Portland, Maine Yes. Life's good here.

HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

DATE: **August 27, 2014 (Wednesday)**
TIME: **5:30-7:30 p.m.**
LOCATION: **Room 209, Second Floor**
Portland City Hall

A G E N D A

1. Review and accept Minutes of previous meeting held on August 13, 2014.

2. **Review and recommendation to staff to move forward with disposition process for tax-acquired property at 16 Fisherman's Cove, Cliff Island. Note: Pursuant to 1 M.R.S.A. 405(6)(C), the Committee may go into executive session.** - See enclosed Memorandum from Greg Mitchell

3. **Review and Recommendation to City Council of proposed Housing Trust Fund Annual Plan. –** See enclosed Memorandum from Mary Davis.

4. **Review and Recommendation to City Council of proposed Work Plan for the Re-Use of Reed School. –** See enclosed Memorandum from Christine Grimando.

5. **Update and recommendation to staff regarding proposed amendments to the R-6 Zone-** Staff is seeking guidance on issues raised during recent public meetings. – See enclosed Memorandum from Christine Grimando.

6. **Update and recommendation to staff regarding the potential sale and redevelopment of 65 Munjoy Street lot (former Adams School Parking Lot).** (**Note:** Pursuant to 1 M.R.S.A. 405 (6)(C) and (F) and 5 M.R.S.A. 13119-A, the Committee may go into executive session to give guidance to staff on property disposition.) - See enclosed Memorandum from Mary Davis.

7. **Review and Discussion to provide guidance to staff** – Potential redevelopment of City-owned property at 65 and 71 Hanover Street; review draft RFP for Workforce Housing for 65 Hanover/52 Alder Street, and sale of 71 Hanover Street properties – (**Note:** Pursuant to 1 M.R.S.A. 405 (6)(C) and (F) and 5 M.R.S.A. 13119-A, the Committee may go into executive session to give guidance to staff on property disposition.) - See enclosed Memorandum from Mary Davis.

8. **Review and Discussion to provide guidance to staff** – Potential redevelopment of City-owned property at 157 Brackett Street – (**Note:** Pursuant to 1 M.R.S.A. 405 (6)(C) and (F) and 5 M.R.S.A. 13119-A, the Committee may go into executive session to give guidance to staff on property disposition.) - See enclosed Memorandum from Mary Davis.

9. **2014 HCDC Work Plan for Review and Discussion** – See enclosed Memorandum from Jeff Levine, Greg Mitchell and Mary Davis

Public Comment will be accepted on action items. **Councilor Kevin Donoghue, Chair**

Next Meeting Date: September 10, 2014

Housing & Community Development Committee

August 13, 2014

A meeting of Portland City Council's Housing and Community Development Committee (HCDC) was held on Wednesday August 13, 2014 at 5:30pm in room 209 on the second floor of City Hall. Present from the HCDC was its Chair, Councilor Kevin Donoghue and member Councilors John Coyne, Jon Hinck and Nicholas Mavodones. Mayor Michael Brennan was also present. City staff present included Planning & Urban Development Director Jeff Levine, Economic Development Director Greg Mitchell, Public Services Director Michael Bobinsky, Housing & Community Development Division Director Mary Davis, Planning Division Director Alex Jaegerman, Associate Corporation Counsel Michael Goldman, Island and Neighborhood Liaison Michael Murray, Public Buildings Manager Kathy Alves, and Planner Christine Grimando,

Agenda Item 1: Minutes from previous meeting held on August 13, 2014

On motion made and seconded, the Committee voted unanimously to accept the minutes as published.

Agenda Item 2: Review and recommendation to staff to move forward with disposition process for tax-acquired property at 16 Fisherman's Cove, Cliff Island.

Councilor Donoghue stated that the committee would vote on this item at their next meeting; the purpose of tonight's discussion will be for the committee to give guidance to city staff. Mr. Mitchell indicated that this is the third public meeting on this item and staff is asking for direction on the Request for Proposals presented, which has been revised since June. Mr. Mitchell highlighted several changes in the documents including: (1) the possibility of the properties being sold separately; (2) the findings from the Phase I Environmental Assessment report prepared by Credere Associates, which identifies two required remediation actions; Mr. Mitchell indicated that the City is not considering going forward with the Phase II assessment; (3) the option for the fuel station to stay operational based on future need; (4) the need for real estate for Public Services equipment, a concept plan was included in the packet; (5) revisions to the way proposals will be evaluated (points/scoring). Mr. Mitchell indicated that staff is looking for final direction so that the RFP can be revised and brought back to the next meeting for final committee action. The goal is to issue the RFP by the first of September.

Councilor Donoghue opened the item for public comment at this point. Cheryl Crowley, a member of Sustainable Cliff Island, recommended a non-staff person, preferably an island resident for the proposal review team. She has names of interested people. Bob Howard, Island resident and member of Sustainable Cliff Island, noted that he uses the property to sell fuel and indicated that the non-usable fuel waste has been removed.

Committee discussion:
Councilor Mavodones indicated he likes the proposed changes in the RFP and supports including an island resident on the review team. Mr. Mitchell indicated that an island resident could be included but would need to be a neutral party, not connected to any interested party or applicant.

Councilor Donoghue referenced the Cliff Island meeting last week and noted the discussion at that meeting centered on the land swap idea and the needs of the Dept. of Public Services (DPS). Councilor Donoghue expressed concern with some contradictory language in the RFP - 25 points for meeting DPS needs but the narrative says "would consider". He is concerned that by assigning 25 points to this part of the RFP almost makes it mandatory and he suggests staff review this before the final version is presented. Mr. Bobinsky noted that DPS does not have storage or an operational yard on the island, which means that DPS is relegated to using roads for equipment storage, etc. He feels strongly that a site is needed on the island and indicated that the concept included in the backup material is a proposal or example of what might work. Councilor Donoghue asked if a land swap was the only way to gain the land needed for DPS. Mr. Bobinsky indicated that a traditional land purchase and construction of building is an option and thinks that the RFP may help to identify the need and promote potential interest in island land owners to donate or sell land for this purpose. Councilor Mavodones agreed that if the RFP points for a DPS site were reduced, additional points could be added to the other categories. He suggested that there may be a different way to address the need for a DPS site on Cliff Island.
Councilor Hinck concurred with all comments made so far and asked if the City faced any liability concerns for environmental issues. He would like an assessment of worst case scenario on liability to City.

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Councilor Donoghue would like the 25 points assigned to a DPS site be reviewed. He asked how best to approach to determine the value of property related to a land swap transaction. Mr. Mitchell would like staff to review the reapportionment of points and come back with a recommended approach, with the understanding that there is committee consensus to reduce points assigned to the land swap. To Councilor Donoghue's question regarding land currency, his first thought is the only way would be assessed value. Councilor Hinck suggested that if there is an advantage to linking both transactions, a formula could be included for land value. Councilor Donoghue suggested bonus points in purchase price category and an increase in fuel station points.

Councilor Mavodones would prefer to keep the two transactions connected and agrees with Councilor Donoghue about reducing the number of points assigned to a land swap and reapportioning points to other City goals.

Agenda Item 3: Federated Amendments

Mr. Mitchell introduced the item and indicated that staff is asking the committee to vote recommend to the City Council the proposed amendments to the project documents and the HUD Section 108/BEDI Program parameters. Mr. Mitchell reviewed the cover memo and material with the committee. He indicated that staff is recommending all amendments, and he emphasized that the HUD Section 108 program funds have a drawdown deadline of September 30 which would require final Council action at the 2nd Council meeting in September.

Councilor Hinck asked about the change in assignment of the management of the environmental remediation and whether that impacts the City's exposure to liability for hazards. Mr. Mitchell indicated that the City owns the property and is the responsible party and therefor reached the conclusion that it is more efficient for the City to address these issues before selling the real estate. Greg Shinberg, representative for the Federated Companies, indicated that Federated agrees that it is appropriate for city to handle clean up since the city has done so much of preliminary work.

Councilor Donoghue opened up the discussion for public comment:

Steve Hirshon, neighborhood resident, wanted to know what happens of the deal does not close, will the City clean-up the site anyway or will the City decide to wait for the next potential buyer. Mr. Hirshon asked for clarification on the development approvals for Phase I and whether they

include a fixed number of housing units and fixed number of parking spaces. Tom Blackburn, neighborhood resident, indicated support for the proposed amendments and noted that many residents support the project, especially the Somerset Street improvements.

Mr. Mitchell indicated that staff is hopeful that the project will proceed and recommends that clean up occur regardless of the outcome of the Federated project; however, the remediation or clean-up program requirements will vary depending on the end use of land. Mr. Mitchell indicated that Phase I will include not less than 700 parking spaces and not less than 174 resident units along with not less than 37,486 square feet of commercial space, and Project Phase 1 regulatory approvals are in place.

Councilor Mavodones made a motion to approve the all amendments, in substantially the form presented, and as outlined in the staff memo (Corporate Guaranty Agreement; 1st Amendment to Purchase and Sale Agreement; Parking Garage Contribution and Funding Agreement and HUD 108/BEDI Grant Amendments). Motion was seconded by Councilor Coyne. Before taking a committee vote Councilor Donoghue pointed out that the $600,000 reserved in the Bayside TIF for past City Council approved Bayside public infrastructure capital projects are not included in the Somerset Street project source of funds. Motion passed 4-0.

Agenda Item 4: Downtown/Transit-Oriented/Arts TIF District

Mr. Mitchell introduced the item indicating that this is a continuation of a discussion the committee has been having over the last several months. Staff is hoping for final policy direction, not a vote. Mr. Mitchell reviewed the cover memo and highlighted the changes made since the last discussion.

Councilor Hinck asked if we set a minimum of $1 million of new taxable investment to qualify, does that disadvantage small entities. Mr. Mitchell noted that the committee and the council previously adopted a TIF policy that sets $1 million minimum, the smaller the increment, the smaller amount of money and it becomes less efficient for city and applicant. Mr. Mitchell indicated that a TIF works best for projects with minimum $1 million in new value. Mr. Mitchell explained that the approach is to focus revenue on public infrastructure instead of credit

enhancement agreements; Portland has fifteen approved TIF districts and he believes the program has been applied strategically for the benefit of public.

Councilor Donoghue asked for clarification regarding total avoided impacts mentioned on page 29 of the packet item. He asked if the amount in the tax shift avoided column is new money. Mr. Mitchell indicated that formulas show a 46% savings which is not new revenue but is avoided loss.

Councilor Donoghue questioned why transit costs aren't reflected in the list of TIF District Investment Options, and said that he did not recall staff costs being part of previous committee discussion. Mr. Mitchell indicated that the City would be looking at the Thompson Point TIF revenue for transit fund investment. Councilor Donoghue felt that all previous discussions included transit investment and is concerned that those costs are not included now. Mr. Levine mentioned that this list is a working draft and the City has the ability to make changes year to year.

Councilor Donoghue mentioned that at the last meeting Greg Jordan provided a draft budget to bring the #1 bus schedule up to adequate efficiencies and he thought that would be part of the proposal. Councilor Donoghue feels that the Hub link concept is not properly defined; he is disappointed that the TIF proposal does not support transit investment to the #1 bus and remembers enhanced transit being an assumption in previous discussions.

Councilor Hinck understands the tax shifts and the concept of designing the program to maximize tax shift but questions if we are maximizing tax shelter benefits. Mr. Mitchell stated that the City would manage the TIF program to balance general fund and TIF designated activities. Councilor Hinck asked whether other municipalities maximize these benefits. Mr. Mitchell stated that he feels the City is ahead of the curve in certain strategic areas and we are catching up in other areas.

Councilor Donoghue would like to reprioritize and suggested adding a $100,000 transit placeholder. He indicated that we may need to adjust the capture rate to do this and indicated that it is unacceptable that enhanced transit investment is not a listed use. Councilor Hinck agreed unless the capture rate becomes too high. Mr. Mitchell stated that if the City establishes a

higher capture rate, the council would have the ability to lower the rate administratively on an annual basis without going back for state approval. This would free up funding to support general fund activities.

Councilor Donoghue asked for additional information on the impact of a higher capture rate. He asked for an additional explanation on the inclusion of staff costs. Mr. Mitchell indicated that the use of TIF funds for staff costs has to be directed towards economic development activities so only a proportional share of the City Manager and Planning Department Director costs are eligible; all costs for the Economic Development Department are eligible.

Councilor Donoghue asked for additional information regarding the savings identified on page 29. Mr. Mitchell explained that this is not new money it is money retained savings that we do not lose. The proposed TIF does not include a plan to invest any of those savings. Councilor Donoghue feels that this is not efficient. Mr. Levine indicated that the savings will offset $400,000 in new revenue not in general fund. Councilor Donoghue believes the savings could be better utilized. Mr. Mitchell suggested the focus of funding for the source of new investment should be on the amount of revenue being generated and not on the savings.

Agenda Item 5: Executive Session

Motion to enter executive session approved 3-0 at 7:08 pm to discuss Ready Seafood Company proposed Lease amendments; Shucks Maine Lobster proposed lease amendments and proposed new tenant for use of second floor office located in the Portland Ocean Terminal.
Motion to exit executive session approved 4-0 at 7:49 pm

Motion to adjourn the meeting was approved 4-0 at 7:49 pm.

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Portland, Maine Yes. Life's good here.

Economic Development Department
Gregory A. Mitchell, Director

MEMORANDUM

DATE: August 21, 2014

TO: Chair and Members of the Housing Community Development Committee

FROM: Greg Mitchell, Economic Development Director

RE: Item Tabled from August 13, 2014 HCDC Meeting - Tax-Acquired Property on Cliff Island – 16 Fisherman's Cove, 109B-F-39

- Recommendation and Vote Requested for Property Disposition Process to Issue a Request for Proposals (RFP)

RFP Weighted Criteria

At your August 13 HCDC meeting, the Committee discussion centered on the City's goals in the draft RFP and, particularly, the following weighted criteria/scoring points presented in that draft as follows:

A.	Year Round Affordable Island Housing	25 Points
B.	Fuel Station Kept Running	25 Points
C.	DPS Site (land donation of 1 to 2 acres of buildable land)	25 Points
D.	Total price offered for property.	25 Points

The Committee discussed the City Goals in the RFP that the City would consider, as part of this transaction, a donation of land on Cliff Island for Public Services for its equipment and administration. Based upon public input and Committee direction, staff recommends the following weighted criteria/maximum scoring points:

A.	Fuel Station Kept in Operation	50 Points
B.	Year Round Affordable Island Housing	30 Points
C.	Total price offered for property	20 Points
D.	Donation of Land for Public Services (1 to 2 acres buildable land)	10 Bonus Points

The table on the next page assigns the maximum scoring points allowed to proposal options, which options include the possibility of the fuel and residential uses being sold as separate lots:

Possible Proposal Offerings	Fuel Station	Year Round Affordable Island Housing	Total Price Offered	Donation of Land*	Total Maximum Points
Fuel, Housing, Price, Land Proposed	50	30	20	10	110
Fuel, Housing, Price Proposed	50	30	20		100
Fuel, Price, Land Proposed	50		20	10	80
Fuel, Price Proposed	50		20		70
Housing, Price, Land Proposed		30	20	10	60
Housing, Price Proposed		30	20		50

Bonus Points are available if a land donation is offered. No penalty points are applied to a proposal without land donation offers.

Proposal Review Committee Process

The Tax-Acquired Property Committee (TAPC) will review the proposals received for recommendation to the HCDC. At your August 13 meeting, it was requested that a Cliff Island resident also serve on the review committee. City staff is looking into this, particularly to determine an appropriate, non-biased representative. In the alternative, staff suggests an additional City staff person, William Needelman, be part of the review team for two reasons: (1) he is the City's Waterfront Coordinator; and, (2) because of he and his family's holdings on a Casco Bay Island, he is aware of island needs.

TAPC members include:
Assessor: Sue Jennings
Assistant City Manager or designee: Mike Murray
Corporation Counsel: Michael Goldman
Economic Development/City Manager: Greg Mitchell
Finance: Matt Fitzgerald
Planning and Urban Development Director or designee: Alex Jaegerman
Public Services Director or designee: Michael Bobinsky

Phase I Environmental Site Assessment

The Phase I Environmental Site Assessment contained two immediate action recommendations, i.e.:

a. Immediate removal of oil and hazardous material waste products throughout the Site.

b. Immediate stabilization and removal of possibly leaking kerosene drum in crawl space of the residence.

At the August 13 HCDC meeting, Cliff Island resident Bob Howard stated, and Credere Associates (the City's environmental consultant) determined that, because Mr. Howard removed all oil and hazardous materials from the property, no further action is needed.

The RFP indicates that the City is willing to explore partnerships with buyer(s) to address any additional site environmental clean-up, as needed, through a possible City Portland Development Corporation loan for a Phase II Environmental Site Assessment and/or cleanup/mitigation work.

Councilor Hinck asked about the City's liability for environmental issues. Corporation Counsel will address this issue at your August 27 meeting, in executive session.

Attachments:

1. RFP with marked revisions for Environmental section I(4), City Goals section II(2), and for Proposal Scoring section IV.
2. Packet for this item presented at the August 13, 2014 HCDC meeting.

RFP # XX14

City of Portland, Maine

Finance Department

Request for Proposals for Sale of Tax-Acquired Property
Located at 16 Fisherman's Cove, Cliff Island
CBL: 109B-F-39.

NOTICE and SPECIFICATIONS

Sealed proposals for purchasing the Property located at 16 Fisherman's Cove, Cliff Island, as specified herein, will be received by the Purchasing Office, Room 103, City Hall, 389 Congress Street, Portland, Maine 04101, until **3:00 p.m., (give Proposers 30 days to respond)** _____ at which time they will be publicly opened. Proposals shall be submitted with the attached forms, and returned in sealed envelopes plainly marked on the outside "Sale of 16 Fisherman's Cove, Cliff Island." Each proposal must be accompanied by a proposal surety deposit equal to 10% of the consideration being proposed; if part of that consideration is land (see section II[3]), the fair market value of such land should be used in calculating this 10%. This may be in the form of a certified check, bank treasurer's check, bank cashier's check or money order. **Note: all checks must be in one of the above mentioned forms or the proposal will be rejected.**

Late, unsigned proposals or proposals submitted electronically shall not be accepted. All proposals shall be held open to acceptance for sixty days from opening. Proposals from individuals not registered with the Purchasing Office may be rejected; receipt of this document directly from the City of Portland indicates registration. Should a person receive this Request from a source other than the City, please contact 207-874-8654 to ensure that you are listed as a recipient for this proposal.

All questions must be submitted in writing to the Purchasing Office. These may be mailed, hand delivered, faxed to (207) 874-8652 or e-mailed to mff@portlandmaine.gov and be received no later than five (5) business days prior to the opening date. Questions received after this time will not be addressed. Any interpretation, correction, or change of this document will be made only by written addenda. Changes in any other manner will not be binding on the City and proposers should not rely on. Proposers should not have contact with any City staff with regard to this proposal unless to obtain general public information as specified in the document.

A site visit for all parties interested in submitting proposals will be held at the property **on Friday, _____, 2014 at 12:15p.m.** Attendance at this site visit of the property is a **mandatory requirement** of those submitting a proposal. If a potential proposer cannot attend this mandatory site visit, that proposer can send a designated representative.

All contact for information regarding the proposal must be addressed to the City of Portland Purchasing Office. Over the course of this proposal process, *proposal related contact* with City staff by a respondent or their agent, may be grounds for disqualification of the Proposer.

The disposal of this real estate shall be on the basis of a negotiated proposal, with the City of Portland reserving the right to refuse any and all proposals. *All proposers are advised that the property will be sold "as-is" and "where is", in its existing condition, with no warranties to be expressed or implied.* The City disclaims any and all responsibility for injury to proposers, their agents or others while examining the property or at any other time. The City will not be responsible for any broker's commission. The property will be conveyed by quitclaim deed (see Attachment #6).

16 Fisherman's Cove, 109B-F-39

I. GENERAL INFORMATION

Site Information:

1) Location: 16 Fisherman's Cove, Cliff Island, as identified in the City of Portland Assessor's records as lot CBL 109B-F-39, in an I-B Zone. (See Attachment 1.)

2) General Dimensions: The lot is approximately 19,568 square feet with a single-family residential structure, fuel station, and ancillary structure.

3) Current Use: Vacant – previously a single-family use and fuel station, both have their own electrical service. These uses can be separate from each other as they are considered functionally subdivided. Inasmuch, the City acknowledges that there may be partnering proposals for the purchase of each use.

    (a) Regarding the fuel station, to continue this use, the purchaser would need to get the property in compliance with all applicable local, state, and federal regulations, including, but not limited to the Maine Department of Environmental Protection Spill Prevention Control and Countermeasure (SPCC) Program and obtain any permits required by the State Fire Marshall.

        (i) The City has been informed that there currently exists two 2,000 gallon fuel tanks and one 500 gallon fuel tank on the property.

        (ii) Given the proximity to the shoreline, it is recommended that the owner/operator of this facility have an SPCC Plan in place, even if the facility does not meet the thresholds established in the regulations (i.e., required for any facility with more than 1,320 gallons of aboveground oil storage capacity). The costs associated with spill mitigation and potential fines far exceed the cost of spill preparedness.

    (b) The property has an overboard discharge permit, with shared primary treatment for the residence and fuel station. The City has been informed that by March 1, 2015, the property's sewerage disposal system must have secondary treatment.

There currently is an easement allowing an abutter to share in the use of the existing disposal system.

4) Environmental: The City has received a Phase I Environmental Site Assessment, which Executive Summary is Attachment 2 of this RFP. The ~~City is currently taking steps to undertake the~~ two immediate action items in the Executive Summary, that is: "Immediate removal of oil and hazardous material waste products throughout the Site. Immediate stabilization and removal of possibly leaking kerosene drum in crawl space." have been addressed. The City is willing to explore partnerships to further clean up the property. Successful proposer will be expected to indemnify the City for these risks at closing.

   (a) The Purchaser would be eligible to apply to the City's Portland Development Corporation for loan funds for a Phase II Environmental Site Assessment and/or cleanup/mitigation work.

5) The property is in a FEMA Special Hazard Flood Zone. As such, a property owner needs to be aware that Special Hazard flood insurance may need to be purchased on existing buildings.

6) See Attachment 3 for condition of property as assessed by City staff.

7) A draft Purchase and Sale Agreement is attached as Attachment 4, to be entered into with the award recipient. Note that this is a draft Purchase and Sale Agreement that will be further negotiated with the successful proposer.

8) Proposers are urged to investigate water sources and utility connection requirements with the Department of Public Services and street build out requirements with the City's Planning Office, as well as research regulations regarding an operating fuel station as noted in #3 above.

   Note: All respondents should investigate legal and zoning requirements for proposed projects prior to submission of proposal. The City's Zoning Administrator can be contacted at (207) 874-8695. The City's Planning Office can be contacted at (207) 874-8719.

II. CITY GOALS

The City's primary goals for the reuse of the property are:

1. Affordable, Year-Round Island Housing for 20 Years

   The reuse of the property for affordable, year round island housing for 20 years – i.e., affordable to a household earning 120% or less of U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland County Maine – which 120% is now $97,760 for a family of four.

a. The proposer may be eligible to apply for City loan funds available for renovation through the Housing and Neighborhood Services Division - (207) 874-8246.

2. Fuel Station Operational~~Kept Running~~ for 20 Years

   Keep the fuel station a running fuel station for Cliff Island for 20 years. The City reserves the opportunity in the draft Deed attached to provide a mechanism for reduction or extension of this use for additional time spans.

3. Department of Public Services (DPS) Site

   The City would consider, as part of the purchase consideration, land on Cliff Island for use by Public Services for its equipment and administration – a minimum of 1 to 2 acres of buildable land. All proposals that include a land parcel as described herein as part of the purchase consideration will be awarded 10 (ten) Bonus Points in Section IV. (See Attachment 5 – draft concept plan/layout of Department of Public Services' needs.)

III. CONDITION UPON SALE OF PROPERTY

The deed to the purchaser (see Attachment 6) will contain the provision substantially as follows:

"The property will be used for (a) an affordable, year round island housing residence as noted in 'City Goals' above, and, (b) a running fuel station for island vehicles at a minimum for a 20-year term. Regarding the fuel station, the City also reserves the opportunity to provide a mechanism for reduction or extension of this use for additional time spans."

IV. ~~EVALUATION OF~~ PROPOSAL SCORING~~S~~

The City's Tax Acquired Property Committee (TAPC), a City employee Committee comprised of staff from the City Manager's office, Economic Development, Finance, Assessor, Planning and Urban Development, Corporation Counsel, and Public Services, will review proposals received and will apply the following scoring to evaluate proposals received up to the maximum number of points allowed per criteria listed below:

A~~B~~. Fuel Station Kept Operational~~Running~~	**~~25~~ 50 Points**
B~~A~~. Year Round Affordable Island Housing	**30~~25~~ Points**
C~~D~~. Total price offered for property.	**20~~5~~ Points**
~~C~~D. ~~DPS Site~~Land Consideration for Public Services as part of purchase price (minimum of 1 to 2 acres of buildable land)	**10 Bonus~~25~~ Points**
Total Possible Points:	**110 Points**

NOTE: Bonus points are available if a land donation is offered. No penalty points are applied to a proposal without land donation offers.

V. SALE INFORMATION

After proposals are opened, ~~City staff~~TAPC will make a recommendation to the City Council's Housing and Community Development Committee (HCDC) on award of proposal(s), which Committee then makes its recommendation to the City Council. It is anticipated that the HCDC could review this at its meeting on Wednesday, _____, at 5:30 p.m.

Council Action: Contract for the sale of the property will be executed only after review and final approval of the City Council.

Deed: At closing, the City shall convey the described real estate by quitclaim deed.

VI. OTHER INFORMATION

Confidentiality: Proposals received by the City shall become a matter of public record, subject to public inspection, except to the extent, which an applicant designates in writing, proprietary data to be confidential and submits that data under separate cover, such information may be held from public inspection, as provided in Maine law: 5 MRSA Sections 13119-A and 13119-B.

VII. LEGAL REQUIREMENTS

The contract for the sale of the property will be executed only after review and final approval by the City Council. At closing, the City shall convey the described real estate by quitclaim deed.

VIII. RESERVATION of RIGHTS

The City of Portland reserves the right, at its sole discretion, to award as well as reject any and all proposals for the tax-acquired property, based on the quality and merits of the proposals received, or when it is determined to be in the public interest to do so. Furthermore, the City may extend deadlines and timeframes, as needed.

The City reserves the right to substantiate any proposer's qualifications, capability to perform, availability, past performance records, and to verify that the proposer is current in its financial obligations to the City.

The City of Portland, Maine, reserves the right to waive any informalities in proposals, to accept any proposal or portion thereof, and, to reject any and all proposals, as well as negotiate with the successful proposer(s) should it be in the best in the best interest of the City to do so for a final purchase and sale agreement and ultimate sale of the property.

Pursuant to City procurement policy and ordinance, the City is unable to contract with businesses or individuals who are delinquent in their financial obligations to the City. These obligations may include but are not limited to real estate and personal property taxes and sewer user fees.

Proposers who are delinquent in their financial obligations to the City must do one of the following: bring the obligation current, negotiate a payment plan with the City's Treasury office, or agree to an offset which shall be established by the contract which shall be issued to the successful proposer.

_____, 2014

Matthew F. Fitzgerald
Purchasing Manager

Attachments:

#1 City Assessor Information, Map # *CBL* 109B-F-039, and Picture.
#2 Phase I Environmental Site Assessment Executive Summary
#3 Condition Assessment by City staff
#4 Draft Purchase and Sale Agreement
#5 Draft concept plan/layout of Department of Public Services' needs.
#6 Draft Quitclaim Deed

RFP # XX14

PROPOSAL

THIS PAGE MUST BE INCLUDED

The UNDERSIGNED hereby declares that they have read and understand all conditions as outlined in the invitation for proposals, and that their proposal is made in accordance with same.

The UNDERSIGNED hereby declares that any person(s) employed by the City of Portland, Maine, who has direct or indirect personal or financial interest in this proposal or in any portion of the profits that may be derived therefrom, has been identified and the interest disclosed by separate attachment. (Please include in your disclosure any interest which you know of. An example of a direct interest would be a City employee who would be paid to perform services under this proposal. An example of indirect interest would be a City employee who is related to any officers, employees, principal or shareholders of your firm or to you. If in doubt as to status or interest, please disclose to the extent known).

TOTAL PROPOSAL FOR PROPERTY:

Cash Value: $_____*

Land Fair Market Value for Public Services: $_____

Enclosed is a proposal surety of $_____ equal to 10% of the amount being proposed (cash + land fair market value [latter if included in proposal]).

The proposer acknowledges the receipt of Addenda numbered _____
(If Applicable)

COMPANY NAME: _____
(Individual, Partnership, Corporation, Joint Venture)

AUTHORIZED SIGNATURE:_____ DATE: _____
(Officer, Authorized Individual or Owner)

PRINT NAME & TITLE: _____

ADDRESS:_____

_____

TELEPHONE: _____ FAX: _____

E-MAIL: _____ FEDERAL TAX ID NUMBER: _____

SALES TAX EXEMPTION NUMBER: _____

NOTE: All proposals must bear the handwritten signature of a duly authorized member or employee of the organization making the proposal. This sheet must be signed and returned with the proposal package.

RFP # XX14

Interested Parties to received notice of RFP, in addition to Cliff Island property owners:

Maia Additon
Madditon1@maine.rr.com

Brian Joyce
bjoyce@maine.rr.com

Robert Barnes
rbarnes@revdrtv.com

Dave Schroder
djschro@gmail.com

M. Nasir Shir
mnshir@hotmail.com
nshir@portlandmaine.gov

Jay McGranahan
jmcgranahan@hotmail.com

Yvonne Roundtree
valround@hotmail.com

Rita Yarnold
rita@bayrealtyassociates.com

Nancy Laframboise
Nlafram2000@yahoo.com

Jeremy Benn, Joe Flynn Real Estate
Jeremy@joeflynnrealestate.com

Sustainable Cliff Island
c/o Roger Berle
rkberle@msn.com

Aaron Additon
296 Pride Street
Westbrook, ME 04092

David DiPietro
221 Virginia Street
Portland, ME 04103

RFP # XX14

AMA Real Estate, LLC
Attention: Aaron
PO Box 4806
Portland, Maine 04112-4806

Eddie Ahmed
baysidevariety@gmail.com

Gillian Davis
gillianwd@yahoo.com

Marla Michaels
Marlamichaels1@gmail.com

Steve Wilson
Stevewilson2@earthlink.net

Tim Steigelman
tsteigelman@krz.com

Port Harbor Fuel, Inc.
40 Deakes Wharf
Portland, ME 04101

Mike Cardente
mike@cardente.com

Michelle Theriault
Mtheriault71@gmail.com

Derek Smith
derekrsmith@earthlink.net

Karen Snyder
karsny@yahoo.com

info@eastbayside.org

Portland, Maine Yes. Life's good here.

Economic Development Department
Gregory A. Mitchell, Director

MEMORANDUM

DATE: August 7, 2014

TO: Chair and Members of the Housing Community Development Committee

FROM: Greg Mitchell, Economic Development Director

RE: Item Tabled from June 25, 2014 HCDC Meeting - Tax-Acquired Property on Cliff Island – 16 Fisherman's Cove, 109B-F-39

- Recommendation and Vote Requested for Property Disposition Process to Issue a Request for Proposals (RFP)

I. SUMMARY OF ISSUE

The Tax-Acquired Property Committee (TAPC) has been doing its diligence to provide a recommendation to this Committee regarding the future use of 16 Fisherman's Cove on Cliff Island, which the City acquired through non-payment of taxes beginning with FY08 taxes.

This due diligence included a City Department wide survey, including District Councilor Donoghue and the Land Bank Commission, site visit, conditions assessment, and obtaining a Phase I Environmental Site Assessment. Regarding the results from the Department survey, this indicated that there is a longstanding interest on Cliff Island to create year round affordable island housing to sustain the community and to keep the fuel station an active fuel station, as there is no other fuel station on the island.

Also, Sustainable Cliff Island (SCI) representatives met with TAPC, and advised that it also would like to see the residence be a year-round affordable residence and the fuel station to continue in operation.

Councilor Donoghue held a Cliff Island meeting on August 6th where this matter was discussed. A summary of this meeting is attached, as well as an email communication received just after that meeting.

II. REASON FOR SUBMISSION

This is being submitted to the Committee for additional discussion at its August 13th meeting. It is anticipated that no Committee action will be taken at the August 13th meeting, and this matter will again be discussed and acted upon at the August 27th meeting to provide staff direction to issue an RFP for the sale of the 16 Fisherman's Cove property.

II. INTENDED RESULT

The intended result is for the residence to remain year round affordable island housing and to keep the fuel station in operation. There is a proposed 20-year Restriction Period for these uses built into the deed, as well as an opportunity for the City to shorten or extend the Restriction Period for the fuel station if this is in the best interests for the Cliff Island community.

In addition, the RFP highlights a goal that the City would consider, as part of the purchase consideration, a donation or trade of property on Cliff Island for use by Public Services for equipment and possible building. The estimated Public Services Department's need is for a minimum of 1 to 2 acres of buildable land. See attached sketch as an example for DPS property use.

Regarding the Phase I Environmental Site Assessment and its recommendations, City staff is making an application to the Portland Development Corporation for a Brownfields Grant to undertake the two immediate actions, i.e.:

a. Immediate removal of oil and hazardous material waste products throughout the Site.

b. Immediate stabilization and removal of possibly leaking kerosene drum in crawl space of the residence.

The RFP also indicates that the City is willing to explore partnerships with buyer(s) to clean up the remainder of the property. In addition, it indicates that the successful proposer(s) would be eligible to apply to the City's Portland Development Corporation for loan funds for a Phase II environmental Site Assessment and/or cleanup/mitigation work.

At the HCDC meeting on June 25, Councilor Hinck asked about the City's liability for environmental issues. Corporation Counsel will address this at your August 27 meeting when a vote on the disposition process is anticipated.

IV. COUNCIL GOAL ADDRESSED

Develop Strategic Housing Investment Policies.

V. FINANCIAL IMPACT

To date, the total of back taxes, interest, and costs owed is $52K+, while the total assessed value of the property is currently $290,740, which should generate $5,643 yearly in property taxes.

VI. STAFF ANALYSIS AND RECOMMENDATION

TAPC's recommendation is to continue discussion to move forward with disposition of the property through the RFP process, under the direction of the HCDC, with the goals as stated in the RFP document – keeping the residential house for year-round affordable island

housing, keeping the fuel station in operation, and that the City would consider 1 to 2 acres of buildable land as part of the purchase consideration for Public Services equipment storage.

The RFP document has been further refined with marked revisions from the June 25, 2014 HCDC meeting packet to clarify the City's goals, as well as to indicate in the RFP that the City acknowledges that the fuel station and residence can be sold separately. Inasmuch, the City also acknowledges that there may be partnering proposals for the purchase of each property.

The Evaluation of Proposals section has also been amended to have weighted criteria to meet the City's goals, i.e.:

Year Round Affordable Housing	25 Points
Fuel Station Kept Running	25 Points
DPS Site	25 Points
Total price offered for property	25 Points

Staff is looking to the Committee to reaffirm this criteria or offer other weighted selection criteria.

All property owners on Cliff Island were sent a notice of this meeting, as well as other interested parties.

Attachments:

1. Summary of August 6, 2014 Meeting on Cliff Island
2. Email received from Anne and Reese Fullerton, as a follow-up to meeting on Cliff Island with the City on August 6, 2014.
3. Sketch as an example for DPS property use.
4. Draft RFP Document – with Marked Revisions from the June 25, 2014 HCDC Meeting

16 Fisherman's Cove

Summary of Comments

August 6, 2014

- More parties will bid on the property if the consideration of land as a means of payment is dropped from the RFP

- Separate the Disposition of 16 Fisherman's Cove separate from a request for property for Public Services' use

- Separate the single family home and the fuel business and issue RFP's for both if possible; some bidders may be interested in only one parcel

- Maintaining a fuel facility is more important than establishing sustainable housing

- Sustainable housing can be developed/converted on other properties on the island; this particular property may not be suited for that purpose.

- Overwhelming island sentiment that the current Public Services' arrangement of storing equipment/materials roadside is acceptable to island residents\

- It may be cost prohibitive to renovate the single family home; issues may include asbestos, lead paint, septic/overboard discharge, contaminated well

Lori Paulette - Fwd: Cliff Island issues

From: Jeff Levine
To: Greg Mitchell; Lori Paulette; Mary Davis
Date: 8/7/2014 8:39 AM
Subject: Fwd: Cliff Island issues

This is for the HCDC packet on the Cliff Island item.

>>> REESE ANNE FULLERTON <reeseannefullerton@msn.com> 8/7/2014 7:51 AM >>>
Dear Jeff Levine:

Thank you very much for you and all the other City representatives coming to Cliff Island last night. It was important to have an opportunity to speak and hear others.

I did not speak last night and would like to reaffirm some of the statements which were made.

1. ASPHALT - we completely agree that asphalt has no place on Cliff Island. It is smelly, sticky, ugly and feels like the wrong material for our roads. Gary has kept the roads in basically good shape with materials which feel much more appropriate for the island.

2. LAND SWAP - we definitely agree that the land swap should be an entirely separate discussion. The land initially discussed was completely inappropriate because it was in an area which, during the barge landing development, community members and community groups had committed to keeping natural except for the barge landing -- no trucks and no construction material.

3. DPW MAINTENANCE YARD - Why does the island need a maintenance yard? What has spurred this discussion? What is the most minimal construction and investment that could meet a real need?

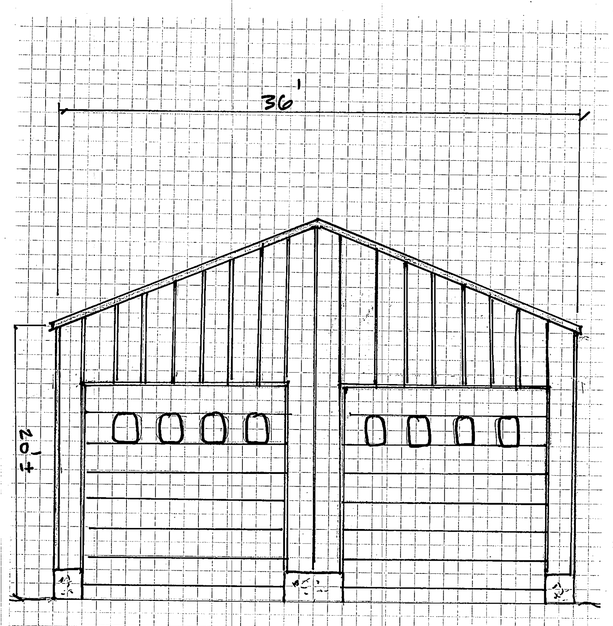
4. FUEL - very important for the island. Since it is possible to separate the fuel from the residence we hope that that will be mentioned in the RFP.

5. AFFORDABLE HOUSING - very important for the island. Anything the City can do to facilitate affordable housing on the island would be appreciated.

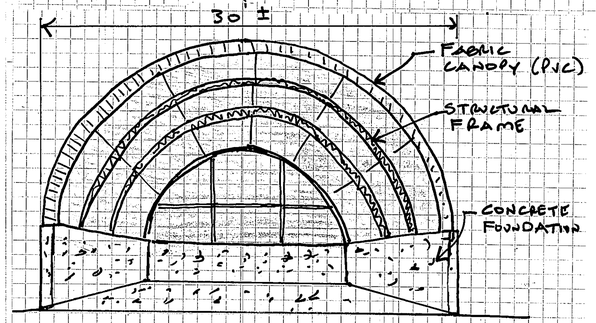
The house at 16 Fisherman's Wharf seems to have many structural issues and may not be livable at this point or may end up not being very affordable.

Thank you for your consideration.

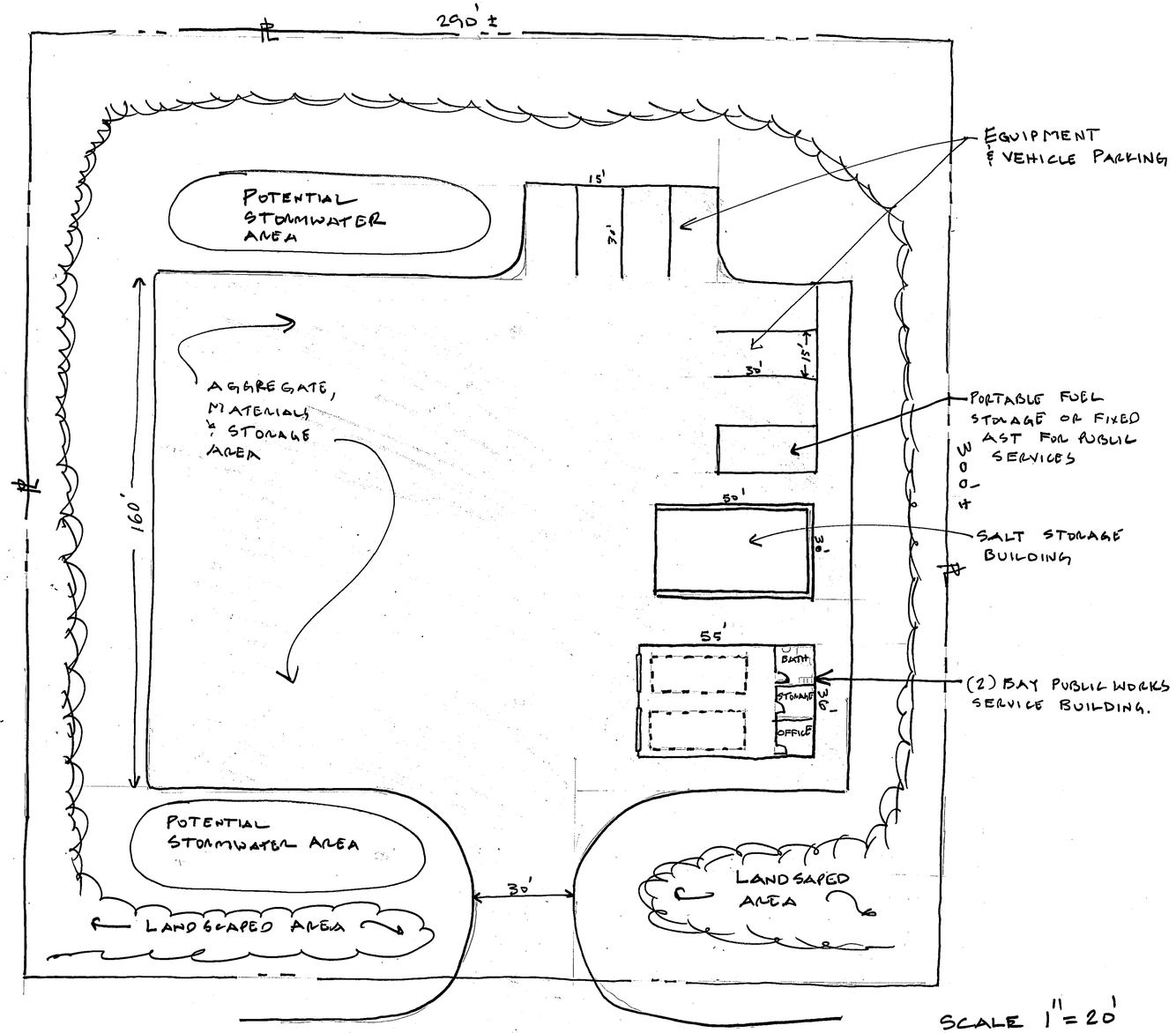
Anne and Reese Fullerton



FRONT ELEVATION - PUBLIC WORKS
NTS



FRONT ELEVATION - SALT SHED
NTS



SCALE 1" = 20'

NOT FOR CONSTRUCTION

PROGRESS PRINT

REV:	BY:	DATE:	STATUS:
A	DAM	7-24-14	CONCEPT PLAN

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.

SEBAGO TECHNICS
WWW.SEBAGOTECHNICS.COM
75 John Roberts Rd. - Suite 1A
South Portland, ME 04106
tel: 207-200-2100

250 Goddard Rd. - Suite B
Lewiston, ME 04240
tel: 207-755-5585

PROJECT NO.	FIELD BOOK	DESIGN	CHKD	DRAWN
14275				

CONCEPT PLAN
OF:
CLIFF ISLAND PUBLIC SERVICES
PORTLAND, MAINE
FOR:
CITY OF PORTLAND
55 PORTLAND STREET
PORTLAND, MAINE 04101

DATE	SCALE
07-23-14	

SHEET 1 OF 1

14275TB.dwg, TAB:Model

City of Portland, Maine

Finance Department

Request for Proposals for Sale of Tax-Acquired Property
Located at 16 Fisherman's Cove, Cliff Island
CBL: 109B-F-39.

NOTICE and SPECIFICATIONS

Sealed proposals for purchasing the Property located at 16 Fisherman's Cove, Cliff Island, as specified herein, will be received by the Purchasing Office, Room 103, City Hall, 389 Congress Street, Portland, Maine 04101, until **3:00 p.m., (give Proposers 3~~6~~0 days to respond) _____** at which time they will be publicly opened. Proposals shall be submitted with the attached forms, and returned in sealed envelopes plainly marked on the outside "Sale of 16 Fisherman's Cove, Cliff Island." Each proposal must be accompanied by a proposal surety deposit equal to 10% of the consideration being proposed; if part of that consideration is land (see section II[3]), the fair market value of such land should be used in calculating this 10%. This may be in the form of a certified check, bank treasurer's check, bank cashier's check or money order. **Note: all checks must be in one of the above mentioned forms or the proposal will be rejected.**

Late, unsigned proposals or proposals submitted electronically shall not be accepted. All proposals shall be held open to acceptance for sixty days from opening. Proposals from individuals not registered with the Purchasing Office may be rejected; receipt of this document directly from the City of Portland indicates registration. Should a person receive this Request from a source other than the City, please contact 207-874-8654 to ensure that you are listed as a recipient for this proposal.

All questions must be submitted in writing to the Purchasing Office. These may be mailed, hand delivered, faxed to (207) 874-8652 or e-mailed to mff@portlandmaine.gov and be received no later than five (5) business days prior to the opening date. Questions received after this time will not be addressed. Any interpretation, correction, or change of this document will be made only by written addenda. Changes in any other manner will not be binding on the City and proposers should not rely on. Proposers should not have contact with any City staff with regard to this proposal unless to obtain general public information as specified in the document.

A site visit for all parties interested in submitting proposals will be held at the property **on Friday, _____, 2014 at 12:15p.m.** Attendance at this site visit of the property is a **mandatory requirement** of those submitting a proposal. If a potential proposer cannot attend this mandatory site visit, that proposer can send a designated representative.

All contact for information regarding the proposal must be addressed to the City of Portland Purchasing Office. Over the course of this proposal process, *proposal related contact* with City staff by a respondent or their agent, may be grounds for disqualification of the Proposer.

The disposal of this real estate shall be on the basis of a negotiated proposal, with the City of Portland reserving the right to refuse any and all proposals. *All proposers are advised that the property will be sold "as-is" and "where is", in its existing condition, with no warranties to be expressed or implied.* The City disclaims any and all responsibility for injury to proposers, their agents or others while examining the property or at any other time. The City will not be responsible for any broker's commission. The property will be conveyed by quitclaim deed (see Attachment #6).

16 Fisherman's Cove, 109B-F-39

I. GENERAL INFORMATION

Site Information:

1) Location: 16 Fisherman's Cove, Cliff Island, as identified in the City of Portland Assessor's records as lot CBL 109B-F-39, in an I-B Zone. (See Attachment 1.)

2) General Dimensions: The lot is approximately 19,568 square feet with a single-family residential structure, fuel station, and ancillary structure.

3) Current Use: Vacant – previously a single-family use and fuel station, both have their own electrical service.- These uses can be separate from each other as they are considered functionally subdivided. Inasmuch, the City acknowledges that there may be partnering proposals for the purchase of each use.

   (a) Regarding the fuel station, to continue this use, the purchaser would need to get the property in compliance with all applicable local, state, and federal regulations, including, but not limited to the Maine Department of Environmental Protection Spill Prevention Control and Countermeasure (SPCC) Program and obtain any permits required by the State Fire Marshall.

      (i) The City has been informed that there currently exists two 2,000 gallon fuel tanks and one 500 gallon fuel tank on the property.

      (ii) Given the proximity to the shoreline, it is recommended that the owner/operator of this facility have an SPCC Plan in place, even if the facility does not meet the thresholds established in the regulations (i.e., required for any facility with more than 1,320 gallons of aboveground oil storage capacity). The costs associated with spill mitigation and potential fines far exceed the cost of spill preparedness.

   (b) The property has an overboard discharge permit, with shared primary treatment for the residence and fuel station. The City has been informed that by March 1, 2015, the property's sewerage disposal system must have secondary treatment.

There currently is an easement allowing an abutter to share in the use of the existing disposal system.

4) Environmental: The City has received a Phase I Environmental Site Assessment, which Executive Summary is Attachment 2 of this RFP. The City is currently taking steps to undertake the two immediate action items in the Executive Summary, that is: "Immediate removal of oil and hazardous material waste products throughout the Site. Immediate stabilization and removal of possibly leaking kerosene drum in crawl space." The City is willing to explore partnerships to further clean up the property. Successful proposer will be expected to indemnify the City for these risks at closing.

   (a) The Purchaser would be eligible to apply to the City's Portland Development Corporation for loan funds for a Phase II Environmental Site Assessment and/or cleanup/mitigation work.

5) The property is in a FEMA Special Hazard Flood Zone. As such, a property owner needs to be aware that Special Hazard flood insurance may need to be purchased on existing buildings.

6) See Attachment 3 for condition of property as assessed by City staff.

7) A draft Purchase and Sale Agreement is attached as Attachment 4, to be entered into with the award recipient. Note that this is a draft Purchase and Sale Agreement that will be further negotiated with the successful proposer.

8) Proposers are urged to investigate water sources and utility connection requirements with the Department of Public Services and street build out requirements with the City's Planning Office, as well as research regulations regarding an operating fuel station as noted in #3 above.

   Note: All respondents should investigate legal and zoning requirements for proposed projects prior to submission of proposal. The City's Zoning Administrator can be contacted at (207) 874-8695. The City's Planning Office can be contacted at (207) 874-8719.

II. CITY GOALS

The City's primary goals for the reuse of the property are:

1. Affordable, Year-Round Island Housing for 20 Years

   The reuse of the property for affordable, year round island housing for 20 years – i.e., affordable to a household earning 120% or less of U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland County Maine – which 120% is now $97,760 for a family of four.

a. The proposer may be eligible to apply for City loan funds available for renovation through the Housing and Neighborhood Services Division - (207) 874-8246.

2. Fuel Station Kept Running for 20 Years

Keep the fuel station a running fuel station for Cliff Island for 20 years. The City ~~is contemplating a 20 year minimum term for this use, and~~ reserves the opportunity in the draft Deed attached~~through negotiations pursuant to sale of the property~~ to provide a mechanism for reduction or extension of this use for additional time spans.

3. Department of Public Services (DPS) Site

The City would consider, as part of the purchase consideration, land on Cliff Island for use by Public Services for its equipment and administration – a minimum of 1 to 2 acres of buildable land. (See Attachment 5 – draft concept plan/layout of Department of Public Services' needs.)

III. CONDITION UPON SALE OF PROPERTY

The deed to the purchaser (see Attachment 6~~5~~) will contain the provision substantially as follows:

"The property will be used for (a) an affordable, year round island housing residence as noted in 'City Goals' above, and, (b) a running fuel station for island vehicles at a minimum for a 20-year term. Regarding the fuel station, the City also reserves the opportunity ~~through negotiations~~ to provide a mechanism for reduction or extension of this use for additional time spans."

IV. EVALUATION OF PROPOSALS

The City will apply the following scoring to evaluate proposals received:

A. Year Round Affordable Island Housing **25 Points**

~~Proposed use(s) meet all the City Goals identified above. **65 Points**~~

B. Fuel Station Kept Running **25 Points**

C. DPS Site **25 Points**

D. Total price offered for property. ~~**3**~~**25 Points**

V. SALE INFORMATION

After proposals are opened, City staff will make a recommendation to the City Council's Housing and Community Development Committee (HCDC) on award of proposal, which Committee then makes its recommendation to the City Council. It is anticipated that the HCDC

could review this at its meeting on Wednesday, _____, at 5:30 p.m.

Council Action: Contract for the sale of the property will be executed only after review and final approval of the City Council.

Deed: At closing, the City shall convey the described real estate by quitclaim deed.

VI. OTHER INFORMATION

Confidentiality: Proposals received by the City shall become a matter of public record, subject to public inspection, except to the extent, which an applicant designates in writing, proprietary data to be confidential and submits that data under separate cover, such information may be held from public inspection, as provided in Maine law: 5 MRSA Sections 13119-A and 13119-B.

VII. LEGAL REQUIREMENTS

The contract for the sale of the property will be executed only after review and final approval by the City Council. At closing, the City shall convey the described real estate by quitclaim deed.

VIII. RESERVATION of RIGHTS

The City of Portland reserves the right, at its sole discretion, to award as well as reject any and all proposals for the tax-acquired property, based on the quality and merits of the proposals received, or when it is determined to be in the public interest to do so. Furthermore, the City may extend deadlines and timeframes, as needed.

The City reserves the right to substantiate any proposer's qualifications, capability to perform, availability, past performance records, and to verify that the proposer is current in its financial obligations to the City.

The City of Portland, Maine, reserves the right to waive any informalities in proposals, to accept any proposal or portion thereof, and, to reject any and all proposals, as well as negotiate with the successful proposer(s) should it be in the best in the best interest of the City to do so for a final purchase and sale agreement and ultimate sale of the property.

Pursuant to City procurement policy and ordinance, the City is unable to contract with businesses or individuals who are delinquent in their financial obligations to the City. These obligations may include but are not limited to real estate and personal property taxes and sewer user fees. Proposers who are delinquent in their financial obligations to the City must do one of the following: bring the obligation current, negotiate a payment plan with the City's Treasury office, or agree to an offset which shall be established by the contract which shall be issued to the successful proposer.

_____, 2014

Matthew F. Fitzgerald
Purchasing Manager

Attachments:

#1 City Assessor Information, Map # *CBL* 109B-F-039, and Picture.
#2 Phase I Environmental Site Assessment Executive Summary
#3 Condition Assessment by City staff
#4 Draft Purchase and Sale Agreement
#5 Draft concept plan/layout of Department of Public Services' needs.
#6 Draft Quitclaim Deed

PROPOSAL

THIS PAGE MUST BE INCLUDED

The UNDERSIGNED hereby declares that they have read and understand all conditions as outlined in the invitation for proposals, and that their proposal is made in accordance with same.

The UNDERSIGNED hereby declares that any person(s) employed by the City of Portland, Maine, who has direct or indirect personal or financial interest in this proposal or in any portion of the profits that may be derived therefrom, has been identified and the interest disclosed by separate attachment. (Please include in your disclosure any interest which you know of. An example of a direct interest would be a City employee who would be paid to perform services under this proposal. An example of indirect interest would be a City employee who is related to any officers, employees, principal or shareholders of your firm or to you. If in doubt as to status or interest, please disclose to the extent known).

TOTAL PROPOSAL FOR PROPERTY:

Cash Value: $_____*

Land Fair Market Value for Public Services: $_____

Enclosed is a proposal surety of $_____ equal to 10% of the amount being proposed (cash + land fair market value).

The proposer acknowledges the receipt of Addenda numbered _____
(If Applicable)

COMPANY NAME: _____
(Individual, Partnership, Corporation, Joint Venture)

AUTHORIZED SIGNATURE:_____ DATE: _____
(Officer, Authorized Individual or Owner)

PRINT NAME & TITLE: _____

ADDRESS:_____

_____

TELEPHONE: _____ FAX: _____

E-MAIL: _____ FEDERAL TAX ID NUMBER: _____

SALES TAX EXEMPTION NUMBER: _____

NOTE: All proposals must bear the handwritten signature of a duly authorized member or employee of the organization making the proposal. This sheet must be signed and returned with the proposal package.

Interested Parties to received notice of RFP, in addition to Cliff Island property owners:

Maia Additon
Madditon1@maine.rr.com

Brian Joyce
bjoyce@maine.rr.com

Robert Barnes
rbarnes@revdrtv.com

Dave Schroder
djschro@gmail.com

M. Nasir Shir
mnshir@hotmail.com
nshir@portlandmaine.gov

Jay McGranahan
jmcgranahan@hotmail.com

Yvonne Roundtree
valround@hotmail.com

Rita Yarnold
rita@bayrealtyassociates.com

Nancy Laframboise
Nlafram2000@yahoo.com

Jeremy Benn, Joe Flynn Real Estate
Jeremy@joeflynnrealestate.com

Sustainable Cliff Island
c/o Roger Berle
rkberle@msn.com

Aaron Additon
296 Pride Street
Westbrook, ME 04092

David DiPietro
221 Virginia Street
Portland, ME 04103

AMA Real Estate, LLC
Attention: Aaron
PO Box 4806
Portland, Maine 04112-4806

Eddie Ahmed
baysidevariety@gmail.com

Gillian Davis
gillianwd@yahoo.com

Marla Michaels
Marlamichaels1@gmail.com

Steve Wilson
Stevewilson2@earthlink.net

Tim Steigelman
tsteigelman@krz.com

Port Harbor Fuel, Inc.
40 Deakes Wharf
Portland, ME 04101

Mike Cardente
mike@cardente.com

Michelle Theriault
Mtheriault71@gmail.com

Derek Smith
derekrsmith@earthlink.net

Karen Snyder
karsny@yahoo.com

info@eastbayside.org

ATTACHMENT 1

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information:

CBL	109B F039001
Land Use Type Verify legal use with Inspections Division	RETAIL & PERSONAL SERVICE
Property Location	16 FISHERMAN'S COVE
Owner Information	KESSINGER HOLLY & BRUCE RIETH 12 PREBLE ST # 2 GORHAM ME 04038
Book and Page	21688/148
Legal Description	109B-F-39 FISHERMAN'S COVE 6-18 CLIFF ISLAND 19568 SF
Acres	0.4492

Services

Applications

Doing Business

Maps

Tax Relief

Tax Roll

Q & A

browse city services a-z

browse facts and links a-z

Current Assessed Valuation:

TAX ACCT NO.	15698
LAND VALUE	$232,800.00
BUILDING VALUE	$57,940.00
NET TAXABLE - REAL ESTATE	$290,740.00
TAX AMOUNT	$5,643.26

OWNER OF RECORD AS OF APRIL 2013
KESSINGER HOLLY &
BRUCE RIETH
91 TURKEY LN
WEST BUXTON ME 04093

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or e-mailed.

Best viewed at 800x600, with Internet Explorer

Building Information:

Building 1

Year Built	1950
Style/Structure Type	CONVENIENCE STORE
# Units	1
Building Num/Name	1 - SM STORE
Square Feet	392

View Sketch View Map View Picture

Building 3

Year Built	1910
Style/Structure Type	OLD STYLE
# Stories	1
# Units	1
Bedrooms	2
Full Baths	1
Half Baths	1
Total Rooms	4
Attic	FULL FIN./WH
Basement	FULL
Square Feet	1039

View Sketch View Map View Picture

Exterior/Interior Information:

Building 1

Levels	01/01
Size	392
Use	MULTI-USE SALES
Height	8
Walls	FRAME
Heating	NONE
A/C	NONE

Outbuildings/Yard Improvements:

	Building 1
Year Built	1910
Structure	BOAT DOCK WD
Size	1X450
Units	1
Grade	C
Condition	3

	Building 2
Year Built	1910
Structure	SHED-FRAME
Size	1X180
Units	1
Grade	C
Condition	2

Sales Information:

Sale Date	**Type**	**Price**	**Book/Page**
8/20/2004	LAND + BUILDING	$0.00	21688/148
8/19/1986	LAND + BUILDING	$0.00	7335/253

New Search!

April 1 2012 fy 2013

Tax Map Index; http://www.portlandassessors.com/taxmaps.htm

Index Number - M23NE

X = 16 Fisherman's Cove, Cliff Island/109B-F-39

Assessor Picture on File for 16 Fisherman's Cove, Cliff Island, 109B-F-39 (3/2014)

EXECUTIVE SUMMARY

Credere Associates, LLC (Credere) has performed a Phase I Environmental Site Assessment (ESA) of the Cliff Island Fueling Station and Residence located at 16 Fisherman's Cove on Cliff Island in the City of Portland, Cumberland County, Maine (the Site). This Phase I ESA was completed in conformance with the ASTM International (ASTM) Standard Practice E 1527-13 for Phase I ESAs, which meets the requirements of the U.S. Environmental Protection Agency (EPA) Standards and Practices for All Appropriate Inquiries (AAI); Final Rule (40 CFR Part 312).

Credere was retained by the City of Portland to prepare this Phase I ESA for the purpose of identifying recognized environmental conditions (RECs) as defined by the ASTM E 1527-13 standard that may impact the Site's environmental condition.

The 0.45-acre Site is located on the southeast side of Cliff Island on the northwest bay of Fisherman's Cove. The Site consists of a 1.5-story 1,039-square foot residence, a dock, and shed, which were constructed in 1910. The Site was used for strictly residential purposes until 1950 when a 392-square foot former convenience store and presumably fueling operations were constructed. The Site operated as a convenience store and fueling station until approximately 2003. The store has been vacant since that time with only biweekly use to supply fuel to islanders. The residence continued seasonal use and upkeep until approximately 2011.

The residence consists of a three-season porch, dining room, sitting room, bathroom, and kitchen on the first floor, and two small bedrooms on the second floor. A crawl space is located beneath the residence, which reveals construction upon exposed bedrock. A 55-gallon drum of kerosene, an oil pan, and a half drum were located within the crawl space. The bedrock appeared significantly discolored or stained; however, it could not be confirmed if it was petroleum staining or just an organic residue.

The docks were intact; however, according to the Code Enforcement Officer who accompanied Credere during the Site reconnaissance, the planks were unstable and at the end of their useful life.

The shed is located northwest of the residence and contained an old stove, an unlabeled rusted 55-gallon drum, several open 5-gallon buckets of oil, a portable compressor, former gas pump hoses, tires, doors, and other materials.

The fueling station has three aboveground storage tanks (ASTs): one 2,000-gallon active gasoline AST, one 2,000-gallon empty AST, and one 500-gallon active diesel AST. The ASTs are single-walled bare steel tanks without secondary containment. The associated single-walled steel piping runs above the ground, unprotected along the southeast side of the convenience store to a fuel dispenser located west of the Site building. Two out-of-service fuel pumps without secondary containment are also present in this location. The area surrounding the pumps contains heavily stained sand, and a moderate petroleum odor can be detected in the area.

The interior of the store contained four 5-gallon cans of methanol, approximately 10 gas cans with varying quantities of gasoline, two open 5-gallon buckets of oil, and several household size containers of solvents, motor oil, cleaners, and other hazardous materials. A strong petroleum odor could be detected in the building and minor staining was observed throughout the floor. A large black stain was observed on a shelf within the shed; however, it was likely a dark wood stain spill as apparent staining of drift wood was taking place in the structure.

In general, the remainder of the Site contained debris including two scrap ASTs, piping, yard waste, and boats. Possible hazardous building materials and conditions conducive to mold growth were observed at the Site.

Based on review of historical sources, environmental databases, interviews, User provided information, Site reconnaissance, and judgment by the Environmental Professional; the following RECs were identified in connection with the Site:

- REC #1 – Use of the Site as an island fueling station with evidence of a release
- REC #2 – Accumulated petroleum and hazardous material products throughout the Site
- REC #3 – Possible release and threat of release from kerosene drum in the crawl space under the residence

The following *de minimis* condition (DMC) was identified as it does not present a threat to human health or the environment and generally would not be the subject of an enforcement action of brought to the attention of appropriate government agencies:

- DMC #1 – Two scrap ASTs at the Site

The following was identified as an environmental finding, which warrants the opinion of the Environmental Professional but does not meet the definition of a REC, historical REC, controlled REC, or DMC.

- Environmental Finding #1 – Suspect hazardous building materials in/on the Site buildings

Based on the RECs, DMC, and environmental finding identified during this Phase I ESA, Credere recommends the following:

- Immediate removal of oil and hazardous material waste products throughout the Site
- Immediate stabilization and removal of possibly leaking kerosene drum in crawl space
- Removal of debris (scrap ASTs, boats, propane tanks, piping, old appliances, etc.) throughout the Site
- A Phase II investigation to assess the potential for petroleum contamination at the Site
- Sampling of the onsite well to assess impacts associated with the long history of Site use as a fueling station
- Inspection and modernization of the fueling system by a Maine Certified Tank Installer, to prevent future release or threat of release of petroleum at the Site
- A Hazardous Building Material Survey (HBMS) to assess for asbestos-containing materials (ACMs), lead-based paint (LBP), and polychlorinated biphenyl (PCB)-containing building materials
- If the residence is planned to be re-occupied, conduct a mold assessment due to the observed water damage and moist crawl space

Received from Chuck Fagone/Building Inspections

Assessment of Tax acquired Property – 16 Fisherman's Cove Road, Cliff Island

Overview: The above stated property, out buildings and dock was assessed for its conditions on Wednesday May 21. 2014. The property consists of a small waterfront home, two outbuildings and a dock located on Cliff Island. The waterfront consists of ledge and rock (no beach). The entire lot size is less than ½ acre in size. The use of the property was a residential home, convenience store and fuel depot. It is currently zoned 1B. There are at least three fuel tanks on site. One of which is still in use.

Building #1: Is one story wood frame structure with a dock built in 1950 that was used as a convenient store. An annex was added sometime after that date. The two buildings combine for approximately 392 square feet. The original building was built on wood supports, directly on the ledge and appears to be close to the end of their life span. The structure itself appears to be in good condition. The shingles on the outside walls are weathered and in need of replacing. The annex consists of wood frame structure and rests on a poured concrete slab foundation. It also appears to be structurally sound. Electrical service is 100 amp breakers.

The dock is a wood structure with supporting piers. The support system appears to be in good shape, although I could only view it from a distance. However, the decking is unsafe to walk on and is missing in many places.

Building #2: Is the main residential building, city records indicate it was built in 1910. It's a wood frame "old style" home and is structurally sound. Internally, the home is dated and in need of work, the three season porch roof leaks and many of the ceilings throughout the home are in bad shape. The first floor consists of an entry way hall, kitchen, dining room, living room and full bath. The second floor consists of two bedrooms, one which has a small dormered space. It's not known if there is any insulation in the walls. The roof shingles are in bad shape and most likely at the end of their life span. The dwelling is supported by wood posts that rest on poured concrete blocks. The basement is accessible by an outside door and would be considered a crawl space. There is considerable amount of ledge under the building. The basement is approximately 6 feet high on one side and as low as 3 feet on the other. Electrical is 100 amp breakers. The outside walls are covered with white vinyl siding and are in good shape.

The water supply is from two wells. One which is dug and the other drilled. The water supply has been off for about five years so it is unknown if the plumbing and wells are still operational. There is a septic system and leach field, but it's unknown if they are still operational and their age is unknown. The dwelling does have overboard discharge.

Building #3: Is a wood frame two story shed type structure that is approximately 180 square feet. It appears to be structurally sound and is supported by concrete piers. The wood clapboards are missing on the rear of the building and will need coverage. There is no electrical or plumbing to the structure.

PURCHASE AND SALE AGREEMENT

THIS AGREEMENT for the purchase and sale of real estate made this _____ day of _____, 2014 by and between the **CITY OF PORTLAND**, a body politic and corporate located in Cumberland County, Maine, (hereinafter referred to as "**CITY**"), and _____, with a mailing address of _____ Portland, Maine, (hereinafter referred to as "**BUYER**").

W I T N E S S E T H:

WHEREAS, **CITY** is the owner of certain land located 16 Fisherman's Cove, on Cliff Island, in Portland, Maine, which described in the quitclaim deed attached hereto as Exhibit A, and incorporated herein (the "Premises"); and

WHEREAS, the **BUYER** desires to purchase the Premises;

NOW THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the parties, intending to be legally bound, hereby agree as follows:

1. SALE

CITY agrees to sell to **BUYER** the Premises, and **BUYER** agrees to buy the Premises and accept the deed to the same, for the consideration set forth here.

2. CONSIDERATION

The consideration for the Premises shall be _____ Thousand Dollars ($_____,000.00).

3. TITLE

Title to the Premises shall be conveyed by Quitclaim Deed as shown in Exhibit 1.

4. CONTINGENCIES

This Purchase and Sale Agreement is further subject to only the following contingency:

Approval of this Purchase and Sale Agreement by the Portland City Council.

5. CLOSING

The closing shall be held at City Hall, within thirty (30) days after approval of the Portland City Council, at a time agreeable to the parties.

6. BINDING EFFECT

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, administrators, successors and assigns.

7. GOVERNING LAW

This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of Maine.

8. NOTICE

Any notice required or permitted under this Agreement shall be deemed sufficient if mailed with first class postage affixed or delivered in person to:

FOR THE CITY: City of Portland
ATTN: CITY MANAGER
389 Congress Street
Portland, ME 04101

FOR BUYER: _____
_____
Portland, Maine 0410_

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on the day and year first written above.

CITY OF PORTLAND

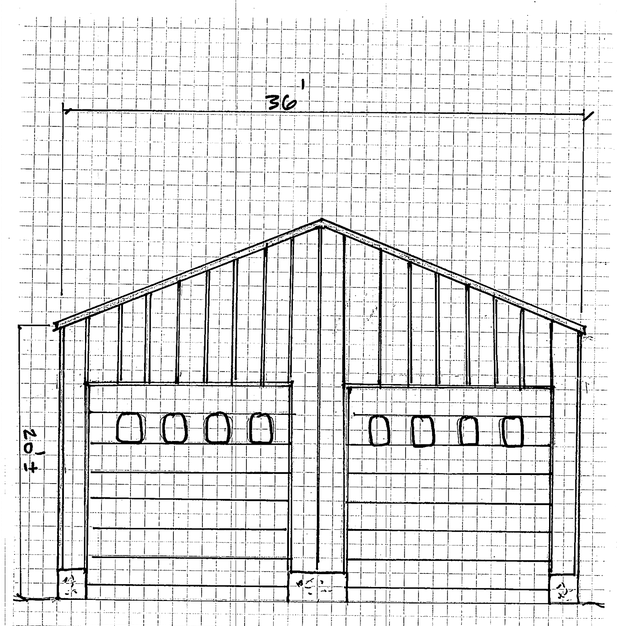
_____ _____
WITNESS Mark H. Rees
City Manager

_____ _____
WITNESS *(insert printed name)*
Buyer

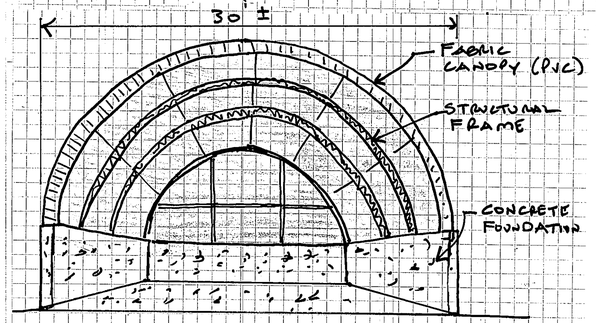
Approved as to Form: Approved as to Funds:

_____
Corporation Counsel's Office Finance Director

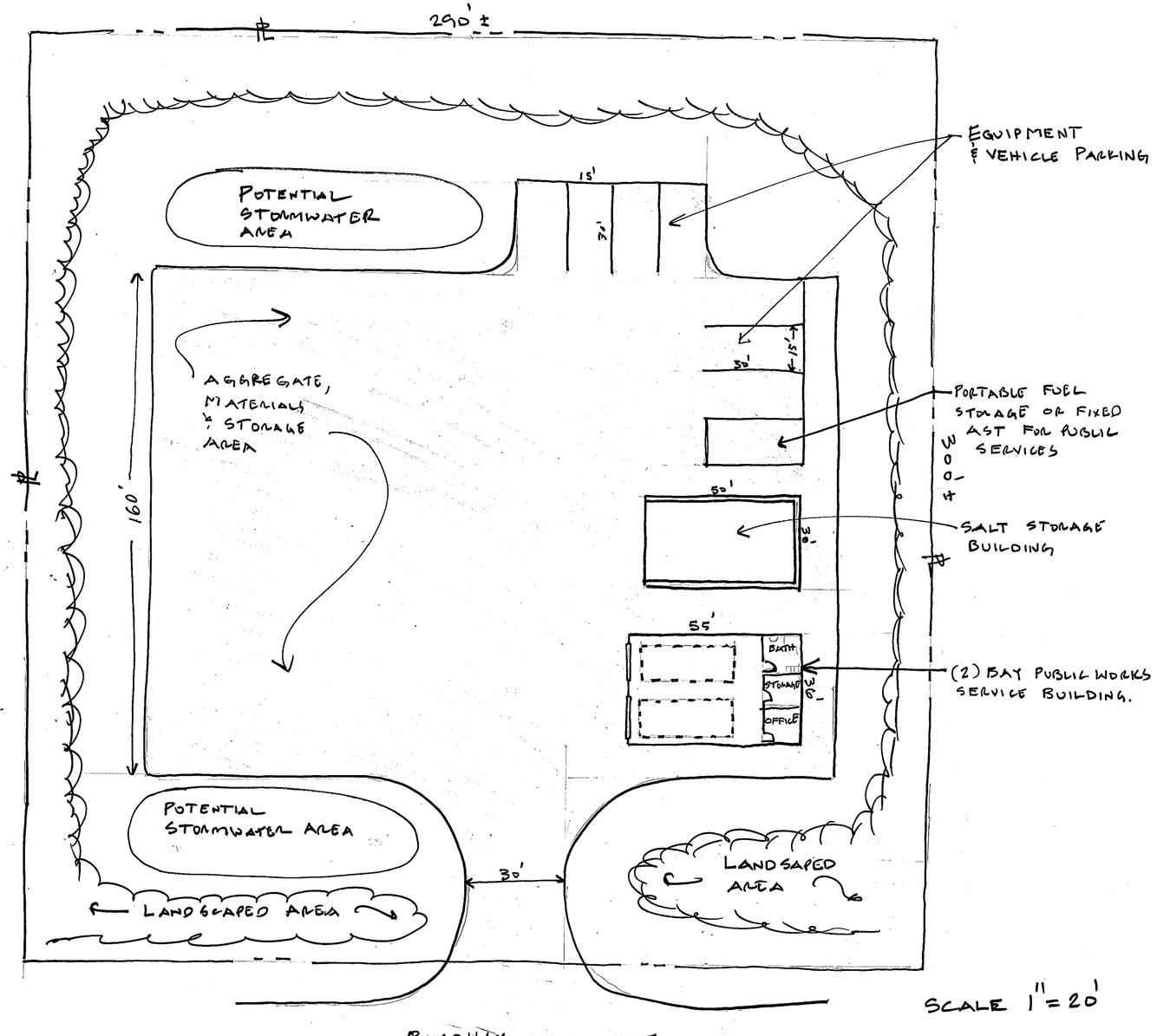
ATTACHMENT #5 TO RFP



FRONT ELEVATION - PUBLIC WORKS
NTS



FRONT ELEVATION - SALT SHED
NTS



SCALE 1" = 20'

NOT FOR CONSTRUCTION

PROGRESS PRINT

REV:	BY:	DATE:	STATUS:
A	DAM	7-24-14	CONCEPT PLAN

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.

SEBAGO TECHNICS
WWW.SEBAGOTECHNICS.COM
75 John Roberts Rd. - Suite 1A
South Portland, ME 04106
tel: 207-200-2100

250 Goddard Rd. - Suite B
Lewiston, ME 04240
tel: 207-755-5585

PROJECT NO.	FIELD BOOK	DESIGN	CHKD	DRAWN
14275				

CONCEPT PLAN
OF:
CLIFF ISLAND PUBLIC SERVICES
PORTLAND, MAINE
FOR:
CITY OF PORTLAND
55 PORTLAND STREET
PORTLAND, MAINE 04101

DATE	SCALE
07-23-14	

SHEET 1 OF 1

14275TB.dwg, TAB:Model

MUNICIPAL
QUITCLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS, THAT **CITY OF PORTLAND**, a municipal corporation with a mailing address of 389 Congress Street, Portland, Maine (the "City") for consideration paid, releases, and quitclaims without covenant, to _____ _____**,** with a mailing address of _____, Portland, ME 04____, the real property in the City of Portland, County of Cumberland, State of Maine, particularly described in EXHIBIT A attached hereto and hereby made a part hereof.

The property herein conveyed is subject to the terms, restrictions and conditions in Exhibits A, B, C and D attached hereto and hereby made a part hereof.

IN WITNESS WHEREOF, Ellen L. Sanborn, Finance Director of the City of Portland, has hereunto executed this instrument on this __ day of _____, 2013.

WITNESS

_____

CITY OF PORTLAND

By:_____
Ellen L. Sanborn, Finance Director

STATE OF MAINE
CUMBERLAND, ss. _____ ___ 2013

Personally appeared the above-named Ellen L. Sanborn, Finance Director of the City of Portland, Maine, and acknowledged the foregoing, instrument to be her free act and deed and the free act and deed of said City of Portland.

Before me,

_____
Notary Public/Attorney-at-Law, Bar #_____

_____
Print Name

Approved as to form:

_____
Corporation Counsel's Office

O:\OFFICE\LARRY\TAPC\fishermans cove cliff\Deed from City.doc

EXHIBIT A

109-F-39
16 Fisherman's Cove, Cliff Island
Liened by the City of Portland in
2008 and every year since then

A certain lot or parcel of land, with buildings thereon situated on the southeasterly side of Cliff Island in Casco Bay, in Portland, Cumberland County, Maine, bound and described as follows:

Beginning at a point in the westerly sideline of land formerly of Hannah C. Small, sixty (60) feet southeasterly from the "City Street", so-called; thence southwesterly parallel with said street, sixty-three (63) feet to land conveyed by Luch A. Small to George E. Nickerson; thence southeasterly along said Nickerson land to the seashore; thence northeasterly along said shore to land formerly of Hannah C. Small; thence northwesterly along the westerly line of land formerly of Hannah C. Small to the point of beginning; together with a right of way from the northwesterly corner of the land hereby conveyed to the "City Street" so-called, over a strip of land now or formerly of Lucy A. Small lying between lands conveyed to George E. Nickerson and Mary E. Hammond.

Also adjacent lot or parcel of land situated on the southeasterly side of Cliff Island, in Casco Bay, in Portland, Cumberland County, Maine, bounded and described as follows:

Beginning at the most northerly corner of the before described lot of land, and at a point sixty (60) feet southeasterly from the "City Street" so-called; thence northeasterly along the line of land conveyed by Hannah C. Small to Mary G. Hammond, fifty-three (53) feet to a point; thence southeasterly parallel with the northeasterly line of the before described lot of land to the seashore; thence southwesterly and southerly along the shore to the before described lot of land; thence northwesterly along the northeasterly sideline of the before described lot of land, to the point of beginning.

Subject to any encroachment that may exist now or may have existed before, caused by a wooden workshop building on the boundary of the property herein conveyed, but only to the extent that such encroachment is valid and enforceable.

Together with the buildings and improvements, including the wharf now situated on said premises, and the shore and flats abutting or appurtenant to the property herein conveyed, including all riparian rights, littoral rights and rights of fishery.

Also subject to the easement conveyed by Suzanne H. Rieth to Muriel S. Anderson by deed dated January 19, 1990 and recorded in the Cumberland County Registry of Deeds in Book 9065, Page 262.

Meaning and intending to convey, and hereby conveying, the same property as described in the tax lien certificate recorded on June 17, 2008, in the Cumberland County Registry of Deeds in Book 26133, Page 234. Title reference is made to the Affidavit of Linda McLeod dated April 11, 2014, recorded in said Registry in Book _____, Page _____.

Title reference is also made to the Personal Representative's Deed of Distribution from Bruce McAfee, Personal Representative of the Estate of Suzanne H. Rieth, (see Cumberland County Probate Docket No. 2003-141 to Holy Kessinger and Bruce Rieth, dated April 20, 2004, and recorded in said Registry in Book 21688, Page 1483.

EXHIBIT B

Residential Restrictions

1. The covenants and restrictions on the Grantee set forth herein are intended to be and shall be considered covenants which run with the real estate described in Exhibit A attached hereto and shall bind all subsequent owners of the real estate described in Exhibit A attached hereto, except to the extent provided herein, but only during the Restriction Period.

2. The covenants of the Grantee set forth herein are enforceable by City as a contract except to the extent provided herein.

3. The covenants of the Grantee set forth herein shall survive a sale, transfer, or other disposition of the Premises by the Grantee, foreclosure or transfer of title in lieu of foreclosure, or the repayment of the loan, except to the extent provided herein.

4. (a) If Premises is sold or transferred, as an owner-occupied Premises, the Premises shall remain affordable, year round island housing – i.e., affordable to a household earning 120% or less of the then U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland County, Maine.

~~3.~~ (b) If Premises is sold or ~~,~~ transferred, as non-owner-occupied Premises, the Premises shall be rented, leased or otherwise in accordance with Section 7(b) below.

~~4.~~5. The term "Restriction Period" as used herein shall mean the period beginning on the date of the deed from the City of Portland to which this Exhibit is attached, and terminating on a date twenty (20) calendar years thereafter.

~~5.~~6. The Grantee agrees to comply with these restrictions throughout the Restriction Period.

~~6.~~7. The Grantee hereby covenants and represents to City as follows:

a. The Premises shall consist of the land described in Exhibit A together with a residential building and structures and facilities functionally related and subordinated thereto; and a commercial building and structures and facilities functionally related and subordinated thereto.

b. If the residential building on the Premises is rented, leased or otherwise used by a non-owner:

i. The total housing costs including rent and utilities of tenants occupying the rent restricted unit~~s~~ in Premises as of the date of these restrictions may not increase for twelve months beginning on the date of these restrictions.

ii. The Grantee shall maintain all of the units included in the Premises rented or available for rental on a continuous basis to members of the general public throughout the Restriction Period; unless they are used by the Grantee. Rentals shall not generally be for less than six months, but with customary rights of termination.

iii. Throughout the Restriction Period, the residential unit on the Premises must be occupied by individuals or families with households at or below 120% of area median income, but subject to the terms conditions stated herein, including (b)(vi) below.

iv. Rent may not exceed 30% of the tenant's adjusted monthly gross income (also refer to Section (b)(iii) above).

~~iv.~~v. Income and area median income shall be as determined by the United States Department of Housing and Urban Premises and income limits shall be adjusted for family size.

~~v.~~vi. At least annually, City shall determine whether the income, based on the current income, of the tenants residing in the Premises exceeds the applicable income limits as described in this Section 6 (the "Determination"). The Grantee shall furnish to City such information as City shall require, including certification of occupancy and tenant income, in order to assure that the covenants set forth herein are being fully satisfied.

~~vi.~~vii. A unit occupied by a tenant who, at the commencement of occupancy, met the applicable income limitations shall continue to be treated as occupied by a qualified tenant until the tenant's income exceeds one hundred fifty percent (150%) of the area median income, adjusted for family size, at the time of the most recent Determination. After such Determination, ~~but before the next Determination, such tenant shall voluntarily or by eviction if necessary depart the Premises~~ once the tenant departs the Premises, Landlord will rent to an income eligible tenant.

~~vii.~~viii. Grantee agrees to furnish to City such information as City may require in form acceptable to City, including without limitation certifications and/or verification of occupancy and tenant income certifications to determine Grantee's compliance with the covenants set forth herein.

~~viii.~~ix. Grantee shall maintain and keep current all records concerning the Premises, including, but not limited to, records related to compliance with the covenants contained in these restrictions, until the expiration of the Restriction Period. Upon reasonable notice, City may audit and examine these records, and may inspect the buildings and grounds at the Premises.

~~ix.~~x. Grantee shall use tenant lease forms acceptable to City, or, if there are no written leases, written and signed certifications by tenants to determine whether tenants meet the applicable income limits. Such leases or certifications shall contain clauses wherein each tenant certifies as to the accuracy of statements made relating to income and agrees that family income and other eligibility requirements shall be deemed substantial and material obligations of the tenancy, that the tenant will comply with all requests for information with respect thereto from the Grantee or City, and that failure to provide accurate information or refusal to comply with a request for information shall be deemed a violation of the tenancy.

~~7.~~8. Grantee agrees that it will cause the residential portion of the Premises to be kept in reasonable repair, and shall see that all reasonably necessary repairs are made.

8. Grantee agrees that it shall pay real estate taxes, as assessed by City, on Premises. In the event that ownership of the Premises or a portion thereof becomes tax exempt, either by transfer, conversion or otherwise, an amount shall be paid annually to City, equal to the amount that would have been assessed as real estate taxes had the Premises or a portion thereof remained taxable. Grantee shall notify any party to whom it transfers any of its interest in the Premises of this requirement.

9. Grantee covenants and agrees to take such action as City deems necessary to comply with the covenants herein or to correct or cure any failure of the Grantee to comply with the covenants herein, including, without limitation, the eviction of any tenant in accordance with applicable law. In the event the Grantee fails to comply with the covenants set forth herein, and fails to cure such non-compliance within any applicable cure period, City shall be able to maintain an action in law or in equity against the Grantee to require the Grantee (through injunctive relief or specific performance) to comply with the provisions and covenants set forth

herein and to immediately cure any failure to comply with the covenants set forth herein by the Grantee.

10. Grantee shall indemnify and hold City and its agents harmless from and against any and all claims, demands, liability, loss, cost or expense (including, but not limited to attorney's fees and other costs of litigation) which may be incurred by City arising out of or in any way related to the Grantee's breach of any of its obligations under these restrictions as a result of such breach. The obligations survive the termination or expiration of these restrictions as necessary to effect its provisions.

11. Grantee covenants that if a lien for the performance of work or the furnishing of labor or materials is filed against the Property, Grantee shall cause it to be satisfied, discharged or bonded within a period of sixty (60) days after the date of filing of such lien.

12. These restrictions may be amended or modified in whole or in part only by written agreement of Grantee and City clearly expressing the intent to modify these restrictions.

13. The validity of any clause, part or provision of these restrictions shall not effect the validity of the remaining portions of thereof.

14. These restrictions shall be binding upon Grantee's respective heirs, personal representatives, executors, administrators, successors and assigns and shall inure to the benefit of and be enforceable by City, its successors, transferees and assigns.

EXHIBIT C

Commercial Restrictions

1. The purpose of these restrictions is to ensure the continued availability of vehicular and marine fuel products, which have been sold from a portion of the Premises for many years, and by doing so, to make life on Cliff Island more easily viable.

2. The covenants and restrictions on the Grantee set forth herein are intended to be and shall be considered covenants which run with the real estate described in Exhibit A attached hereto and shall bind all subsequent owners of the real estate described in Exhibit A attached hereto, except to the extent provided herein, but only during the Restriction Period.

3. The covenants of the Grantee set forth herein are enforceable by City as a contract except to the extent provided herein.

4. The covenants of the Grantee set forth herein shall survive a sale, transfer, or other disposition of the Premises by the Grantee, foreclosure or transfer of title in lieu of foreclosure, or the repayment of the loan, except to the extent provided herein.

5. The term "Restriction Period" as used herein shall mean the period beginning on the date of the deed from the City of Portland to which this Exhibit is attached, and terminating on a date twenty (20) calendar years thereafter. The City reserves the right to shorten or extend this Restriction Period.

6. The Grantee agrees to comply with these restrictions throughout the Restriction Period.

7. The Grantee hereby covenants and represents to City as follows:

   a. The Premises shall consist of the land described in Exhibit A together with a residential building and structures and facilities functionally related and subordinated thereto; and a commercial building and structures and facilities functionally related and subordinated thereto.

   b. The existing commercial portion of the Premises, including the commercial building and structures and facilities functionally related and subordinated thereto, shall continue to be used only for commercial purposes, including but not limited to the sale of petroleum based fuel for vehicles and boats.

8. Grantee shall maintain and keep current all records concerning the Premises, including, but not limited to, records related to compliance with the covenants contained in these

restrictions, until the expiration of the Restriction Period. Upon reasonable notice, City may audit and examine these records, and may inspect the buildings and grounds at the Premises.

9. Grantee agrees that it will cause the commercial portion of the Premises to be kept in reasonable repair, and shall see that all reasonably necessary repairs are made; and that the Premises are brought into compliance with applicable laws and ordinances.

10. Grantee agrees that it shall pay real estate taxes, as assessed by City, on Premises. In the event that ownership of the Premises or a portion thereof becomes tax exempt, either by transfer, conversion or otherwise, an amount shall be paid annually to City, equal to the amount that would have been assessed as real estate taxes had the Premises or a portion thereof remained taxable. Grantee shall notify any party to whom it transfers any of its interest in the Premises of this requirement.

11. Grantee shall indemnify and hold City and its agents harmless from and against any and all claims, demands, liability, loss, cost or expense (including, but not limited to attorney's fees and other costs of litigation) which may be incurred by City arising out of or in any way related to the Grantee's breach of any of its obligations under these restrictions as a result of such breach. The obligations survive the termination or expiration of these restrictions as necessary to effect its provisions.

12. Grantee covenants that if a lien for the performance of work or the furnishing of labor or materials is filed against the Property, Grantee shall cause it to be satisfied, discharged or bonded within a period of sixty (60) days after the date of filing of such lien.

13. The City shall have the right and option to purchase either (its its election) the Property, or the portion of the Property used for commercial purposes, during the later of the last full year of the Restriction Period, or the calendar year 2034. The purchase price shall be the value of of the real property, buildings, improvements and commercial fixtures related thereto, as determined by the assessor for the City of Portland. Additional terms of this option are set out in Exhibit D, attached hereto. The parties hereto hereby agree that this right and option to purchase, and the City's rights in the Property thereby created, are immediately fully vested and are hereby deemed to be fully vested in any event, not contingent, and shall, by agreement, not be subject to the Rule Against Perpetuities, or any statutory enactment thereof, or similar law.

14. These restrictions may be amended or modified in whole or in part only by written agreement of Grantee and City clearly expressing the intent to modify these restrictions.

15. The validity of any clause, part or provision of these restrictions shall not effect the validity of the remaining portions of thereof.

16. These restrictions shall be binding upon Grantee's respective heirs, personal representatives, executors, administrators, successors and assigns and shall inure to the benefit of and be enforceable by City, its successors, transferees and assigns.

EXHIBIT D

1. City, its successors or assigns, may exercise this Option only by giving written notice (hereinafter referred to as the Notice) within the Option Period, in any of the following manners: (a) by letter of City addressed and posted in the U.S. Mail by certified or registered mail, return receipt requested, addressed to the then owner of the Property (as indicated in the records of the Assessor for the City of Portland, 16 Fisherman's Cove, Cliff Island 04019, (b) by letter of any attorney-at-law purporting to act for City or for any such assignee addressed to Grantee or its successors or assigns, in the manner aforesaid. Notice shall be effective when posted in accordance with the foregoing sentence. Notice is to be accompanied by a payment to Grantee or its successors or assigns of the Earnest Money in the amount of One Thousand Dollars ($1,000.00). City shall indicate in said Notice the date, time and place for closing, which shall be held not less than ten (10) nor more than sixty (60) days after the giving of such Notice.

2. If City, its attorney, successors or assigns, exercises this Option to purchase the Premises, then in consideration of the terms, covenants and conditions contained herein, the parties mutually agree as follows:

a. Upon the giving of the above-mentioned Notice of election to purchase by City, its successors or assigns, together with the Earnest Money, Grantor shall thereby be bound to sell and City shall thereby be bound to purchase the Premises upon the terms and conditions set forth herein. Grantee or its successors or assigns shall convey the Premises by a good and sufficient warranty deed granting marketable title thereto, free and clear of all encumbrances and defects in title except for utility easements of record servicing the Premises. The closing shall be held at the date, time and place set forth in said Notice, or at such reasonable date thereafter as may be required to clear any encumbrance and defects in title, and Grantee or its successors or assigns shall then and there deliver the deed to City, its successors or assigns, upon tender of the balance of the purchase price by certified check, cashier's check, or cash. The balance to be tendered to Grantee or its successors or assigns shall be the Purchase Price, less all Earnest Money and Option Consideration.

b. If counsel for City, or its successors or assigns, shall be of the opinion, given in good faith, that the title to said Premises is defective or is otherwise not free and clear of all encumbrances or that the title is not marketable, then City, its successors or assigns, shall have the right, provided it or they shall have exercised this Option, to extend the time for conveyance of the Premises, during which time Grantee or its successors or assigns shall make every effort to remove such defects at its own expense, to the satisfaction of counsel of City, its successors or assigns. If record title proves defective and Grantee or its successors or assigns shall fail to remove such defect within a reasonable time after notice from City of the nature of the defect, City may, at its election, (a) cure any such defect and deduct the cost thereof from the Purchase Price at closing, or

(b) elect to close notwithstanding any such defect, or (c) terminate this Option by written notice to Grantee or its successors or assigns, whereupon all Earnest Money and Option Consideration paid by City to Grantee or its successors or assigns shall immediately be returned to City and thereafter the parties shall be relieved of all obligations.

c. If all obligations of this agreement have been performed, excepting that City does not complete the purchase, Grantee or its successors or assigns shall retain the Earnest Money as full liquidated damages, and without recourse to any other remedies.

d. Grantee or its successors or assigns hereby agrees that the description in the warranty deed to be delivered at closing shall, at the option of City, utilize a description determined by City's survey of the Premises.

e. Full possession of the Premises, free of all encumbrances except as aforesaid, is to be delivered to City at closing, with the Premises to be in the reasonably functional condition, reasonable wear and tear excepted.

f. Real estate taxes shall be prorated as of the time of the passing of title. Real estate transfer taxes, if any, arising in connection with the conveyance of the Premises shall be paid by City and/or Grantee or its successors or assigns in accordance with the custom of the locality where the Premises are situated.

Mary Davis
Division Director, Housing & Community Development Division

AGENDA ITEM #3

TO: Councilor Donoghue, Chair
Members of the Housing and Community Development Committee

FROM: Mary Davis, Division Director
Housing and Community Development Division

DATE: August 22, 2014

SUBJECT: 2014-2015 Housing Trust Fund Annual Plan

I. SUMMARY OF ISSUE

Review and recommendation to the City Council of the 2014-2015 Housing Trust Fund Annual Plan.

II. REASON FOR SUBMISSION

The Housing Trust fund is established by Section 14-489 of the City's Code of Ordinances. Section 14-489 (e) states that "the city council shall adopt a housing trust fund annual plan" and that the "housing committee of the city council or such other committee as the council shall designate shall conduct public hearings on the recommended plan and refer the matter to the council for action."

III. INTENDED RESULT

The Annual Plan will establish the priorities in which the current balance of the Housing Trust Fund will be allocated.

IV. COMMITTEE GOAL/COUNCIL GOAL ADDRESSED

Promote Housing Availability – Provide increased availability in all segments of the housing market while insuring that there is a suitable balance of housing opportunities among those sectors.

V. FINANCIAL IMPACT

This budget is based on the current balance in the Housing Trust Fund. These funds were generated primarily through fees generated by the Housing Replacement Ordinance.

Revenue:	
Maine Medical Center 2002-2003:	$315,580
Sportsman's Grill 2002:	$40,000
Berlin City Auto 2009:	$116,000
Stop n Shop 2010:	$289,250
Rockbridge/Eastland Park 2012:	$42,500
Riverwalk/Ocean Gateway 2012:	$250,000
118 Congress Street 2014	$3,500
Sub-Total:	$1,056,830
Interest Accrued:	$51,556
Total Revenue Generated through August 21, 2014:	$1,108,386
Expenditures:	
Avesta Oak Street Lofts 2011	$380,585
Housing First Pre-Development RFP	$75,000
Balance as of August 21, 2014	$652,801

V. STAFF ANALYSIS AND RECOMMENDATION

City Ordinance requires that the Housing Trust Fund Annual Plan include a description of the programs to be funded, a budget for each program and identify how the funds will be distributed among very-low (at or below 50% of the area median income), low (at or below 80% of the area median income) and moderate income (at or below 120% of the area median income) households.

The Housing Trust Fund is a valuable tool that can assist the City in meeting the goal of providing increased availability in all segments of the housing market. While the City has other resources such as the HUD HOME and CDBG Programs, those funds are limited in amount and scope. The Council approved budget for FY 2014-2015 included $391,709 in HOME funding for affordable housing development and $150,000 in CDBG housing program income for housing rehabilitation. The HOME program restricts rental housing assistance to households at or below 60% of the area median income and home ownership assistance to households at or below 80% of the area median income. The CDBG program is restricted to households at or below 80% of the area median income. City Ordinance allows the Housing Trust Fund to assist households at or below 120% of area median income.

Funds can be used for the acquisition, construction or substantial rehabilitation of affordable rental units, cooperative units and homeownership units. Affordability restrictions are required. In the case of rental or cooperative units, the units must remain affordable for the life of the housing unit which is presumed to be a minimum of thirty (30) years. For homeownership units must include resale restrictions that maintain an "equitable balance" between the interests of the owner and the City. These restrictions must be documented and recorded in the Cumberland County Registry of Deeds.

Staff Recommendation:

For FY 2014-2015, Housing Trust Fund should be focused on opportunities where other funding sources do not work or are not effective. Housing Trust Fund investment should be focused on projects designed to create workforce housing targeted to households earning 80% to 100% of the area median income and rental housing projects targeted to very-low income households (at or below 50% of the area median income).

Until additional sources of funding for the Housing Trust Fund are identified, the City should act prudently when deciding to invest the funds currently available.

Staff is requesting committee approval and recommendation to the City Council of the proposed 2014-2015 Housing Trust Fund Annual Plan.

Attachments:
Copy of Chapter 14, Division 31, Sec. 14-489 of the City Code of Ordinances.

any bonus received pursuant to this subsection, may not exceed the maximum height recommended for the location of the project pursuant to a height study that has been adopted as part of the city's comprehensive plan.

(Ord. No. 98-06/07, 12-4-06; Ord No. 240-09/10, 6-21-10)

DIVISION 31. HOUSING TRUST FUND

Sec. 14-489. Housing trust fund.

(a) *Purpose.* The purpose of enacting this section is:

1. To establish a City of Portland housing trust fund for the promotion, retention and cration of an adequate supply of housing, particularly affordable housing, for all economic groups and to limit the net loss of housing units in the City.

2. To serve as a vehicle for addressing very low, low, and median income housing needs through a combination of funds as set out in section 14-483 of this chapter.

(b) *Definitions.*

Very low income household. A household having an income not exceeding fifty (50%) percent of median income for area of residence as set forth in regulations promulgaged from time to time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. section 1437 et seq.

Low income household. A household having an income not exceeding eighty (80%) percent of median income for area of residence as set forth in regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. sections 1437 et seq.

Moderate income household. A household having an income not exceeding one hundred twenty (120%) percent of median income for area of residence as set forth in regulations promulgated from time to time by the United Sates Department of Housing and Urban Development pursuant to 42 U.S.C. sections 1437 et seq.

(c) *Establishment of the housing trust fund.* The city council shall establish a special revenue account under the name

"City of Portland Housing Trust Fund." Deposits into the fund shall include:

1. Contributions from the city's housing replacement ordinance under 14-483(i);

2. Funds appropriated to be deposited into the fund by vote of the city council;

3. Voluntary contributions of money or other liquid assets to the fund;

4. Any federal, state or private grant or loan funds provided to the fund:

5. Interest from fund deposits and investments; and

6. Repayments of loans made from the fund.

(d) *Management of the trust fund.* The city manager, or his or her designee, shall serve as the manager of the housing trust fund. The responsibilities of the manager, subject to the orders of the city council, shall include:

1. Maintaining the financial and other records of the housing trust fund;

2. Disbursing and collecting housing trust fund monies in accordance with the housing trust fund annual plan; and

3. Monitoring the use of monies distributed to successful applicants for housing trust fund support to assure on-going compliance with the purposes of the fund and the conditions under which these monies were granted or loaned.

(e) *Housing trust fund annual plan.* Each fiscal year, the city council shall adopt a housing trust fund annual plan. The city manager shall submit to the city council a recommended housing trust fund annual plan, utilizing the revenues of the housing trust fund as well as any other funds the manager may propose as appropriate. The housing committee of the city council or such other committee as the council shall designate shall conduct public hearings on the recommended plan and refer the matter to the council for action.

The housing trust fund annual plan shall include:

1. A description of all programs to be funded in part or in full by the housing trust fund;

2. A description of how funds from the housing trust fund will be distributed among very-low-income, low-income and moderate income households; and

3. The amount of funds budgeted for programs funded in part or in full from the housing trust fund.

Priority for the expenditure of funds collected pursuant to the housing replacement ordinance (see Sec. 14-483) shall be given to the creation of new housing stock, through either new construction or conversion of non-residential buildings to residential use.

(f) *Distribution and use of the housing trust fund's assets.*

1. All distribution of principal, interest or other assets of the housing trust fund shall be made in furtherance of the public purposes set out in section 14-483.

2. During each year, the housing trust fund shall disburse as grants or loans so much of the housing trust fund's assets as the city council in its discretion has approved in the housing trust fund annual plan.

3. Funds shall not be used for city administrative expenses.

4. Funds shall not be used for property operating expenses or supporting services.

5. No grants or loans shall be awarded by the housing trust fund to corporations, partnerships or individuals who are delinquent, at the time of application in the payment of property taxes or other fees to the city of Portland, who Have been convicted of arson, who have been convicted of discrimination in the sale or lease

of housing under the fair housing laws of the State of Maine, or who have pending violations of current city electrical, plumbing building or housing codes or zoning ordinances.

(g) *Term of affordability.*

1. Whenever funds from the housing trust fund are used for the acquisition, construction or substantial rehabilitation of an affordable rental or cooperative unit, the City of Portland shall impose enforceable requirements on the owner of the housing unit that the unit remain affordable for the remaining life of the housing unit, assuming good faith efforts by the owner to maintain the housing unit and rehabilitate it as necessary. The remaining life of the housing unit shall be presumed to be a minimum of thirty (30) years.

2. Whenever funs from the housing trust fund are used for the acquisition, construction or substantial rehabilitation of ownership housing, the city of Portland shall impose enforceable resale restrictions on the owner to keep the housing unit affordable for the longest feasible time, while maintaining and equitable balance between the interests of the owner and the interests of the city of Portland.

3. The affordability restriction requirements described in this section shall run with the land and the city of Portland shall develop appropriate procedures and documentation to enforce these requirements and shall record such documentation in the Cumberland County Registry of Deeds.

(Ord. No. 281-09/10, 7-19-10)

Sec. 14-490. Reserved.

ARTICLE IV. SUBDIVISIONS*

***Cross reference(s)**--Ordinances dedicating or accepting any plat or subdivision in the city saved from repeal, § 1-4(h).

State law reference(s)--Land subdivisions, 30-A M.R.S.A. § 4403.

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Planning & Urban Development Department

MEMORANDUM

TO: Kevin J. Donoghue, Chair and Members of the Housing & Community Development Committee

FROM: Christine Grimando, Senior Planner

DATE: August 22, 2014

SUBJECT: Proposed Work Plan for the Reed School

The Planning Division has been asked to begin the process of exploring the Reed School property for re-use. Originally a school, and more recently the central kitchen for the Portland Public Schools, until that function was transferred to a new central kitchen on Waldron Way in 2013. It currently is used for limited storage, and is largely vacant and underutilized. Staff is proposing the creation of a citizen's Task Force, a draft Work Plan, and initial thoughts on possible uses of the property, each for HCDC feedback and direction.

Reed School Context

The Reed School has frontage on both Homestead Avenue and Libby Street, in the Riverton neighborhood. The total property area is approximately 2.5 acres. The original building was constructed in 1926, with a one story addition added in 1950, and a metal service and storage addition from 1981. Total square footage of the buildings is 33,692 square feet.

Reed School from Homestead Avenue

Reed School from Libby Street

The property is zoned R-3. The purpose of the R-3 zone is**:** *To provide for medium-density residential development characterized by single-family homes on individual lots and also to provide for planned residential unit developments on substantially sized parcels. Such development shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood.* Non-residential uses are limited to Parks, Home Occupations, and Municipal. A short list of conditional uses are allowed, such as hospitals, schools, and daycare centers.

A summary of dimensional standards for the R-3 zone follows:

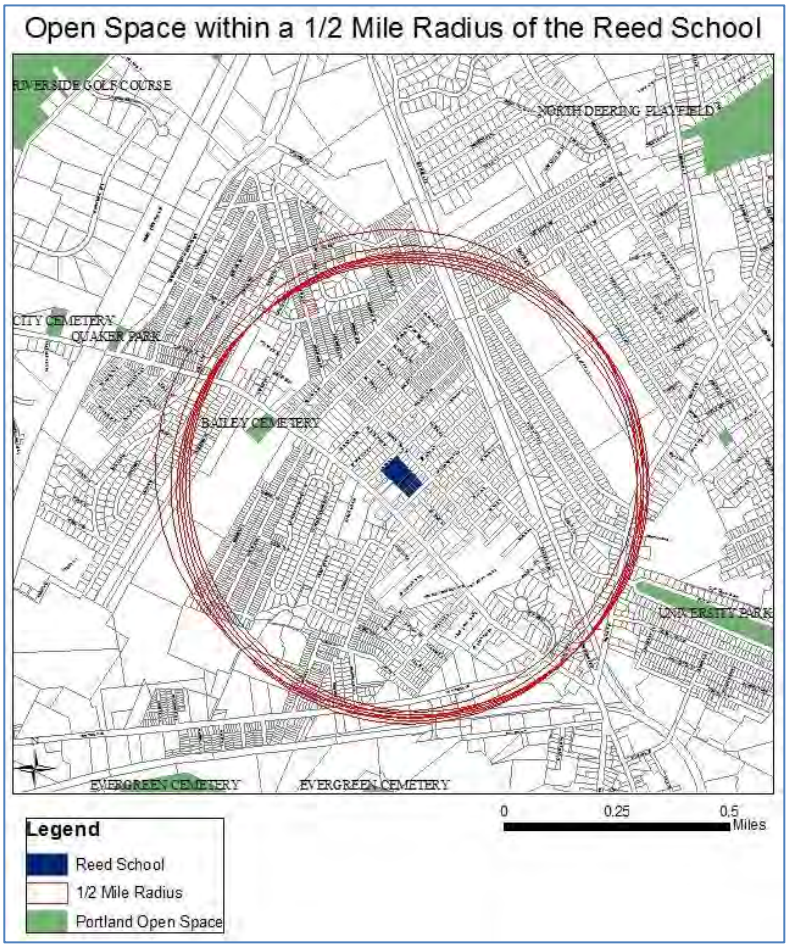
R-3 Zone Dimensional Standards	
Minimum Lot Size examples:	
Residential	6,500 sf
PRUD	3 acres
School	2 acres
Hospital	10 acres
Minimum Frontage	50 feet
Front Yard Setback	25 feet or avg. depth of adjacent properties
Rear Yard Setback	25 feet
Side Yard Setback	8-16, variable by height of structure
Rear and Side Yard Setbacks - Accessory Structures	5 feet
Maximum Lot Coverage	35%
Minimum Lot Width	65 feet
Maximum Structure Height	35 feet

The immediately adjacent neighborhood is predominantly comprised of single family homes, including the stretch of Forest Avenue to the property's west.

Potential Reuse of the Site

Planning staff visited the site and toured the interior in early June and found a striking building, both in the original 1920's structure and the 1950s addition. It appears to be structurally sound and warranting a conditions assessment, as well as thoughtful consideration of its reuse. Another striking element of the property was the open space on the campus in an area lacking parks for public recreation. A quick glance at the City's open space data shows no public parks within a half mile of the site, with a small cemetery being the only City-owned green space in that radius.

Though the R-3 zone is restrictive in its allowed uses and dimensional standards, the site would lend itself nicely to adaptive reuse in what is an already established neighborhood context. It's easy to imagine it being re-purposed for housing. It also offers the possibility of a tangible benefit to the neighborhood in terms of a possible park being designated for what is existing, though underused and neglected, open space.



The Reed School site offers the opportunity to provide both workforce housing and functional, accessible open space in this neighborhood. Earlier this month, at a press conference announcing collaboration with The Trust for Public Land and Portland Trails to plan for the City's open spaces, Mayor Brennan referenced the need to consider affordable housing as an appropriate use of city owned land in some cases. The City Council Common Goals and Objectives for 2014 also calls for an assessment of city owned property for affordable housing opportunities as one of several objectives towards fulfilling the goal of promoting housing availability. A workforce housing initiative is one in which housing – to rent or to purchase – could be made available to a household earning up to 120% of median household income for the Portland MSA. It does not Workforce Housing at the Reed School property would put new housing costs in the range of what much of housing in the Riverton area is today, but it would stabilize that project as moderate income housing in perpetuity, regardless of fluctuations in the housing market, or increases in overall housing costs in that area as Portland grows. Should the Reed School site be considered for workforce housing, this does not imply a project with very high residential density – the appropriate density for the site would be determined in conjunction with the Task Force and the surrounding neighborhood. Such a repurposing of the property is one example of a creative way to diversify the city's housing supply, retain the community assets of the existing building and campus, and put existing city property to use with tangible public benefits. Whether the existing building is developed for market rate, affordable, workforce, or some inclusionary combination of these housing possibilities, or even some other use altogether, the future use and configuration of the property are best served by a public process involving a Task Force, HCDC input, and staff guidance.

Task Force Creation & Charge
The former Nathan Clifford School was approved for conversion to market rate rental apartments, after a Task Force was formed in late 2012 to conduct a public process and make recommendations on re-use of the site. We view the Nathan Clifford process as a successful initiative and plan to employ a comparable model for public engagement and for formulating recommendations for how the property might best be adapted in the future. This is also an opportunity to add to that process the exploration of repurposing the Reed School as a permanently income-restricted workforce housing initiative.

Planning staff would like to recommend to the Council that a Reed School Re-Use Advisory Task Force be formed with the charge to: report potential uses of the property; develop criteria for making final recommendations on the preferred uses of the property; recommend a process to review proposals for re-use of the property; and report their findings to the City Council's Housing and Community Development Committee within six months of Task Force inception. The process would be staffed by the Planning Division.

The following names are recommended for inclusion on the Task Force:

- District 5 Councilor, Chair
- HCDC Committee Liaison Designee
- Portland Planning Board Designee
- Riverton Community Association Designees (2)
- Portland Trails Designee
- Workforce Housing Designee
- Portland Society for Architecture Designee
- Greater Portland Landmarks Designee
- GPCOG Designee

Task Force Work Plan
The following is a proposed work flow for the proposed Task Force. The work plan stops at final recommendations and does not include an implementation schedule for a subsequent RFQ/RFP issuance, which would be presented to the Committee at a later date. Total time frame from first Task Force meeting to presentation of Final Recommendations of prioritized uses for the site is anticipated to be 3-4 months.

<u>Task Force Work Plan</u>

1. Task Force Inaugural Meeting *(Meeting 1)*
    - Introductions and Charge
    - Site Visit to Reed School &
    - Debrief at City Hall
    - 1st Thoughts on opportunities, issues, uses.
    - Review Work Plan and Meeting Schedule

2. Public Meeting *(Meeting 2)*
    - Site Summary

- Public Input on opportunities, issues, uses.

3. Creation of a Prioritized list of Uses
    - Drafted by Drafting Subcommittee, reviewed/edited/commented on by Task Force

4. Draft Report
    - Circulate to Task Force for comments.

5. Public Presentation of Draft Report *(Meeting 3)*
    - Incorporate comments into final report.

6. Task Force vote on forwarding of report to HCDC and City Council *(Meeting 4)*

7. Presentation of Report to HCDC.

8. Recommendation to City Council on Task Force findings and Final report.

Action Requested:
The HCDC is requested to provide direction on the proposal to form a Task Force for re-purposing of the Reed School property, including feedback on the composition of the Task Force and any policy priorities the Committee would like to see incorporated into this initiative.

Attachments:
- Draft communication to the City Council
- Draft charge to Reed School Re-Use Task force and list of Task Force Members
- July 8th letter re: Reed School closing and transfer from Portland Public Schools to City of Portland

Portland, Maine Yes. Life's good here.

Alex Jaegerman, FAICP
Division Director, Planning Division

MEMORANDUM
City Council Agenda Item

TO: City Council

FROM: Alexander Jaegerman, Planning Division Director

DATE: Date, 2014

DISTRIBUTION: **(**City Manager, Mayor, Sonia Bean, Danielle West-Chuhta , Nancy English)

SUBJECT: Communication Re: Appointment of Reed School Re-Use Task Force

SPONSOR: Mayor Michael Brennan and Councilor Kevin Donoghue

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st reading_____N/A_____ Final Action_____No Action Required_____

Can action be taken at a later date: __X__ Yes _____ No (If no why not?)

PRESENTATION:
None required (Alex Jaegerman will be available to answer questions from City Council).

I. SUMMARY OF ISSUE

The Planning Division has been asked to begin the process of exploring the Reed School property for re-use. The Reed School sits on approximately 2.5 acres on Homestead Avenue in the Riverton neighborhood. Originally a school, it was more recently the central kitchen for the Portland Public Schools. It currently is used for limited storage, and is largely vacant and underutilized. Staff proposed the creation of a citizen's Task Force to the Housing and Community Development Committee, and to Mayor Brennan, to report potential and priority uses of the property and recommend a process to review proposals for re-use of the property.

II. REASON FOR SUBMISSION

To communicate these recent Mayoral appointments to the Council and keep the council informed of this planning initiative.

DRAFT

III. INTENDED RESULT

The Council will receive a report on the Task Force's findings, with recommendations for best uses of the property, as well as recommendations for the proposal review process that would follow.

IV. COUNCIL GOAL ADDRESSED

Though the Task Force will make final recommendations on the future uses of this property, it is staff's initial assessment that the site and the buildings have the potential to be repurposed for housing. A goal listed in the Goals of the City Council Common Goals and Objectives for 2014 is to *Promote Housing Availability: Provide increased availability in all segments of the housing market while insuring that there is a suitable balance of housing opportunities among those sectors.* The first objective of that goal is to *Complete assessment of and, as appropriate, begin to offer city owned property to construct affordable housing.*

V. FINANCIAL IMPACT

The process would be staffed by the Planning Division, and the work of the Task Force would require no additional funding. The potential re-use of an underutilized city property offers positive financial benefits for the city in the future.

VI. STAFF ANALYSIS

The Planning Division looks forward to working closely with the Task Force on this process, and of furthering the goal of repurposing the Reed School property. Additionally, this project has the support of the Housing and Community Development Committee.

VII. RECOMMENDATION

None.

VIII. LIST ATTACHMENTS

Charge to Reed School Re-Use Task force and list of Task Force Members

Prepared by:

_____ _____

Signature Date

DRAFT

Reed School Re-Use Task Force Charge

The Reed School Re-Use Advisory Task Force was established to:

- Report potential uses of the property;
- Develop criteria for making final recommendations on the preferred uses of the property;
- Recommend a process to review proposals for re-use of the property; and
- Report findings to the City Council's Housing and Community Development Committee within six months of Task Force inception.

The process would be staffed by the Planning Division.

Reed School Re-Use Task Force Members

District 5 Councilor, Chair
HCDC Committee Liaison Designee
Portland Planning Board Designee
Riverton Community Association Designees (2)
Portland Trails Designee
Workforce Housing Designee
Portland Society for Architecture Designee
Greater Portland Landmarks Designee
GPCOG Designee
Denise Harlow, State Representative, District #116

DRAFT

Portland Public Schools
Learning to Succeed

Administration
Emmanuel Caulk, Superintendent
David Galin, Chief Academic Officer
Michael Wilson, Chief Financial Officer
Peter Eglinton, Chief Operations Officer

196 Allen Avenue, Portland, Maine 04103
(207) 874-8100

July 8, 2014

Mr. Mark Rees
City Manager
City Hall
389 Congress St
Portland, ME 04101

Dear Mark:

The Portland Board of Public Education voted unanimously on June 24, 2014, to authorize the Superintendent to take all steps necessary to implement the closing of the former Reed School and the transfer of control of the property to the city, including notifying the City Manager and City Council. The facility is a 33,692 square foot structure located on 2.5 acres accessed from Homestead Avenue, and was most recently used as a Central Kitchen and warehouse. Because the building does not currently operate as a school, state approval of the facility closure and transfer is not required.

Accordingly, Portland Public Schools can transfer control of the property to the City of Portland. Please let me know if additional steps are required to complete the transfer. Note that later this summer we plan to sell a few remaining pieces of kitchen equipment and relocate stored district materials to other suitable facilities. We would appreciate continued access to the building until our moves are complete. Otherwise, the city can take control of the property effective immediately.

Sincerely,

Emmanuel Caulk
Superintendent
Portland Public Schools

Portland, Maine Yes. Life's good here.

Planning & Urban Development Department

MEMORANDUM

TO: Councilor Donoghue, Chair
Members of the Housing and Community Development Committee

FROM: Christine Grimando, Senior Planner

DATE: August 22, 2014

SUBJECT: R-6 Text Amendments Update

Consistent with the City Council Common Goals and Objectives for 2014, which calls for revisions to several zones to allow for greater housing opportunities, Planning staff has undertaken draft changes to the R-6 zone. This subject was last discussed at your April 9, 2014 meeting. Since that time, Planning staff has met with eight peninsula neighborhood organizations to present the changes being considered and to solicit feedback. In the coming month we will be preparing a new, complete draft amendment incorporating some of the feedback received to date. An attached summary sheet of the dimensional changes being considered has been distributed to each neighborhood organization, and has been placed on a project website (http://www.portlandmaine.gov/1260/Amendments-to-the-R-6-Zone).

Much of the response to date has been positive, and appreciative of how these changes strive to respect historic neighborhood building patterns, as well as how they will provide increased flexibility for property owners. Not all feedback has been positive, however. As we take stock of the concerns we've heard, there are a few recurrent themes to emerge from these past few months of outreach.

The recurrent topics of concern with the proposed changes are:

- That five foot minimum side setbacks combined with a 45 foot height limit will create light and air impacts for adjacent properties.

- That allowing higher densities in residential zones will hasten a loss of larger housing units, whether single family homes or multi-bedroom apartments to 1-bedrooms and efficiencies. There is an existing zoning provision that speaks to this concern, placing size limits on the conversion of existing buildings into additional dwelling units.

- That the proposed parking exemption for the first three units will have negative impacts on the livability of the impacted neighborhoods.

  This has been by far the most contentious aspect of the proposed changes. It should be noted there has been some genuine support for this proposal, but more outright

opposition. A portion of the people we've met with were skeptical but constructively engaged with the topic, offering possible alternatives such as allowing this exemption for small developments/small parcels only, or requiring that one parking space be mandatory, and the next three exempted to insure that a driveway, and other informal uses of that space for off-street parking, were made possible.

Any input you have to offer on these topics would be appreciated before we craft the amendment that will be submitted to the Planning Board and City Council for review.

Proposed R-6 Amendments to Dimensional Requirements		
Residential Dimensional Requirements	***Existing***	***Proposed***
Lot Size	4,500 sf	2,500 sf
Min. Lot Area/Dwelling Unit	1,000-1,200 sf	725 sf
Lot Area/Lodging House Rooming Unit	250 s.f	250 s.f
Street Frontage	40 feet	30 feet
Front Yard Setback	10 feet, or no more than average depths of adjacent front yards	5 feet, or no more than average depths of adjacent front yards
Rear Yard Setback	20 feet	10 feet
Side Yard Setback	10-15 feet, variable by height	5 feet
Side Yard on Side Street	10 feet	0 feet
Maximum Lot Coverage	40-50%, variable by # of dwelling units/lot	60%
Minimum Lot Width	40 feet	30 feet
Maximum Height	45 feet	45 feet
Landscaped Open Space	20-30%, variable by # of dwelling units/lot	20%
Parking	1 space/unit	1 space/unit, except none requried for first 3 units

Mary Davis
Division Director, Housing & Community Development Division

AGENDA ITEM #6

TO: Councilor Donoghue, Chair
Members of the Housing and Community Development Committee

FROM: Mary Davis, Division Director
Housing and Community Development Division

DATE: August 22, 2014

SUBJECT: Update Regarding the Proposed Sale and Development of 65 Munjoy Street (former Adam's School Parking Lot)

SUMMARY

Since the last update to the committee in April, City staff has engaged the services of Credere Associates, an environmental services consultant for the City, to conduct a Phase I and Phase II Environmental Site Assessment for the parking lot located at 65 Munjoy Street. Attached for your review is a copy of the Phase I Executive Summary and the Conclusions and Recommendations from the Phase II Report.

Additionally, the City contracted with Bluestone Planning Group to prepare a site analysis and massing diagram of an affordable housing development. The analysis is underway and we expect to have the completed results in the next few weeks. The analysis will include an evaluation of shadow impacts on the neighboring playground and greenspace and will show building and parking locations, access, setbacks and a site plan for the proposed development. Additionally the consultant will prepare a pro-forma indicating what financial gaps emerge as a result of the proposed design, footprint and affordability standards.

COMMITTEE GOAL/COUNCIL GOAL ADDRESSED

Provide increased availability in all segments of the housing market while insuring that there is a suitable balance of housing opportunities among those sectors.

FINANCIAL IMPACT

The expense of the environmental assessment and the site analysis/feasibility study were funded with CDBG administration funds. Funds made available in the future through an RFP process will be from either the FY 2014-2015 HUD HOME funds set aside for affordable housing or the Housing Trust Fund.

STAFF RECOMMENDATION

The Environmental Site Assessment completed by Credere Associates indicates three recognized environmental conditions (RECs):

(1) Documented petroleum contamination
(2) Documented impacts to surface soil from the historical industrial use on the adjoining property
(3) Inconclusive observation of surficial staining at the site

Credere Associates recommends the following actions:

(1) Update the Adams School VRAP Application to include the Site
(2) Revise the Adams School VRAP work plan to incorporate the Site and associated data as well as outline the methods to appropriately address the identified contamination
(3) Appropriately manage soils during future development of the Site

Next Steps:

(1) After a discussion with Credere Associates, staff is recommending that the proposed RFP be revised, with assistance from Credere Associates, to require that the developer to incorporate the remediation actions into their development plan. If the future developer is a non-profit organization, they may be eligible for Brownfields funding to assist with the clean-up of the site. In addition, staff is recommending that we seek Credere Associates assistance in contacting the DEP to begin the process of updating the VRAP application and revising the VRAP work plan.
(2) Staff will provide the committee with the site analysis/feasibility study in September.
(3) Staff will submit a revised draft RFP that incorporates the appropriate language for the environmental remediation along with recommendations from the site analysis/feasibility study.

Staff is seeking comments and direction. No action by the committee is requested at this time.

ATTACHMENTS
Phase I Environmental Assessment Report Executive Summary
Phase II Conclusions and Recommendations

EXECUTIVE SUMMARY

Credere Associates, LLC (Credere) has performed a Phase I Environmental Site Assessment (ESA) of the Adams School Parking Lot parcel located at 65 Munjoy Street in the City of Portland, Cumberland County, Maine (the Site). This Phase I ESA was completed in conformance with the ASTM International (ASTM) Standard Practice E 1527-13 for Phase I ESAs, which meets the requirements of the U.S. Environmental Protection Agency (EPA) Standards and Practices for All Appropriate Inquiries (AAI); Final Rule (40 CFR Part 312).

Credere was retained by the City of Portland to prepare this Phase I ESA for the purpose of identifying recognized environmental conditions (RECs) as defined by the ASTM E 1527-13 standard that may impact the Site's environmental condition.

The 0.15 acre Site is a paved parking lot with a perimeter chain link fence. According to signs on the fence, the lot is a designated snow ban parking lot. The Site is currently being used for construction staging associated with nearby water main replacement work. A temporary diesel aboveground storage tank (AST) within a steel storage container, new and old water pipes, stockpiles of fill material, and other debris are currently stored on the Site. The condition of the AST could not be observed due to lack of access to the container. No staining was observed near the ASTs pump nozzle or the container's door; however, tears in the steel walls of the container may provide unrestricted flow of a release within the container to the environment. In addition, minor staining was observed in two locations at the Site. One staining location is likely associated with the current staging of construction equipment, and the second is suspected to be associated with vehicle maintenance by individuals in the parking lot.

According to historical sources, Munjoy Street was present in 1851; however, the Site was undeveloped. By 1871, the southeast adjoining property was occupied by the Burgess & Forbes White Lead Manufacturing Company, and by 1885 had become the Burgess, Forbes & Company Paint Factory. The Site was originally developed with a stable prior to 1885, likely related to the adjoining factory.

By 1949, the Site had been developed with two rows of residential apartments. The apartments extended southwest to northeast through the block to Beckett Street, which at the time extended through the former location of the Adams School. Use of the Site and surrounding area between 1909 and 1949 is unknown as historical sources for the Site during this time are poor and unreliable. The apartments were removed between 1949 and 1957, and the Mirada Adams School was constructed adjoining the Site to the northeast in 1958. The Site has been used as a parking lot since that time.

In 1992, subsurface soil and groundwater petroleum contamination was encountered during and offsite removal/replacement of a fuel oil underground storage tank (UST) adjacent to the northwest corner of the Site. Impacted soil and groundwater was reportedly removed. In 2009, S.W. Cole (SWC) conducted an environmental investigation at the Site associated with the assessment and remediation of the adjoining Adams School property. SWC obtained photoionization detector (PID) readings of 828 parts per million (ppm) and analytical results for diesel range organics (DRO) as high as 5,700 ppm at the Site downgradient of the previously

removed/replaced UST. In 2010, SWC identified this contamination as a REC. No additional investigation or remediation was conducted at the Site during any of the later activities at the Adams School.

In 2011, Credere conducted a Phase II investigation of the Adams School property, but excluded the Site. Polycyclic aromatic hydrocarbons (PAHs), arsenic, and lead were detected by Credere in surface soil adjoining the Site to the northeast. Although SWC's prior data indicated arsenic and lead concentrations below the MEDEP Remedial Action Guidelines (RAGs) in the southern portion of the Site, based on the adjoining nature of the parcels, similar contamination is likely beneath the asphalt in some portions of the Site. In 2011, Credere oversaw the removal of the replacement UST at the adjoining Adams School and no additional soil or groundwater impacts were encountered compared to what SWC had previously identified.

Based on review of historical sources, environmental databases, interviews, User provided information, Site reconnaissance, and judgment by the Environmental Professional; the following RECs were identified:

- REC #1 – Documented petroleum contamination at the Site
- REC #2 – Documented impacts to surface soil from historical industrial use on the adjoining property
- REC #3 – Observed surficial staining at the Site

The following historical REC (HREC), which is defined as a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls, was identified:

- HREC 1 – Soil and groundwater impacts from former USTs adjacent to the Site

The following other environmental findings do not meet the definition of a REC, historical REC (HREC), controlled REC (CREC), or *de minimis* condition (DMC) as defined by the ASTM E 1527-13 standard; however, warrant the opinion of the environmental professional.

- Environmental Finding #1 – Temporary onsite diesel AST

Based on the RECs, HREC, and environmental finding identified during this Phase I ESA, Credere recommends the following:

- A Phase II investigation to assess the RECs identified in this Phase I ESA
- Attempt to ascertain the use of the Site and surrounding area between 1909 and 1949. If additional information cannot be obtained, other historical uses should be considered when preparing the Phase II sampling plan
- The interior of the storage container be entered to examine the diesel AST's condition

8. CONCLUSIONS

The Phase II ESA activities have successfully met the objectives outlined in **Section 3**, and conclusions on the assessment of the RECs identified in Credere's July 2014 Phase I ESA are provided below:

Assessment of REC #1 - Documented petroleum contamination at the Site: CONFIRMED

Petroleum contamination at the Site identified in the SWC 2009 Phase II investigation and identified as a REC in Credere's July 2014 Phase I ESA was confirmed during this Phase II ESA. The EPH petroleum fraction C11-C22 aromatics range was detected at concentrations exceeding the Maine DEP residential RAG in the two 5 to 7 foot bgs soil samples collected from boring location CA-SB-1 and CA-SB-2. Field screening results from these two borings ranged from 145 to 211 ppm_v at depths consistent with the water table (approximately 5 to 7 feet), and a minor sheen and a weathered petroleum odor was also observed.

Soil boring CA-SB-4 was advanced to the south of these two locations to horizontally delineate the extent of petroleum impacts. Field screening results in CA-SB-4 ranged from 0.4 to 0.7 ppm_v and no other evidence (i.e. staining or odors) was observed in this boring. Therefore, petroleum impacts were assessed to be confined to the northeastern portion of the Site.

Based on this delineation and Site observations, approximately 150 to 200 cubic yards (yd^3) of petroleum impacted soil are estimated to be present at a depth of 5 to 7 feet in the northeastern portion of the Site.

Assessment of REC #2 - Documented impacts to surface soil from historical industrial use on the adjoining properties: CONFIRMED

The Site vicinity has a long history of industrial use. PAH, arsenic, and lead contamination was identified on the larger Adams School property during previous investigations/assessments. Although PAHs were not detected at the Site, arsenic was detected exceeding the Maine DEP established urban background guideline at CA-SB-2 and lead was detected exceeding the Maine DEP residential lead RAG in all 0.5 to 4 foot samples as part of this Phase II ESA. Generally, the depth of arsenic and lead impacts are consistent with the depths of urban fill observed in the soil borings to a depth of approximately 4 to 5 feet.

The two 5 to 7 foot bgs samples were also analyzed for arsenic and lead to further assess the vertical extent of contamination. Arsenic and lead results for these two samples were below the Maine DEP residential lead RAGs or the urban developed background guideline for arsenic, which further indicates the arsenic and lead concentrations are limited to fill materials containing coal ash.

Based on this delineation and the observed urban fill to a depth of 4 to 5 feet, approximately 950 to 1,250 yd^3 of lead and arsenic impacted soil is present at the Site.

Assessment of REC #3 - Observed surficial staining at the Site: INCONCLUSIVE

The areas of staining identified as a REC in the Phase I ESA could not be further assessed based on the presence of numerous steel pipes associated with the construction staging in the eastern corner of the Site. Based on the nature of the observed staining and likely containment to the asphalt surface, the extent of impacts associated with this staining are likely limited to the asphalt surface or directly beneath the asphalt. Based on the extent of lead and arsenic impacts throughout the Site, any minor contamination associated with this identified REC will be addressed with the lead and arsenic remedial actions.

9. RECOMMENDATIONS

Based on Credere's observations and the results of the investigation conducted at the Adams School Parking Lot, Credere makes the following recommendations for the Site:

- Updating the Adams School VRAP Application to include the Site
- Revising the Adams School VRAP work plan to incorporate the Site and associated data as well as outline the methods to appropriately address the identified contamination
- Appropriately manage soils during future development of the Site

DRAWN BY: **SWM**	DATE: **6/25/2014**
CHECKED BY: **ASD**	PROJECT: **14001241**

Credere Associates, LLC
776 MAIN STREET
WESTBROOK, MAINE
Tel. 207.828.1272
Fax 207.887.1051
WWW.CREDERELLC.COM

FIGURE 1
SITE LOCATION PLAN

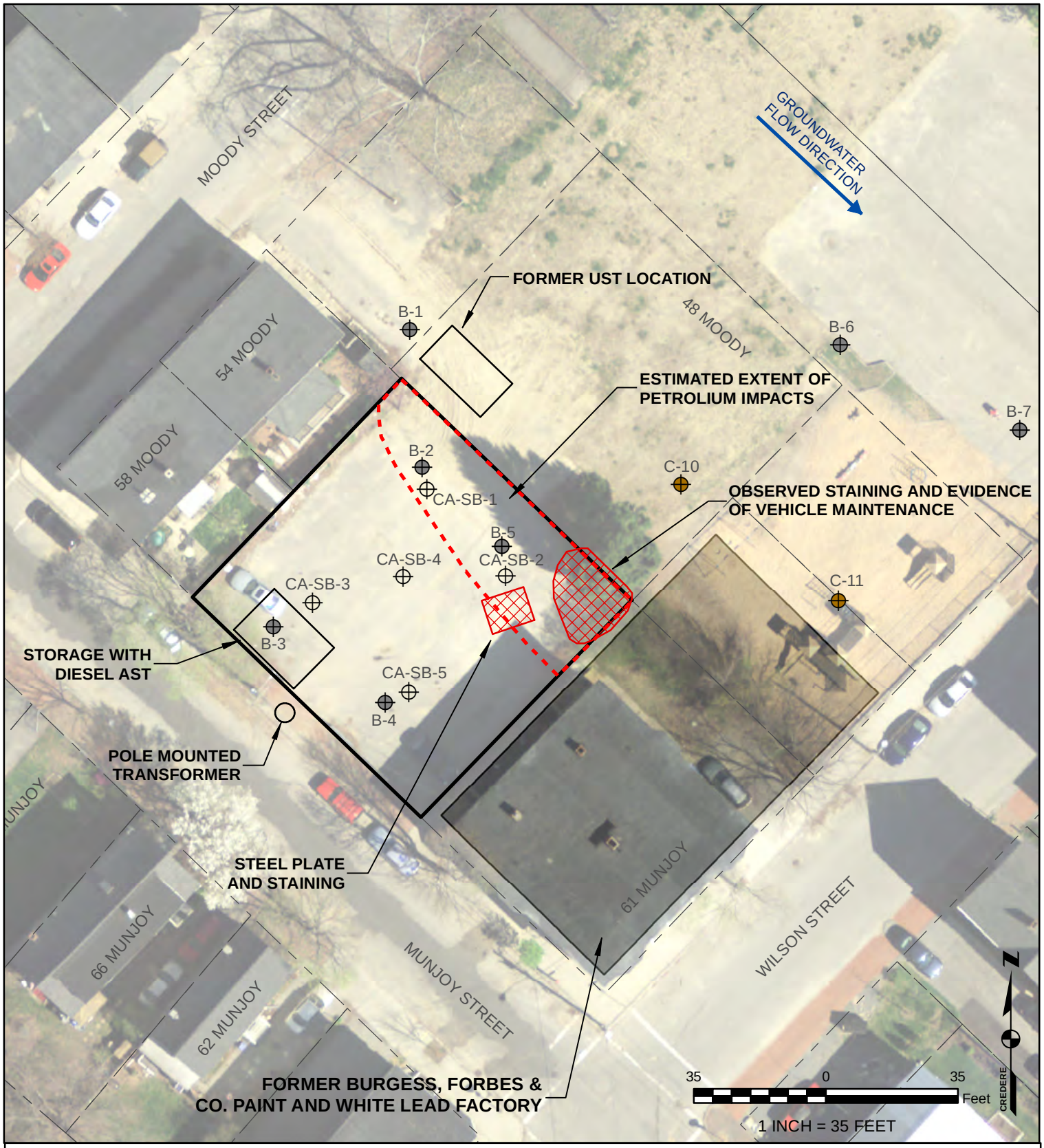
ADAMS SCHOOL PARKING LOT
65 MUNJOY STREET
PORTLAND, MAINE 04101

1,000 0 2,000 Feet
1 inch = 2,000 feet.

PORTLAND

Data Source: USGS Quadrangles: Portland East and Portland West, Maine 7.5 minute series 2011

T:\Data\ME\Town\Portland\14001241 Adams School Parking Lot



NOTES:
1. EXISTING CONDITION FEATURES SHOWN ON THIS PLAN ARE APPROXIMATE AND ARE BASED ON INFORMATION OBTAINED FROM MAINE OFFICE OF GIS AND SITE RECONNAISSANCE PERFORMED ON JUNE 9, 2014.

DRAWN BY: **SWM**	DATE: **8/6/2014**
CHECKED BY: **ASD**	PROJECT: **14001241**

Credere Associates, LLC
776 MAIN STREET
WESTBROOK, MAINE
Tel. 207.828.1272
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WWW.CREDERELLC.COM

FIGURE 2
DETAILED SITE PLAN

ADAMS SCHOOL PARKING LOT
65 MUNJOY STREET
PORTLAND, MAINE 04101

- S.W. COLE SOIL BORING LOCATION (2009)
- CREDERE SOIL BORING LOCATION (2011)
- CREDERE SOIL BORING LOCATION (2014)
- OBSERVED STAINING
- PETROLEUM IMPACTED AREA
- SITE BOUNDARY
- PARCEL BOUNDARY

T:\Data\ME\Town\Portland\14001241 Adams School Parking Lot

Mary Davis
Division Director, Housing & Community Development Division

AGENDA ITEM #7

TO: Councilor Donoghue, Chair
Members of the Housing and Community Development Committee

FROM: Mary Davis, Division Director
Housing and Community Development Division

DATE: August 22, 2014

SUBJECT: Review of City Sites for Residential Development
65 Hanover/52 Alder Streets and 71 Hanover Street

Over the last several years, it has been a goal of the City Council and the Housing and Community Development Committee to increase the availability of housing in the City of Portland. The use of city sites for residential development has been one of the tools suggested to meet this goal.

COMMITTEE GOAL/COUNCIL GOAL ADDRESSED

Promote Housing Availability – Provide increased availability in all segments of the housing market while insuring that there is a suitable balance of housing opportunities among those sectors. Objective: Complete assessment of and, as appropriate, begin to offer city owned property to construct affordable housing.

STAFF ANALYSIS AND RECOMMENDATION

Staff is seeking direction and feed-back from the Housing and Community Development Committee as to future action on a city-owned site located at 65 Hanover/52 Alder Street and 71 Hanover Street.

The Tax Acquired Property Committee (TAPC) conducted a survey of all City Departments, the District Councilor and the Land Bank regarding these properties.

52 Alder Street:

This property is currently used by the City's Trades Division. The property has a total assessed value of $393,900 ($277,500/land and $116,400/building) (FY15). It is located in a B-2b zone and contains approximately 9,500 sq. ft. of land. This property shares a common wall with the property at 65 Hanover Street, essentially creating one building

with a common parking area. ***The B-2b zone requires 435 sq. ft. of land area per dwelling unit which means a maximum of 21 dwelling units could be developed on this site.***

65 Hanover Street:

This property is currently used by the City's Traffic Division. It is located on the south side of Lancaster Street. The property has a total assessed value of $403,030 ($134,000/land and $269,030/building) (FY15). It is located in a B-2b zone and contains approximately 20,273 sq. ft. of land. This property shares a common wall with the property at 52 Alder Street, essentially creating one building with a common parking area. ***The B-2b zone requires 435 sq. ft. of land area per dwelling unit which means a maximum of 46 dwelling units could be developed on this site.***

71 Hanover Street

This property is currently the site of the City's sand/salt shed. It is located on the north side of Lancaster Street. The property has a total assessed value of $135,500 ($111,900/land and $23,600/building) (FY15). It is located in a B-2b zone and contains approximately 15,102 sq. ft. of land. ***The B-2b zone requires 435 sq. ft. of land area per dwelling unit which means a maximum of 34 dwelling units could be developed on this site.***

The TAPC received two responses to a survey sent to the District Councilor, all City Departments and the Land Bank. The survey is used to determine if the property in question was excess to City needs and should be sold, whether there were neighborhood issues and whether there should be conditions placed on any sale.

TAPC Survey Responses:
Councilor Donoghue indicated that he would like to see the 65 Hanover/52 Alder Street properties be used for affordable home ownership for households at or below 120% of area median income.

Doug Sherwood, Facilities Director for Portland Public Schools asked the City to consider allowing school employees working at 28 Portland Street/353 Cumberland Avenue to park in the fenced in lot next to the Traffic Building (65 Hanover Street) and/or the small paved area behind the building at 52 Alder Street until the properties are sold or otherwise disposed.

Mike Bobinsky, Director of Public Services, would prefer that a hold be placed on the disposition of this property until such time as these properties are vacated.

Mary Davis
Division Director, Housing & Community Development Division

RECOMMENDATIONS

TAPC:

The Tax Acquired Property Committee voted unanimously to recommend that disposition of these properties be put on hold and that the DPS site is marketed as a whole to maximize value. TAPC discussion centered on the anticipated private investment in this neighborhood and the committee suggested that this property may become more valuable when that private investment begins.

STAFF:

Staff is requesting direction on any future action regarding the disposition process and any conditions for the three city properties.

(1) 65 Hanover and 52 Alder Streets should be marketed together through a competitive RFP process. The RFP should solicit proposals for residential development with the type of housing to be determined after consultation with the City Council. This area has seen a significant amount of affordable rental housing development and it is anticipated that a large number of market rate units will be developed within the next few years. Any future development at this site should emphasize the housing gaps, such as workforce housing or housing targeted to the very low income.

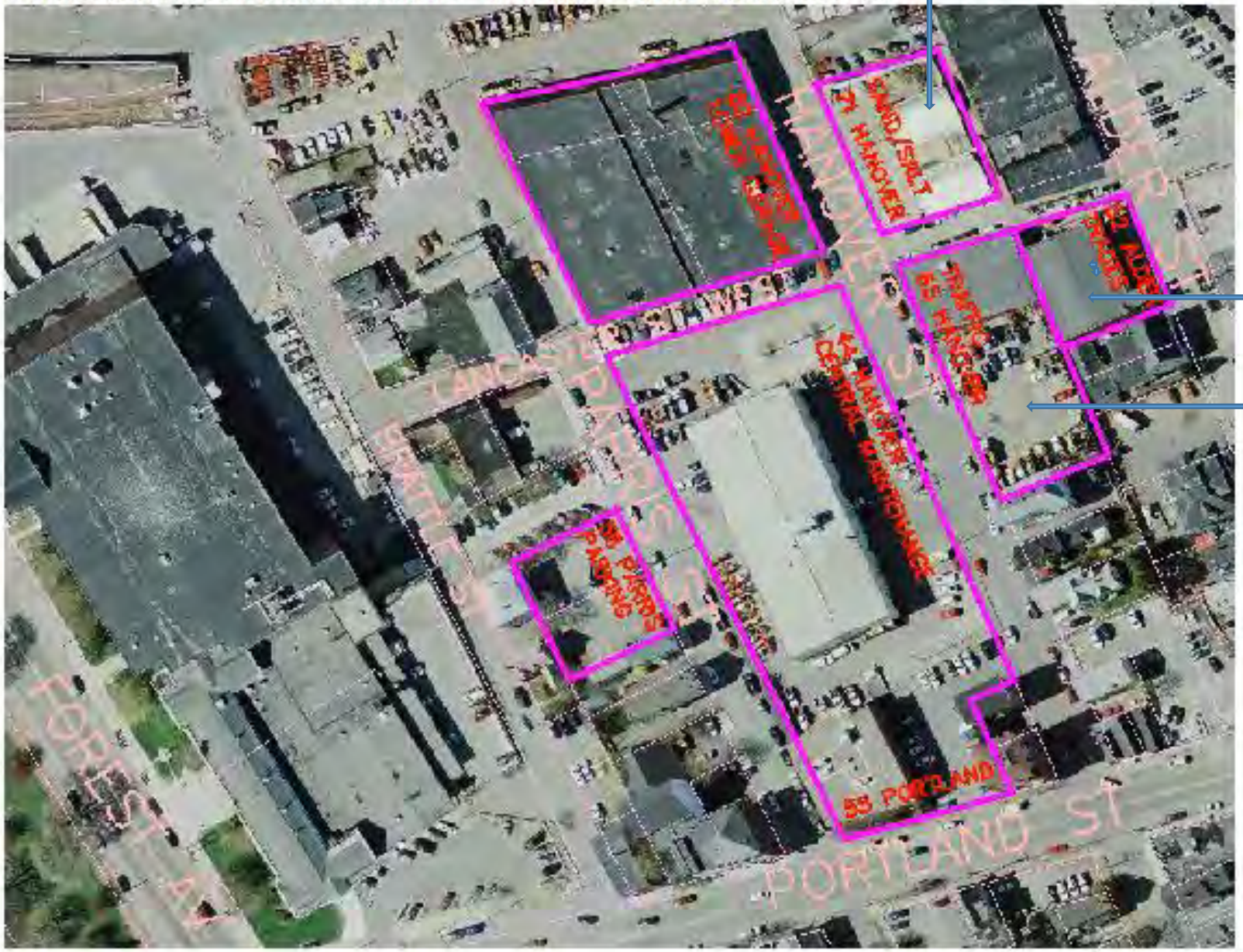
(2) 71 Hanover Street should be marketed through a competitive RFP process that is separate from, but concurrent with the RFP for the parcels mentioned above. The RFP should encourage commercial uses. The RFP should emphasize that development is contingent upon the ability of the City to locate an alternative location and obtain regulatory approvals for the relocation of the City's salt/sand shed.

Attachments:

Site Map
Matrix of DPS Bayside Property City Assessed Value and Uses.

Bayside City Properties

Public Services Main Facilities – Portland St to Kennebec St



City Properties in Bayside

3/10/2014

Location	CBL	Assessed Value			Sq. ft.	Acreage	Use
		Land	Building	Total			
65 Hanover Street	33-C-3	$134,000	$269,030	$403,030	20,273	0.4654	Traffic Operations/Transportation
(51-67 Hanover Street, 232-240 Lancaster St. East)							
56 Parris Street	33-A-13-14	$147,300	$0	$147,300	10,213	0.2345	Employee Parking
82 Hanover Street	34-G-1 to 4	$141,200	$1,382,500	$1,523,700	36,724	0.8431	Plowing Operations/Lower Garage
44 Hanover Street	33-B-8	$3,007,400	$2,564,300	$5,571,700	83,996	1.9283	Vehicle Maintenance
52 Alder Street	33-C-15	$277,500	$116,400	$393,900	8,599	0.2181	Building Trades (?)
71 Hanover Street	34-H-4-5	$111,900	$23,600	$135,500	15,102	0.3467	Traffic Operations/ Transportation/Sand & Salt
SUB-TOTALS		**$3,819,300**	**$4,355,830**	**$8,175,130**	**174,907**	**4.0361**	
90 Anderson Street	23-B-32	$123,700	$61,300	$185,000	6,080	0.1396	Playground/Irrigation Crews

Mary Davis
Division Director, Housing & Community Development Division

AGENDA ITEM #8

TO: Councilor Donoghue, Chair
Members of the Housing and Community Development Committee

FROM: Mary Davis, Division Director
Housing and Community Development Division

DATE: August 22, 2014

SUBJECT: Review of City Sites for Residential Development
157 Brackett Street

Over the last several years, it has been a goal of the City Council and the Housing and Community Development Committee to increase the availability of housing in the City of Portland. The use of city sites for residential development has been one of the tools suggested to meet this goal.

Committee Goal/Council Goal Addressed

Promote Housing Availability – Provide increased availability in all segments of the housing market while insuring that there is a suitable balance of housing opportunities among those sectors. Objective: Complete assessment of and, as appropriate, begin to offer city owned property to construct affordable housing.

STAFF ANALYSIS AND RECOMMENDATION

Staff is seeking direction and feed-back from the Housing and Community Development Committee as to future action on a city-owned site located at 157 Brackett Street.

The Tax Acquired Property Committee (TAPC) conducted a survey of all City Departments, the District Councilor and the Land Bank regarding this lot.

This parking lot is currently used as employee and visitor parking for Reiche School, as well as parking for customers of area businesses. The property has an assessed land value of $126,300 (FY15). It is located in a B-1 zone and contains approximately 8,460 sq. ft. of land. ***The minimum lot area per dwelling unit for on-peninsula locations in the B-1 zone is 435 sq. ft. of land area per dwelling unit which would mean up to 19 dwelling units could be developed on this site.***

The TAPC received four responses to a survey sent to the District Councilor, all City Departments and the Land Bank. The survey is used to determine if the property in question was excess to City needs and should be sold, whether there were neighborhood issues and whether there should be conditions placed on any sale.

The District Councilor would welcome more housing in the neighborhood if a solution to the parking issues can be identified.
City's Parking Manager did not support the sale of this lot. He indicates that the lot is heavily used by school staff and after hours is used by residents during snow bans and during street maintenance.
City's Public Facilities Department Director indicated that the parking for Reiche School is already inadequate and removing these spaces would create additional problems unless alternative parking is identified.
Public Services did not identify any water resource/infrastructure need to retain the property. The department did indicate that the Land Bank Commission would need to review the issue, although the property is not on the current priority list.

Recommendations:

The Tax Acquired Property Committee recommended that the parking concerns would need to be addressed and that the disposition process include a condition that any redevelopment of the site must accommodate adequate parking.

Housing and Community Development staff is seeking direction from the committee on its recommendation that the City proceed with an RFP process to solicit interest in this site for residential development. Staff recommends that the RFP include a condition that any redevelopment of the site must accommodate adequate parking for the existing needs.

Attachment:
Draft of proposed RFP
Site Map

3 of 16

April 1 2012 fy 2013

Tax Map Index; http://www.portlandassessors.com/taxmaps.htm

Index Number - E9SW

X = City Property at 157 Brackett St / 45-E-031

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information:

CBL	045 E031001
Land Use Type Verify legal use with Inspections Division	GOVERNMENTAL
Property Location	157 BRACKETT ST
Owner Information	CITY OF PORTLAND 389 CONGRESS ST PORTLAND ME 04101
Book and Page	
Legal Description	45-E-31 BRACKETT ST 157-161 8460 SQ FT
Acres	0.1942

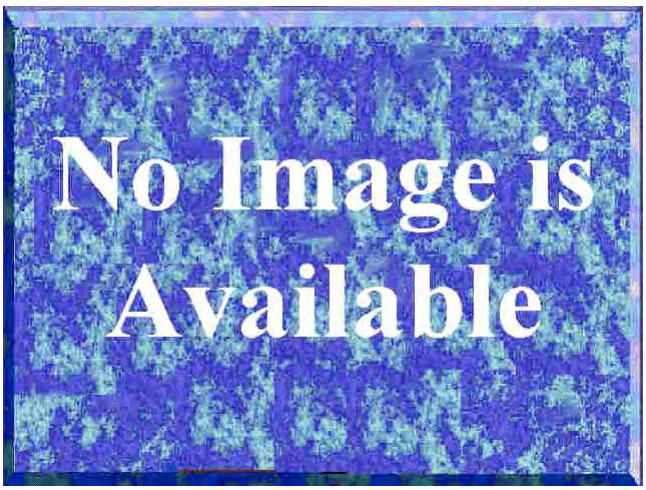
Current Assessed Valuation:

TAX ACCT NO.	7014
LAND VALUE	$126,300.00
BUILDING VALUE	$0.00
PORTLAND, CITY OF	($126,300.00)
NET TAXABLE - REAL ESTATE	$0.00
TAX AMOUNT	$0.00

OWNER OF RECORD AS OF APRIL 2013
CITY OF PORTLAND

389 CONGRESS ST
PORTLAND ME 04101

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or e-mailed.



View Map
View Map

New Search!

157 Brackett St, Portland, ME 04102
Street View
Mercy Hospital Pcc/sip
Mercy Hospital
Winter St
Brackett St
Caiola's
Blyth Ct
Joy Pl
157 Brackett St
Winter St
Spring St
Brackett St
Lewis St
Clark St
Reiche School Playground
Spring St
Brackett St
Imagery ©2014 DigitalGlobe, Maine GeoLibrary, U.S. Geological Survey, Map data ©2014 Google 100 ft

City of Portland
Request for Proposals
For the Sale and Development of Property Located at
157 Brackett Street

RFP # XXXX

Notice and Specifications

Sealed proposals for furnishing the City of Portland with the Development of Affordable Housing, as specified herein, will be received by the Purchasing Office, Room 103, City Hall, 389 Congress Street, Portland, Maine 04101, until XXXday, XXXX, 2014 at 3:00 p.m. at which time they will be publicly opened. Proposals shall be submitted with the attached forms, and returned in sealed envelopes plainly marked on the outside "**SALE AND DEVELOPMENT OF 157 BRACKETT STREET**." Proposals that are late and/or submitted via fax or electronic communication will not be accepted. All proposals shall be held open to acceptance for sixty days from opening.

All questions must be submitted in writing to the Purchasing Office. These may be mailed; hand delivered, faxed to (207) 874-8652 or e-mailed to mff@portlandmaine.gov and be received no later than five (5) business days prior to the opening date. Questions received after this time will not be addressed. Any interpretation, correction, or change of this document will be made only by written addenda. Changes in any other manner will not be binding on the City of Portland.

The disposal of this real estate shall be on the basis of a negotiated proposal, with the City of Portland reserving the right to refuse any or all proposals. *All proposers are advised that the property will be sold "as-is" and "where-is", in its existing condition, with no warranties either expressed or implied*. The City disclaims any and all responsibility for injury to proposers, their agents or others while examining the property or at any other time.

Proposals from vendors not registered with the Purchasing Office may be rejected; receipt of this document directly from the City of Portland indicates registration. Should a vendor receive this Request from a source other than the City of Portland, please contact (207) 874-8654 to ensure that your firm is listed as a vendor for this RFP.

GENERAL INFORMATION

The City of Portland, Maine seeks proposals from qualified developers for the purchase and development of the property located at 157 Brackett Street (hereafter, "the lot"). The site is designated on the City of Portland Tax Assessor's Map as Map 045, Block E, Lot 031.

Summary of Request

The City of Portland is committed to provide a balance of housing opportunities and has set a goal to evaluate the use of city-owned property to construct affordable housing. As one step in accomplishing this goal, the City of Portland will accept proposals for the development of affordable housing on the lot located at 157 Brackett Street, Portland, Maine (Map 045, Block E, Lot 031).

The City of Portland's Division of Housing and Community Development uses the RFP process to ensure that public resources are utilized for maximum public benefit while accomplishing specific objectives and providing fair access to all applicants.

General Guidelines

Developments shall provide affordable rental or home ownership units. Note that "affordability" is defined by the standards outlined in Division 30 Section 14-485 of the City's Land Use Code.

Mixed income projects serving households that are very low, low to moderate, and middle income are eligible. Projects with mixed unit types including efficiencies, one, two and three or four bedroom units are also eligible. The minimum term of affordability is 90 years, to be secured by a land use restriction covenant in the deed.

The proposed use of funds, leveraging of other public and private resources, terms of affordability, design compatibility, readiness, financial feasibility, development experience, management capacity, and unit mix are among the scoring factors to be used in the review process.

This RFP outlines the selection criteria which all projects applying for these funds must meet, as well as scoring factors which will be used by the City of Portland to evaluate the proposals.

I. Background

The site at 157 Brackett Street contains approximately 8,460 square feet. It is located on near Reiche School, on the southwest end of the Portland peninsula, in a neighborhood which is largely defined by 19th and early 20th century buildings. The site is zoned B-1.

II. Goals for This RFP

The goal for the sale and development of the property at 157 Brackett Street is to promote the development of affordable housing with a high standard of quality, design, and livability. Proposals

should not require a contract or conditional zone (although other rezoning consistent with the City's Comprehensive Plan may be considered). Design principles should promote efficient use of land to create infill development that reflects and respects the existing pattern, streetscape, density, scale, massing, exterior materials and design elements that are reflective of the surrounding traditional neighborhood. Heights shall be less than or equal to the surrounding buildings and should minimize the impact of shadows on the adjacent public playground. They should also incorporate high standards of energy efficiency and "green" design criteria.

Proposals must include a plan to provide adequate parking to meet the existing need.

SCOPE OF SERVICES

General Specifications

All proposals submitted for this funding must meet the following selection criteria to be considered further in the review process.

A. Eligible Projects

1) Projects must create affordable rental or ownership housing units.

2) Projects receiving funding through this RFP must include a written occupancy policy that prohibits smoking in the units and the interior common areas of the project in addition to including a non-smoking clause in the lease for every household and making educational materials on tobacco treatment programs available to residents through the resident service coordinator, occupancy specialist, or property manager, such as the phone number for the statewide Maine Tobacco HelpLine.

B. Site Information and Criteria

1) Purchase Price: Proposals under this RFP must include a proposed purchase price for the property.

2) Local Approvals: Local land use approval is not required prior to submittal of the proposal.

3) The applicant must submit an analysis of the project in relation to local land use regulations and site feasibility.

4) Proposals must not require a contract or conditional zone (although other rezoning consistent with the City's Comprehensive Plan may be considered.

5) Proposals must include a plan to provide adequate parking to meet the existing need.

C. Financial Feasibility

1) Financial Projections: Financial proposals must be developed in accordance with the underwriting guidelines of the primary funding source, including adequate cash flow and debt coverage ratio.

D. Market Demand

Proposers must provide an analysis and discussion of market demand justifying the need for the proposed project.

E. Applicant Capacity

All applicants must demonstrate capacity to develop, own and manage the proposed project. In the case of a proposal for home ownership housing, applicants must demonstrate capacity to market the units for the sale. All proposals must provide evidence of a development team with the capacity to successfully complete the project including;

1) Key staff members assigned to the project with the abilities and experience to successfully complete the project within the proposed timeframe.

2) An architect, general contractor and professionals on the team with the experience and capacity to complete the project.

3) A management team with qualified personnel and the capacity and experience to operate, manage and maintain the affordable rental property of size and mix of the proposed project and/or effectively market affordable home ownership housing.

4) Qualified staff with the capacity to perform ongoing property ownership requirements such as budgeting, tax accounting and oversight of management and maintenance.

5) A portfolio of current affordable housing projects that are financially sound and meeting their established goals.

6) Support Services: Proposals containing rental units targeted to special needs populations must include commitments for support services to be provided to the residents.

F. Term of Affordability

Term of affordability shall be defined by the standards outlined in Division 30 Section 14-485 of the City's Land Use Code.

G. Design Compatibility

Projects must be designed to contribute to the character of the neighborhood and adhere to the following guidelines.

1) **Connect the Neighborhood** The development should not be an island unto itself, but rather blend into and enhance the surrounding community.

2) Design Considerations

a. **High Quality Design** Excellence in architectural and landscape design is expected.
b. **Traditional Design** Design shall be reflective of the surrounding traditional neighborhood and should create infill development that reflects and respects the existing pattern, streetscape, density, scale, massing, exterior materials and design elements of the neighborhood. Buildings should orient to the street.
c. **Green Design** The site and buildings shall be designed to meet the City's Green Building Code.
d. **Streetscape** The development shall enhance the pedestrian experience and the public realm. Alternative transportation modes shall be accommodated and incorporated in the project.
e. **Height** Heights shall be less than or equal to the average of structures in a 2 block radius.
f. **Permeability** Design shall be permeable or porous. View corridors are encouraged. If the existing building is removed, Beckett Street shall be re-connected to its full width as a public, non-motorized right of way (a paved street is not desired). If the existing building remains, a public walkway shall be provided along the north-south axis of the site. Year round accessibility is required.
g. **Heterogeneity** Design of the buildings on the site shall be heterogeneous, not homogenous.
h. **Accessibility** Universal Design principles shall be incorporated wherever feasible, to ensure that the design is physically accessible to the greatest range of users.

H. Timeframe

The applicant must describe projected dates by which commitments will be obtained; the closing will take place, construction start-up, substantial completion, final completion and occupancy. Timeframes must be realistic and achievable. All funded projects must be able to start construction within 12 months of notice of award.

PROPOSAL REQUIREMENTS

Complete responses to this RFP, should include eight (8) complete copies of each proposal including one original bearing the hand written signature of an officer or employee having authority to bind the organization and the following, in the order outlined below.

Note: All respondents should investigate legal and zoning requirements for proposed projects prior to submission of proposal.

i. Project Summary

A brief description of the project, no longer than two pages, to include the number and type of units, tenants or owners to be served, special features, the impact on the neighborhood and other ways the proposal meets the selection criteria and preference guidelines.

Photographs and maps of the site and area are required.

ii. All Proposals Must Provide The Following:

1) Proposals must include a purchase price for the property.

2) Conceptual architectural and site plans

3) A project schedule showing critical path events and their timeframe for completion;

4) Map showing location of site

5) Corporation/partnership articles and by-laws

6) Most recent audit or federal tax returns for the last three years, and financial statements for the last two years

7) A brief development team summary, including:

- The type of organization/ownership structure
- The names of Board of Directors, Corporate Officers, or Owners, as appropriate
- Name, title and relevant experience of individuals involved in managing the business entity and this proposed project. A copy of the 501(3)(c) exemption certification
- Brief description of similar projects completed
- A list of all projects currently in development with status and projected timeframe

8) A sources and uses funding statement

9) Preliminary operating budget identifying rents and expenses for the first year

10) A 15-year operating pro forma for the project

11) Evidence of financial commitments, or explanation of the ability and timing to secure those commitments. A statement describing the applicant's capacity for and experience in raising the type of capital needed to finance projects of this size and type.

12) Projects serving special needs populations must provide evidence of commitments of support services, and a description of the service provider and funding cycle for those services.

13) Applicant must include a management plan for the long-term management of the project including manager’s experience and capacity.

14) Applicant must include a marketing plan for the sale of home ownership units.

15) An analysis and discussion of market demand justifying the need for the proposed project.

SELECTION PROCESS

Selection criteria will be used in reviewing and scoring the proposals.

I. Point System for Evaluating and Scoring Proposals (Maximum Points 100)

1. Proposed use of resources to achieve the City of Portland's goals and address demonstrated need. **25 points**

   Maximum points will be awarded for those proposals that demonstrate sufficient market demand, create housing options which promote economic diversity in the neighborhood in which the development is located, and include a policy prohibiting smoking.

2. Financial feasibility, including cost, development budget, operating pro forma and the provision of secured and leverage funds. **25 points**

   Maximum points will be awarded for those proposals that include a complete set of financial documents to support the financing request, contain a realistic set of sources and uses development budgets and a pro forma operating budget, include sufficient reserves for operations and maintenance, including pre-funded reserves, and long-term financial sustainability of the project is highly likely.

3. Applicant's ability to complete project, including development team, experience, capacity, project readiness and timeframe for completion. **20 points**

   Maximum points will be awarded for those proposals that demonstrate a development team with a successful track record in projects of similar size, scale, type and complexity to the proposed project and capacity to fulfill their responsibilities and the readiness of the project to proceed.

4. Impact on surrounding neighborhood, including design compatibility and environmental issues. **30 points**

   Maximum points will be awarded for those proposals where site selection is appropriate for use, the design is consistent with neighborhood design characteristics, amenities and unit design are well thought out and appropriate, and meet the requirements of the City of Portland’s Green Building Code.

II. RFP Evaluation and Selection Process and Timeframe

Proposals will be reviewed by an evaluation team that will include City of Portland staff. The following process will be used:

1) Upon closing of the RFP application period, all proposals will be reviewed for completeness.

2) Complete proposals will be reviewed under the scoring factors in order to recommend the most qualified proposals based on the information submitted. The proposal review team may confer with the applicants and/or third parties to clarify or verify information and request additional information.

3) Recommendations, along with all proposals and scoring information, will be forwarded to the City Council's Housing and Community Development Committee for review and approval. Their recommendations will be forwarded to the City Council for final review and approval. Public presentations may be required.

4) Applicants will be kept informed throughout the review process, specifically in regard to recommendations and funding levels.

5) The evaluation and review process should be substantially complete by XXXXXX, 2014. Applicants will be notified of their proposal status as soon as possible.

6) Based on City Council approval, a purchase and sale agreement will be negotiated (see legal requirements) and as appropriate, successful applicants will receive a letter of funds reservation. A letter of funds reservation is not a commitment letter but an agreement to set aside budgeted funds for up to six months, to allow the project sponsor to proceed with securing other commitments.

INSTRUCTIONS AND OTHER INFORMATION

A. The City of Portland reserves the right, at its sole discretion, to award all, a portion, or none of the available funding from this RFP, as well as reject any and all proposals for city funding, based on the quality and merits of the proposals received, or when it is determined to be in the public interest to do so. Furthermore, the City of Portland may extend deadlines and timeframes, as needed.

B. Confidentiality: Proposals received by the City of Portland shall become a matter of public record subject to public inspection, except to the extent, which an applicant designates in writing, proprietary data to be confidential and submits that data under separate cover, such information may be held from public inspection, as provided in Maine law: 5 MRSA Sections 13119-A and 13119-B

C. Compliance with Federal Law: The selected applicant will be required to certify that the development and management of the proposed housing will be in compliance with all applicable

laws, executive orders, OMB Circulars and federal regulations, including but not limited to: Fair Housing Act, Equal Opportunity and Non-discrimination, National Environmental Policy Act (NEPA), the Uniform Relocation Assistance and Real Property Acquisition Policies Act, the Davis-Bacon Act, the Lead Based Paint Poisoning Prevention Act, Flood Disaster Protection Act, Conflict of Interest, Contractor Debarment and Cost Principles.

LEGAL REQUIREMENTS

The selected developer will be required to provide a performance guaranty in the form of a letter of credit or a performance bond, the performance of the developer's obligations outlined in this Request for Proposal and subsequent contract to be negotiated with the City. This performance guaranty is separate from any performance guaranty that will be required as a result of the City's site plan review process.

The City shall convey the described real estate by quitclaim deed to the developer, or where the City has obtained a warranty deed for the real estate, it shall provide a warranty deed for the same to the developer. Any deed from the City will contain a restriction in the deed that the property must meet the permanent affordability requirements as described in this Request for Proposals.

In the event the City makes a financial contribution to a developer and to secure the developer's obligations, the City shall have a security interest in the form of a mortgage in the real estate to be developed. The terms of the mortgage shall be negotiated with the developer at the time of the commitment of funds.

EQUAL EMPLOYMENT OPPORTUNITIES

Vendor shall comply fully with the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998, as amended (WIA, 29 CFR part 37); the Nontraditional Employment for Women Act of 1991; title VI of the Civil Rights Act of 1964, as amended; section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; title IX of the Education Amendments of 1972, as amended; and with all applicable requirements imposed by or pursuant to regulations implementing those laws, including but not limited to 29 CFR part 37.

Reservation of Rights

The City of Portland reserve the right, at its sole discretion, to award all, a portion, or none of the available funding from this RFP, as well as reject any and all proposals based on the quality and merits of the proposals received, or when it is determined to be in the public interest to do so. Furthermore, the City of Portland may extend deadlines and timeframes, as needed.

The City of Portland reserves the right to substantiate any proposers' qualifications, capability to perform, availability, past performance records and to verify that the bidder is current in its financial obligations to the City of Portland.

All materials and equipment used as well as all methods of installation shall comply at a minimum with any and all Federal, OSHA, State and/or local codes, including applicable municipal ordinances and regulations.

The successful bidder shall agree to defend, indemnify and save the City of Portland harmless from all losses, costs or damages caused by its acts or those of its agents, and, before signing the contract, will produce evidence satisfactory to the City of Portland's Corporation Counsel of coverage for General Public and Automobile Liability insurance in amounts not less than $400,000 per person, for bodily injury, death and property damage, protecting the contractor and the City of Portland, and naming the City of Portland as an additional insured from such claims, and shall also procure Workers' Compensation insurance.

Pursuant to City of Portland procurement policy and ordinance, the City of Portland is unable to contract with businesses or individuals who are delinquent in their financial obligations to the City of Portland. These obligations may include but are not limited to real estate and personal property taxes and sewer user fees. Bidders who are delinquent in their financial obligations to the City of Portland must do one of the following: bring the obligation current, negotiate a payment plan with the City of Portland's Treasury office, or agree to an offset which shall be established by the contract which shall be issued to the successful bidder.

The City of Portland, Maine, reserves the right to waive any informalities in proposals, to accept any proposal or portion thereof, and, to reject any and all proposals, should it be in the best in the best interest of the City of Portland to do so.

It is the custom of the City of Portland, Maine to pay its bills 30 days following equipment delivery and acceptance, and following the receipt of correct invoices for all items covered by the purchase order. In submitting bids under these specifications, bidders should take into account all discounts, both trade and time allowed in accordance with this payment policy and quote a net price. The City of Portland is exempt from the State's sales and use tax as well as all Federal excise taxes.

XXXXX, 2014

Matthew F. Fitzgerald
Purchasing Manager

PROPOSAL

THIS PAGE MUST BE INCLUDED

The UNDERSIGNED hereby declares that he/she or they are the only person(s), firm or corporation interested in this proposal as principal, that it is made without any connection with any other person(s), firm or corporation submitting a proposal for the same.

The UNDERSIGNED hereby declares that they have read and understand all conditions as outlined in the invitation for bids, and that their proposal is made in accordance with same.

The UNDERSIGNED hereby declares that any person(s) employed by the City of Portland, Maine, who has direct or indirect personal or financial interest in this proposal or in any portion of the profits that may be derived there from, has been identified and the interest disclosed by separate attachment. (Please include in your disclosure any interest which you know of. An example of a direct interest would be a City of Portland employee who would be paid to perform services under this proposal. An example of indirect interest would be a City of Portland employee who is related to any officers, employees, principal or shareholders of your firm or to you. If in doubt as to status or interest, please disclose to the extent known).

The proposer acknowledges the receipt of Addenda numbered _____
If Applicable

COMPANY NAME: _____
(Individual, Partnership, Corporation, Joint Venture)

AUTHORIZED SIGNATURE: _____ DATE: _____
(Officer, Authorized Individual or Owner)

PRINT NAME & TITLE: _____

ADDRESS: _____

_____

TELEPHONE: _____ FAX: _____

E-MAIL: _____FEDERAL TAX ID NUMBER: _____

NOTE: All bids must bear the handwritten signature of a duly authorized member or employee of the organization making the bid. This sheet must be signed and returned with the proposal package.

Portland, Maine Yes. Life's good here.

Planning & Urban Development Department

TO:	Councilor Donoghue, Chair Members of the Housing and Community Development Committee
FROM:	Mary Davis, Housing & Community Development Division Director Jeff Levine, Planning & Urban Development Director Greg Mitchell, Economic Development Director
DATE:	August 22, 2014
SUBJECT:	2014 HCDC Calendar

Attached is a standing communication on your agenda, the updated Committee Calendar.

DRAFT 2014 Housing & Community Development Committee meeting Calendar

Meetings: 2nd & 4th Wednesday of each month

As of August 22, 2014

January

Jan. 8 Meeting:

2014 Draft HCDC Work Plan for preliminary discussion subject to change after January 13 City Council goal setting workshop.

For Review and Recommendation to Council - Pearl Place TIF district amendments

Wilmot Street – Possible Reacquiring – Executive Session

Tenant Based Rental Assistance Program update

Housing First Pre-Development RFP – Review Draft

Communication: Update on CDBG Workforce Development Program

Jan. 22 Meeting:

Presentation on proposed amendments to parking requirements and the Sustainable Transportation Fund for possible action

Economic Development Vision and Plan – Work Plan Update for 2014-2015

February

February 12, 2014 Meeting:

Possible City lease/acquisition of property for City Department Consolidation/Forward to Council – Public and Executive Session

Start Downtown TOD/TIF Discussion

Update on Housing Plan and Consultant Services RFP/Communication Item

February 26 Meeting:

Housing Program Budget Recommendation to Council

Review City sites for residential development or sale including former Adams School property

Nova Scotia Ferry Service Operator Lease – Executive Session

March

March 12 Meeting:

Continue Downtown TOD/TIF District Discussion

Nova Scotia Ferry Service Operator Lease/Possible Recommendation to City Council

Review & Recommendation: Updated Citizen Participation Plan

Review & Recommendation: 3 year renewal of Cumberland County HOME Consortium, 2015-18

March 26 Meeting:

Presentation on proposed amendments to the B2 zones for possible action

Review and possible approval of Affordable Housing RFP

Creative Portland PACE Project in Bayside for Review/Direction and executive session for possible City-owned Bayside property disposition discussion.

Spring Street Garage Space Leases (Pirates and Adjacent Vacant Space)

Communication: Update on the discussion of city sites for residential development

Communication: CDBG funding recommendations from Committee & City Manager; Annual Action Plan

April **April 9 Meeting:**
Presentation on proposed amendments to R-6/R-7 zones for feedback
Review of draft of possible RFP for city-owned lot on Munjoy Street

April 23 Meeting:
Spring Street Garage Space Leases (Pirates and Adjacent Vacant Space)
Executive Session Tugboat Lease Renewal at Portland Ocean Terminal
Donation of Property to City on Rowe Avenue
Communication: Annual Action Plan, due to HUD May 15
Review of Housing First RFP Responses

May **May 14 Meeting:**
AHTIF Request – 134 Washington Avenue
Executive Session: Real estate negotiations associated with the Federated Companies Midtown Project and their financial contribution toward the cost of Somerset Street reconstruction.

May 28 Meeting:
Downtown TOD/TIF District – Continue Discussion
Executive session/public session for guidance and approval to move forward with disposition process for a tax-acquired property on Cliff Island.
Tugboat Lease Renewal at Portland Ocean Terminal

June **June 11 Meeting (Meeting Canceled):**

June 25 Meeting:
Disposition process recommendation to staff for tax-acquired property on Cliff Island
Downtown TOD/TIF District – Continue Discussion
Executive Session: Real estate negotiations associated with the Federated Companies Midtown Project and their financial contribution toward the cost of Somerset Street reconstruction.

July **July 9 Meeting (Meeting Canceled):**

July 23 Meeting (Meeting Canceled):

August

August 13 Meeting:
Continuation and final policy direction on new Downtown TOD/Arts TIF District.
Disposition process recommendation to staff for tax-acquired property on Cliff Island
Review and vote to recommend to City Council action on Federated Companies Midtown Project documents, including Somerset Street Cost Share Agreement
Executive Session:

- Proposed Ready Seafood Company Lease Amendments;
- Proposed Shucks Maine Lobster Lease Amendments;
- Proposed new tenant and lease terms for use of second floor office space located in Portland Ocean Terminal.

August 27 Meeting
Disposition process recommendation to staff for tax-acquired property on Cliff Island
~~Housing Development RFP – review of proposals received?~~
~~For Review and Comment/ Recommendation to Council if necessary: Recommendations for~~

DRAFT

~~improvement to CDBG process.~~
~~For Review and Comment: Consolidated Annual Performance Evaluation Report (CAPER) due to HUD September 30.~~
Update on City-owned lot on Munjoy Street
65 Hanover Street Property/review draft RFP for development of affordable homeownership units, i.e. workforce housing at 100% to 120% AMI and property disposition of 71 Hanover Street.
Housing Trust Fund Annual Plan
Review of potential development site located at 157 Brackett Street
Reed School Re-Use

September

~~Downtown TOD/TIF District – Continue Discussion and Action~~
Area-wide Affordable Housing TIF District discussion
Inclusionary Zoning
Update on city-owned lot at 98 High Street
Tentative: Shucks Maine Lobster and Ready Seafood Company Lease Amendment vote and recommendation to City Council.
For Review and Comment/ Recommendation to Council if necessary: Recommendations for improvement to CDBG process.
For Review and Comment: Consolidated Annual Performance Evaluation Report (CAPER) due to HUD September 30.
Affordable Housing Development Application– review of proposals received?

October

Communication: CDBG Application is available/Process Update.
~~Start discussion related to Riverside Street area wide needed public infrastructure status and improvements.~~
Recommendation to City Council on award of proposal for tax-acquired property on Cliff Island.
New Downtown TOD/Arts TIF District vote and recommendation to City Council, including:

- Bayside TIF District Amendment vote and recommendation to City Council;
- Riverwalk TIF District Amendment vote and recommendation to City Council;
- Fore/India/Middle Street TIF District termination vote and recommendation to City Council;
- Creative Economy & Arts TIF District – vote and recommendation to City Council to reduce boundary;
- Bay House TIF District termination vote and recommendation to City Council;
- Watertfront TIF District vote and recommendation to City Council to expand geography.

November

Annual City wide TIF District Activity Report/review and recommendation to City Council
HCDC Annual Accomplishment Report/review and recommendation to City Council
Start discussion related to Riverside Street area wide needed public infrastructure status and improvements.

December

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