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Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Convey a Certain Easement Interest in Lands

Preamble. The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation or recreation purposes may not be reduced or have its uses substantially altered except on the vote of 2/3 of all members elected to each House; and

Whereas, the Maine Revised Statutes, Title 5, section 6209, subsection 6 requires that land acquired by the State with funds from the Land for Maine's Future Fund may not be sold or used for purposes other than those stated in the Maine Revised Statutes, Title 5, chapter 353 unless approved by a 2/3 majority of the Legislature; and

Whereas, the real estate that is the subject of this resolve is a state-owned wildlife management area falling under the designations described in the Maine Revised Statutes, Title 12, section 598-A, and was acquired with funds from the Land for Maine's Future Fund; and

Whereas, the easement interest authorized for conveyance by this resolve follows an existing electric transmission line corridor and expands the width of the cleared areas of said corridor by 10 to 30 feet; now, therefore, be it

Sec. 1 Commissioner of Inland Fisheries and Wildlife authorized to convey certain easement interest in Webster Plantation, County of Penobscot. Resolved: That the Commissioner of Inland Fisheries and Wildlife may by quitclaim deed without covenant convey, upon issuance of necessary approvals by the Maine Department of Environmental Protection, a linear transmission line easement to benefit Evergreen Wind Power V, LLC and its successors and assigns, in Webster Plantation, County of Penobscot, State of Maine. The consideration paid for said linear transmission line easement must be commensurate with the value of the affected wildlife management area, taking into account the existing transmission line corridor, as reasonably determined by the commissioner.

The area for said linear transmission line easement is 80 feet wide and approximately 1.3 miles long, located generally in the place of the existing electric transmission line of Eastern Maine Electric Cooperative, Inc., as said line traverses the Webster Plantation parcel described as Parcel Seven in the deed from Diamond Occidental Forest, Inc. to the State of Maine dated October 11, 1990 and recorded at the Penobscot County Registry of Deeds in Book 4733, Page 365, running generally southeasterly from the Kingman Township/Webster Plantation town line to the Webster Plantation/Prentiss Plantation town line, along the north side of Route 170. The linear transmission line easement strip must be more particularly described by a survey performed by a Maine licensed professional land surveyor at the expense of Evergreen Wind Power V, LLC.

The conveyance of said linear transmission line easement includes the right to enter on adjacent lands to cut or trim and remove such trees growing outside the limits of said strip that may interfere with the transmission line easement rights, in accordance with a protocol agreed upon by the Department of Inland Fisheries and Wildlife, together with the right to ingress into and egress from the above-described strip over and across the land of the State by means of existing roads and lanes, if there be such.

For reference see Parcel Seven in the deed from Diamond Occidental Forest, Inc. to the State of Maine dated October 11, 1990 and recorded at the Penobscot County Registry of Deeds in Book 4733, Page 365; see also Webster Plantation Property Map 1 (dated 1978), showing the general location of said existing electric transmission line.