circ}$ , 45 Minutes, east 277 feet by land of Melrose Park Development on the south to a point and land of Bickford; thence north  $58^{\circ}$  east 555 feet by land of Bickford on the west to a point and land of Winslow; thence southerly 820 feet by land of Winslow and Merrill on the north to a point; thence south  $58^{\circ}$  west 200 feet by land of Merrill and Fields on the west to a point at the southerly side of Cedar Street; thence southeasterly along the southerly side of Cedar Street 279 feet to the point of beginning, containing 21.29 acres.

The school directors of School Administrative District No. 5 shall appraise the damages and tender payment of the damages to the owner. If the owner thereof refuses to sell or, in the opinion of the school directors, asks an unreasonable price for it, or resides without the State and has no authorized agents or attorneys therein, or the owner of said property cannot be ascertained by checking the record title, the directors may deposit damages as appraised with the county treasurer of Knox for said owner's use. In the event that the owner of the property is unknown, the school directors of School Administrative District No. 5 shall advertise in one state paper and in one local paper for 3 consecutive weeks prior to the tendering of appraised damages to the county treasurer.

If the owner is aggrieved by the damages awarded by the school directors, he may apply to the county commissioners within 6 months from the deposit of damages. The county commissioners of Knox County shall constitute a board of appraisers which shall determine the value of the property or land to be taken, make a correct return of their doings signed by them, and state in their return the name of the person to whom the damages are allowed and the amount allowed. The county commissioners shall give 14 days' notice to interested parties of the time and place of their meeting and afford interested parties an opportunity to be heard. The return shall be filed with the clerk of the county commissioners and remain in the custody of their clerk and notice thereof given to the interested parties. If the damages are increased, School Administrative District No. 5 shall pay the damages and costs; otherwise, the cost shall be paid by the applicant.

Any interested party aggrieved by the county commissioners' determination of damages may appeal from their determination within 90 days to the Superior Court of Knox County by filing a notice of appeal with said county clerk of courts. If no such appeal is made, the proceedings shall be closed and become effectual, all claims for damages not allowed by them be forever barred, and all damages allowed by them be final. If an appeal be taken in the manner provided, the court shall determine the damages by a committee of reference if the parties

so agree, or by a verdict of its jury, and shall render judgment for the damages in judgment for costs in favor of the party entitled thereto. An appeal may be taken to the Supreme Judicial Court.

#### STATEMENT OF FACTS

See the preamble.