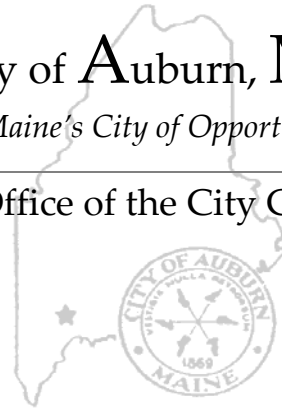


City of Auburn, Maine

"Maine's City of Opportunity"

Office of the City Clerk



Council Meeting Agenda Packet

March 19, 2007

This packet contains the City Council Agenda and supporting documents. The items in this packet are bookmarked in Adobe Acrobat .pdf format. You may need to click on the Bookmark tab on the left to open the Bookmark window. If you do not see a Bookmark tab on the left, you may need to select the Show/Hide Navigation Pane button in your icon toolbar above or update your version of the Adobe Reader. You can download the free Adobe Reader application at www.adobe.com.



City Council Meeting and Workshop March 19, 2007

Agenda

5:00 p.m. Dinner

5:30 p.m. Workshop

- Spring Clean-Up
- Tax Reform

7:00 p.m. Council Meeting

National Anthem performed by Katie Hummes, Haley Laflamme, Katie Laflamme and
Paige Weber, all students at Park Avenue Elementary School

Pledge of Allegiance

* **Consent Items** – All items listed with an asterisk (*) are considered as routine and will be approved in one motion. There will be no separate discussion of these items unless a Councilor or citizen so requests. If requested, the item will be removed from the consent agenda and considered in the order it appears on the agenda.

Minutes

*031907-00 Minutes of March 5, 2007 Council Meeting

Reports

- **Mayor**
- **City Councilors**
 - Dick Gleason: Water District, Consolidation and Spring Clean-Up
 - Bob Hayes: Planning Board, L-A Railroad, Alternative Revenues
 - Eric Samson: LAEGC, MMWAC, City Manager Search
 - Bruce Bickford: A-L Airport, ABDC, Roads & Sidewalks
 - Ray Berube: School Committee, Auburn Housing, Communication
 - Bob Mennealy: Sewer District, University of Maine L-A, Impact Fees
 - Ellen Peters: 9-1-1 Center, Library Board, Comprehensive Plan
- **City Manager**
 - Finance Report – Month of February

Communications and Recognitions

- Katherine Grondin, Principal of the Year

Unfinished Business

031907-01 Ordinance – Amendment to Chapter 3 – Rules of Procedure – Section 3.7 – Meetings
(2nd Reading)

New Business

- 031907-02 Ordinance – Amendment to the Zoning Map in the Area of Turner Street
from General Business to Multi-Family Suburban (1st Reading)
- 031907-03 Public Hearing and action on Special Amusement Permit Application for
Tracy Enterprises d/b/a Uncle Troy's, 34 Court Street
- 031907-04 Order – Condemnation Order and Notice of Layout and Widening of
Streets in the Auburn Mall Area
- 031907-05 Appointment – Mayor Pro Tempore

Open Session - Members of the public are invited to speak to the Council about any issue directly related to City business which is *not* on this agenda

ADJOURNMENT

Executives Sessions: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda.

The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405. Those applicable to municipal government are:

1. Discussion of personnel issues
2. Discussion or consideration of the condition, acquisition, or the use of real or personal property or economic development if premature disclosure of the information would prejudice the competitive or bargaining position of the body or agency.
3. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators.
4. Consultations between a body or agency and its attorney
5. Discussion of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute.
6. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes
7. Consultations between municipal officers and a code enforcement officer relating to enforcement matter pending in District Court.

**CITY OF AUBURN
MARCH 5, 2007
CITY COUNCIL MEETING**

PRESENT

Mayor John T. Jenkins, Councilors Richard D. Gleason, Eric G. Samson, Bruce A. Bickford, Raymond C. Berube, C. Ellen Peters and Robert C. Mennealy, Assistant City Manager Laurie Smith, City Clerk Mary Lou Magno, and Finance Director Chris Trenholm. City Manager Pat Finnigan and Councilor Robert P. Hayes were absent. There were 18 people in the audience.

Mayor Jenkins called the meeting to order at 7:00 p.m. in the Council Chambers of Auburn Hall. Mayor Jenkins introduced Evan Mancini a fifth grade student at Sherwood Heights School who sang the National Anthem. Mayor Jenkins then led the Pledge of Allegiance.

CONSENT AGENDA

Councilor Bickford moved to accept, approve and place on file the following item listed with an asterisk. Seconded by Councilor Mennealy. Vote: 6 Yeas, No Nays.

***MINUTES – FEBRUARY 26, 2007**

Approved under consent agenda.

REPORTS OF THE MAYOR

None

REPORTS OF CITY COUNCILORS

Councilors reported on their respective committee assignments.

REPORTS OF THE CITY MANAGER

Laurie Smith, Assistant City Manager, noted the following meetings at Auburn Hall: Park Avenue Study, March 22nd, 7:00 pm; Maine Department of Transportation – South Main Street Overpass, March 15th, 6:30 pm; Central Business District Corridor Study, April 5th, 6:30 pm; and Ward 2 Meeting to be held at Park Avenue School, March 12th, 7:00 pm.

COMMUNICATIONS AND RECOGNITIONS

None

UNFINISHED BUSINESS

NEW BUSINESS

**1. RESOLVE – AUTHORIZING THE AIRPORT MANAGER TO PURSUE
LAND ACQUISITION FOR THE PURPOSE OF WETLAND
MITIGATION NEEDED TO BUILDING THE PARALLEL
TAXIWAY**

Councilor Samson moved for passage of the resolve. Seconded by Councilor Bickford.

Rick Cloutier, Airport Manager, explained the above resolve and answered Councilors questions; and Dick Bussiere, 9 Winter Street commented.

Councilor Samson moved to amend by changing the word “securing” to “mitigating”. Seconded by Councilor Peters.

Vote on the amendment: 6 Yeas, No Nays.

Vote on passage of the resolve as amended: 6 Yeas, No Nays.

**2. ORDINANCE – AMENDMENT TO CHAPTER 3 RULES OF
PROCEDURE – SECTION 3.7 – MEETINGS**

Councilor Berube moved for acceptance of first reading. Seconded by Councilor Bickford.

Mark Samson, Musket Drive, made comments regarding the above ordinance.

Vote: 4 Yeas with Councilors Gleason and Samson voting Nay.

3. APPOINTMENT – MAYOR PRO TEMPORE

Councilor Bickford moved to appoint a Mayor Pro Tempore. Seconded by Councilor Mennealy. Vote: 6 Yeas, No Nays.

4. APPOINTMENTS

Councilors Samson and Peter moved to approve the following appointments:

WATER DISTRICT

Preston Chapman until March 2011.

ZONING BOARD OF APPEALS

Michael Dixon until October 2009 and Michael Lyons until September 2009.

AUBURN HOUSING AUTHORITY

Richard Valcourt and Richard Gammon until October 2011.

SEWER DISTRICT

Robert Cavanagh and Jeffrey Preble until March 2011.

9-1-1 COMMITTEE

David Stuchiner until December 2009.

L/A COMMUNITY FOREST BOARD

David Griswold until September 2009.

COMMUNITY DEVELOPMENT LOAN COMMITTEE

Ryan Smith until March 2010.

INVESTMENT ADVISORY BOARD

Jon Oxman until March 2010

LEWISTON/AUBURN RAILROAD BOARD

Joseph H. Theriault until April 2008; Councilor Robert Hayes until April 2009;
and Robert Thorpe until April 2010.

Seconded by Councilor Bickford. Vote: 6 Yeas, No Nays.

OPEN SESSION

The following people made comments during Open Session: Larry Pelletier, 129
Second Street; and Jonathan Labonte, 41 Third Street.

CLOSE OPEN SESSION

ADJOURNMENT – 8:10 P.M.

Councilor Peters moved to adjourn. Seconded by Councilor Mennealy. Vote: 6 Yeas,
No Nays.

A TRUE RECORD

ATTEST: _____
City Clerk

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services

March 15, 2007

Honorable Mayor Jenkins and
Members of the City Council

Attached please find the financial report for the month of February 2007. As of February 28th, the City has completed the first eight months of the fiscal year. At this point in the year a number of non-recurring expenses have been paid. In addition, personal property taxes were due September 18th and the first half of real estate taxes were due by October 16th. The second half of the real estate taxes are due on March 15th. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 66.7% of the annual budget. However, not all costs and revenues are distributed evenly throughout the year; individual line items can vary based upon cyclical activity.

Revenues

Revenues collected through February 28th, were \$46,162,217, or 73.04%, of the annual budget. The accounts listed below are noteworthy.

- A. Personal property taxes were due September 18 and the first half of the real estate taxes were due October 16th. The second half of the real estate taxes was due on March 15th. We have collected approximately 66.94% of the total budgeted amount, which compares favorably to prior years.
- B. Licenses and development permits are at 94.52% of the budgeted amount that reflects an active development climate in the community.
- C. Excise taxes are coming in better than budget, primarily due to conservative budgeting.
- D. State Revenue Sharing is typically somewhat higher than budgeted at this time of year due to a larger than usual payment received from the State each July. This payment is based on strong income and sales taxes received by the State in the latter part of the prior fiscal year. Payments in months following July are smaller than the July payment.
- E. Rent revenue is higher due to the annual invoicing to Maine Intermodal Transportation, Inc. for lease payments for the intermodal facility.

Expenditures

Expenditures through February 28th were \$41,512,468 or 65.7%, of the annual budget. Noteworthy variances are discussed below.

- A. *Parks & Recreation*: The costs for summer seasonal staffing was incurred by September 30, causing actual expenditures to appear higher than budget. However, these costs do not occur for the remainder of the year.
- B. *Community Programs*: Includes full payment of the annual appropriations for the Liberty Festival.
- C. *Debt Service*: The first of the City's semi-annual debt service payments was made in October.
- D. *Property*: The first of two insurance premium installments was paid in July.
- E. *Intergovernmental Programs*: The City funds the intergovernmental agencies quarterly, in the first month of each quarter, upon receipt of their invoices. The County Tax payment was in September.

Investments

This section contains an investment schedule as of February 28th, as well as a comparison of the investments between February 28th and the prior month. Currently the City's funds are earning an average interest rate of 5.31%, compared to approximately 4.28% last year at this time.

Respectfully Submitted,

Patricia A. Finnigan
City Manager

Chris Trenholm
Finance Director

CITY OF AUBURN, MAINE
BALANCE SHEET - GENERAL FUND
FEBRUARY 28, 2007

	JANUARY 31, 2007	FEBRUARY 28, 2007	Increase (Decrease)
<u>ASSETS</u>			
CASH	9,441,185	10,709,603	1,268,418
RECEIVABLES			
ACCOUNTS RECEIVABLES	1,092,536	1,124,899	32,363
TAXES RECEIVABLE-CURRENT	17,058,354	14,602,763	(2,455,591)
DELINQUENT TAXES	310,337	310,337	(0)
TAX LIENS	400,290	391,519	(8,771)
NET DUE TO/FROM OTHER FUNDS	575,172	(91,717)	(666,889)
TOTAL ASSETS	28,877,874	27,047,403	(1,830,471)
<u>LIABILITIES & FUND BALANCES</u>			
ACCOUNTS PAYABLE	129,933	61,468	(68,465)
WAGES & TAXES PAYABLE	9,234	130,026	120,792
ACCRUED PAYROLL	429,712	429,712	0
STATE FEES PAYABLE	33,604	46,385	12,781
PREPAID TAXES	-	-	-
IN LIEU OF BONDS	62,705	62,705	(0)
DEFERRED REVENUE	17,184,690	14,718,373	(2,466,317)
TOTAL LIABILITIES	17,849,878	15,448,668	(2,401,210)
FUND BALANCE - NOT DESIGNATED	6,077,231	6,077,231	(0)
FUND BALANCE - DESIGNATED FOR WORKERS COMP & UNEMPLOYMENT	711,913	711,913	0
FUND BALANCE - DESIGNATED	81,919	75,632	(6,287)
NET CHANGE IN FUND BALANCE	4,156,933	4,733,959	577,026
TOTAL FUND BALANCES	11,027,996	11,598,734	570,738
TOTAL LIABILITIES AND FUND BALANCES	28,877,874	27,047,403	(1,830,471)

CITY OF AUBURN, MAINE
REVENUES - GENERAL FUND COMPARATIVE
AS OF FEBRUARY 28, 2007 vs. FEBRUARY 28, 2006

REVENUE SOURCE	FY 2007 BUDGET	ACTUAL REVENUES THROUGH FEB. 28	% OF TOTAL BUDGET	FY 2006 BUDGET	ACTUAL REVENUES THROUGH FEB. 28	% OF TOTAL BUDGET
<u>TAXES</u>						
PROPERTY TAX REVENUE-	\$ 39,500,803	\$ 26,442,287	66.94%	\$ 38,255,419	\$ 24,868,280	65.01%
PRIOR YEAR REVENUE	\$ -	\$ 900,172		\$ -	\$ 376,767	
HOMESTEAD EXEMPTION REIMBURSEMENT	\$ -	\$ 651,438		\$ 700,872	\$ 526,613	75.14%
ALLOWANCE FOR ABATEMENT	\$ -	\$ -		\$ (100,000)	\$ (96,736)	96.74%
ALLOWANCE FOR UNCOLLECTIBLE TAXES	\$ (15,000)	\$ -	0.00%	\$ (15,000)	\$ -	0.00%
EXCISE	\$ 3,200,000	\$ 2,211,841	69.12%	\$ 3,100,000	\$ 2,064,686	66.60%
PENALTIES & INTEREST	\$ 90,000	\$ 57,161	63.51%	\$ 130,000	\$ 52,648	40.50%
TOTAL TAXES	\$ 42,775,803	\$ 30,262,900	70.75%	\$ 42,071,291	\$ 27,792,260	66.06%
<u>LICENSES AND PERMITS</u>						
BUSINESS	\$ 46,800	\$ 28,950	61.86%	\$ 29,700	\$ 28,021	94.35%
NON-BUSINESS	\$ 307,775	\$ 290,900	94.52%	\$ 317,500	\$ 225,495	71.02%
TOTAL LICENSES	\$ 354,575	\$ 319,850	90.21%	\$ 347,200	\$ 253,516	73.02%
<u>INTERGOVERNMENTAL ASSISTANCE</u>						
STATE-LOCAL ROAD ASSISTANCE	\$ 356,000	\$ 454,122	127.56%	\$ 356,000	\$ 260,702	73.23%
STATE REVENUE SHARING	\$ 2,900,000	\$ 2,549,589	87.92%	\$ 2,900,000	\$ 2,075,897	71.58%
WELFARE REIMBURSEMENT	\$ 22,500	\$ 14,646	65.09%	\$ 16,250	\$ 16,700	102.77%
OTHER STATE AID	\$ 25,000	\$ 13,613	54.45%	\$ 30,000	\$ -	0.00%
FEMA REIMBURSEMENT	\$ -	\$ -		\$ -	\$ 2,211	
CITY OF LEWISTON	\$ 175,000	\$ -	0.00%	\$ 180,000	\$ -	0.00%
EDUCATION SUBSIDY	\$ 14,620,168	\$ 9,781,503	66.90%	\$ 14,471,377	\$ 9,224,648	63.74%
TOTAL INTERGOVERNMENTAL ASSISTANCE	\$ 18,098,668	\$ 12,813,474	70.80%	\$ 17,953,627	\$ 11,580,158	64.50%
<u>CHARGE FOR SERVICES</u>						
GENERAL GOVERNMENT	\$ 166,100	\$ 122,572	73.79%	\$ 241,600	\$ 127,117	52.61%
PUBLIC SAFETY	\$ 101,800	\$ 32,399	31.83%	\$ 136,620	\$ 83,952	61.45%
EMS TRANSPORT	\$ 25,000	\$ 9,126	36.51%	\$ 25,000	\$ 8,352	33.41%
EDUCATION	\$ 2,368,950	\$ 1,921,624	81.12%	\$ 1,394,435	\$ 1,356,235	97.26%
TOTAL CHARGE FOR SERVICES	\$ 2,661,850	\$ 2,085,721	78.36%	\$ 1,797,655	\$ 1,575,657	87.65%
<u>FINES</u>						
PARKING TICKETS & MISC FINES	\$ 52,500	\$ 15,565	29.65%	\$ 80,000	\$ 39,358	49.20%
<u>MISCELLANEOUS</u>						
INVESTMENT INCOME	\$ 340,000	\$ 257,379	75.70%	\$ 200,000	\$ 232,744	116.37%
INTEREST-BOND PROCEEDS	\$ 125,000	\$ -	0.00%	\$ 100,000	\$ -	0.00%
RENTS	\$ 132,500	\$ 124,882	94.25%	\$ 130,000	\$ 121,158	93.20%
UNCLASSIFIED	\$ 75,000	\$ 83,183	110.91%	\$ 103,600	\$ 50,402	48.65%
SALE OF RECYCLABLES	\$ 50,000	\$ 36,343	72.69%	\$ 50,000	\$ 13,768	27.54%
COMMERCIAL SOLID WASTE FEES	\$ 56,000	\$ 36,530	65.23%	\$ 53,500	\$ 31,283	58.47%
SALE OF PROPERTY	\$ 150,000	\$ 3,390	2.26%	\$ 150,000	\$ 5,458	3.64%
RECREATION PROGRAMS	\$ 50,000	\$ -	0.00%	\$ 50,000	\$ -	0.00%
MMWAC HOST FEES	\$ 178,000	\$ 123,000	69.10%	\$ 171,000	\$ 118,667	69.40%
9-1-1 DEBT SERVICE REIMBURSEMENT	\$ -	\$ -		\$ 70,000	\$ -	0.00%
TRANSFER IN: TIF	\$ 60,000	\$ -	0.00%	\$ 60,000	\$ -	0.00%
TRANSFER OUT: TIF	\$ (1,960,000)	\$ -	0.00%	\$ (1,960,000)	\$ -	0.00%
TOTAL MISCELLANEOUS	\$ (743,500)	\$ 664,708	-89.40%	\$ (821,900)	\$ 573,479	-69.77%
TOTAL GENERAL FUND REVENUES	\$ 63,199,896	\$ 46,162,217	73.04%	\$ 61,427,873	\$ 41,814,428	68.07%

CITY OF AUBURN, MAINE EXPENDITURES - GENERAL FUND COMPARATIVE AS OF FEBRUARY 28, 2007 vs. FEBRUARY 28, 2006						
DEPARTMENT	FY 2007 BUDGET	ACTUAL EXPENDITURES THROUGH FEB. 28	% OF TOTAL BUDGET	FY 2006 BUDGET	ACTUAL EXPENDITURES THROUGH FEB. 28	% OF TOTAL BUDGET
ADMINISTRATION						
MAYOR AND COUNCIL	\$ 98,610	\$ 85,654	86.86%	\$ 98,610	\$ 75,964	77.04%
LEGAL SERVICES	\$ 55,000	\$ 34,291	62.35%	\$ 65,000	\$ 53,664	82.56%
CITY CLERK	\$ 118,544	\$ 86,222	72.73%	\$ 119,582	\$ 74,346	62.17%
CITY MANAGER	\$ 205,656	\$ 133,356	64.84%	\$ 220,946	\$ 123,871	56.06%
HUMAN RESOURCES	\$ 100,279	\$ 68,563	68.37%	\$ 101,212	\$ 62,901	62.15%
INFORMATION SYSTEMS	\$ 216,245	\$ 113,338	52.41%	\$ 186,507	\$ 119,257	63.94%
ASSESSING SERVICES	\$ 246,071	\$ 165,928	67.43%	\$ 243,207	\$ 160,859	66.14%
FINANCIAL SERVICES	\$ 353,591	\$ 241,024	68.16%	\$ 336,794	\$ 214,988	63.83%
CUSTOMER SERVICE	\$ 16,000	\$ 8,017	50.11%	\$ 16,000	\$ 8,632	53.95%
TOTAL ADMINISTRATION	\$ 1,409,996	\$ 936,394	66.41%	\$ 1,387,858	\$ 894,482	64.45%
COMMUNITY SERVICES						
HEALTH & SOCIAL SERVICES						
ADMINISTRATION	\$ 45,532	\$ 28,044	61.59%	\$ 44,879	\$ 29,360	65.42%
ASSISTANCE	\$ 51,618	\$ 26,732	51.79%	\$ 30,900	\$ 29,932	96.87%
PLANNING & PERMITTING	\$ 665,825	\$ 507,010	76.15%	\$ 698,254	\$ 435,477	62.37%
PARKS AND RECREATION	\$ 531,559	\$ 401,140	75.46%	\$ 552,328	\$ 370,162	67.02%
PUBLIC LIBRARY	\$ 885,623	\$ 590,416	66.67%	\$ 837,957	\$ 558,821	66.69%
COMMUNITY PROGRAMS	\$ 13,050	\$ 11,350	86.97%	\$ 23,050	\$ 21,350	92.62%
TOTAL COMMUNITY SERVICES	\$ 2,193,207	\$ 1,564,692	71.34%	\$ 2,187,368	\$ 1,445,102	66.07%
FISCAL SERVICES						
DEBT SERVICE	\$ 7,394,394	\$ 6,624,981	89.59%	\$ 7,411,314	\$ 6,550,317	88.38%
PROPERTY	\$ 548,578	\$ 415,938	75.82%	\$ 520,694	\$ 426,823	81.97%
WORKERS COMPENSATION	\$ 200,000	\$ 200,000	100.00%	\$ 150,000	\$ -	0.00%
WAGES & BENEFITS	\$ 4,043,042	\$ 2,565,302	63.45%	\$ 3,935,023	\$ 2,301,222	58.48%
EMERGENCY RESERVE	\$ 620,000	\$ -	0.00%	\$ 600,000	\$ -	0.00%
TOTAL FISCAL SERVICES	\$ 12,806,014	\$ 9,806,221	76.58%	\$ 12,617,031	\$ 9,278,362	73.54%
PUBLIC SAFETY						
EMERGENCY MGMT AGENCY	\$ 6,468	\$ 4,817	74.47%	\$ 6,500	\$ 4,881	75.09%
FIRE DEPARTMENT	\$ 3,266,602	\$ 2,232,107	68.33%	\$ 3,132,528	\$ 2,156,057	68.83%
POLICE DEPARTMENT	\$ 2,616,186	\$ 1,788,075	68.35%	\$ 2,585,792	\$ 1,704,767	65.93%
TOTAL PUBLIC SAFETY	\$ 5,889,256	\$ 4,024,999	68.34%	\$ 5,724,820	\$ 3,865,705	67.53%
PUBLIC WORKS						
PUBLIC WORKS DEPARTMENT	\$ 4,490,429	\$ 2,702,436	60.18%	\$ 4,322,005	\$ 2,764,739	63.97%
WATER AND SEWER	\$ 467,500	\$ 351,080	75.10%	\$ 457,500	\$ 351,080	76.74%
TOTAL PUBLIC WORKS	\$ 4,957,929	\$ 3,053,516	61.59%	\$ 4,779,505	\$ 3,115,819	65.19%
INTERGOVERNMENTAL PROGRAMS						
AUBURN-LEWISTON AIRPORT	\$ 136,269	\$ 102,203	75.00%	\$ 136,269	\$ 101,951	74.82%
E911 COMMUNICATION CENTER	\$ 867,500	\$ 433,933	50.02%	\$ 874,118	\$ 655,581	75.00%
LATC-PUBLIC TRANSIT	\$ 117,994	\$ 88,496	75.00%	\$ 117,994	\$ 88,496	75.00%
LAEGC-ECONOMIC COUNCIL	\$ 106,429	\$ 79,821	75.00%	\$ 90,000	\$ 67,500	75.00%
L-A ARTS	\$ 21,000	\$ 15,750	75.00%	\$ 21,000	\$ 15,750	75.00%
COUNTY TAX	\$ 1,699,945	\$ 1,699,945	100.00%	\$ 1,745,129	\$ 1,745,129	100.00%
TAX SHARING	\$ 345,000	\$ 164,940	47.81%	\$ 345,000	\$ 34,064	9.87%
TOTAL INTERGOVERNMENTAL	\$ 3,294,137	\$ 2,585,088	78.48%	\$ 3,329,510	\$ 2,708,471	81.35%
EDUCATION DEPARTMENT	\$ 32,649,357	\$ 19,541,557	59.85%	\$ 31,401,781	\$ 19,396,535	61.77%
TOTAL GENERAL FUND EXPENDITURES	\$ 63,199,896	\$ 41,512,468	65.68%	\$ 61,427,873	\$ 40,704,477	66.26%

**CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
AS OF FEBRUARY 28, 2007**

INVESTMENT	FUND	ACCOUNT BALANCE	INTEREST RATE	VALUE		WEIGHTED AVG YIELD
				BOOK	MARKET	
BANKNORTH MNY MKT	GENERAL FUND	7,938,819.26	5.32%	7,938,819.26	7,938,819.26	
MBIA CLASS ACCOUNT	GENERAL FUND	621.57	5.07%	621.57	621.57	
BANKNORTH MNY MKT	GF-WORKERS COMP	47,887.77	2.15%	47,887.77	47,887.77	
MBIA CLASS ACCOUNT	GF-WORKERS COMP	57.68	5.07%	57.68	57.68	
BANKNORTH MNY MKT	GF-UNEMPLOYMENT	75,994.11	5.32%	75,994.11	75,994.11	
MBIA CLASS ACCOUNT	GF-UNEMPLOYMENT	77,898.63	5.07%	77,898.63	77,898.63	
BANK OF AMERICA	GF-UNEMPLOYMENT	16,272.13	2.60%	16,272.13	16,272.13	
BANKNORTH MNY MKT	SPECIAL REVENUE	1,485,666.32	5.32%	1,485,666.32	1,485,666.32	
MBIA CLASS ACCOUNT	SPECIAL REVENUE	2,401.17	5.07%	2,401.17	2,401.17	
BANKNORTH MNY MKT	SR-PERMIT PARKING	110,034.74	5.32%	110,034.74	110,034.74	
MBIA CLASS ACCOUNT	SR-PERMIT PARKING	359.48	5.07%	359.48	359.48	
BANKNORTH MNY MKT	SR-TIF	61,829.22	5.32%	61,829.22	61,829.22	
MBIA CLASS ACCOUNT	SR-TIF	768.14	5.07%	768.14	768.14	
BANKNORTH MNY MKT	CAPITAL PROJECTS	16,405,358.79	5.32%	16,405,358.79	16,405,358.79	
BANKNORTH MNY MKT	CAPITAL PROJECTS	299,812.32	5.32%	299,812.32	299,812.32	
MBIA CLASS ACCOUNT	CAPITAL PROJECTS	879.39	5.07%	879.39	879.39	
BANK OF AMERICA	CAPITAL PROJECTS	24,602.57	2.60%	24,602.57	24,602.57	
BANKNORTH MNY MKT	ICE ARENA	84,701.17	5.32%	84,701.17	84,701.17	
MBIA CLASS ACCOUNT	ICE ARENA	195.60	5.07%	195.60	195.60	
GRAND TOTAL		26,634,160.06		26,634,160.06	26,634,160.06	5.31%

**CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
AS OF FEBRUARY 28, 2007**

INVESTMENT	FUND	ACCOUNT BALANCE	INTEREST RATE	VALUE		WEIGHTED AVG YIELD
				BOOK	MARKET	
BANKNORTH MNY MKT	GENERAL FUND	7,938,819.26	5.32%	7,938,819.26	7,938,819.26	
MBIA CLASS ACCOUNT	GENERAL FUND	621.57	5.07%	621.57	621.57	
BANKNORTH MNY MKT	GF-WORKERS COMP	47,887.77	2.15%	47,887.77	47,887.77	
MBIA CLASS ACCOUNT	GF-WORKERS COMP	57.68	5.07%	57.68	57.68	
BANKNORTH MNY MKT	GF-UNEMPLOYMENT	75,994.11	5.32%	75,994.11	75,994.11	
MBIA CLASS ACCOUNT	GF-UNEMPLOYMENT	77,898.63	5.07%	77,898.63	77,898.63	
BANK OF AMERICA	GF-UNEMPLOYMENT	16,272.13	2.60%	16,272.13	16,272.13	
BANKNORTH MNY MKT	SPECIAL REVENUE	1,485,666.32	5.32%	1,485,666.32	1,485,666.32	
MBIA CLASS ACCOUNT	SPECIAL REVENUE	2,401.17	5.07%	2,401.17	2,401.17	
BANKNORTH MNY MKT	SR-PERMIT PARKING	110,034.74	5.32%	110,034.74	110,034.74	
MBIA CLASS ACCOUNT	SR-PERMIT PARKING	359.48	5.07%	359.48	359.48	
BANKNORTH MNY MKT	SR-TIF	61,829.22	5.32%	61,829.22	61,829.22	
MBIA CLASS ACCOUNT	SR-TIF	768.14	5.07%	768.14	768.14	
BANKNORTH MNY MKT	CAPITAL PROJECTS	16,405,358.79	5.32%	16,405,358.79	16,405,358.79	
BANKNORTH MNY MKT	CAPITAL PROJECTS	299,812.32	5.32%	299,812.32	299,812.32	
MBIA CLASS ACCOUNT	CAPITAL PROJECTS	879.39	5.07%	879.39	879.39	
BANK OF AMERICA	CAPITAL PROJECTS	24,602.57	2.60%	24,602.57	24,602.57	
BANKNORTH MNY MKT	ICE ARENA	84,701.17	5.32%	84,701.17	84,701.17	
MBIA CLASS ACCOUNT	ICE ARENA	195.60	5.07%	195.60	195.60	
GRAND TOTAL		26,634,160.06		26,634,160.06	26,634,160.06	5.31%

**CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
COMPARISON OF JANUARY 31, 2007
AND FEBRUARY 28, 2007**

INVESTMENT	FUND	JANUARY 31, 2007		FEBRUARY 28, 2007		INCREASE (DECREASE)	
		VALUE		VALUE		VALUE	
		BOOK	MARKET	BOOK	MARKET	BOOK	MARKET
BANKNORTH MNY MARKET	GENERAL FUND	8,502,447.42	8,502,447.42	7,938,819.26	7,938,819.26	(563,628.16)	(563,628.16)
MBIA CLASS ACCOUNT	GENERAL FUND	619.05	619.05	621.57	621.57	2.52	2.52
BANKNORTH MNY MARKET	WORKERS COMP	47,809.63	47,809.63	47,887.77	47,887.77	78.14	78.14
MBIA CLASS ACCOUNT	WORKERS COMP	57.40	57.40	57.68	57.68	0.28	0.28
BANKNORTH MNY MARKET	UNEMPLOYMENT	75,692.67	75,692.67	75,994.11	75,994.11	301.44	301.44
MBIA CLASS ACCOUNT	UNEMPLOYMENT	77,596.50	77,596.50	77,898.63	77,898.63	302.13	302.13
BANK OF AMERICA	UNEMPLOYMENT	16,242.20	16,242.20	16,272.13	16,272.13	29.93	29.93
BANKNORTH MNY MARKET	SPECIAL REVENUE	1,479,773.17	1,479,773.17	1,485,666.32	1,485,666.32	5,893.15	5,893.15
MBIA CLASS ACCOUNT	SPECIAL REVENUE	2,391.91	2,391.91	2,401.17	2,401.17	9.26	9.26
BANKNORTH MNY MARKET	PERMIT PARKING	109,598.27	109,598.27	110,034.74	110,034.74	436.47	436.47
MBIA CLASS ACCOUNT	PERMIT PARKING	358.08	358.08	359.48	359.48	1.40	1.40
BANKNORTH MNY MARKET	TIF	61,583.96	61,583.96	61,829.22	61,829.22	245.26	245.26
MBIA CLASS ACCOUNT	TIF	765.06	765.06	768.14	768.14	3.08	3.08
BANKNORTH MNY MARKET	CAPITAL PROJECTS	17,339,361.81	17,339,361.81	16,405,358.79	16,405,358.79	(934,003.02)	(934,003.02)
BANKNORTH MNY MARKET	CAPITAL PROJECTS	298,623.06	298,623.06	299,812.32	299,812.32	1,189.26	1,189.26
MBIA CLASS ACCOUNT	CAPITAL PROJECTS	876.01	876.01	879.39	879.39	3.38	3.38
BANK OF AMERICA	CAPITAL PROJECTS	24,557.32	24,557.32	24,602.57	24,602.57	45.25	45.25
BANKNORTH MNY MARKET	ICE ARENA	84,365.19	84,365.19	84,701.17	84,701.17	335.98	335.98
MBIA CLASS ACCOUNT	ICE ARENA	194.76	194.76	195.60	195.60	0.84	0.84
GRAND TOTAL		28,122,913.47	28,122,913.47	26,634,160.06	26,634,160.06	-1,488,753.41	-1,488,753.41

AUBURN PRINCIPAL KATHERINE GRONDIN NAMED MAINE'S ELEMENTARY PRINCIPAL OF THE YEAR

The Maine Principals' Association (MPA) has named Katherine Q. Grondin, Principal of Sherwood Heights School in Auburn, as Maine's 2007 Elementary National Distinguished Principal of the Year.

This award recognizes one elementary principal in Maine each year for effective leadership, a commitment to academic excellence, high expectations and standards, creating a culture that supports learning, contributions to the profession, and community service.

In announcing Grondin's selection as 2007 Elementary National Distinguished Principal of the Year, MPA Executive Director Richard Durost noted that "Mrs. Grondin's outstanding leadership of a pre-K to 6 school and her commitment to excellence in educating all students represent the very best qualities of the effective elementary school principal in Maine. Her commitment is clear and unequivocal. She is a strong educational leader, who has high expectations for school staff, students, and herself."

As Maine's 2007 Elementary National Distinguished Principal of the Year, Grondin will be honored at the MPA's Spring Conference awards banquet on April 26. She will also be honored by the National Association of Elementary School Principals in cooperation with The United States Department of Education in corporate partnership with AIG VALIC on October 18-19, 2007 in Washington, DC.

Grondin received a Bachelor of Science degree in elementary education in 1986 from the University of Southern Maine, a Master's degree in administration in 1996 from the University of Southern Maine, and a Certificate of Advanced Study in 2005 from the University of Maine.

Prior to her appointment as principal of Sherwood Heights School

in 2000, she was assistant principal there from 1998-2000. She was a consulting teacher for leadership in the Auburn School Department from 1997-1998 and a classroom teacher at Sherwood Heights School (1989-1997) and at Fairview Elementary School (1988-1989) both in Auburn. She previously taught at Clinton Elementary School from 1986-1988.

Grondin has been active in a wide array of community and professional activities. She is a member of the board of the Advocates for Children and serves on the Governance Subcommittee. She is also a member of the Collaborative Learning for Successful Schools Steering Committee for Lewiston/Auburn College. She is the facilitator of the Elementary Administrative Team and is president of the Auburn School Administrators Association. In 2005, the Maine Music Educators Association named her Outstanding School Administrator.

The Maine Principals' Association is a professional association representing Maine's K-12 principals and assistant principals. The Association dates its history back to 1921 and focuses its work on promoting the principalship, supporting principals as educational leaders, and promoting and administering interscholastic activities in grades 9-12.

City of Auburn

City Council, Auburn, Maine
Date: March 5, 2007

TITLE: ORDINANCE – AMENDMENT TO CHAPTER 1, ARTICLE 3, RULES OF PROCEDURE – SECTION 3.7 MEETINGS

Be It Ordained by the Auburn City Council that Chapter 1, “The Mayor and City Council,” Article 3 “Rules of Procedures” be amended by adding a new section as follows:

Section 3.7 Meetings

A. Regular (current language)

(New) B. **Last meeting prior to inauguration of a new Council.** At the last meeting of a sitting Council, prior to the beginning of a new term, the only business that may come before that Council is approval of the Minutes of the prior meeting.

Statement of Purpose

The purpose of this amendment is to limit the action that a Council can take at its last meeting before the inauguration of a new Council and the beginning of a new term of office. The amendment provides that the sitting Council, not the incoming Council, will be responsible for approving the Minutes of their previous meeting. This will allow the new Council coming into office to start their term without having to approve the Minutes of a meeting that they may not have participated in.

Motion for acceptance of first reading: Raymond Berube Seconded by: Bruce Bickford

Vote: 4 Yeas, with Councilors Gleason and Samson voting Nay

Motion for acceptance of second reading and final passage:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

City Council

Agenda Information Sheet

Council Meeting Date: March 19, 2007

Agenda Item No. 2

SUBJECT:

**ORDINANCE – AMENDMENT TO THE ZONING MAP IN THE AREA OF TURNER STREET
FROM GENERAL BUSINESS TO MULTI-FAMILY SUBURBAN**

INFORMATION:

At the February 5, 2007 meeting the City Council discussed this matter and directed staff to bring this item to the Planning Board for consideration and a recommendation. The Planning Board has reviewed the request and voted unanimously at the March 13, 2007 meeting to forward a positive recommendation to the City Council on this matter. A copy of the Planning Board Report is attached.

STAFF COMMENTS/RECOMMENDATION:

At the Planning Board meeting there were no citizens present in favor of nor opposed to the proposed rezoning and the applicant spoke in favor of the petition. The Planning Board based their recommendation on the following findings: *The proposed rezoning will prevent business development from further encroaching on the residential neighborhood to the south. *The proposed rezoning will place the entire apartment complex under one zoning district. *The proposed rezoning will help to maintain the apartments as a buffer and transition between the commercial developments to the north and the single-family developments to the south.

The Planning Board reviewed the application, staff's report and the testimony and voted 6-0-0 in favor of sending a recommendation to the City Council to approve the proposed rezoning request.

REQUESTED ACTION:

Motion for acceptance of first reading.

VOTE:

City of Auburn

City Council, Auburn, Maine
Date: April 2, 2007

**TITLE: ORDINANCE – AMENDMENT TO THE ZONING MAP IN THE AREA OF
TURNER STREET FROM GENERAL BUSINESS TO MULTI-FAMILY
SUBURBAN (CHAPTER 29, SECTION 1.3)**

Be It Ordained by the Auburn City Council that, Lot ID#270-070 and a portion of Lot ID#280-014 of the City of Auburn tax maps located on Turner Street to the immediate north and south of Plummer Street, and to the immediate east of Turner Street, be rezoned from General Business to Multi-Family Suburban, as shown on the attached map.

Motion for acceptance of first reading:

Seconded by:

Vote:

Motion to waive the provisions of the City Charter calling for first and second readings on two separate dates:

Seconded by:

Vote:

Motion for acceptance of second reading and final passage:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

Planning Board Report

To: Auburn Planning Board

From: David C.M. Galbraith, Director of Planning & Permitting Services

Re: City Council Initiated Petition to rezone Lot ID # 280-014 and a portion of lot ID # 270-070 located on Turner Street to the immediate north & south of Plummer Street, and to the immediate east of Turner Street, from General Business (GB) to Multi-Family Suburban (MFS).

Date: March 12, 2007

I. PROPOSAL

On February 5, 2007 Councilor Hayes brought before the City Council an issue that had been raised by a resident. William Plummer, Trustee of the Auburn Mall Apartments had explained that the majority of the apartment complex was located within the Multi-Family Suburban (MFS) zoning district with the exception of a 3.51 acre parcel (ID # 280-014) which is located on Turner Street to the immediate north of Plummer Street and also a portion of a parcel (ID # 270-070), which approximately the same size, located on Turner Street to the south of Plummer Street. Although the General Business (GB) and Multi-Family Suburban (MFS) would permit the existing apartment development Mr. Plummer explained that the taxes within General Business (GB) portion of the complex were significantly higher so requested that Councilor Hayes bring this matter before the Council. When the Auburn Mall Apartments were originally approved by the Planning Board the zoning of this area was Cluster Development (CD) district, a zoning classification which no longer exists. Staff researched this matter and was unable to determine why the current zoning districts were established, as they exist. At the February 5, 2007 meeting the Council discussed the matter & directed Staff to bring this item to the Planning Board for consideration to rezone Lot ID # 280-014 and a portion of lot ID # 270-070 located on Turner Street to the immediate north & south of Plummer Street, and to the immediate east of Turner Street, from General Business (GB) to Multi-Family Suburban (MFS).

On February 13, 2007 the Planning Board discussed this matter during the workshop portion of the public hearing & directed Staff to bring the proposed rezoning request before them at the next public hearing. The rational to rezone the subject properties by both the City Council & Planning Board was to prevent the creep of business development down Turner Street, to make the entire apartment complex under one zoning district and also maintain the apartments as a buffer between the commercial developments to the north and the single family developments to the south.

60 Court Street • Suite 104 • Auburn, ME 04210

(207) 333-6600 Voice • (207) 333-6601 Automated • (207) 333-6623 Fax

www.auburnmaine.org

II. PLANNING FINDINGS / CONSIDERATIONS:

Staff has evaluated the proposed rezoning and has made the following findings:

- a. The proposed rezoning will prevent business development from further encroaching on the residential neighborhood to the south.
- b. The proposed rezoning will place the entire apartment complex under one zoning district.
- c. The proposed rezoning will help to maintain the apartments as a buffer & transition between the commercial developments to the north and the single-family developments to the south.

III. RECOMMENDATION:

Based upon the findings noted above, it is the recommendation of Staff to forward a recommendation to the City Council to **approve** the proposed rezoning request to rezone Lot ID # 280-014 and a portion of lot ID # 270-070 located on Turner Street to the immediate north & south of Plummer Street, and to the immediate east of Turner Street, from General Business (GB) to Multi-Family Suburban (MFS).

David C.M. Galbraith
Director of Planning & Permitting Services

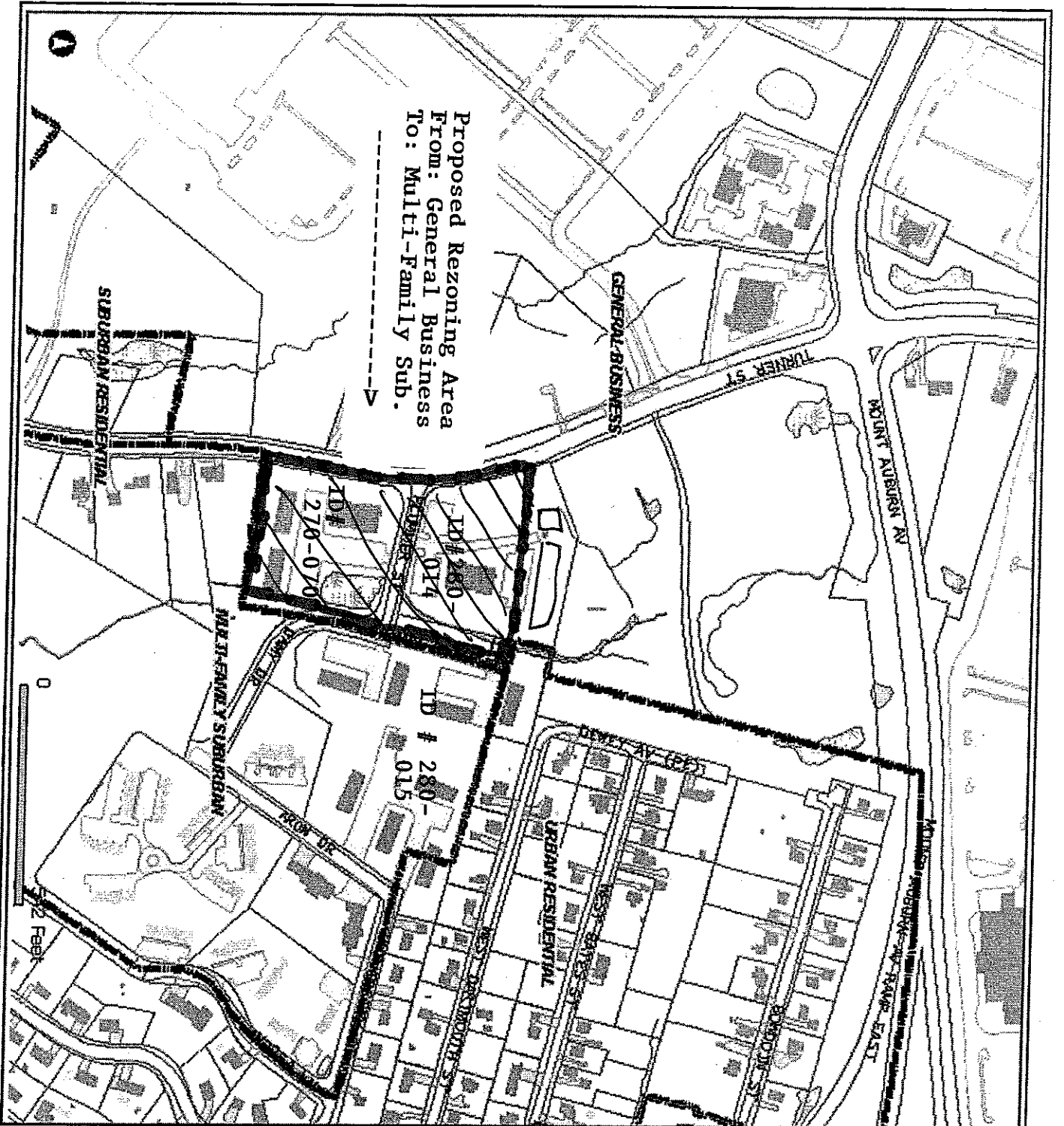
City of Auburn
Maine
Geographic Information System

GIS Map Print
My Map

Locus Map



Disclaimer
The City of Auburn makes no warranty or representation as to the accuracy, timeliness or completeness of any of the data. The City of Auburn shall have no liability for the data or lack thereof, or any decision made or action taken or not taken in reliance upon any of the data.



City Council

Agenda Information Sheet

Council Meeting Date: March 19, 2007 **Agenda Item No.** 3

SUBJECT:

**PUBLIC HEARING – SPECIAL AMUSEMENT PERMIT APPLICATION FOR UNCLE TROY’S
RESTAURANT, 34 COURT STREET**

INFORMATION:

Uncle Troy’s Restaurant, 34 Court Street, has applied for a Special Amusement Permit. The entertainment would either be a piano player or guitarist.
All appropriate departments (Treasurer, Fire, Police and Planning and Permitting) have approved this application.

STAFF COMMENTS/RECOMMENDATION:

Staff recommends approval of this permit.

REQUESTED ACTION:

Motion to approve the Special Amusement Permit.

VOTE:

City Council

Agenda Information Sheet

Council Meeting Date: March 19, 2007

Agenda Item No. 4

SUBJECT:

**ORDER - CONDEMNATION ORDER AND NOTICE OF LAYOUT AND WIDENING OF
STREETS IN THE AUBURN MALL AREA**

INFORMATION:

The current and future development in the mall area requires the road network, including the intersection of Mt. Auburn Avenue and Turner Street, to be improved to accommodate current and future traffic demand. To increase the roadway capacity of the system in the mall area and widen the road, acquisition of the right of way of 27 parcels of land controlled by 13 separate owners are necessary to accomplish this project. The City's economic development staff has worked with the property owners to acquire the property voluntarily in order to construct the improved roadwork. The purpose of this proposed Condemnation Order is to ensure clear land title and remove any subsequent claims of damage, title clouds, and extinguish easements that may effect the usability of this property.

STAFF COMMENTS/RECOMMENDATION:

Staff recommends passage of the Order.

REQUESTED ACTION:

Motion for passage of the Order

VOTE:

CITY OF AUBURN, MAINE
CONDEMNATION ORDER, NOTICE OF LAYOUT AND WIDENING AND
RETURN OF THE CITY COUNCIL

The City Council of the City of Auburn, Maine hereby issue this Condemnation Order and Notice of Layout and Widening and makes return of its proceedings under 30-A M.R.S.A. 3101 and 23 M.R.S.A. §3022 and §3023 in regard to the laying out and widening of certain City streets and the necessary condemnation of interests in and to certain property located in the City of Auburn, Maine as follows:

1. This condemnation is for a public use and purpose, namely to complete certain necessary traffic improvements on Turner Street and Mt. Auburn Avenue in the vicinity of the Auburn Mall in Auburn, Maine.
2. The City Council of the City of Auburn, Maine has determined that public exigency requires the immediate taking of the property interests described herein. In addition, the City Council has determined that there exists a defect, or potential defect, in the title to the property at issue affecting the right of the public to use the property as intended.
3. Said City Council has determined that the description of the property and the interests to be taken are as follows:

Description of Fee Taking

All land, buildings and rights in land within the following described boundaries which are located with respect to the following described Baseline and are taken in fee simple;

Turner Street Baseline Description

Beginning at a point in the present traveled way of State Aid Highway No. 19 (Turner Street) about fifty (50) feet southerly of its intersection with Mayfield Road and designated as Sta. 41+00 as established under Federal Aid Project No. M-0212(1), Maine Department of Transportation file #1-123, sheet 1 of 10 recorded at said registry in Plan Book 29, Page 72;

Thence N 2° 00' 31.6" E, two hundred ninety-eight and fifty-six hundredths (298.56) feet to P.C. Sta. 43+98.56;

Thence northeasterly by a 10° 00' curve to the right, one hundred forty-eight and thirty-two hundredths (148.32) feet to P.T. Sta. 45+46.88;

Thence N 16° 50' 24.4" E, five hundred twenty-eight and twenty-five hundredths (528.25) feet to P.C. Sta. 50+75.13;

Thence northeasterly, northerly and northwesterly by a 4° 15' 06" curve to the left, four hundred fifty-seven and fifty-five hundredths (457.55) feet to P.R.C. Sta. 55+32.68;

Thence northwesterly, northerly and northeasterly by a 4° 13' 36.2" curve to the right, three hundred one and forty-five hundredths (301.45) feet to P.T. Sta. 58+34.13;

Thence N 10° 07' 46.6" E, two hundred ten and eighty-seven hundredths (210.87) feet to P.C. Sta. 60+45.00;

Thence northeasterly, northerly and northwesterly by a 7° 30' curve to the left, four hundred fifty-one and twenty-nine hundredths (451.29) feet to P.T. Sta. 64+96.29;

Thence N 23° 43' 03.3" W, two hundred nine and fifty-three hundredths (209.53) feet to P.C. Sta. 67+05.82;

Thence northwesterly by a 1° 37' 53" curve to the right, seven hundred twenty-three and eighty-six hundredths (723.86) feet to P.C.C. Sta. 74+29.68 "Back" equals Sta. 74+31.13 "Ahead";

Thence northwesterly, northerly and northeasterly by a 7° 30' curve to the right, six hundred eleven and fifty-one hundredths (611.51) feet to P.T. Sta. 80+42.64;

Thence N 33° 57' 15.5" E, one thousand one hundred seven and thirty-six hundredths (1107.36) feet to Sta. 91+50, at a point in the present traveled way of State Aid Highway No. 19 (Turner Street).

Turner St. Westerly Boundary Line – South of Mount Auburn Ave.

Beginning on the existing westerly sideline of Turner Street at the northeasterly corner of land now or formerly of DGO, LLC (deed reference Book 6902, Page 201). Said corner being thirty (30) feet westerly of, as measured perpendicular to, said Baseline at Station 55+46.43 as established under Federal Aid Project No. M-0212(1), Maine Department of Transportation file #1-123, sheet 3 of 10, recorded at said Registry in Plan Book 29, Page 74;

Thence N 77° 27' 10" W, along the northerly line of land of said DGO, LLC, three and eighty-three hundredths (3.83) feet;

Thence N 3° 20' 31" W, twenty-nine and eighty hundredths (29.80) feet to a monument set being thirty-four and seventy hundredths (34.70) feet westerly of, as measured perpendicular to, said Baseline at Station 55+76.42;

Thence northerly by a tangent one thousand ten and zero hundredths (1010.00) foot radius curve to the right, an arc length of one hundred ninety-nine and sixty-one hundredths (199.61) feet to a monument set being thirty-eight and twenty-four hundredths (38.24) feet westerly of, as measured perpendicular to, said Baseline at Station 57+70.58;

Thence N 7° 58' 54" E, one hundred sixty-two and seventy-four hundredths (162.74) feet to a monument set being forty-two and eighty-six hundredths (42.86) feet westerly of, as measured perpendicular to, said Baseline at Station 59+31.44;

Thence N 6° 19' 48" E, two hundred twenty-four and eighty-seven hundredths (224.87) feet to a point being forty-nine and twelve hundredths (49.12) feet westerly of, as measured perpendicular to, said Baseline at Station 61+63.92;

Thence northerly by a non-tangent six hundred seventy-three and zero hundredths (673.00) foot radius curve to the left, an arc length of one hundred forty-five and twenty-one hundredths (145.21) feet to a point on the existing westerly sideline of Turner Street being forty-nine and thirty-six hundredths (49.36) feet westerly of, as measured perpendicular to, said Baseline at Station 63+19.08. Said curve having a chord bearing of N 4° 42' 06" W and a chord length of one hundred forty-four and ninety-three hundredths (144.93) feet;

Thence N 17° 15' 18" W, along the current westerly sideline of Turner Street, one hundred nineteen and ninety-four hundredths (119.94) feet to a point being fifty-three and fifty-seven hundredths (53.57) feet westerly of, as measured perpendicular to, said Baseline at Station 64+47.76;

Thence N 23° 43' 03" W, two hundred fifty-four and sixty-three hundredths (254.63) feet to a monument set being fifty-five (55) feet westerly of, as measured perpendicular to, said Baseline at Station 67+05.82;

Thence N 47° 28' 52" W, forty-eight and ninety-four hundredths (48.94) feet to a point on the southeasterly line of Lot 3 on a plan entitled "Subdivision Plan, Sheet 1, Whiteholm Farm Plaza", dated November 16, 1999, recorded at said registry in Plan Book 41, Page 42. Said point being S 65° 35' 20" W thirty and sixty-five hundredths (30.65) feet from the easterly corner of said Lot 3 on the apparent existing westerly sideline of Turner Street;

Thence continuing N 47° 28' 52" W, thirty and zero hundredths (30.00) feet to an iron rod set;

Thence N 88° 42' 58" W, thirty and zero hundredths (30.00) feet to an iron rod set;

Thence S 64° 35' 32" W, fifty-five and thirty-four hundredths (55.34) feet to an iron rod set;

Thence southwesterly by a tangent four hundred sixty-five and zero hundredths (465.00) foot radius curve to the left and arc length of two hundred one and one hundredth (201.01) feet to an iron rod set;

Thence N 50° 10' 32" W, sixty-five and zero hundredths (65.00) feet to an iron rod set;

Thence northeasterly by a non-tangent five hundred thirty and zero hundredths (530.00) foot radius curve to the right, an arc length of forty and one hundredth (40.01) feet to an iron rod set. Said curve having a chord bearing N 41° 59' 14" E and chord length of forty and zero hundredths (40.00) feet;

Thence N 42° 44' 02" W, one hundred fifty-seven and fifty-seven hundredths (157.57) feet to an iron rod set on the southeasterly sideline of Lot 2 on said subdivision plan. Said iron rod being S 44° 35' 16" W, fifty-three and ninety-two hundredths (53.92) feet from the easterly corner of said Lot 2;

Thence N 48° 06' 08" W, one hundred thirty-one and twenty-eight hundredths (131.28) feet to an iron rod set on the southerly line of land of Willow Run Condominium (deed reference Book 2319, Page 244);

Thence S 70° 01' 45" E, along the southerly line of land of said Willow Run Condominium, ninety-four and twenty-three hundredths (94.23) feet to an iron rod set that is N 70° 01' 45" W, fifty and two hundredths (50.02) feet from said easterly corner of Lot 2;

Thence N 19° 20' 36" E, passing through land of said Willow Run Condominium, two hundred seventy-seven and forty-eight hundredths (277.48) feet to an iron rod set on the westerly line of land now or formerly of 670 Turner Street Condominium (deed reference Book 3492, Page 187);

Thence S 9° 08' 38" W, along the westerly line of land of said 670 Turner Street Condominium, one hundred sixty-two and thirty-five hundredths (162.35) feet to an iron rod set at the southwesterly corner of land of said 670 Turner Street Condominium;

Thence S 81° 18' 25" E, along the southerly line of land of said 670 Turner Street Condominium, two hundred eighty-nine and thirty-four hundredths (289.34) feet to an iron rod set;

Thence N 12° 01' 32" E, eighteen and fifty-two hundredths (18.52) feet to a point on the existing westerly sideline of Turner Street being forty-four and twenty-nine hundredths (44.29) feet westerly of, as measured perpendicular to, said Baseline at Station 69+42.24.

Easterly Boundary Line – South of Plummer Street

Beginning on the existing easterly sideline of Turner Street at a point being thirty-seven and fifteen hundredths (37.15) feet easterly of, as measured perpendicular to, said Baseline at Station 58+58.91 as established under Federal Aid Project No. M-0211(1), Maine Department of Transportation file #1-123, sheet 6 of 10, recorded at said Registry in Plan Book 29, Page 77;

Thence N 9° 04' 17" E, one hundred fifteen and forty-six hundredths (115.46) feet to a monument set being thirty-five and two hundredths (35.02) feet easterly of, as measured perpendicular to, said Baseline at Station 59+74.34;

Thence N 6° 49' 45" E, one hundred twenty-two and forty-four hundredths (122.44) feet to a point on the existing easterly sideline of Turner Street being twenty-nine and sixty-five hundredths (29.65) feet easterly of, as measured perpendicular to, said Baseline at Station 60+94.69

Easterly Boundary Line – North of Plummer Street & South of Mount Auburn Avenue

Beginning on the existing easterly sideline of Turner Street at an iron rod set at a point being thirty and zero hundredths (30.00) feet easterly of, as measured perpendicular to, said Baseline at Station 64+66.51 as established under Federal Aid Project No. M-0211(1), Maine Department of Transportation file #1-123, sheet 6 of 10, recorded at said Registry in Plan Book 29, Page 77;

Thence N 13° 27' 17" W, thirty-one and forty-five hundredths (31.45) feet to a point being thirty-five and zero hundredths (35.00) feet easterly of, as measured perpendicular to, said Baseline at Station 64+96.29;

Thence N 19° 55' 19" W, two hundred fifteen and eighty-five hundredths (215.85) feet to a monument set being forty-nine and twenty-eight hundredths (49.28) feet easterly of, as measured perpendicular to, said Baseline at Station 67+11.76;

Thence N 11° 06' 12" E, eighteen and ten hundredths (18.10) feet to a monument set being fifty-nine and fifty-six hundredths (59.56) feet easterly of, as measured perpendicular to, said Baseline at Station 67+26.89;

Thence N 21° 26' 10" W, one hundred forty-nine and ten hundredths (149.10) feet to a monument set being sixty-one and thirty-nine hundredths (61.39) feet easterly of, as measured perpendicular to, said Baseline at Station 68+78.60;

Thence northwesterly by a non-tangent eighty-four and zero hundredths (84.00) foot radius curve to the right, an arc length of forty-four and nineteen hundredths (44.19) feet to a monument set being fifty-one and sixty-two hundredths (51.62) feet easterly of, as measured perpendicular to, said Baseline at Station 69+42.24;

Thence N 7° 05' 21" W, thirty-six and seventy-six hundredths (36.76) feet to a monument set being fifty-nine and fifty-six hundredths (59.56) feet easterly of, as measured perpendicular to, said Baseline at Station 69+78.71;

Thence N 12° 49' 58" W, seventy-eight and ninety hundredths (78.90) feet to a monument set being sixty-seven and fifty-one hundredths (67.51) feet easterly of, as measured perpendicular to, said Baseline at Station 70+58.65;

Thence N 15° 31' 53" W, one hundred ten and ninety-seven hundredths (110.97) feet to the existing easterly sideline of Turner Street at a point that is seventy and forty-four hundredths (70.44) feet easterly of, as measured perpendicular to, said Baseline at Station 71+72.42.

Westerly Boundary Line – North of Mount Auburn Avenue

Beginning on the existing northerly sideline of Mount Auburn Avenue at a point that is ninety-four and fifty-three hundredths (94.53) feet westerly of, as measured perpendicular to, said Baseline at Station 73+75.88, as established under Federal Aid Project No. M-0211(1), Maine Department of Transportation file #1-123, sheet 7 of 10, recorded at said Registry in Plan Book 29, Page 78;

Thence N 24° 55' 12" E, thirty-nine and ninety-five hundredths (39.95) feet to a point being seventy and twenty-four hundredths (70.24) feet westerly of, as measured perpendicular to, said Baseline at Station 74+06.86;

Thence N 3° 31' 59" E, fifty-four and seventeen hundredths (54.17) feet to a monument set being fifty-six and twenty-five hundredths (56.25) feet westerly of, as measured perpendicular to, said baseline at Station 74+58.10;

Thence N 0° 26' 28" E, two hundred four and thirty-eight hundredths (204.38) feet to a monument set being forty-five and zero hundredths (45.00) feet westerly of, as measured perpendicular to, said Baseline at Station 76+50;

Thence N 8° 39' 28" E, seventy-two and fifty-nine hundredths (72.59) feet to a monument set being forty-three and zero hundredths (43.00) feet westerly of, as measured perpendicular to, said Baseline at Station 77+18.63;

Thence N 15° 57' 35" E, sixty-nine and twenty hundredths (69.20) feet to a monument set being thirty-eight and thirty-five hundredths (38.35) feet westerly of, as measured perpendicular to, said Baseline at Station 77+84.20;

Thence northerly and northwesterly by a tangent eighty-four and zero hundredths (84.00) foot radius curve to the left, an arc length of one hundred two and forty-seven hundredths (102.47) feet to a monument set being ninety-five and fifty-two hundredths (95.52) feet westerly of, as measured perpendicular to, said Baseline at Station 78+55.67;

Thence N 37° 16' 26" E, ninety-four and fifty-seven hundredths (94.57) feet to a monument set being seventy-two and twenty-two hundredths (72.22) feet westerly of, as measured perpendicular to, said baseline at Station 79+38.31;

Thence N 71° 19' 50" E, twenty-nine and seventy-six hundredths (29.76) feet to a monument set being fifty-one and thirty-seven hundredths (51.37) feet northwesterly of, as measured perpendicular to, said Baseline at Station 79+57.95;

Thence N 34° 52' 18" E, five hundred ninety-seven and sixty-three hundredths (597.63) feet to a monument set being thirty-six and eighty-one hundredths (36.81) feet northwesterly of, as measured perpendicular to, said Baseline at Station 85+50.

Thence N 36° 21' 31" E, one hundred fifty and thirteen hundredths (150.13) feet to a point on the existing northwesterly sideline of Turner Street. Said point being about thirty and five tenths (30.5) feet northwesterly of, as measured perpendicular to said Baseline at Station 87+00.

Easterly Boundary Line – North of Mount Auburn Avenue

Beginning on the existing easterly sideline of Turner Street at a point that is fifty-one and sixty-two hundredths (51.62) feet easterly of, as measured perpendicular to, said Baseline at Station 75+07.83 as established under Federal Aid Project No. M-0211(1), Maine Department of Transportation file #1-123, sheet 7 of 10, recorded at said Registry in Plan Book 29, Page 78;

Thence N 1° 32' 57" E, ninety and thirty-six hundredths (90.36) feet to a monument set being fifty-eight and three hundredths (58.03) feet easterly of, as measured perpendicular to, said Baseline at Station 76+04.99;

Thence N 1° 33' 33" W, forty-three and thirty-four hundredths (43.34) feet to a monument set;

Thence northerly by a tangent one hundred forty-five and zero hundredths (145.00) foot radius curve to the right, an arc length of sixty and sixty hundredths (60.60) feet to a monument set being fifty-eight and eighteen hundredths (58.18) feet easterly of, as measured perpendicular to, said Baseline at Station 77+16.60;

Thence N 38° 43' 46" E, thirty-six and forty-eight hundredths (36.48) feet to a monument set being seventy-five and twenty-five hundredths (75.25) feet southeasterly of, as measured perpendicular to, said Baseline at Station 77+51.93;

Thence N 60° 03' 35" E, seventy-six and twenty-three hundredths (76.23) feet to a monument set;

Thence N 13° 18' 16" E, eighty-five and ninety-six hundredths (85.96) feet to a monument set;

Thence N 55° 49' 14" W, twenty-nine and twenty-seven hundredths (29.27) feet to a monument set being eighty-nine and ninety-six hundredths (89.96) feet southeasterly of, as measured perpendicular to, said Baseline at Station 79+21.08;

Thence N 21° 58' 34" W, forty-eight and sixty-six hundredths (48.66) feet to a monument set;

Thence N 16° 57' 45" E, forty-one and twenty-three hundredths (41.23) feet to a monument set being forty-five and zero hundredths (45.00) feet southeasterly of, as measured perpendicular to, said Baseline at Station 80+00;

Thence N 24° 33' 48" E, sixty-eight and fourteen hundredths (68.14) feet to monument set being thirty-five and zero hundredths (35.00) feet southeasterly of, as measured perpendicular to, said Baseline at Station 80+19.77.

Thence N 33° 57' 18" E, three hundred thirty and twenty-three hundredths (330.23) feet to a monument set being thirty-five and zero hundredths (35.00) feet southeasterly of, as measured perpendicular to, said Baseline at Station 84+00.

Thence N 56° 02' 42" W, about four (4) feet more or less to the existing southeasterly sideline of Turner Street.

All bearings refer to grid north as shown on a set of plans entitled "State of Maine, Department of Transportation, Right of Way Map, dated May 1978, recorded at the Androscoggin County Registry of Deeds in Plan Book 29, Pages 75 through 81.

Description of Easement Takings

The following described rights of easement in land are taken at the locations, in the manner to the extent specified, and as shown on the Right of Way Plans hereinbefore mentioned:

Utility Easement

The right and easement to erect, bury, maintain, rebuild, operate, remove and do all other actions involving electric and communication distribution equipment and facilities, consisting of wires and cables, anchors, guy wires, push braces and poles, together with all necessary fixtures and appurtenances over, across and under the surface of the parcels listed below and also being more precisely shown on the previously referenced Right of Way Plans to be recorded.

<u>Item</u>	<u>Apparent Owner</u>	<u>Location</u>
1	Future Properties, LLC	Sta 56+80 LT to Sta 56+90 RT
2	Auburn Mall Apartments Trust	Sta 59+64.34 RT to Sta 59+74.34 RT
3	Auburn Plaza, Inc.	Sta 69+00 RT to Sta 69+10 RT
4	Future Properties, LLC	Sta 75+98 LT to Sta 76+00 LT
5	Future Properties, LLC	Sta 79+64.9 LT to Sta 79+75 LT
6	Future Properties, LLC	Sta 81+27.89 LT to Sta 81+53 LT
7	Gracelawn Memorial Park	Sta 82+93.87 LT to Sta 83+03.87 LT
8	Gracelawn Memorial Park	Sta 84+41 LT to Sta 84+61 LT

Temporary Grading Rights

The right to enter upon land outside of and adjoining the boundary lines hereinbefore described for all purposes necessary to grade the said adjoining land (to include any necessary excavating, placing of fill material, loaming, seeding, paving and other necessary incidental work) to conform to the adjacent highway construction within the limits defined by the "Temporary Grading Rights" as shown on the beforementioned Right of Way Plans, at the following locations:

<u>Item</u>	<u>Apparent Owner</u>	<u>Location</u>
11	DGO, LLC	Sta 54+00 LT to Sta 55+46 LT
12	Lowe's Home Centers, Inc.	Sta 57+39 LT to Sta 59+33 LT
13	Stone Street Limited Partnership	Sta 59+31 LT to Sta 62+27 LT
14	Auburn Mall Apartments Trust	Sta 57+86 RT to Sta 61+23 RT
15	Auburn Turner Realty, Inc.	Sta 62+27 LT to Sta 63+19 LT
16	William Plummer	Sta 62+05 RT to Sta 64+96 RT
17	Auburn Turner Realty, Inc.	Sta 64+00 LT to Sta 66+00 LT
18	Auburn Turner Realty, Inc.	Sta 67+06 LT to Sta 67+50 LT
19	Lowe's Home Centers, Inc Left of Turner St,	
20	Auburn Plaza, Inc.	Sta 64+96 RT to Sta 67+27 RT
21	Auburn Plaza, Inc.	Sta 67+27 RT to Sta 68+79 RT
22	Auburn Plaza, Inc.	Sta 68+79 RT to Sta 69+51 RT
23	670 Turner Street Condominium	Sta 69+22 LT to Sta 71+25 LT
24	Future Properties, LLC	Sta 74+58 LT to Sta 76+50 LT
25	Nobility, LLC	Sta 74+90 RT to Sta 78+00 RT
26	Auburn Plaza, Inc.	Sta 78+00 RT to Sta 80+00 RT
27	Future Properties, LLC	Sta 77+19 LT to Sta 80+75 LT
28	Hannaford.	Sta 78+12± LT to Sta 79+20± LT
29	Auburn Plaza, Inc.	Sta 80+00 RT to Sta 87+00 RT
30	Gracelawn Memorial Park	Sta 83+04 LT to Sta 88+00 LT
31	670 Turner St. Condominium Business Trust	Adjacent to Parcel 9
32	Willow Run Condominium	Adjacent to Parcel 26

Temporary Work Rights

The right to enter upon land outside of and adjoining the boundary lines hereinbefore described for all purposes necessary to construct or install curbing and paving as shown on the beforementioned Right of Way Plans in areas listed below:

<u>Item</u>	<u>Apparent Owner</u>	<u>Location</u>
40	Stone Street Limited Partnership	Sta 61+40 LT to Sta 62+27 LT

41	Auburn Turner Realty, Inc.	Sta 64+75 LT to Sta 65+60 LT
42	Auburn Plaza, Inc.	Sta 67+62 RT to Sta 68+50 RT
43	670 Turner Street	Sta 70+40 LT to Sta 71+00 LT
44	Auburn Plaza, Inc.	Sta 78+00 RT to Sta 80+00 RT
45	Auburn Plaza, Inc.	Sta 82+75 RT to Sta 84+50 RT
46	Future Properties, LLC	Sta 78+56 LT to Sta 79+38 LT
47	Hannaford.	Sta 78+56 LT to Sta 79+38 LT

Maintenance Easement

The right to enter upon land outside of and adjoining the boundary lines hereinbefore described for all purposes necessary to maintain pavement, curbing, sidewalk and other improvements related to the roadway as shown on the beforementioned Right of Way Plans in area listed below:

<u>Item</u>	<u>Apparent Owner</u>	<u>Location</u>
57	Auburn Plaza, Inc.	Sta 67+27 RT to Sta 68+79

Right of Way Termination

Item 53 – A 50' wide right of way, located on Parcel 9, shown on said Right of Way Plans (sheet 3) was deeded to Willow Run Condominium Association, Inc. (deed reference Book 4481, Page 226). As a part of this layout and taking, this right of way is being taken from said Willow Run Condominium Association, Inc. and terminated.

Control of Access

Access to and egress from Turner Street to or from adjoining land, as shown on the previously mentioned Right of Way Plans, between the following limits is prohibited (with the exception of Mount Auburn Avenue):

Westerly boundary	-	Sta 71+00 to Sta 76+16
Easterly boundary	-	Sta 70+00 to Sta 76+16

Mount Auburn Avenue West

Beginning at the intersection of Turner Street and Mount Auburn Avenue and designated as Sta. 9+98.30 on the "Mount Auburn Avenue" Baseline as established under Federal Aid Project No. M-0212(1), Maine Department of Transportation file #1-116, sheet 1 of 3, recorded at said Registry in Plan Book 29, Page 56;

Thence S 78°08'56" W, one hundred sixty-seven and seventy-two hundredths (167.72) feet to P.C. Sta. 11+66.03;

Thence southwesterly, westerly and northwesterly by a 10°00'00" curve to the right, three hundred fifty-eight and sixty-five hundredths (358.65) feet to P.T. Sta. 15+24.68;

Thence N 65°59'11" W, four hundred seventy-five and thirty-two hundredths (475.32) feet to Sta. 20+00.

Reference is made to a prior 1985 "Notice of Layout and Taking" recorded at said Registry in Book 1850, Page 129 for said Baseline.

Baseline #2 – Mount Auburn Avenue East

Beginning at a point in the present traveled way of Turner Street and designated as Sta. 132+07.61 as established under Federal Aid Project No. M-0212(1), Maine Department of Transportation file #1-116, sheet 1 of 3, recorded at said Registry in Plan Book 29, Page 56;

Thence N 77°17'07" E, four hundred and eighty hundredths (400.80) feet to P.C. Sta. 136+08.41;

Thence northeasterly, easterly and southeasterly by a 1°30' curve to the right, five hundred ninety-one and fifty-nine hundredths (591.59) feet to P.C.C. Sta. 142+00.

Reference is made to a prior 1978 "Notice of Layout and Taking" recorded at said Registry in Book 1362, Page 307 for said Baseline.

Mount Auburn Avenue West - Southerly Boundary Line

Beginning at a point on the southerly sideline of Mount Auburn Avenue and the westerly sideline of Turner Street as established under said Federal Aid Project No. M-0212(1), Maine Department of Transportation file #1-116, sheet 1 of 3. Said point being sixty-five (65) feet southerly from, as measured at right angles to, Baseline #1 at Station 10+86.14;

Thence S 78° 08' 56" W, fifty-one and eighty-eight hundredths (51.88) feet to a monument set being sixty-five (65) feet southerly of, as measured perpendicular to, said Baseline at Station 11+38.01;

Thence S 11° 51' 04" E, six and zero hundredths (6.00) feet to a monument set being seventy-one (71) feet southerly of, as measured perpendicular to, said Baseline at Station 11+38.01;

Thence S 78° 08' 56" W, sixty-three and thirty-nine hundredths (63.39) feet to a point on the westerly line of land formerly conveyed by the State of Maine to Charles & Mary Knauer (deed reference Book 2321, Page 10), more recently of 670 Turner Street Condominium (deed reference Book 3492, Page 187);

Thence S 9° 08' 48" W, along the westerly line of land formerly of said Knauer and more recently of 670 Turner Street Condominium, twenty-eight and ninety-six hundredths (28.96) feet to an iron rod found;

Thence N 65° 52' 27" W, eighty and ninety-one hundredths (80.91) feet to a point that is sixty and thirty-five hundredths (60.35) feet southerly of, as measured perpendicular to, said Baseline at Station 12+67.19;

Thence westerly by a non-tangent five hundred twenty-one and fifty hundredths (521.50) foot radius curve to the right, an arc length of one hundred nine and sixty-seven hundredths (109.67) feet to a monument set at a point fifty-six and four hundredths (56.04) feet southerly of, as measured perpendicular to, said Baseline at Station 13+66.61. Said curve having a chord bearing of N 84° 31' 04" W and a chord length of one hundred nine and forty-seven hundredths (109.47) feet;

Thence N 78° 29' 36" W, ninety-seven and fifty-two hundredths (97.52) feet to a monument set being fifty-seven and ninety-nine hundredths (57.99) feet southerly of, as measured perpendicular to, said Baseline at Station 14+55.72;

Thence N 66° 51' 15" W, three hundred twenty-six and forty-nine hundredths (326.49) feet to a monument set being fifty-eight and thirty-two hundredths (58.32) feet southerly of, as measured perpendicular to, said Baseline at Station 17+75;

Thence N 62° 10' 40" W, one hundred twenty-five and twenty-eight hundredths (125.28) feet to a point on the original southerly sideline of Mount Auburn Avenue being fifty and zero hundredths (50.00) feet southerly of, as measured perpendicular to, said Baseline at Station 19+00;

Mount Auburn Avenue West - Northerly Boundary Line

Beginning at a point on the northerly sideline of Mount Auburn Avenue and the westerly sideline of Turner Street as established under said Federal Aid Project No. M-0212(1), Maine Department of Transportation file #1-116, sheet 1 of 3. Said point being fifty-five (55) feet northerly from, as measured at right angles to, Baseline #1 at Station 10+94.14;

Thence S 78° 08' 56" W, seventy-one and eighty-two hundredths (71.82) feet to a monument set being fifty-five (55) feet northerly of, as measured perpendicular to, said Baseline at Station 11+66.03;

Thence westerly by a tangent five hundred seventeen and ninety-six hundredths (517.96) foot radius curve to the right, an arc length of three hundred twenty-four and twenty-two hundredths (324.22) feet to a monument set being fifty-five (55) feet northerly of, as measured perpendicular to, said Baseline at Station 15+24.68;

Thence N 65° 59' 11" W, three hundred ninety-five and thirty-two hundredths (395.32) feet to a monument set being fifty-five (55) feet northerly of, as measured perpendicular to, said Baseline at Station 19+35;

Thence S 24° 00' 49" W, five and zero hundredths (5.00) feet to the existing northerly sideline of Mount Auburn Avenue fifty (50) feet northerly of, as measured perpendicular to, said Baseline at Station 19+35.

Mount Auburn Avenue East - Northerly Boundary Line

Beginning at a monument set on the northerly sideline of Mount Auburn Avenue and the easterly sideline of Turner Street as established under Federal Aid Project No. M-0212(1), Maine Department of Transportation file #1-116 and shown on a plan entitled "State of Maine, Department of Transportation, Right of Way Plan", dated February 1978, recorded at the Androscoggin County Registry of Deeds in Plan Book 29, Page 56. Said point being ninety-seven and zero hundredths (97.00) feet northerly of, as measured perpendicular to, Baseline #2 at Station 132+99.45;

Thence N 77° 17' 07" E, eighty-two and nineteen hundredths (82.68) feet to a monument set being ninety-seven and zero hundredths (97.00) feet northerly of, as measured perpendicular to, said Baseline at Station 133+82.13;

Thence N 80° 04' 09" E, two hundred sixty-nine and twenty-six hundredths (269.26) feet to a monument set being eighty-four and twenty hundredths (84.20) feet northerly of, as measured perpendicular to, said Baseline at Station 136+50;

Thence N 80° 59' 29" E, one hundred two and twenty-one hundredths (102.21) feet to the existing northerly sideline of Mount Auburn Avenue eighty (80) feet northerly of, as measured perpendicular to, said Baseline at Station 137+50.

All bearings refer to grid north as shown on a set of plans entitled "State of Maine, Department of Transportation, Right of Way Map, dated May 1978, recorded at the Androscoggin County Registry of Deeds in Plan Book 29, Pages 75 through 81.

Description of Easement Takings

The following described rights of easement in land are taken at the locations, in the manner to the extent specified, and as shown on the Right of Way Plan hereinbefore mentioned:

Drainage

The perpetual right to enter upon land outside of and adjoining the boundary lines hereinbefore described, to install and maintain such portions of those drainage structures to be installed under or adjacent to the highway that extend thereon and to construct and maintain inlet ditches as necessary leading to the same, all as shown on the beforementioned Right of Way Plan, at the following location:

<u>Item</u>	<u>Apparent Owner</u>	<u>Location & Station</u>
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54	Future Properties, LLC	Sta 10+90 RT to Sta 12+49 RT
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Utility Easement

<u>Item</u>	<u>Apparent Owner</u>	<u>Location & Station</u>
9	Wal-Mart Real Estate Business Trust	Sta 14+47 LT to Sta 14+92 LT
10	Brown Street, Inc.	Sta 17+50 LT to Sta 17+60 LT
55	Nobility, LLC	Sta 136+40 LT to Sta 136+50 LT

Temporary Grading Rights

The right to enter upon land outside of and adjoining the boundary lines hereinbefore described for all purposes necessary to grade the said adjoining land (to include any necessary excavating, placing of fill material, loaming, seeding, paving and other necessary incidental work) to conform to the adjacent highway construction within the limits defined by the "Grading Limits" as shown on the beforementioned Right of Way Plans, at the following locations:

<u>Item</u>	<u>Apparent Owner</u>	<u>Location & Station</u>
33	670 Turner Street Condominium	Sta 11+29 LT to Sta 11+97 LT
34	Willow Run Condominium	Sta 13+45 LT to Sta 14+47 LT
35	Mt. Auburn Realty, Inc.	Sta 12+49 RT to Sta 13+90 RT
36	Hannaford.	Sta 13+90 RT to Sta 18+46 RT
37	SDM Mt. Auburn, LLC	Sta 18+46 RT to Sta 19+45 RT
38	Wal-Mart Real Estate	Sta 17+95 LT to Sta 19+45 LT
39	Nobility, LLC	Sta 133+82 LT to Sta 138+90 LT
56	SDM Mt. Auburn OP, LLC	Sta 19+45 RT to Sta 20+00 RT
59	Willow Run Realty Co.	Sta 12+53 LT to Sta 13+45 LT
60	Raymond T. Bedette	Sta 12+05 LT to Sta 12+53 LT

Temporary Work Rights

The right to enter upon land outside of and adjoining the boundary lines hereinbefore described for all purposes necessary to construct or install curbing and paving as shown on the before mentioned Right of Way Plan in areas listed below:

<u>Item</u>	<u>Apparent Owner</u>	<u>Location & Station</u>
48	670 Turner Street Condominium	Sta 11+29 LT to Sta 11+97 LT
49	Willow Run Condominium	Sta 13+67 LT to Sta 14+47 LT
50	Wal-Mart Real Estate Business Trust	Sta 17+95 LT to Sta 18+25 LT
51	Hannaford.	Sta 17+90 RT to Sta 18+45 RT

The above described parcels are also depicted on a certain survey plan entitled Right of Way Plan Mount Auburn Avenue & Turner Street Improvements said plan dated March 6, 2007 by Sebago Technics, Inc. on file with the office of the City of Auburn City Engineer and available for public inspection.

4. Said City Council has determined that the owner of record and any other claimants to the property are as follows:

Owners of Record

670 Turner St
Auburn Mall Apts
Auburn Plaza Inc
Auburn Turner Realty
Brown St Inc
Future Properties LLC
Gracelawn Memorial Park
Hannaford
Lowe's Home Centers Inc.
Mt Auburn Realty
Nobility LLC
SDM MT Auburn LLC
Stone Street Limited Partnership
Walmart Real Estate Business Trust
Willow Run Realty
Willow Run Condominium
William Plummer

5. The proposed date of taking possession of the property is the date this Condemnation Order and the accompanying Certificate of the Clerk of the City of Auburn is recorded in the Androscoggin County Registry of Deeds.
6. Said City Council gave due and legal notice to all parties interested in their intention to lay out and take said property by posting a Notice of Hearing thereon at least seven (7) days previous to the date of hearing, said postings being on March 12, 2007 in 4 public places within the City of Auburn, including two public places in the immediate vicinity of the property to be taken, all as set forth on the Return filed with the Town Clerk.
7. Said City Council met at the time and place designated in said notice, to-wit: on March 19, 2007 at 7:00 p.m., Eastern Daylight Savings Time, at Auburn, Maine and heard all parties interested in the laying out and taking of said property.

WHERE UPON, IT IS ORDERED, AS FOLLOWS:

- A. That the City Council does hereby lay out, take and condemn, the above described parcel of land for public purposes pursuant to 30-A M.R.S.A. §3101 and 23 M.R.S.A. §3022 and §3023; and
- B. Title to the above described parcel of land taken is and shall be in fee simple absolute; and
- C. Said City Council does hereby determine that damages should be awarded to the following Owners

670 Turner St	donation
Auburn Mall Apts	donation
Auburn Plaza Inc	donation
Auburn Turner Realty	donation
Brown St Inc	\$ 4,800.00
Future Properties LLC	donation
Gracelawn Memorial Park	donation
Hannaford	\$ 8,000.00
Lowe's Home Centers Inc.	\$220,025.00
Mt Auburn Realty	donation
Nobility LLC	donation
SDM MT Auburn LLC	donation
Stone Street Limited Partnership	donation
Walmart Real Estate Business Trust	\$ 5,600.00
Willow Run Realty	donation
Willow Run Condominium	donation
William Plummer	donation

as their interests may appear, in the amount above amounts, said amount having been determined to be just compensation for the interests in the property being taken, no appropriation being necessary, and do approve payment of said amount as damages; and

- D. That the original of this Order shall be filed with the City Clerk who shall thereupon cause an attested copy of this Order to be served upon the aforementioned claimants; and
- E. The City Clerk is further ordered to prepare the Certificate required by 23 M.R.S.A. §3024 and record said Certificate in the Androscoggin County Registry of Deeds.

Dated at Auburn, Maine this 19th day of March 2007.

CITY COUNCIL OF THE CITY OF AUBURN, MAINE
