

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

The following are minutes of the January 7, 2008 City Council Meeting.

- I. **CALL TO ORDER** – On Monday, January 7, 2008, at 7:03 p.m., Mayor Roland Michaud called the City Council Meeting to order in the City Hall Conference Room.
- II. **ROLL CALL OF MEMBERS** – Mayor Roland L. Michaud conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilors present: Leslie Smith, Jr., Ronald Morton, Sandra Bastille, Arthur Tardif, Eric Cote and Marston Lovell. Councilor Margaret Mills was excused this evening.
- III. **PLEDGE OF ALLEGIANCE**
- IV. **APPROVAL OF MINUTES:**
- V. **GENERAL:**
- VI. **CONSENT AGENDA ITEMS:**

B. Application for a License to Operate Game of Chance, Daily Pool – Saco Eagles

Be it Ordered that the City Council grant the application for a License to Operate a Game of Chance, Daily Pool, from January 2008 to January 2009, as submitted by Saco Eagles #3792.

C. Application for a License to Operate Game of Chance, Card Party – Saco Eagles

Be it Ordered that the City Council grant the application for a License to Operate a Game of Chance, Card Party License, from January 2008 to January 2009, as submitted by Saco Eagles #3792.

D. Transfer of Assets

Be it Ordered that the City Council does hereby approve with reference to Superior Court Docket #07-1939, of the transfer of the Defendant(s) in Rem, namely \$920.00, or any portion thereof, pursuant to 15 M.R.S.A. §5822(4)(A).

Councilor Smith moved, Councilor Tardif seconded, to approve the Consent Agenda. Further move to approve the order. The motion passed with six (6) yeas.

A. Discontinuance of Old Cascade Road

Elliot Chamberlain has requested that the portion of Old Cascade Road that lies within Saco be discontinued, and that the land revert to the two abutters: the Townsend Family Revocable Trust and a parcel owned by Mr. Chamberlain.

The segment of road in question is roughly 800 feet long, and lies between the current Cascade Road and Milliken Mills Road. The current Cascade Road was built about 1948; use of the Old Cascade Road has been limited to local traffic since that time. The two abutters are the only parties that would be directly affected by discontinuance.

On November 6, 2007, the Planning Board reviewed this request, and made a positive recommendation for the discontinuance as requested. The City Council discussed this item at Workshop on December 10, 2007, and the Council approved giving notice to abutters on 12/17/07; and notice was sent.

MAIN MOTION: Councilor Morton moved, Councilor Tardif seconded, it ordered that the City Council approve the abandonment and discontinuance of the Old Cascade Road as shown being the northeasterly half of the Old Cascade Road right of way and the southwesterly half of the Old Cascade Road right of way, in the City of Saco, County of York, and State of Maine as shown on the Boundary Survey of Park North Triangle Property prepared for Park North Development, LLC, dated September 21, 2007, last revised November 27, 2007, by Sebago Technics, Inc. with reference to Projects 05082 and 06134, more formally described in ‘**Exhibit A Northeasterly Portion of Old Cascade Road Park North Development, Saco Maine**’ and ‘**Exhibit A Southwesterly Portion of Old Cascade Road Park North Development, Saco Maine**’ as contemplated by 23 M.R.S.A. §3026(1). The motion as amended passed with six (6) yeas.

AMENDMENT TO THE ABOVE MAIN MOTION: Councilor Cote moved, Councilor Smith seconded, that the city abandon said street and the right of way for public utility, in accordance with MRSA Title 23 sub section 3026. The motion passed with six (6) yeas.

Notice of Proposed Abandonment and Discontinuance of the Old Cascade Road

**To: Abutters
Planning Board**

From: The City Council of the City of Saco, Maine.

Dear Property Owner:

Our records show that you own property abutting the Old Cascade Road.

This is to notify you that on **January 7, 2008** at 7:00 p.m., the City Council will hold a Public Hearing in the City Hall Auditorium at 300 Main Street, Saco, Maine, to determine whether they will issue an order for the abandonment and discontinuance of the Old Cascade Road as shown being the northeasterly half of the Old Cascade Road right of way and the southwesterly half of the Old Cascade Road right of way, in the City of Saco, County of York, and State of Maine as shown on the Boundary Survey of Park North Triangle Property prepared for Park North Development, LLC, dated September 21, 2007, last revised November 27, 2007, by Sebago Technics, Inc. with reference to Projects 05082 and 06134, more formally described in ‘**Exhibit A Northeasterly Portion of Old Cascade Road Park North Development, Saco Maine**‘ and ‘**Exhibit A Southwesterly Portion of Old Cascade Road Park North Development, Saco Maine**‘.

If an Order of Discontinuance is issued and subsequently approved by vote of the City Council of the City of Saco, Maine, the City will have no obligation to maintain, repair or plow the road but the public will still have the right to travel over it unless the public easement is extinguished as well. These matters will be discussed at the Public Hearing. As an abutter, you or your designated agent are invited to attend the public hearing and be heard on the issues of discontinuance and damages.

Dated: December 17, 2007

**/s/ Richard R. Michaud
Richard M. Michaud
City Administrator**

**Order of Discontinuance of Old Cascade Road
Dated December 17, 2007**

To: Elliot Chamberlain and the Townsend Family Revocable Trust

From: City Council of Saco, Maine

While **not** excepting and preserving a public easement, the City Council of the City of Saco, Maine hereby orders the discontinuance of the Old Cascade Road as shown being the northeasterly half of the Old Cascade Road right of way and the southwesterly half of the Old Cascade Road right of way, in the City of Saco, County of York, and State of Maine as shown on the Boundary Survey of Park North Triangle Property prepared for Park North Development, LLC, dated September 21, 2007, last revised November 27, 2007, by Sebago Technics, Inc. with reference to Projects 05082 and 06134; which lie between the following described limits:

NORTHEASTERLY LIMIT

A certain lot or parcel of land situated on the northeasterly side of the centerline of Old Cascade Road and being the northeasterly half of the Old Cascade Road right of way, in the City of Saco, County of York, and State of Maine as shown on the Boundary Survey of Park North Triangle Property prepared for Park North Development, LLC, dated September 21, 2007, last revised November 27, 2007, by Sebago Technics, Inc. with reference to Projects 05082 and 06134, being more particularly bounded and described as follows:

Beginning at the southerly sideline of Milliken Mills Road and the northeasterly sideline of Cascade Road as relocated in 1947 as shown on said Plan;

Thence S 45°-10'-48" E, by and along the northeasterly side of land of Cascade Road (1947), a distance of 104.63 feet to the centerline of the Old Cascade Road, shown as Station 27+55.52 on the Old Cascade Road centerline;

Thence by and along the Old Cascade Road centerline along a non tangential curve to the left with a radius of 2,900.00 feet, a length of 568.77 feet, having a chord bearing of S 60°-26'-49" E, and a chord distance of 567.86 feet to a point of tangency shown as Station 33+24.29 on the Old Cascade Road centerline;

Thence S 66°-03'-56" E, along the Old Cascade Road centerline, a distance of 174.94 feet to the Town of Old Orchard Beach and City of Saco municipal boundary line;

Thence N 35°-36'-53" E, along the Town of Old Orchard Beach and City of Saco municipal boundary line, a distance of 33.67 feet to land now or formerly of the Townsend Family Revocable Trust;

Thence by and along land of Townsend Family Revocable Trust along a non-tangential curve to the left with a radius of 480.62 feet, a length of 5.25 feet, having a chord bearing of N 65°-44'-47" W, and a chord distance of 5.25 feet to a point of tangency;

Thence N 66°-03'-56" W, along the Townsend Family Revocable Trust, a distance of 176.51 feet to a point of curvature;

Thence by and along land of Townsend Family Revocable Trust along a tangential curve to the right with a radius of 2,867.00 feet, a length of 562.30 feet, having a chord bearing of N 60°-26'-49" W, and a chord distance of 561.40 feet to a point of tangency;

Thence N 54°-49'-42" W, along land of Townsend Family Revocable Trust, a distance of 74.93 feet to the southerly sideline of Milliken Mills Road;

Thence N 83°-33'-25" W, along the southerly sideline of Milliken Mills Road, a distance of 32.17 feet to the Point of Beginning.

Meaning and intending to describe all of the area reverting to abutting property (Townsend Family Revocable Trust) after discontinuance as shown on said Plan containing approximately 26,829 square feet.

The present northeasterly line of State Highway "9" (Cascade Road) as established by a Notice of Layout and Taking recorded November 10, 1958 at the York County Registry of Deeds in Book 1387, Page 77, and lies between P.C. Sta. 2+23.82 and Sta. 6+90.

SOUTHWESTERLY LIMIT

A certain lot or parcel of land situated on the southwesterly side of the centerline of Old Cascade Road and being the southwesterly half of the Old Cascade Road right of way, in the City of Saco, County of York, and State of Maine as shown on the Boundary Survey of Park North Triangle Property prepared for Park North Development, LLC, dated September 21, 2007, last revised November 27, 2007, by Sebago Technics, Inc. with reference to Projects 05082 and 06134, being more particularly bounded and described as follows:

Beginning at the northeasterly sideline of Cascade Road as relocated in 1947 as shown on said Plan at the centerline of the Old Cascade Road, shown as Station 27+55.52 on the Old Cascade Road, being S 45°-10'-48" E, a distance of 104.63 feet from the intersection of the southerly sideline of Milliken Mills Road and the northeasterly sideline of Cascade Road as relocated in 1947 as shown on said Plan;

Thence by and along the Old Cascade Road centerline along a non tangential curve to the left with a radius of 2,900.00 feet, a length of 568.77 feet, having a chord bearing of S 60°-26'-49" E, and a chord distance of 567.86 feet to a point of tangency shown as Station 33+24.29 on the Old Cascade Road centerline;

Thence S 66°-03'-56" E, along the Old Cascade Road centerline, a distance of 174.94 feet to the Town of Old Orchard Beach and City of Saco municipal boundary line;

Thence S 35°-36'-53" W, along the Town of Old Orchard Beach and City of Saco municipal boundary line a distance of 33.70 feet to land now or formerly of the Park North Development, LLC., recorded in Deed Book 15023, Page 731;

Thence N 66°-03'-56" W, along land of the Park North Development, LLC, a distance of 168.11 feet to a point of curvature;

Thence by and along land of the Park North Development, LLC along a tangential curve to the right with a radius of 2933.00 feet, a length of 411.58 feet, having a chord bearing of N 62°-02'-43" W, and a chord distance of 411.24 feet to the northeasterly sideline of Cascade Road as relocated in 1947;

Thence along the northeasterly sideline of Cascade Road as relocated in 1947, along a non-tangential curve to the left with a radius of 5,769.58 feet, a length of 22.74 feet, having a chord bearing of N 44°-27'-16" W, and a chord distance of 22.74 feet to the a found 6 inch by 6 inch granite monument, 8 inches high marking the northeasterly sideline of Cascade Road as relocated in 1947 at Station 29+00.00;

Thence continuing along the northeasterly sideline of Cascade Road as relocated in 1947, along a tangential curve to the left with a radius of 5,769.58 feet, a length of 61.68 feet, having a chord bearing of N 44°-52'-25" W, and a chord distance of 61.68 feet to Point of Beginning.

Meaning and intending to describe all of the area reverting to locus property after discontinuance as shown on said Plan containing approximately 21,679 square feet.

Note to Municipal Officers: Upon completion of the procedure of discontinuance please forward to the Municipal Clerk for recording at the York County Registry of Deeds.

_____ Margaret Mills, Ward 1	/s/ Leslie Smith, Jr. Leslie Smith, Jr., Ward -2
/s/ Ronald Morton Ronald Morton, Ward 3	/s/ Sandra Bastille Sandy Bastille, Ward 4
/s/ Arthur Tardif Arthur Tardif, Ward 5	/s/ Eric Cote Eric Cote, Ward 6
/s/ Marston Lovell Marston Lovell, Ward 7	

SACO CITY COUNCILORS
City Seal

VII. ADJOURNMENT

Councilor Smith moved, Councilor Tardif seconded, that the meeting be adjourned. The motion passed with six (6) yeas. TIME: 7:15 p.m.

ATTEST: _____
Lucette S. Pellerin, City Clerk