

PLANNING BOARD APPLICATION

REQUEST TO VACATE A PAPER STREET

****Please read the entire packet for instructions prior to completing the application form****
Submit page #1 only - keep pages 2 thru 5 for your records

For Office Use :	Date Stamp
Date & Time Received: _____	Project # _____
\$300.00 Application Fee Paid: _____	Check # _____
\$200.00 Legal Escrow Fee Paid: _____	
Public Notice Fee Paid (\$1.00 per notice): _____	

Name of City Street: _____

Date of the Planning Board Approval: _____

Map Number (s): _____

Council Street Acceptance Order Number: _____ and Date: _____

Name and Date of Original Subdivision: _____

Cumberland County Register of Deeds Book: _____ Page: _____

Person to contact if there are problems with the application:

Name: _____

Address: _____

Telephone #: _____ Fax #: _____

Cell #: _____ E-Mail: _____

Proposed Use of Property (please be specific and use additional pages if needed):

I certify that all the information provided in this application form and accompanying materials is true and accurate.

Signature of Applicant (Use of blue ink for signature is required) Date: _____

Print name of signer

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Process

The application for the request to vacate city owned/paper street is submitted to the Department of Planning and Development Office for processing. The application will be distributed to nine (9) department heads for their review in their specific fields of expertise. Once the department heads review the parcel under request, the Department of Planning and Development will inform you, through a letter, of the comments received on the request. In the letter, a tentative date of Planning Board review may be provided.

Public Notice Instructions:

When a project is scheduled for a public hearing before the Planning Board, the Department of Planning and Development currently notifies all owners of property within 500' of the lot being proposed for development. Required at application submission: a list of map and lot numbers of property within 500' of the lot under consideration, plus a \$1.00 per notice fee. These map & lot numbers must be obtained from the current, updated tax maps in the City Assessor's Office or the GIS Web Viewer on the City website, www.southportland.org/
A staff member will verify the list. Please call 207-767-7648 for more information.

In an advertised public hearing, the Planning Board will review the application and provide either a positive or a negative recommendation to the City Council. The City Council is the ultimate decision-maker on whether to sell or retain the parcel under request. If the paper street is vacated, the ownership shifts by law to the property of the abutters on either side of the right of way to the center line. The abutters could have an increase of the property values translating into increase property taxes.

On the attached sheets, please find the pertinent Ordinance Section: 2-171(c) Streets and rights-of-way.

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Sec. 2-171. Sale of real property.

- (1) **General policy.** The sale of all real property owned by the city, including any interests therein, shall be governed by this ordinance. As a general rule, the city shall charge fair market value for the conveyance of any interest in real property, except as specifically provided below, and convey its interest by quit claim deed.
- (2) **Classification of property interest.** For the purpose of this division, real property interests owned by the city shall be classified and the disposition of those interests shall be as follows:
...
- (a) **Streets and rights-of-way.**
1. The sale or discontinuation/vacation of property interests in streets and rights-of-way shall be governed by this paragraph and the requirements of state law.
 2. The city's property interest in streets and rights-of-way shall not be sold or discontinued/vacated until the planning board has reviewed the matter and issued a written recommendation thereon to the city council.
 3. The city council shall then decide whether to sell or discontinue/vacate such interests. The assessment of damages shall be left to the discretion of the city council.
- (3) **Miscellaneous considerations.** The city council may waive any of the above requirements where the public interest so requires and where i) An abutting property owner has a unique interest in the property; ii) in the case of a street or right-of-way, a replacement of equal quality is given; or iii) a charitable, nonprofit, or other governmental agency offers to purchase property to be used for a charitable, nonprofit, or governmental purpose. The city council may authorize such a waiver only upon full public disclosure and an affirmative vote of not less than six (6) councilors.

(Ord. No. 22-89/90, 6-4-90, Ord. No. 17-91/92, 6-15-92)

DEPARTMENT OF PLANNING AND DEVELOPMENT

FEE SCHEDULE

Pre-application meeting – if applicable, as determined by staff

- _____ Engineer Consulting Fee - \$250.00 (minimum)
- _____ Traffic Consulting Engineer Fee - \$300.00 (minimum)
- _____ Legal Consulting Fee - \$250.00 (minimum)

Application fees - required with project submittal

Site Plans

- _____ Land Disturbance of 15, 000 sq. ft. – 2 acres - \$300.00
- _____ Land Disturbance-exceeding 2 acres - \$400.00
- _____ Buildings with one unit or tenant, less than or equal to 2,000 sq. ft -\$400.00. Building size greater than 2,000 sq. ft.- \$25 per each 1,000 square foot.
- _____ For buildings with 2 or more units or tenants,
\$150 per unit or tenant up to 10 units or tenants, then
\$100 per unit for more than 10 units
- _____ Minor Site Plan Review - \$300.00
- _____ Amended Site Plan Review – Regular site plan fee applied to the area being modified; \$400.00 minimum
- _____ Amended Site Plan Review for projects that only require site plan review because they modify a previous site plan approval and would not otherwise trigger the need for site plan approval- \$50.00
- _____ Minor Site Plan for Non-conforming Lots of Record-less than 5000 sq ft or less than 50 ft of street frontage-\$300.00

Subdivisions

- _____ *Minor Subdivision - \$300.00 Plus Advertising Costs to Newspaper*
- _____ Preliminary Major Subdivision
Up to 10 lots - \$300.00 Plus Advertising Costs to Newspaper
10 Lots and more - \$300.00 Plus \$50.00 per lot Plus Advertising Costs to Newspaper
- _____ Final Major Subdivision
Up to 10 lots - \$750.00 Plus fee for land disturbance (see Site Plan fees) Plus Advertising Costs to Newspaper
Over 10 lots - \$750.00 Plus \$50.00 per lot, Plus fee for land disturbance (See Site Plan fees) Plus Advertising Costs
- _____ Amended Major Subdivision – for amendments that do not create additional lots - \$400.00. Regular fee for amendments that create additional lots, except that existing lots do not count in calculating the fee. Plus Advertising Costs to Newspaper

Zoning Changes

- _____ Map Change - \$500.00 Plus Advertising Costs to Newspaper
- _____ Text Change - \$500.00 Plus Advertising Costs to Newspaper

Special Exceptions

- _____ Special Exception - \$300.00
- _____ With Modified Site Plan - \$200.00
- _____ Accessory Dwelling Units - \$150.00

Master Plans

- _____ Master Plan - \$300.00

Reapproval of Lapsed Plans

- _____ Subdivision and Site Plan Applications - \$300.00

Request to Purchase

- _____ Request to purchase City Property - \$150.00

DeMinimis Change Request

- _____ Application Fee - \$50.00

Request to Vacate Street

- _____ Application Fee - \$300.00 Plus Applicant is responsible for title search fees

Public Notice Fee

- _____ \$1.00 per notice - required with project submittal.

Engineering Review Fee for Site Plans, Subdivision, Special Exceptions

- _____ Minimum \$500.00 escrow required with project submittal and subject to change depending on complexity of project

Legal Consultant Review Fee for Site Plans, Subdivisions, Special Exceptions

- _____ Minimum \$500.00 escrow required with project submittal and subject to change depending on complexity of project

Inspection Fees (may be required prior to pre-construction meeting)

- _____ Sites Without Maine Construction General Permit (less than an acre) - \$500.00 minimum
- _____ Sites With Maine Construction General Permit (greater than an acre) - \$2000.00 minimum

Engineering fees for project review are estimated and due with project submittal. Additional fees may be assessed depending on project complexity

Fees assessed for inspections completed by the city or its consultant are due upon receipt of invoice.