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Martin's Point Bridge : Water Main Plans, September 28, 2011

Maine Department of Transportation

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23 §154. CONDEMNATION PROCEEDINGS

23 §154. CONDEMNATION PROCEEDINGS

If the department determines that public exigency requires the taking of property or any interest in property, or is unable to purchase a property or any interest in a property, or the necessary ways and access to a property at what it considers a reasonable valuation, or if the title in a property is defective, it shall file in the registry of deeds for the county or registry district where the land is located a notice of condemnation which must contain a description of the project specifying the property and the interest taken and the name or names of the owner or owners of record so far as they can be reasonably determined. The department may prescribe procedures for the reasonable determination of the owner or owners of record. The department may join in the notice one or more separate properties whether in the same or different ownership and whether or not taken for the same use. [1997, c. 272, §2 (AMD).]

The department shall serve a check in the amount of the determined net damage and offering price and a copy of the notice of condemnation on the owner or owners of record. In case there is multiple ownership, the check may be served on any one of the owners. With that copy the department must serve on each individual owner of record a copy of that part of the plan as relates to the particular parcel or parcels of land taken from that owner and a statement by the department with respect to the particular parcel or parcels of land taken from that owner which must: [1997, c. 272, §2 (AMD).]

1. Date of proposed possession. State the proposed date of taking possession;

[[PL 1981, c. 470, Pt. A, § 125 (AMD).].]

[1981, c. 470, Pt. A, §125 (AMD) .]

2. Compensation involving severance damage. Where the department appraisals disclose severance damages, state the amount of compensation itemized in accordance with the department's determination of the following elements of damage:

A. The highest and best use of the property at the date of taking;

B. The highest and best use of the property remaining after the taking;

C. The fair market value of the property before the taking;

D. The fair market value of the property after the taking;

E. The gross damage, showing separately:

(1) The fair market value of the real property taken; and

(2) Severance damages including the impairment or destruction of facilities and structures; [.]

[PL 1981, c. 470, Pt. A, § 126 (AMD).]

F. Special benefits, accruing to the remaining property by reason of the public improvement for which part of the property is taken, to be set off against severance damages; [.]

[PL 1975, c. 431, § 4 (AMD).]

G. The net damage showing separately:

(1) The fair market value of the real property taken;

(2) The amount of severance damages in excess of special benefits; and

(3) The offering price; [.]

[PL 1997, c. 272, § 2 (AMD).]

H. If the offer is not acceptable and the State cannot negotiate an agreement on the amount of just compensation within 60 days from the date of taking, the owner may apply to the department within said 60 days and have the matter referred to the State Claims Commission for assessment of the damage. Acceptance and cashing this check will not jeopardize negotiation and will not be construed as acceptance of the offer; and [.]

[PL 1987, c. 395, Pt. A, § 94 (AMD).]

I. Enclosed Check No.: Amount: \$

Payable to:

Sent to:

[.]

[[PL 1997, c. 272, § 2 (AMD) .] .]

[1997, c. 272, §2 (AMD) .]

3. Compensation not involving severance damage. Where the department appraisals disclose no severance damages, state the amount of compensation itemized in accordance with the department's determination of the following elements of damage:

A. The highest and best use of the property at the date of taking;

B. [.]

[PL 1975, c. 431, § 6 (RP).]

C. The fair market value of the real property taken as of the date of taking; [.]

[PL 1975, c. 431, § 7 (AMD).]

D. [.]

[PL 1975, c. 431, § 8 (RP).]

E. Offering price; [.]

[PL 1975, c. 431, § 9 (RPR).]

F. The check represents the State's offer of just compensation. If the offer is not acceptable and the State cannot negotiate an agreement on the amount of just compensation within 60 days from the date of taking, the owner may apply to the department within the 60 days and have the matter referred to the State Claims Commission for assessment of the damage. Acceptance and cashing this check will not jeopardize negotiation and will not be construed as acceptance of the offer; and [.]

[PL 1997, c. 272, § 2 (AMD).]

G. Enclosed Check No.: Amount: \$

Payable to:

Sent to:

[.]

[[PL 1997, c. 272, § 2 (AMD) .] .]

[1997, c. 272, §2 (AMD) .]

4. Compensation in cases involving the facilities of a public utility. Where the condemnation involves the taking of established rights and facilities owned by a public utility and located outside of an established highway right-of-way, no statement by the department as provided above may be sent to the public utility concerned. In any negotiations for an agreement with such public utility with regard to such rights and facilities, the department shall consider, without being limited to, the following elements of damage:

A. Relocation costs, which must include the cost of acquisition of substitute rights and the cost of establishing either existing or substitute facilities in a new location; [.]

[PL 1997, c. 272, § 2 (AMD).]

B. The salvage value of facilities removed;

C. Cost of removal; and [.]

[PL 1981, c. 470, Pt. A, § 129 (AMD).]

D. The value of betterments where the function of the substitute facilities exceeds the function of the replaced facilities. [.]

[PL 1981, c. 470, Pt. A, § 129 (AMD).]

[[PL 1997, c. 272, § 2 (AMD) .] .]

[1997, c. 272, §2 (AMD) .]

Service of the notice of condemnation with a copy of the plan, check and the statement by the department must be made by registered or certified mail or by personal service as required for service of a summons on a complaint in the Superior Court. A notice describing the condemnation must be published once in a newspaper of general circulation in the county where the property is located and such publication constitutes service on any unknown owner or owners or other persons who may have or claim an interest in the property. The notice must consist of an area map depicting the general location of the property interests to be condemned and such other information as the department determines will sufficiently identify the area in which the property interests are to be taken; an informative summary listing the parcel or item numbers to be condemned, the name of the apparent owner or owners of record of the property interests, the estimated areas to be condemned and the nature of the interests to be condemned; and a location at which the complete notice of layout and taking may be examined. [1997, c. 272, §2 (AMD) .]

If such owner is a person under the age of 18 years, or an incompetent person, the commission shall cause such notice and check to be served upon the legal guardian of such person or incompetent. If there is no such guardian, then the department shall apply to the judge of probate for the county wherein the property is situated, briefly stating the facts and requesting the appointment of a guardian. The reasonable fee of such guardian as approved by the court must be paid by the department. [1997, c. 272, §2 (AMD) .]

In case there is a mortgage, tax lien of record or other encumbrance covering any of said land, a copy of the notice of condemnation must be sent forthwith by registered or certified mail to the holder of record of said mortgage, tax lien or other encumbrance addressed to the holder's office or place of abode if known, otherwise to the office, abode or address as set forth in said record. [1997, c. 272, §2 (AMD) .]

The recording of the notice of condemnation is the date of taking and vests title to the property therein described in the State in fee simple or such lesser state as is specified in the notice of condemnation. Within one year after the completion of the project for which the land is taken, the department shall file a plan for recording in the registry of deeds for the county or registry district where the land is located. [1997, c. 272, §2 (AMD) .]

If a condemnation proceeding is instituted and then abandoned, the owner of any right, title or interest in any real property included in said proceeding must be reimbursed by the department for reasonable attorney, appraisal and engineering fees, actually incurred because of the condemnation proceedings. [1997, c. 272, §2 (AMD) .]

SECTION HISTORY

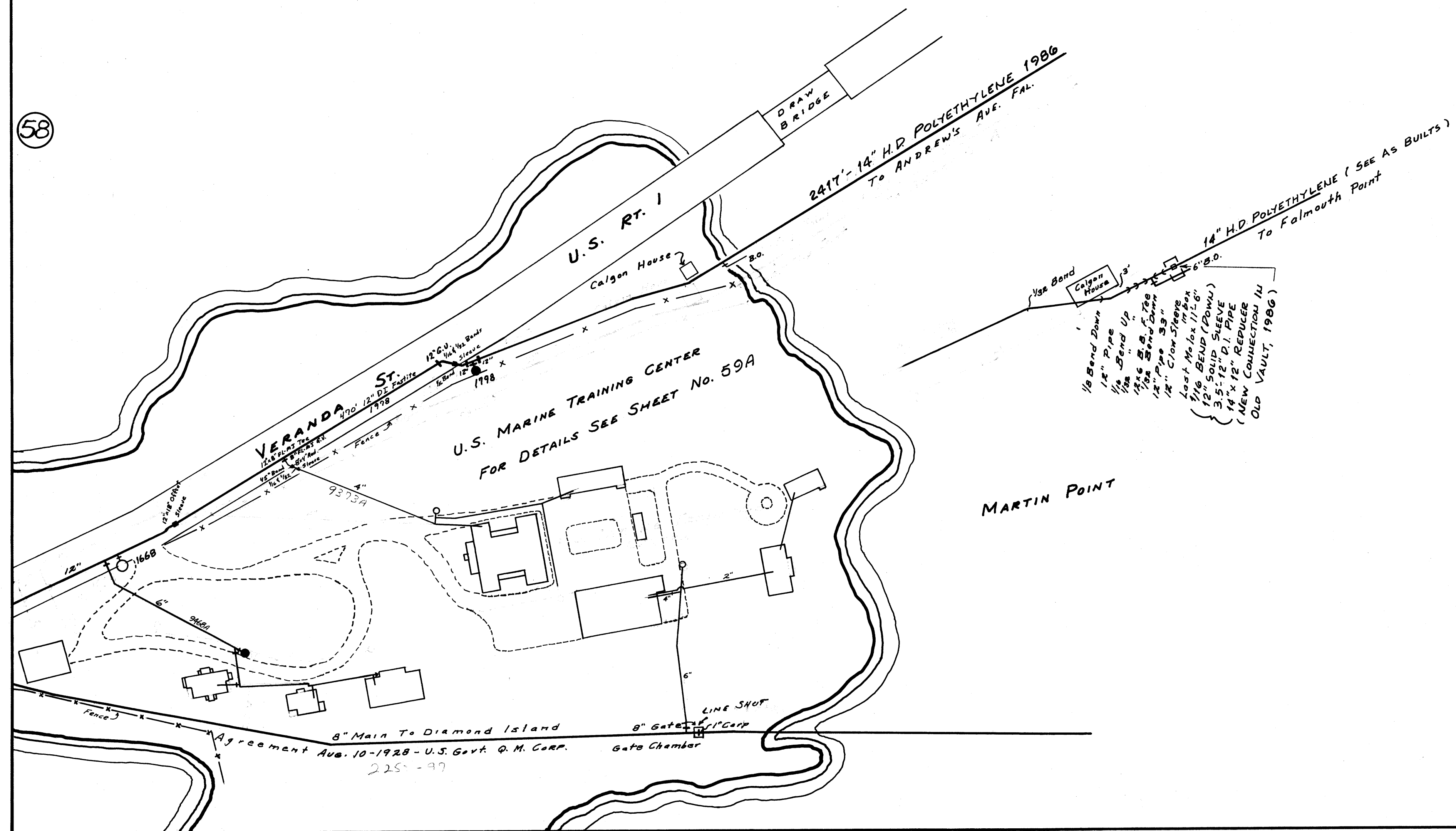
1965, c. 297, §§1-4 (AMD). 1965, c. 492, §2 (AMD). 1969, c. 433, §58 (AMD). 1971, c. 333, §3 (AMD). 1971, c. 593, §22 (AMD). 1971, c. 598, §46 (AMD). 1975, c. 431, §§4-9 (AMD). 1975, c. 771, §§237,238 (AMD). 1981, c. 470, §§A124-A129 (AMD). 1987, c. 395, §§A94,A95 (AMD). 1997, c. 272, §2 (AMD). 1997, c. 272, §2 (AMD).

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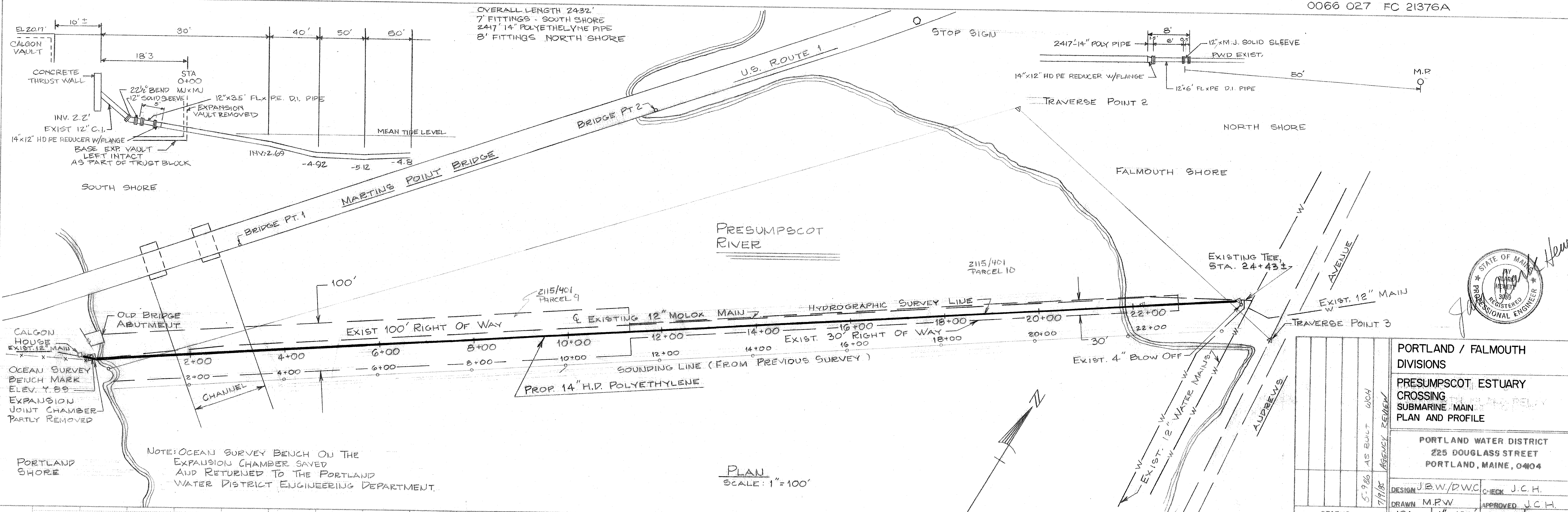
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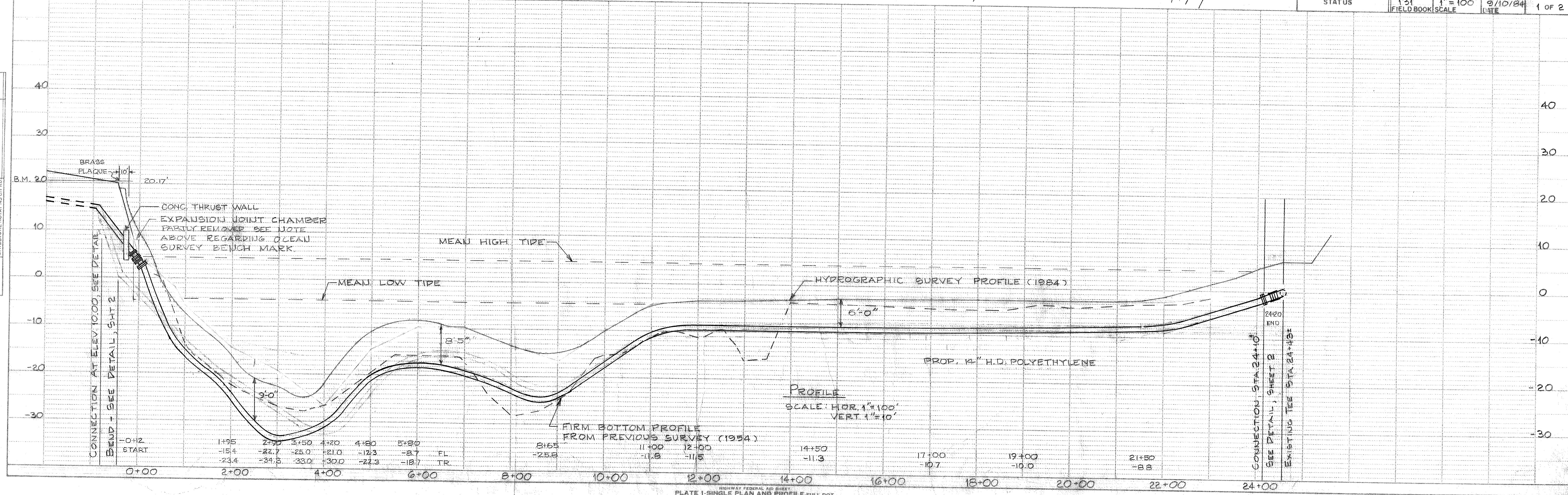
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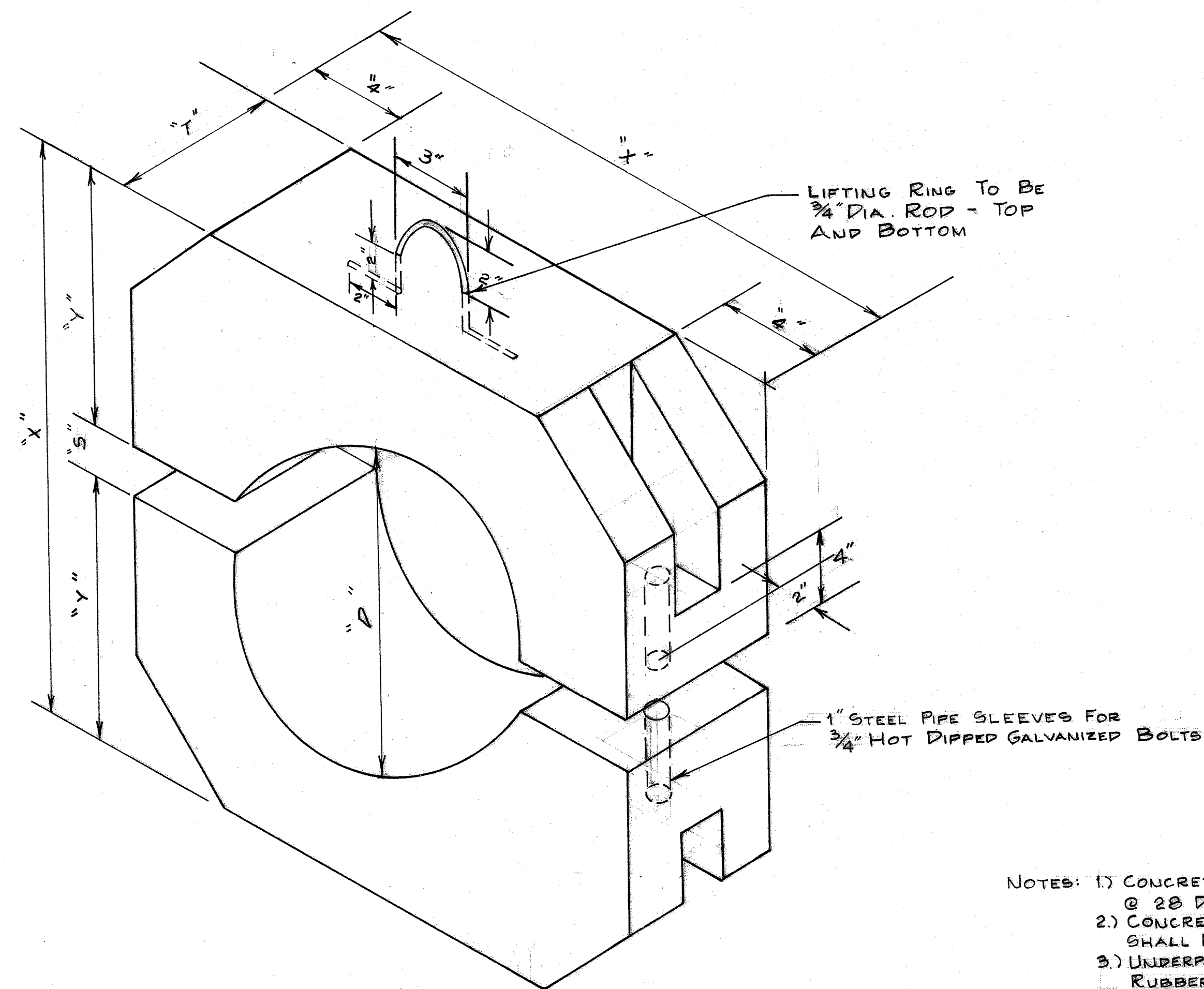


OVERALL LENGTH 2432'
7 FITTINGS - SOUTH SHORE
2417' 14" POLYETHYLENE PIPE
8' FITTINGS NORTH SHORE



PORTLAND / FALMOUTH DIVISIONS	
PRESUMPSCOT ESTUARY CROSSING SUBMARINE MAIN PLAN AND PROFILE	
PORTLAND WATER DISTRICT 225 DOUGLASS STREET PORTLAND, MAINE, 04104	
DESIGN J.B.W./D.W.C.	CHECK J.C.H.
DRAWN M.P.W.	APPROVED J.C.H.
131 FIELD BOOK SCALE	1"=100' 9/10/84
1 OF 2	



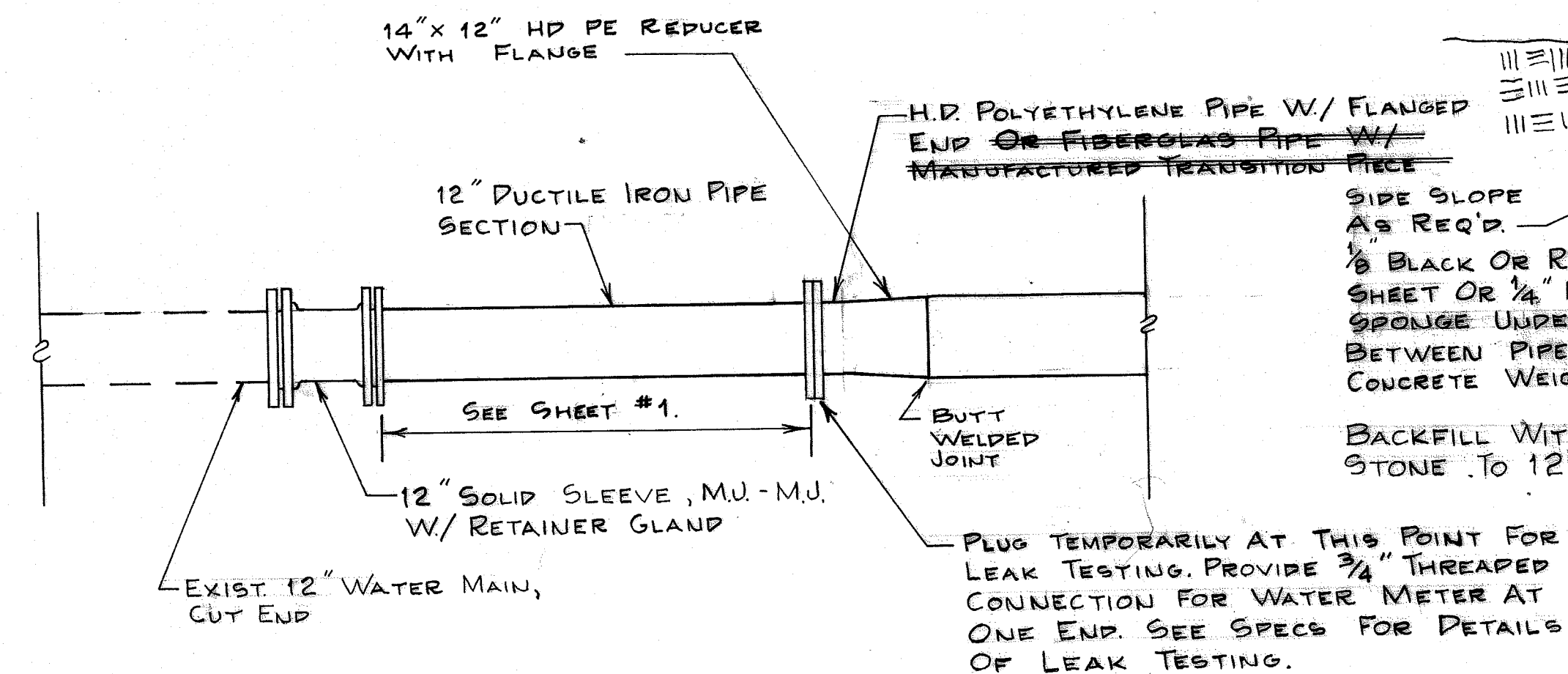


TYPICAL CONCRETE WEIGHT

NOT TO SCALE

TABLE OF DIMENSIONS		
TYPE OF PIPE	POLYETHYLENE	FIBERGLASS
WGT. / CONC. BLOCK	310 LB.	300 LB.
DIMENSION IN INCHES		
S	2	2
Y	13	11 1/2
T	7	8 1/2
X	27 1/2	25
D	OD + 1/2"	OD + 1/2"

NOTE: SIZE OF THRUST BLOCK TO BE DETERMINED BY THE ENGINEER IN THE FIELD AFTER VIEWING SOIL CONDITIONS.

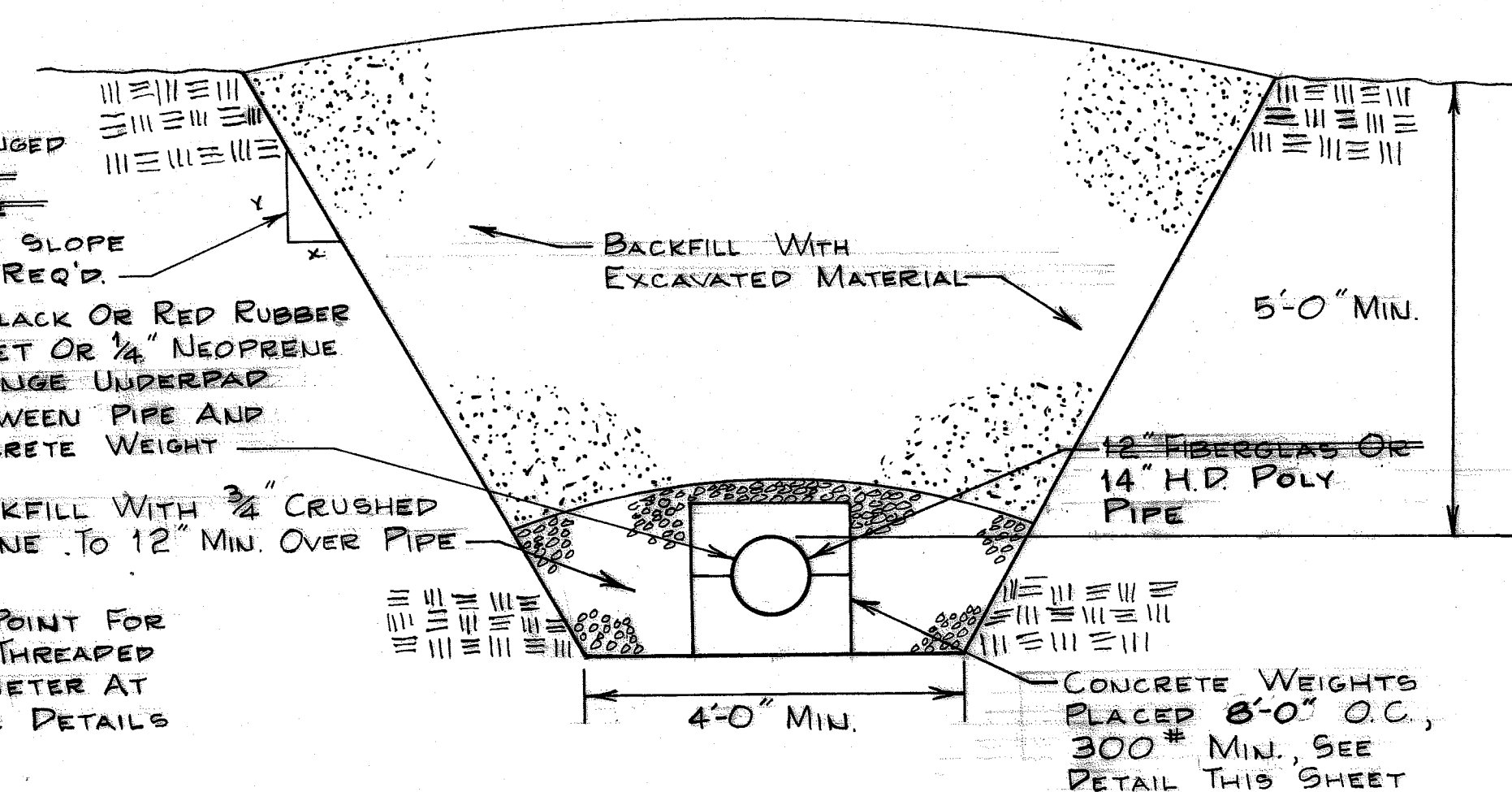


**PIPE CONNECTION
EXISTING TO PROPOSED MAIN**

SCALE: 1/2" = 1'-0"

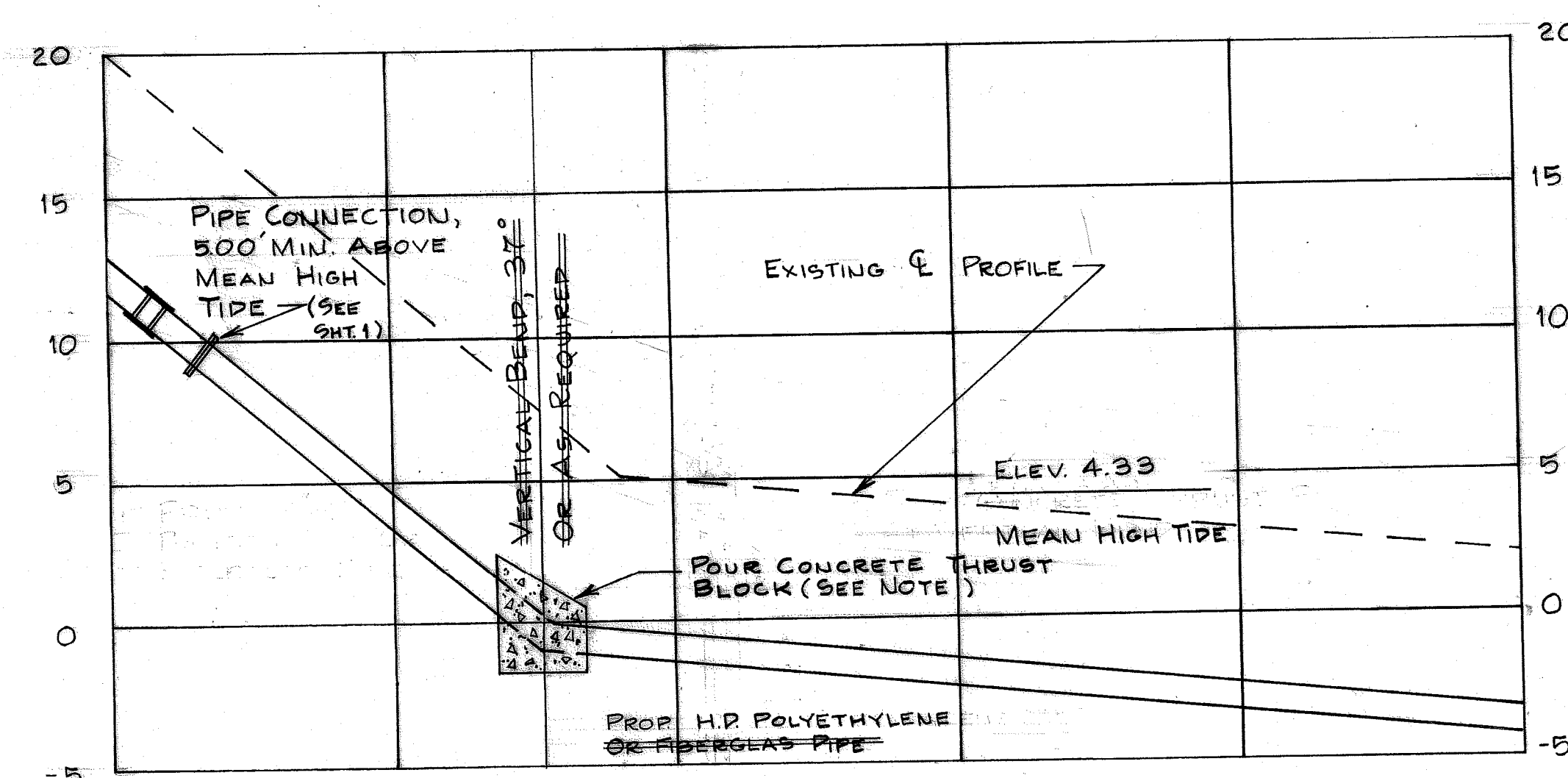
(TYPICAL BOTH ENDS)

- NOTES: 1) CONCRETE SHALL BE 3000 PSI @ 28 DAYS, MINIMUM.
2) CONCRETE INTERIOR SURFACES SHALL BE SMOOTH.
3) UNDERPAD MATERIAL SHALL BE 1/2" BLACK OR RED RUBBER SHEET OR 1/4" NEOPRENE SPONGE. WIDTH SHALL BE "T" + 2" MINIMUM TO PREVENT CONCRETE FROM CONTACTING PIPE.
4) CONCRETE WEIGHTS SHALL BE SUITABLY REINFORCED WITH REINFORCING ROD TO PREVENT CRACKING.



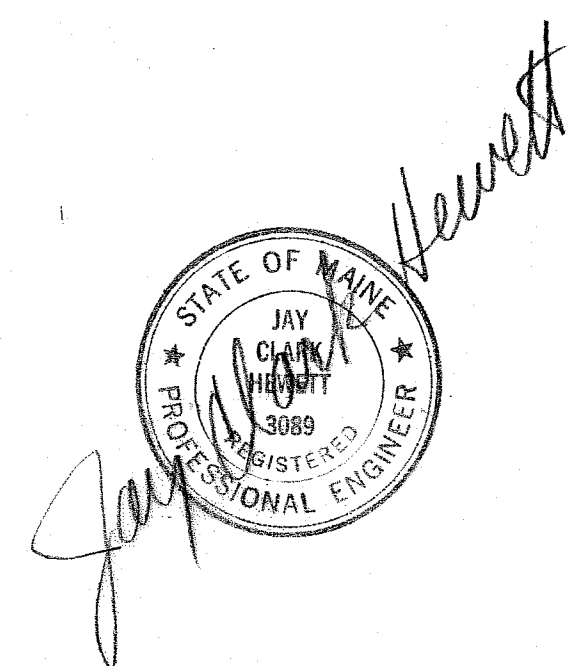
TYPICAL UNDERWATER TRENCH

N.T.S.

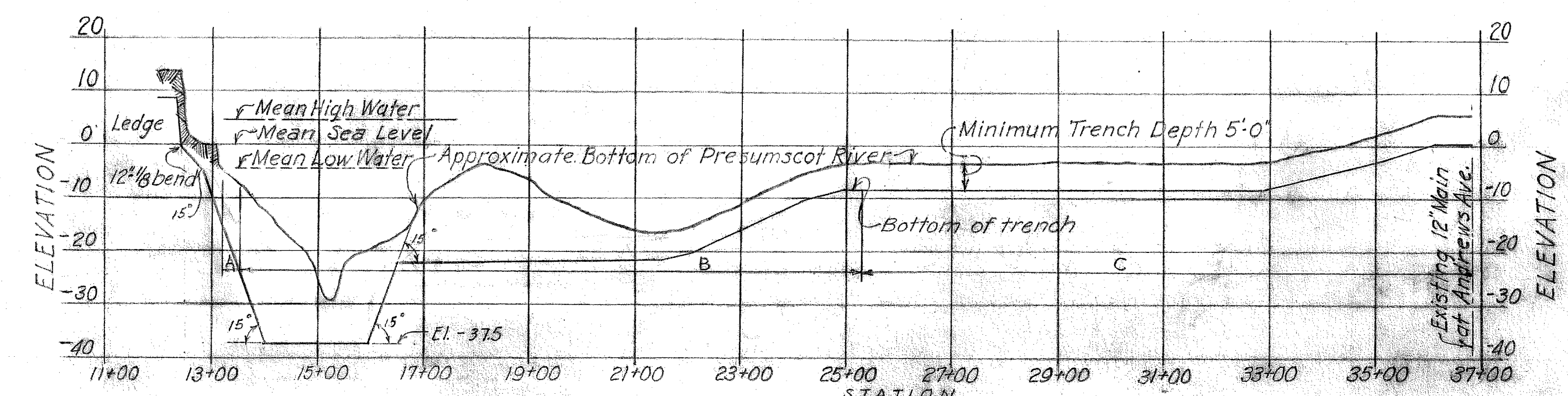
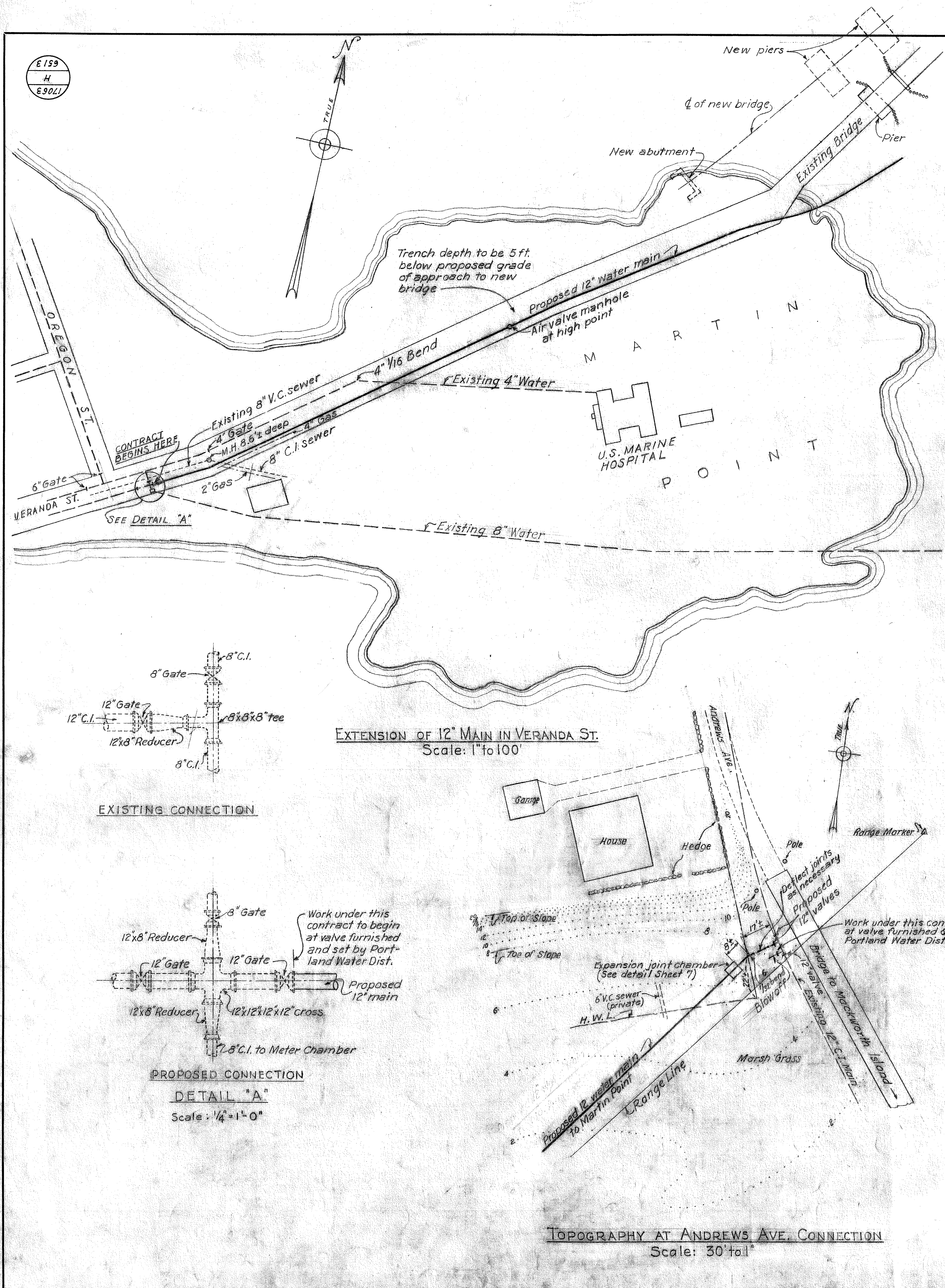


TYPICAL VERTICAL BEND

SCALE: HOR. 1" = 5'
VERT. 1" = 5'

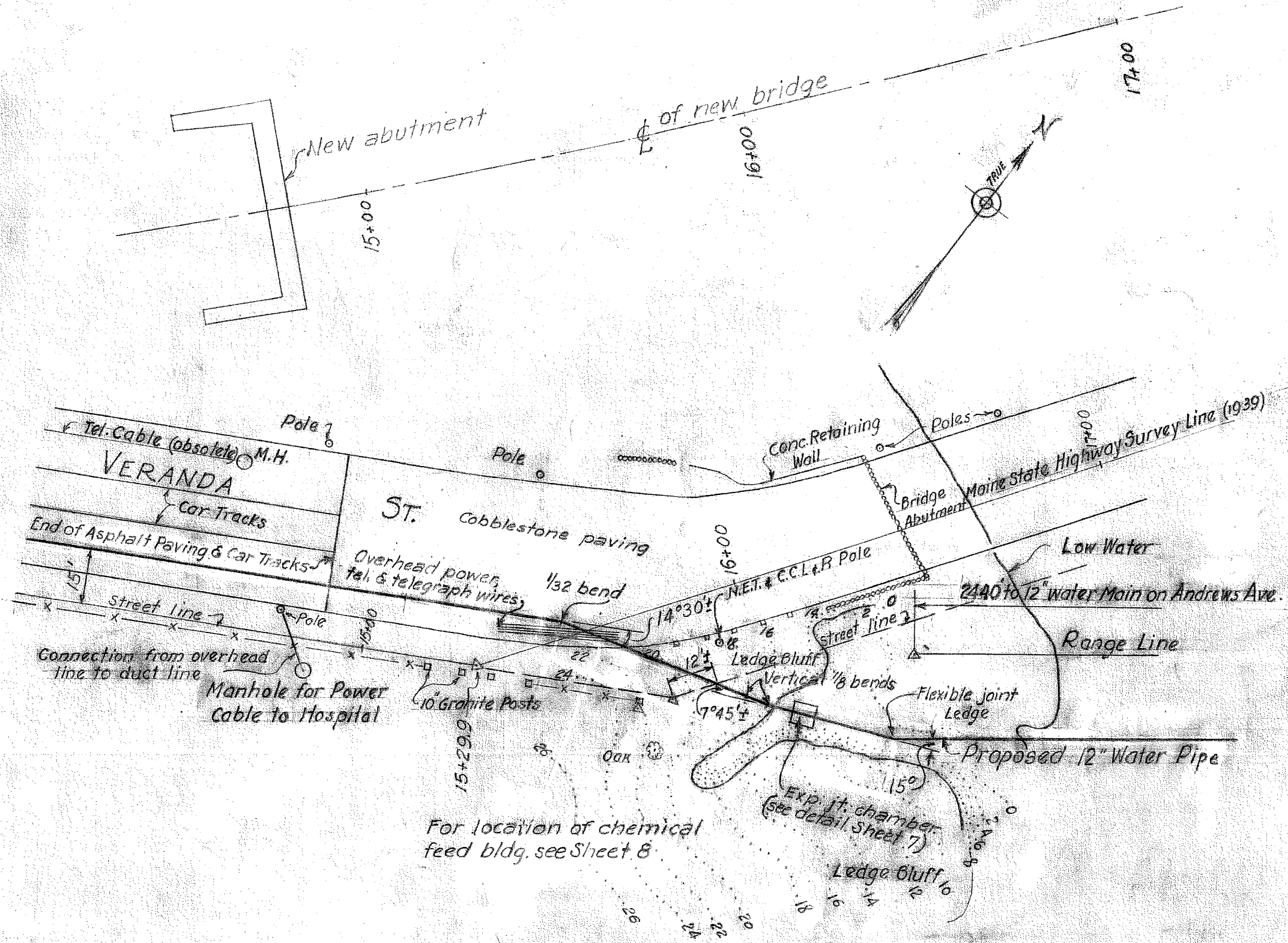


PORTLAND / FALMOUTH DIVISIONS	
PRESUMPCOT. ESTUARY CROSSING	
SUBMARINE MAIN	
STANDARD DETAILS	
PORTLAND WATER DISTRICT 225 DOUGLASS STREET PORTLAND, MAINE, 04104	
DESIGN D.C.	CHECK J.C.H.
DRAWN M.W.	APPROVED J.C.H.
131	As NOTED
FIELD BOOK SCALE	DATE 11/28/84
STATUS	2 OF 2

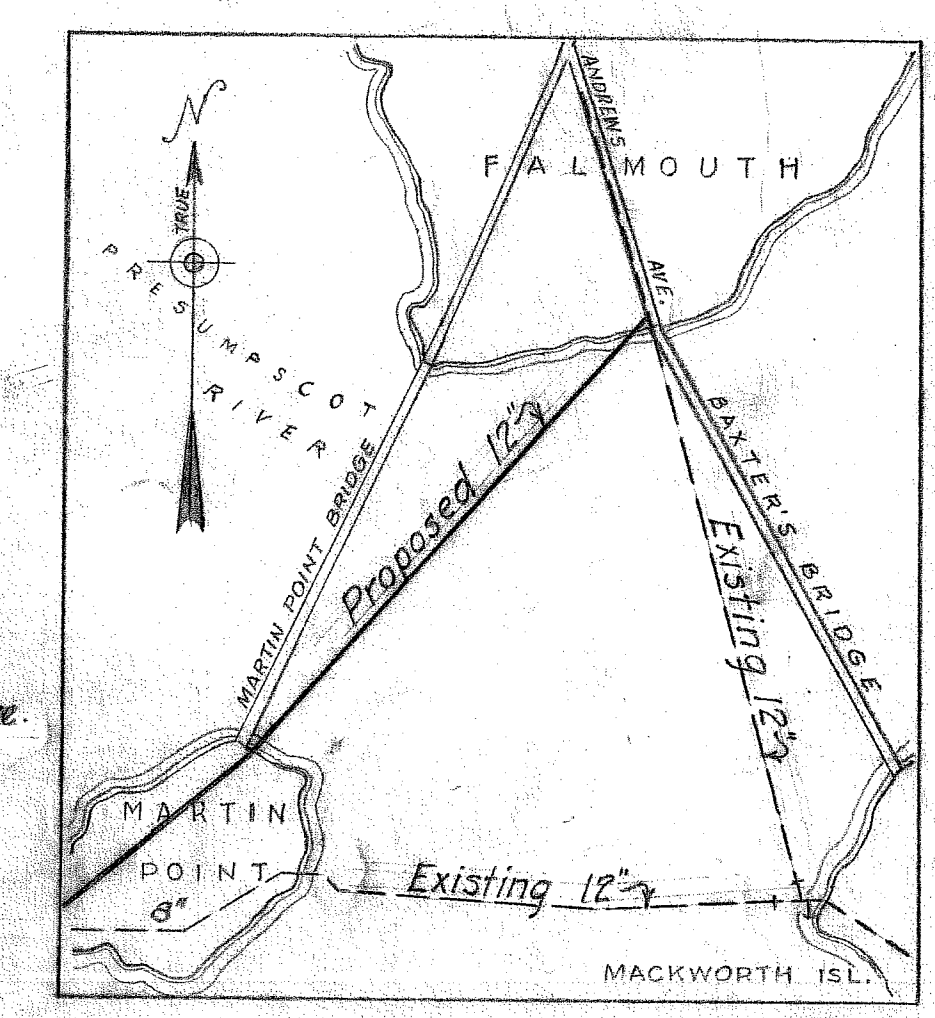


PROFILE
MARTIN PT. TO MACKWORTH PT.
Scale: 1" = 200' Hor.
1" = 20' Vert.

Location	SOUNDING DATA Depth of Penetration	Material Encountered
A	5 ft.	Clay
B	5 ft.	Mud
C	5 ft.	Clay

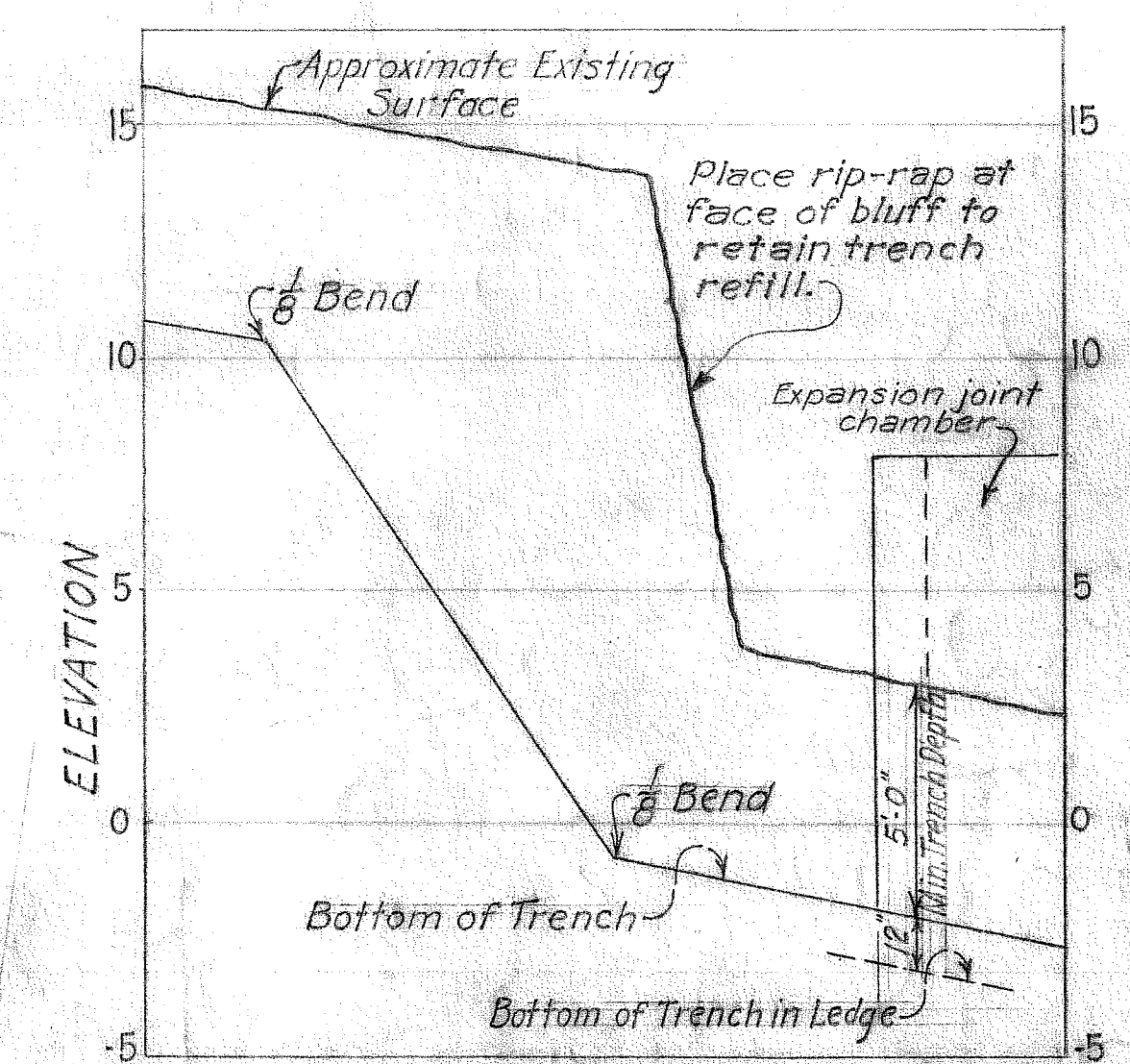


TOPOGRAPHY AT EAST END OF VERANDA ST. EXTENSION
Scale: 30' to 1"

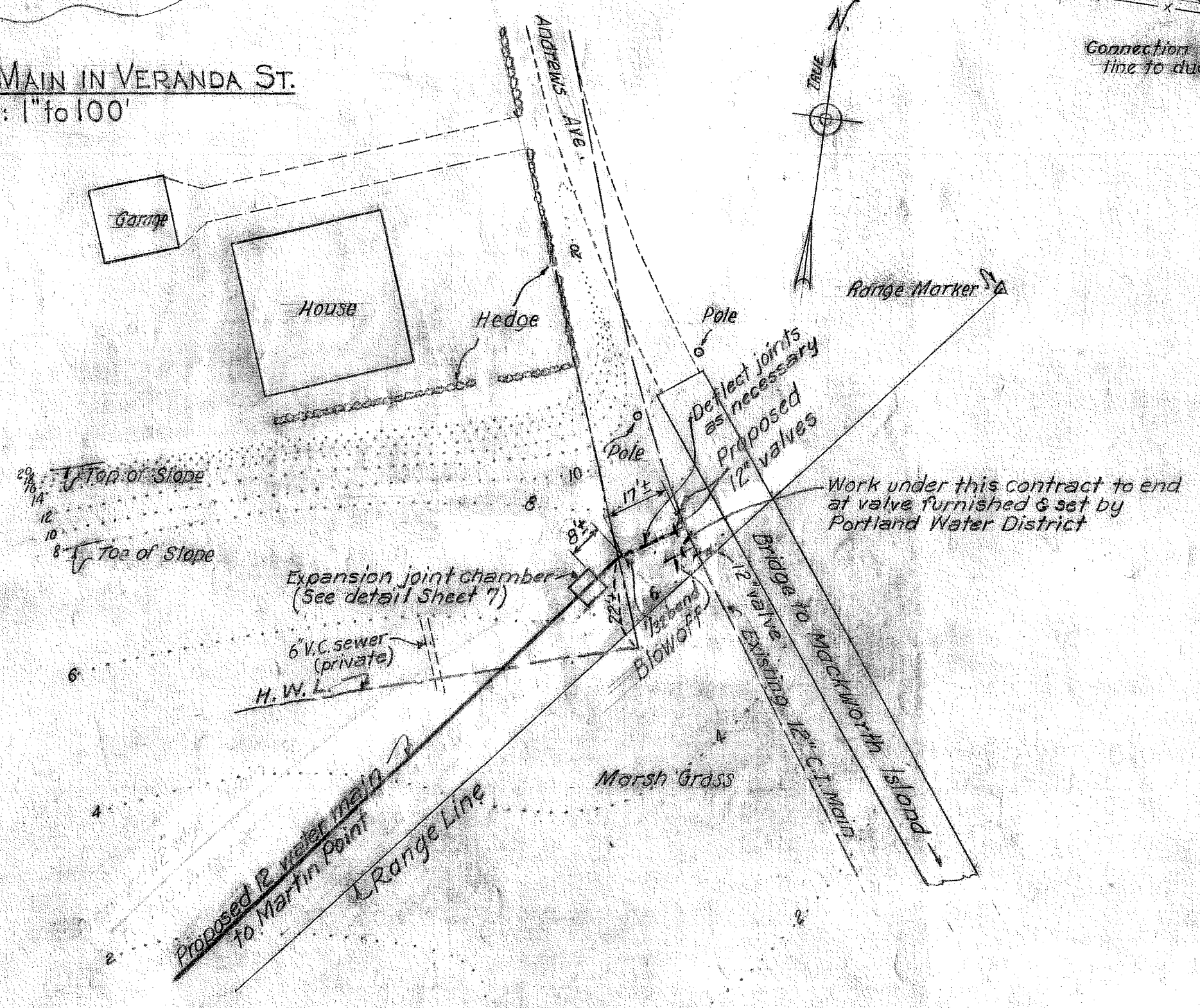


KEY PLAN
SCALE IN FEET
0 500 1000 1500 2000

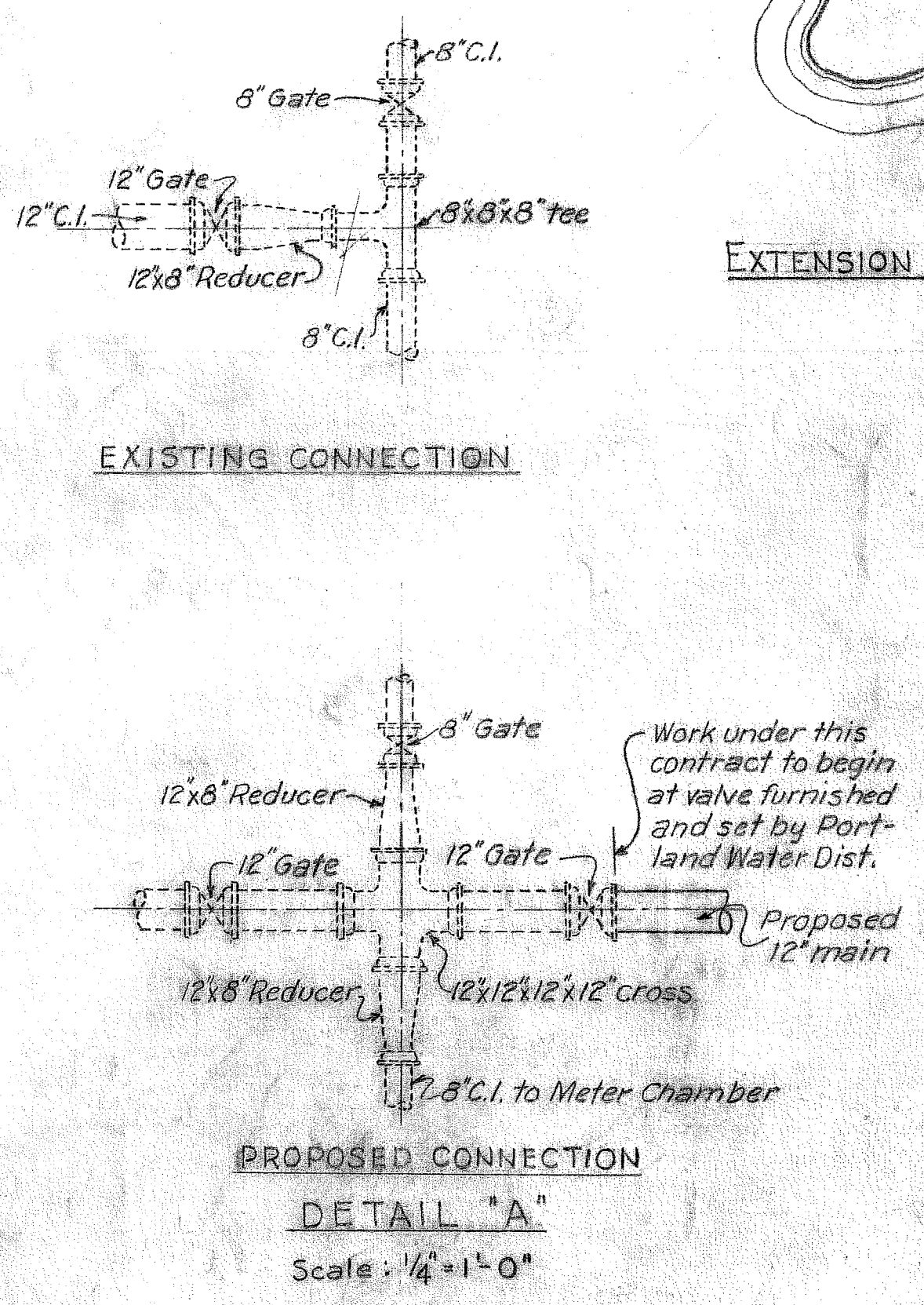
Notes:
Elevations are in feet above or below Mean Sea Level.
Underwater profiles shown hereon are approximate
only and are based on soundings made at various times
by different agencies.



PROFILE AT EAST END OF VERANDA ST. EXTENSION
Scale: 4' to 1"

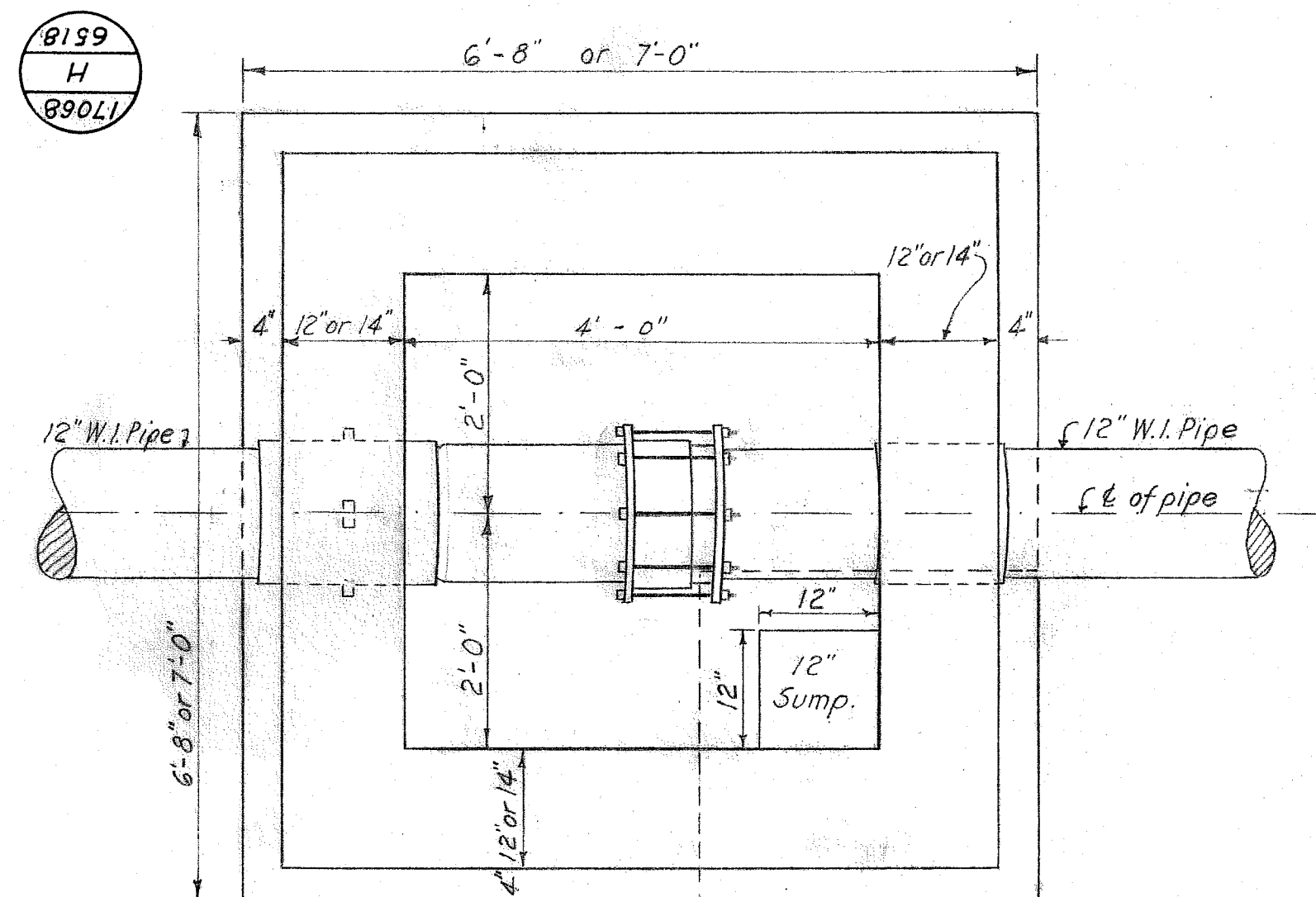


TOPOGRAPHY AT ANDREWS AVE. CONNECTION
Scale: 30' to 1"

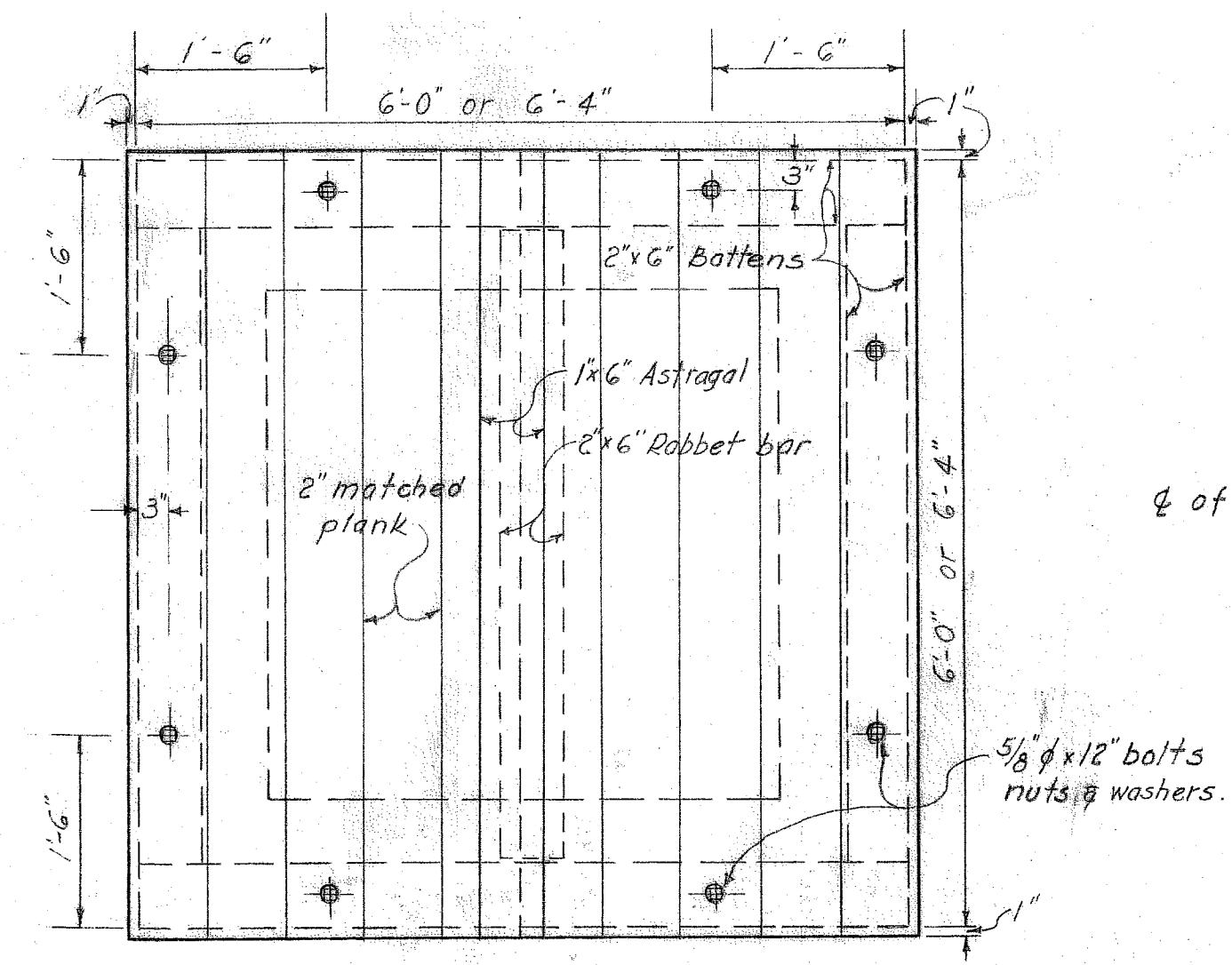


3				
2				
1				
Revision	Made by	Checked by	Description	
Submitted:	FEDERAL WORKS AGENCY			
METCALF & EDDY	WAR PUBLIC WORKS DOCKET NO. ME. 17-134			
by <i>Samuel C. Eddy</i>	WATER MAINS-PORTLAND HARBOR			
REG. PROF. ENG. ME. NO. 616	PORTLAND, MAINE			
Approval Recommended:	MARTIN POINT AND PRESUMPCOT RIVER			
Approved:	SCALE	JULY 27, 1942.	SHEET 2	
	AS NOTED		10" SHEETS	
Drawn by M.L.K. R.C.M.	METCALF & EDDY	ENGINEERS	BOSTON, MASS.	
Checked by H.L.K.				

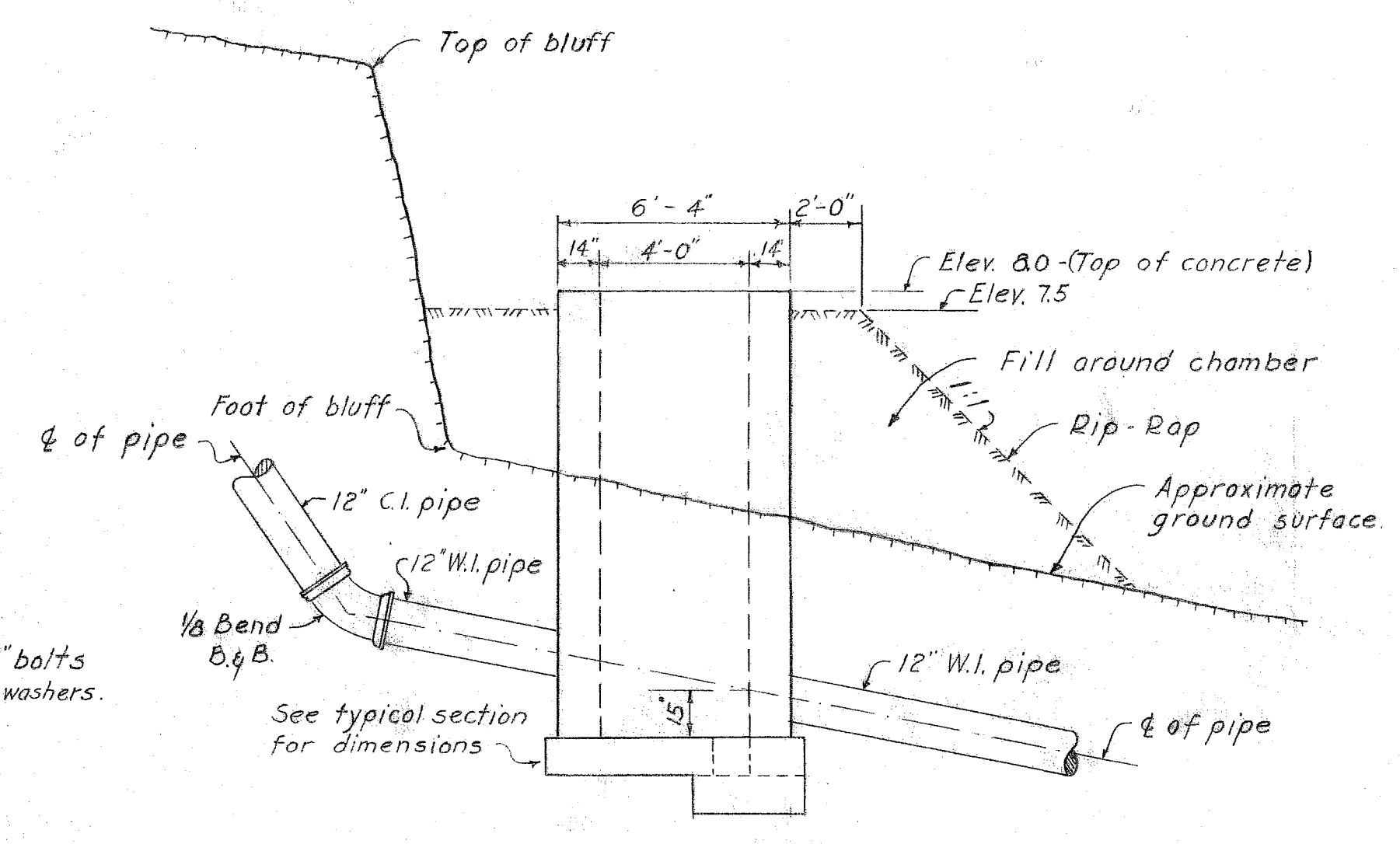
8139
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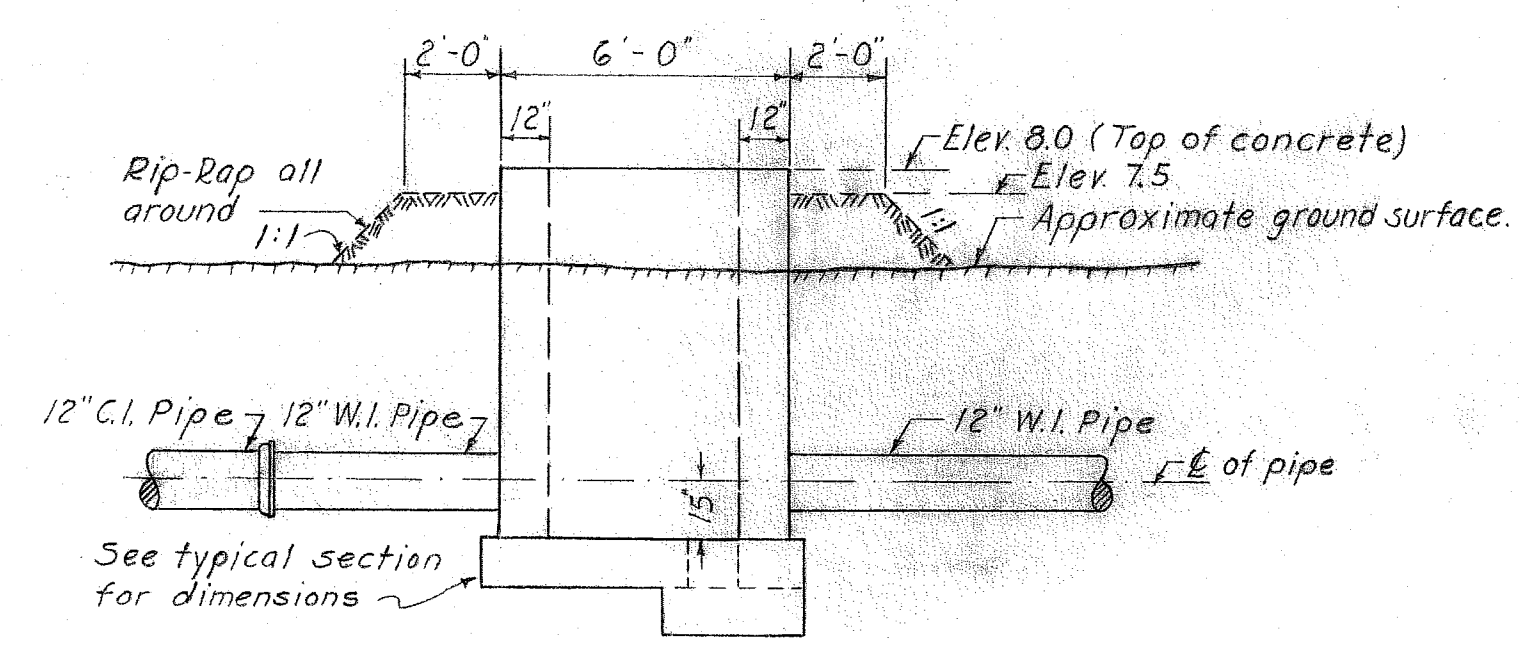
SECTIONAL PLAN
SCALE 3/4"=1'-0"



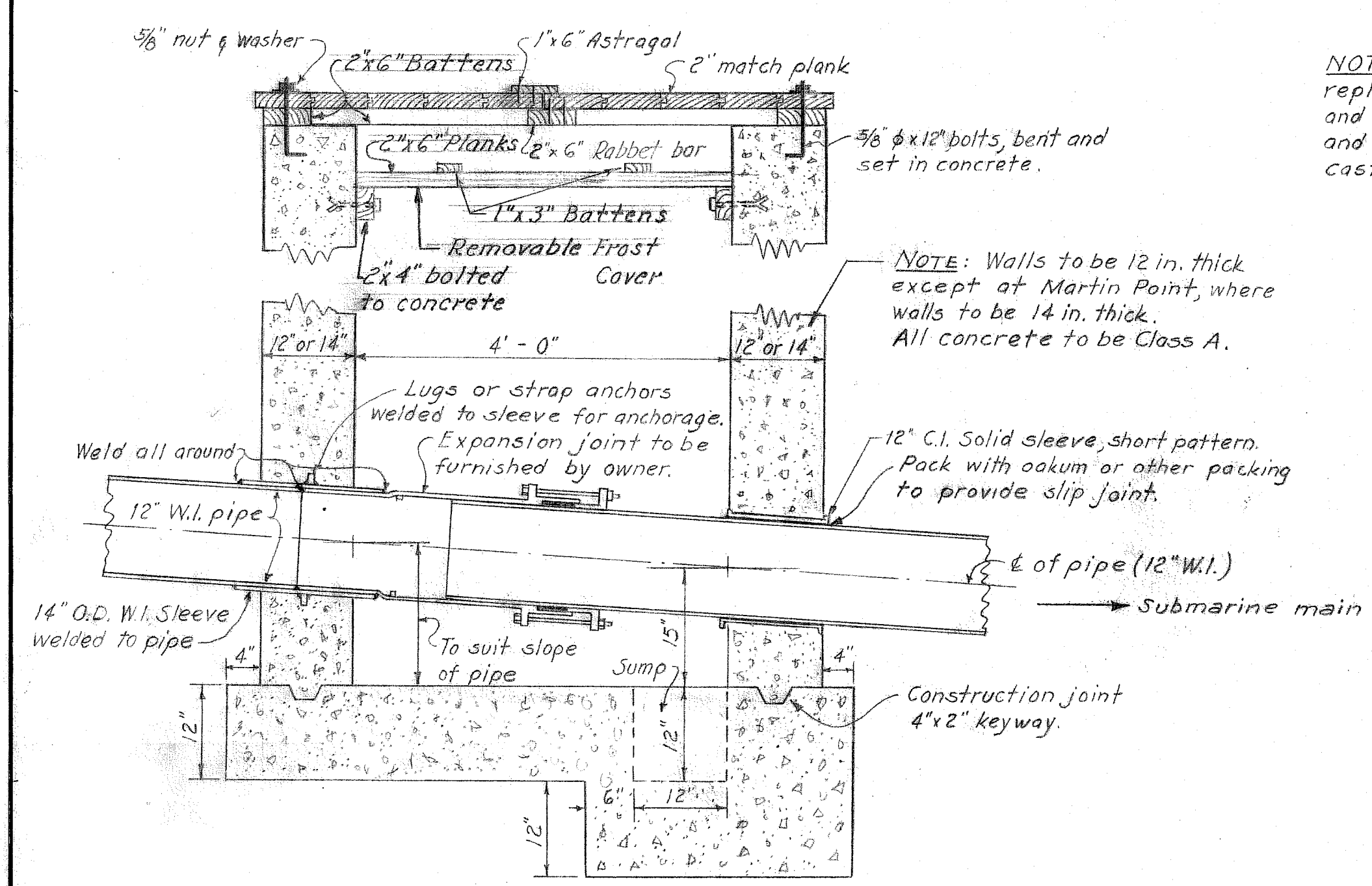
PLAN OF COVER
SCALE 3/4"=1'-0"



EXPANSION JOINT CHAMBER
AT MARTIN POINT
SCALE 1/4"=1'-0"



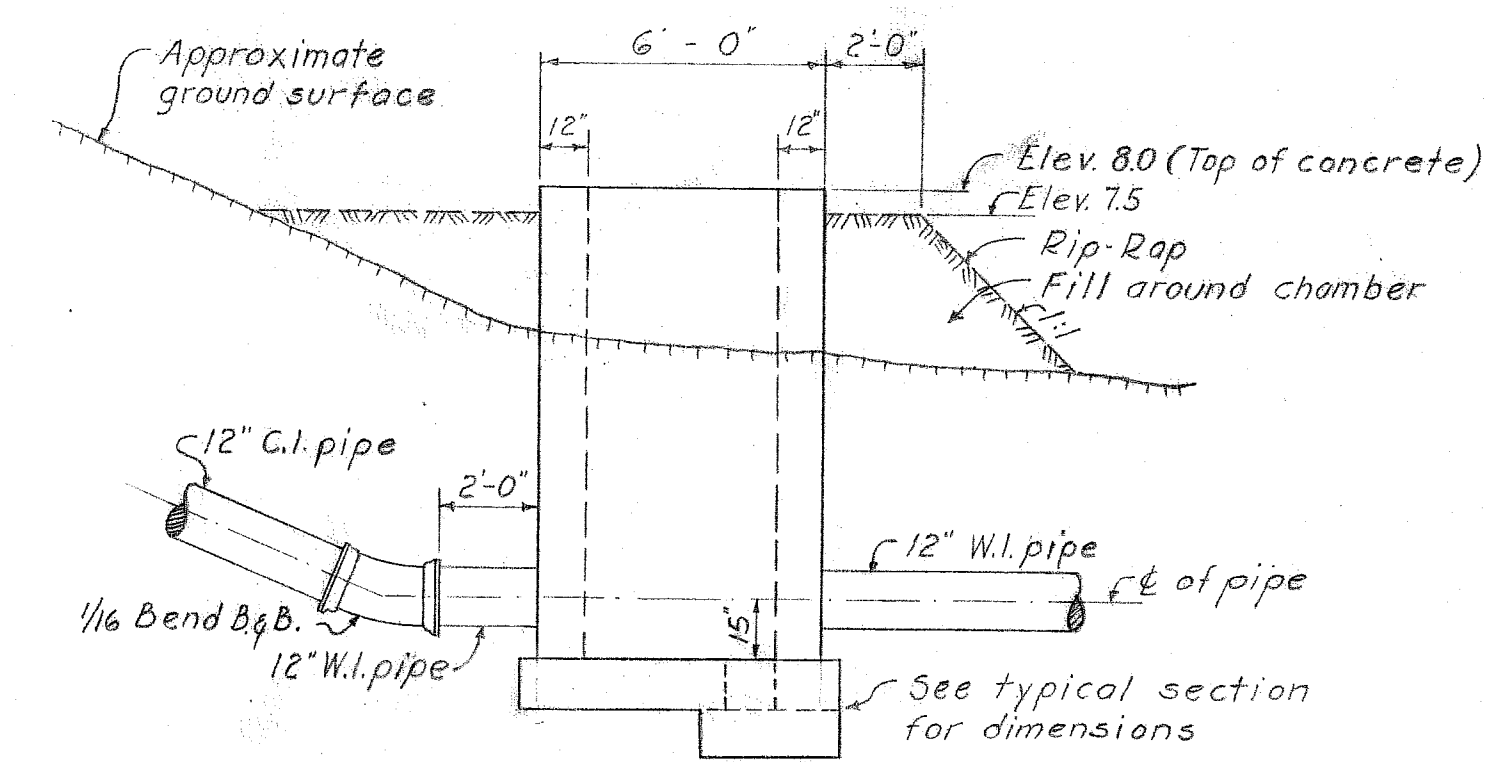
EXPANSION JOINT CHAMBER
AT FALMOUTH NECK
SCALE 1/4"=1'-0"



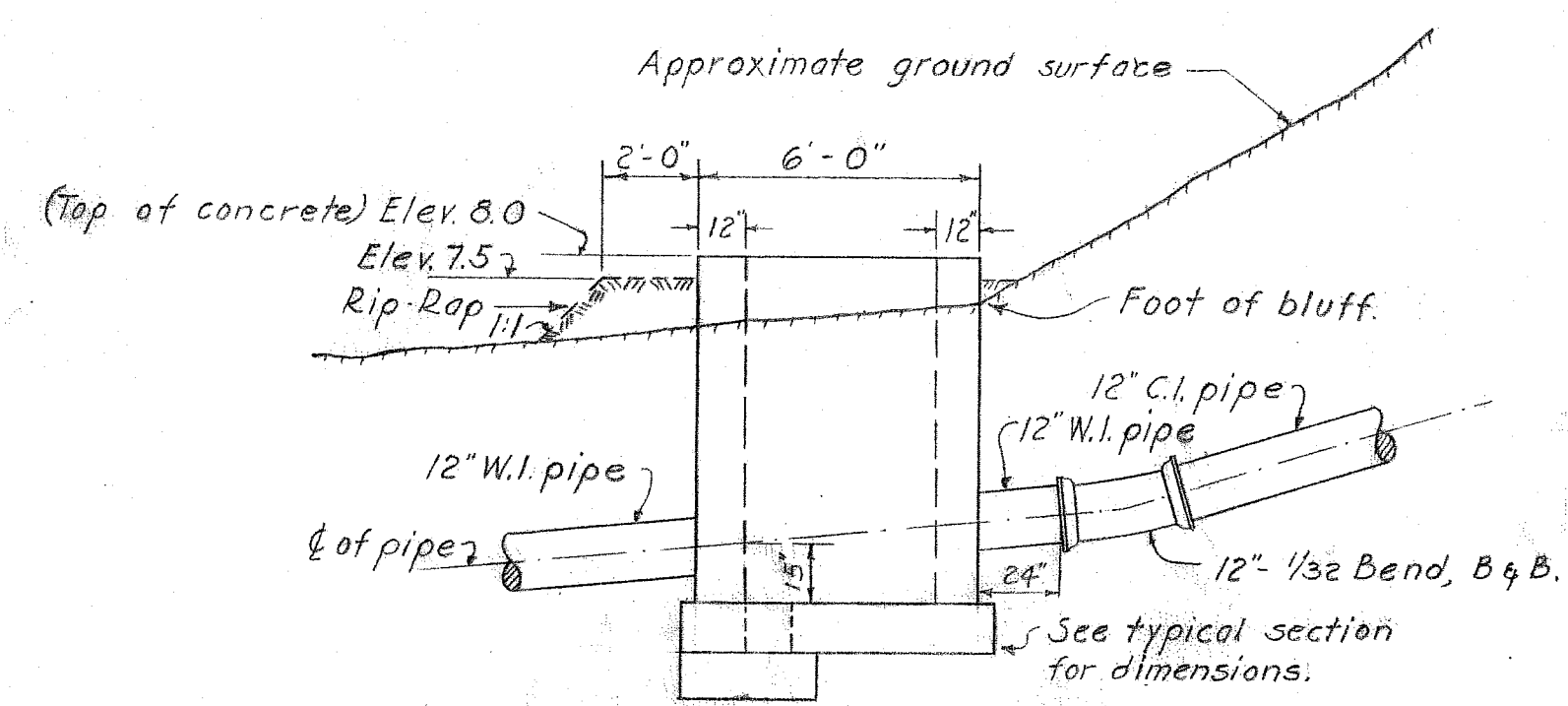
TYPICAL SECTION OF
EXPANSION JOINT CHAMBERS
SCALE 3/4"=1'-0"

NOTE:- Temporary wood cover to be replaced by reinforced concrete slab and flush type cast iron manhole frame and cover when reinforcing steel and cast iron are no longer critical materials.

NOTE: Walls to be 12 in. thick except at Martin Point, where walls to be 14 in. thick. All concrete to be Class A.

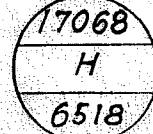


EXPANSION JOINT CHAMBER
AT EAST SHORE OF MACKWORTH ISLAND
SCALE 1/4"=1'-0"



EXPANSION JOINT CHAMBER AT
WEST SHORE OF GREAT DIAMOND ISLAND
SCALE 1/4"=1'-0"

Note:
Elevations are in feet above Mean Sea Level.

3					
2					
1					
Revision		Made by	Checked by	Description	
Submitted:			FEDERAL WORKS AGENCY		
METCALF & EDDY			WAR PUBLIC WORKS DOCKET NO. ME. 17-134		
by <i>E. Shannon</i>			WATER MAINS-PORTLAND HARBOR		
A PARTNER			PORTLAND, MAINE		
REG. PROF. ENG. ME. NO. 616					
Approval Recommended:			EXPANSION JOINT CHAMBERS		
.....					
Approved:			SCALE		
.....			AS NOTED		
			SEPT. 24, 1942		
			SHEET 7		
			OF		
			10 SHEETS		
			Drawn by H.B.A.		
			Traced by H.B.A.		
			Checked by H.L.K.		
			METCALF & EDDY		
			ENGINEERS		
			BOSTON, MASS.		
					

Portland Water District



- Hydrants
- Air Valve
- Blow Off
- By Pass
- Distribution
- Hydrant Control
- Trunk
- Transmission
- Attribute Change
- Connector
- Reducer
- Service Valves
 - Combined Service
 - Domestic Service
 - Fire Service
 - Water Pits
 - Private Hydrants
- ISP
- NEW
- PRIVATE
- Mac Piping
- Service Lateral
- Hyd Branch
- Parcels





12 DI 1978

12" DV

6" HC 1798

12" DV

VERANDA
662.96

Veranda US-1

Marine Hospital

14 HDPE 1986
492.84
6" BO