

**CONDEMNATION ORDER**

The undersigned Selectmen of the Town of Sedgwick, a municipal corporation located in Hancock County, Maine ("the Town"), acting under the authority granted to that Board pursuant to 30-A M.R.S.A. §3101 and 23 M.R.S.A. §§ 3022 & 3023, hereby issue this Condemnation Order in regard to the laying out and taking of land, an easement, and interests in that land and easement located in the Town of Sedgwick, for a town way, as follows:

On October 29, 2009 we signed our written Notice of Intentions pursuant to 23 M.R.S.A. §3022 and caused it to be posted for at least seven (7) days in two (2) public places in the Town and in the vicinity of the way, i.e., on or near the "Cooper Farm Road" sign post on the southwesterly side of State Route 15, and at Eggemoggin County Store on Route 15 in Sedgwick. That Notices of Intentions, which included descriptions of the property and property interests to be taken from Blue Hill Heritage Trust ("the Trust"), and from Sarah Patten Gwynn and Emma Patten Casey ("Casey/Gwynn"), was posted from October 30, 2009 through November 12, 2009, and one of us checked them each day to confirm that they remained posted.

We have previously determined, and hereby again declare, (a) that this condemnation proceeding is for public use, i.e. a taking of property and interests in property for highway purposes as defined in 23 M.R.S.A. §3021, (b) that public exigency requires the immediate taking of such property interests for a town way, and (c) that the Town is unable to purchase those property interests at what the Selectmen deem reasonable terms and valuation, and free of the permanent restrictions that render the title to the Trust's property defective.

We have determined that the Town must acquire a right-of-way and storm water buffer easement across the Cooper Farm owned by the Trust to land of the James Condon Trust in order to obtain public access from State Route 15 to land owned by the Town on the Shore of Walker Pond. The interests held by Casey/Gwynne constitute encumbrances on the property owned by the Trust. This taking, and the acquisition of property interests from the James Condon Trust will allow the Town to establish a public town way to provide access to a public landing and boat launch area on its property.

THEREFORE the Selectmen hereby adopt the following Condemnation Order, which Order they shall file with the Sedgwick Town Clerk:

1. Description of the Property Interests to be Taken. The Selectmen do hereby lay out, take, condemn the following land and interests in land for a town way: The Property to be taken from **BLUE HILL HERITAGE TRUST** is fee simple absolute title to (a) a 60-foot wide strip of land from State Route 15, southwesterly across the "Cooper Farm" premises, approximately 1,055 feet long over the existing gravel road to a point, and (b) a 60-foot wide strip of land from

that point in the existing road northwesterly across the "Cooper Farm" premises, approximately 1,173 feet across the bottom of the blueberry field to a point on the sideline of premises of the James Condon Trust. The Property to be taken from Blue Hill Heritage Trust also includes (c) an 80-foot wide storm water management buffer easement down gradient from the strip described in item "b". These strips of land and easement are portions of the premises described in the December 24, 2001 deed to it recorded in Book 3222, Page 45 of the Hancock County Registry of Deeds. The storm water management buffer easement shall constitute a permanent appurtenance to the land on Walker Pond acquired by the Town through the October 7, 1994 deed from Gifford H. Foster that is recorded in Book 2327, Page 173 of the Hancock County Registry of Deeds, as well as the land taken in items "a" and "b" above. A metes and bounds description of those strips of land and the easement is attached hereto as **Exhibit "A"** and incorporated herein. The two strips of land and the buffer easement are shown on a survey by Allen-Bowden Inc. which may be recorded in the Hancock County Registry of Deeds; and

The Property interests to be taken from **SARAH PATTEN GWYNN** and **EMMA PATTEN CASEY** are the continuing rights for themselves and their heirs and assigns to enforce permanent restrictions 4, 5(a), 5(b), 5(c) and 5(d), and perhaps part of permanent restriction 3, imposed by them in their said December 24, 2001 deed to Blue Hill Heritage Trust, recorded in Book 3222, Page 45 of said registry of deeds. Those conditions impede the Trust's ability to convey a satisfactory right-of-way to the Town, and the Town's ability to construct and maintain a public way and this taking will extinguish those restrictions in regard to the property to be taken from Blue Hill Heritage Trust. Those restrictions are listed on **Exhibit "B"** which is attached hereto and incorporated herein

2. Names of the Owners of Record. The Selectmen have determined that the parties who may claim to be record owners of those property interests, so far as they can reasonably determine, are (a) The owner of the two 60-foot wide strips of land to be taken in fee title, as well as the 80-foot wide stormwater buffer easement, described in Exhibit A is **Blue Hill Heritage Trust**, a non-profit corporation with principal place of business in Blue Hill, Maine, whose mailing address is 258 Mountain Road, Blue Hill, ME 04614 ; and (b) The holders of the permanent restrictions described in above paragraph 1 are **Sarah Patten Gwynn** and **Emma Patten Casey**. Ms. Gwynn's mailing address is 2990 Habersham Rd. Atlanta, GA 30305. Ms. Casey's mailing address is 723 E. Brown Rd., Lookout Mt, TN 37350.

3. Date of Takings; Town Meeting. The proposed date of taking possession of those property interests is the date on which an article or articles generally describing the property interests to be taken and stating the amounts of damages to be paid has been approved by a duly called Sedgwick special town meeting.

The Selectmen will prepare and cause to be posted a town meeting warrant containing an article or articles that describe the property interests to be taken and that state the amount of damages to be paid to each owner. At that meeting the voters may not amend the article(s) except to increase the amount of damages to be paid.

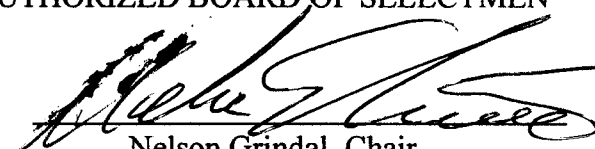
4. Amount of Damages. The Selectmen have also determined that (a) The amount of damages to be paid to the Trust as just compensation for the taking of its strip of land and easement is Thirteen Thousand, Five Hundred Dollars (\$13,500); and (b) The amount of damages to be paid to Casey/Gwynn as just compensation for the taking of their interests in the permanent restrictions contained in their said 2001 deed are Zero Dollars (\$0.00).


5. Filing and Recording of Order. The Selectman shall file a copy of this Condemnation Order with the Sedgwick Town Clerk and send attested copies to the Trust and to Casey/Gwynn by registered mail.

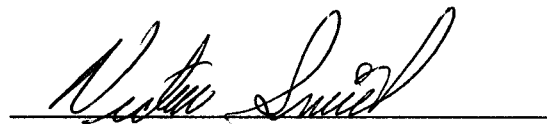
If these takings are approved at town meeting, the Town shall immediately sent to the owner or owners of record a check or checks in the amount of the damages authorized by the voters. The Sedgwick Town Clerk shall record at the Hancock County Registry of Deeds an attested certificate stating the final action taken at that meeting pursuant to 23 M.R.S.A. §3024.

WITNESS our hands and seals at Sedgwick, Maine this 10 day of November, 2009.

THE INHABITANTS OF THE TOWN OF SEDGWICK  
BY ITS AUTHORIZED BOARD OF SELECTMEN

  
Nelson Grindal, Chair

  
William Jagger, Selectman

  
Victor Smith, Selectman

## EXHIBIT A

The 60-foot wide strips of land and the 80-foot wide easement to be taken from Blue Hill Heritage Trust, from and upon the "Cooper Farm" premises in Sedgwick are described as follows:

Road Segment "A". A certain parcel or strip of land, sixty (60) feet in width, located in Sedgwick, Hancock County, Maine - being a portion of the land conveyed in the December 24, 2001 deed from Sarah Patten Gwynn and Emma Patten Casey to Blue Hill Heritage Trust that was recorded in Book 3222, Page 45 of the Hancock County Registry of Deeds. The centerline of said strip of land is described as follows:

Beginning at an unmarked point at or near the southwesterly sideline of Route 15, said point bears South thirty-five degrees six minutes twenty-six seconds East (S. 35° 06' 26" E.) a distance of five hundred thirty-eight and twenty-one hundredths (538.21) feet from a  $\frac{3}{4}$  inch iron rod with survey cap stamped Richard Bowden PLS 2221 set in 2004 on the northerly line of said land of Blue Hill Heritage Trust, said rod being also on the southeasterly line of land conveyed in a deed from Basil L. Ladd, Personal Representative of the Estate of James S. Condon to Basil L. Ladd, Successor Trustee u/w James S. Condon dated May 10, 1996 and recorded in Book 2589, Page 27 at said Registry; thence South fifty-six degrees eleven minutes forty-three seconds West (S. 56° 11' 43" W.) forty-three and seventy-five hundredths (43.75) feet; thence South twenty-six degrees forty-nine minutes fifty-one seconds West (S. 26° 49' 51" W.) ninety-eight and fourteen hundredths (98.14) feet; thence South twenty degrees fifty-eight minutes sixteen seconds West (S. 20° 58' 16" W.) one hundred sixty-nine and eighteen hundredths (169.18) feet; thence South thirty-four degrees thirty-nine minutes six seconds West (S. 34° 39' 06" W.) two hundred fifty-eight and two hundredths (258.02) feet; thence South seventy-three degrees four minutes eighteen seconds West (S. 73° 04' 18" W.) two hundred ninety-five and sixty-six hundredths (295.66) feet; thence South forty-nine degrees twenty minutes fifty-six seconds West (S. 49° 20' 56" W.) one hundred ninety and zero hundredths (190.00) feet to a point near the existing Cooper Farm Road and at the southerly end of Road Segment "B";

Road Segment "B". A certain parcel or strip of land, sixty (60) feet in width, located in Sedgwick, Hancock County, Maine - being a portion of the land conveyed in the December 24, 2001 deed from Sarah Patten Gwynn and Emma Patten Casey to Blue Hill Heritage Trust that was recorded in Book 3222, Page 45 of the Hancock County Registry of Deeds. The centerline of said strip of land is described as follows:

Beginning at unmarked point on the northerly line of said land of Blue Hill

Heritage Trust, said point being also on the southwesterly line of said land of Ladd, said point bears South sixty-four degrees fifty-one minutes thirty-eight seconds East (S. 64° 51' 38" E.) a distance of one hundred eight and fifty-four hundredths (108.54) feet from a granite monument and stones found at the south corner of said land of The Inhabitants Of The Town Of Sedgwick.

Thence South thirty-eight degrees thirty-five minutes eight seconds East (S. 38° 35' 08" E.) ninety-two and thirty-seven hundredths (92.37) feet;

thence South nine degrees one minute thirty seconds West (S. 9° 01' 30" W.) two hundred seventeen and fifty-nine hundredths (217.59) feet;

thence South fourteen degrees forty-seven minutes forty-two seconds East (S. 14° 47' 42" E.) five hundred fifty-two and eighty-five hundredths (552.85) feet;

thence South thirty-two degrees fifty-eight minutes eleven seconds East (S. 32° 58' 11" E.) three hundred ten and seventeen hundredths (310.17) feet to the westerly terminus of the centerline of Road Segment "A" following the Cooper Farm Road and identified on the previously mentioned plan;

Storm Water Management Buffer Easement Area "C". An easement over and upon a certain parcel or strip of land, eighty (80) feet in width, in Sedgwick, Hancock County, Maine, located westerly of and down gradient from the above-described Road Segment "B". The easterly sideline of said easement is the westerly sideline of said Road Segment "B" as that strip of land extends generally northerly to the northerly line of land of Blue Hill Heritage Trust conveyed to it in the December 24, 2001 deed from Sarah Patten Gwynn and Emma Patten Casey that was recorded in Book 3222, Page 45.

This Easement shall be a permanent appurtenance to above-conveyed Road Segment "B" and to other land of The Inhabitants Of The Town Of Sedgwick that was conveyed to it by October 7, 1994 deed from Gifford H. Foster that was recorded in Book 2327, Page 173 of said Registry.

Bearings mentioned in the above descriptions are oriented to True North derived from precise positioning utilizing the United States Global Positioning System (GPS).

The above descriptions are taken from a boundary survey by Allen-Bowden, Inc. entitled "Plan Of Proposed Right Of Way TOWN OF SEDGWICK, Route 15, Sedgwick, Maine" dated October 20, 2009 and prepared by Richard I. Bowden, Maine Professional Land Surveyor #2221.

## EXHIBIT B

The Property interests to be taken from Sarah Patten Gwynn and Emma Patten Casey are the following permanent restrictions contained in their said December 24, 2001 deed to Blue Hill Heritage Trust, recorded in Book 3222, Page 45 of said registry of deeds:

3. So much of restriction #3 on page 49 of said deed as is inconsistent with the construction, maintenance and use of an access road and storm water management buffer easement across and upon the wild blueberry ground and other premises covered by that restriction;

4. So much of restriction #4 on page 49 as is inconsistent with the maintenance, repair or reconstruction of Road Segment "A" and construction of Road Segment "B" following "best management practice" for such work under similar *Maine* standards;

5(a). So much of restriction #5(a) on page 49 as is inconsistent with the maintenance, repair or reconstruction of Road Segment "A" and construction of Road Segment "B" following "best management practice" for such work under similar *Maine* standards;

5(b). Restriction #5(b) on page 49 which prohibits use of Road Segment "A", Road Segment "B", and Storm Water Management Buffer Easement Area "C", to service a ramp or launch site for motorized watercraft into Walker Pond;

5(c). Restriction #5(c) on page 49 which requires that any access for motor vehicle travel over Road Segment "A" and Road Segment "B" end at "a parking area that is located far enough from the shoreline of Walker Pond to ensure that sedimentation and pollutants do not enter the pond" insofar as that restriction may be inconsistent with any use of the land of the Inhabitants of the Town of Sedgwick at Walker Pond, including a public landing, boat ramp or launch site;

5(d). Restriction #5(d) on page 49 which requires that any grant of access rights by Blue Hill Heritage Trust to the Inhabitants of the Town of Sedgwick be limited to a license for a term not to exceed five years as stated in said deed.