

Order 203-14/15

Passage: 9-0 on 4/6/2015

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

Effective 4/16/2015

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER DISCONTINUING A PORTION
OF CLEEVE STREET**

IT IS HEREBY ORDERED, that, pursuant to 23 M.R.S.A. § 3026, having given best practicable notice to all abutting land owners and to the City of Portland Planning Office, a portion of Cleeve Street, as described on Attachment 1, be and hereby is discontinued as a city street or town way, the City reserving a public easement for pedestrian and other limited passage over a part of the discontinued portion of Cleeve Street as described in Attachment 2. The City does not reserve a public utility easement for any public utilities; and

BE IT FURTHER ORDERED, no damages are to be paid in connection with this Order to Discontinue.

ATTACHMENT 1

A certain lot or parcel of land situated on Great Diamond Island in the City of Portland, County of Cumberland, and State of Maine, being a portion of Cleeve Street as accepted by the City of Portland on November 8, 1892, and more particularly bounded and described as follows:

COMMENCING at the intersection of the westerly line of Crescent Avenue with the southeasterly line of Diamond Avenue;

THENCE S 66° 03' 54" W 111.59 feet, more or less, along the southeasterly line of Diamond Avenue to the **POINT OF BEGINNING**;

THENCE S 11° 36' 08" E 38.32 feet, more or less, along land now or formerly of Diamond Island Association as described in a deed recorded at the Cumberland County Registry of Deeds in Deed Book 492, Page 259, to a point along the northerly line of Cleeve Street;

THENCE S 76° 06' 56" E 120.77 feet, more or less, along said land now or formerly of Diamond Island Association and the northerly line of Cleeve Street to a point at the intersection of the northerly line of Cleeve Street with the westerly line of Crescent Avenue";

THENCE S 11° 36' 08" E 9.69 feet, more or less, along the extension of the westerly line of Crescent Avenue and crossing through Cleeve Street to an angle point;

THENCE S 16° 58' 04" W 41.31 feet, more or less, to a point at the intersection of the southerly line of Cleeve Street with the westerly line of Meadow Avenue;

THENCE N 76° 06' 56" W 219.65 feet, more or less, along the southerly line of Cleeve Street to an angle point in the easterly line of Bay Avenue;

THENCE N 11° 36' 08" W 17.91 feet, more or less, along the easterly line of Bay Avenue to a point at the intersection of Bay Avenue with the southeasterly line of Diamond Avenue;

THENCE N 66° 03' 54" E 111.59 feet, more or less, along the southeasterly line of Diamond Avenue to the **POINT OF BEGINNING**.

Bearings are based on the Maine State Coordinates, West Zone, NAD 1983, HARN, Grid North, and field surveys conducted by the City of Portland, Department of Public Services, Engineering Division.

Reference is made to a plan titled "Plan of a part of Diamond Island" dated 1882 on file as plan number 362/6 in the Engineering Archives of said Engineering Division.

Reserving, however, to the City of Portland a public easement for access to and from the so-called Bay Avenue and more particularly described in Attachment 2, attached hereto.

ATTACHMENT 2

A certain lot or parcel of land, 25 feet wide, situated on Great Diamond Island in the City of Portland, County of Cumberland, and State of Maine, being a portion of Cleeve Street to be discontinued by the City of Portland in 2015, and more particularly bounded and described as follows:

COMMENCING at the intersection of the westerly line of Crescent Avenue with the southeasterly line of Diamond Avenue;

THENCE S 66° 03' 54" W 208.77 feet, more or less, along the southeasterly line of Diamond Avenue, along land now or formerly of Diamond Island Association as described in a deed recorded at the Cumberland County Registry of Deeds in Deed Book 492, Page 259, and along the northerly line of a portion of Cleeve Street to be discontinued by the City of Portland to the **POINT OF BEGINNING**;

THENCE S 76° 06' 56" E 217.32 feet, more or less, along the centerline of said portion of Cleeve Street to be discontinued to a point along the extension of the westerly line of Meadow Avenue;

THENCE S 16° 58' 04" W 25.04 feet, more or less, along the extension of the westerly line of Meadow Avenue to a point at the intersection of the southerly line of Cleeve Street with the westerly line of Meadow Avenue;

THENCE N 76° 06' 56" W 219.65 feet, more or less, along the southerly line of said portion of Cleeve Street to be discontinued to a point in the easterly line of Bay Avenue;

THENCE N 11° 36' 08" W 17.91 feet, more or less, along the easterly line of Bay Avenue and westerly line of said portion of Cleeve Street to be discontinued to a point at the intersection of Bay Avenue with the southeasterly line of Diamond Avenue;

THENCE N 66° 03' 54" E 14.41 feet, more or less, along the southeasterly line of Diamond Avenue and along the northerly line of said portion of Cleeve Street to be discontinued to the **POINT OF BEGINNING**.

Meaning and intending to reserve to the City of Portland, Maine a public easement to be used solely for passive recreational uses and activities which shall be limited to pedestrian and non-motorized bicycle traffic for access to and from the so-called Bay Avenue. No motorized or mechanized, wheeled or tracked recreational vehicles of any kind may be operated or used on the easement area (described above), except that golf carts and wheelchairs or other similar non-recreational vehicles shall be permitted, subject to City regulation and control, in order to provide access over the easement area for the permitted uses and purposes. The City of Portland also reserves the right

to install and maintain at its sole cost and expense signage for and within the public easement reserved.

Bearings are based on the Maine State Coordinates, West Zone, NAD 1983, HARN, Grid North, and field surveys conducted by the City of Portland, Department of Public Services, Engineering Division.

Reference is made to a plan titled "Plan of a part of Diamond Island" dated 1882 on file as plan number 362/6 in the Engineering Archives of said Engineering Division.