



Old Town

265 MAIN STREET * OLD TOWN, MAINE 04468-1497

MEMO

March 15, 2017

City Council

Councilors,

I have been approached once again by Mr. James Mitchell. Mr. Mitchell owns property at 6 Nadeau Street and 3 Nadeau Street on French Island. He currently resides at 3 Nadeau Street. This property directly abuts land owned by the City along the river. The City's property, which could allow river access in the future, is encumbered by a large sewer main running across it. You may recall that I had come before the Council four or so years ago to feel out the Council as to the possibility of the City selling or leasing a portion of abutting property that the City owns to Mr. Mitchell for gardening purposes. At that time the Council indicated that they were not interested in doing anything formal, but did not have a problem with Mr. Mitchell enjoying the use of the land.

Mr. Mitchell has greatly improved the property and meticulously maintains it and has several raised gardening beds on it. Mr. Mitchell greatly enjoys gardening and has a very strong background in education as he only recently retired as an educator. He now grows vegetables on the city property for not only himself, but numerous neighbors that perhaps cannot supply themselves with fresh produce due to any number of factors. Mr. Mitchell would like to expand the size of the property that he is currently utilizing, thus expanding the amount of produce he can grow and supply to those less fortunate. His desire is to solicit the help of young people to help teach them the benefits of, not only growing your own food, but of helping ones neighbors as well.

The City Manager and I have met with Mr. Mitchell and explained that we felt the best way to offer assurance to Mr. Mitchell that the City is comfortable in allowing him the enjoyment of the land, without giving up the City's rights to it, would be in the way of a letter of perpetuity. This would allow Mr. Mitchell the use of the land for as long as he shall live, and or, require the use of it. Mr. Mitchell understands that the City would still have control of the property for maintenance of, but not limited to, the sewer line, water access as there may in the future be a need for shoreland stabilization, the creation of public water access etc. He also understands that unfortunately, damage could be caused to his gardens in the event of a sewer line repair or other type of repair.

Enclosed in your packet is a map of the property with the boundary lines of the proposed area the City would allow him to use. The size of the area is approximately

sixteen-thousand, seven- hundred and fifty square feet. (16, 750 sq. ft.)(.38 acres) You can also see the sewer line running across this area.

Mr. Mitchell has indicated that some years ago, while Nadeau Street was being repaved, that the City enlarged and paved the driveway at 6 Nadeau so that plow trucks could turn around on his property. In fact the City removed a dying tree at the end of the street just last fall to aid in the turning around of plow equipment. Mr. Mitchell indicated to me that at the time the work was being conducted on his property that some sort of easement to the city was to be drawn up and recorded. I do not find that this ever happened. For what reason, I don't know. Perhaps if the Council would like to enter into some sort of arrangement with Mr. Mitchell for the other property agreement, that now would be a good time to address this as well.

In closing; It is the opinion of the Code Enforcement Officer that a Letter of Perpetuity stating the size, location and encumbrances of the area designated is the best outcome for all parties involved. I of course leave this up to the City Council and City Manager. I would also suggest that the Code Officer draft a letter for the City Manager to sign to be provided to the full Council if the Committee decides to move this issue forward.

Thank you,

David C. Russell

David C. Russell
City of Old Town
Code Enforcement Officer

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