

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **Resolve, Authorizing the Creation of a Veterans Campus and the Conveyance of the State's Interest in Certain Real Property in the City of Bangor**

**Preamble.** **Whereas**, the proportion of veterans in Maine's population consistently is among the highest in the nation, the 2000 Federal Census estimated that nearly 155,000 veterans live in Maine and approximately 16% of the State's population over 18 years of age is composed of veterans; and

**Whereas**, the Maine Veterans' Homes was created by this State to provide long-term nursing care to Maine veterans pursuant to the Maine Revised Statutes, Title 37-B, chapter 11, and the Veterans Housing Coalition of Maine is a nonprofit organization incorporated in this State for the purpose of providing residential housing for veterans in need; and

**Whereas**, a diverse committee of stakeholders, including veterans' representatives, municipal officials, state officials, current campus occupants and Saxl Park committee members, has achieved unanimous agreement on a set of recommendations reflected in this resolve to create a veterans' campus of diverse services on a site in Bangor, which currently is part of the overall Dorothea Dix Psychiatric Center campus; and

**Whereas**, the Maine Veterans' Homes currently operates a 120-bed skilled nursing facility and a 30-bed residential care facility for veterans on a 15-acre parcel of land on a portion of the grounds of the Dorothea Dix Psychiatric Center, which land was donated by this State in 1994; and

**Whereas**, the Maine Veterans' Homes now intends to play a lead role in construction of an integrated veterans' campus, including a veterans' community-based outpatient clinic that is anticipated to be operated by the United States Department of Veterans Affairs, a veterans' hospice to be operated by the Maine Veterans' Homes and offices for the Bureau of Maine Veterans' Services located within the community-based outpatient clinic, on land adjacent to the existing Maine Veterans' Homes nursing facility at Bangor; and

**Whereas**, the Maine Veterans' Homes currently occupies almost all of its existing 15-acre parcel on the grounds of the Dorothea Dix Psychiatric Center and will require approximately 8.21 additional acres of land to construct the new buildings and appurtenances contemplated for the integrated veterans' campus; and

**Whereas**, the Veterans Housing Coalition of Maine now intends to play a lead role in the renovation and creation of independent housing for veterans in a former state facility on the campus to be conveyed to the coalition pursuant to Resolve 2005, chapter 209; and

**Whereas**, the Saxl Park Committee has worked to maintain and promote the walking trails, athletic fields and other features of the area on the campus, which is known and established as Saxl Park, for use and enjoyment by the citizens of Bangor, veterans, visitors and others and for organized school sports activities; and

**Whereas,** the components of this project will be developed in accordance with any campus plan adopted by the Department of Administrative and Financial Services, Bureau of General Services and otherwise in cooperation with the Dorothea Dix Psychiatric Center, the Bureau of General Services, Saxl Park, the Maine Veterans' Homes, John Bapst Memorial High School and other existing public users having an interest in land at the Dorothea Dix Psychiatric Center; now, therefore, be it

**Sec. 1 Definitions. Resolved:** That, as used in this resolve, the following terms have the following meanings.

1. "Commissioner" means the Commissioner of Administrative and Financial Services.
2. "State property" means the real estate described in section 4 with the buildings and improvements, together with all appurtenant rights and easements, and all personal property located on that property, including vehicles, machinery, equipment and supplies.
3. "Maine Veterans' Homes" means that entity created pursuant to the Maine Revised Statutes, Title 37-B, chapter 11 to provide certain medical care and housing for veterans.
4. "Veterans Housing Coalition of Maine" means the private nonprofit organization incorporated in Maine to provide independent residential housing for veterans in need; and be it further

**Sec. 2 Authority to convey state property to establish a veterans' campus. Resolved:** That the commissioner is authorized to negotiate, draft, execute and deliver any documents necessary to transfer, lease or otherwise make available certain state property or property interests in Bangor for the purpose of creating an integrated veterans' campus. Any transfer must be executed on such terms as determined by the commissioner to be in the best interest of the State following an appraisal of the property. The property to be transferred is generally understood to be that described in section 4 and in Resolve 2005, chapter 209. The amount of property and the boundaries of any property to be transferred or otherwise to be made available must be determined by the commissioner in the commissioner's sole discretion. The commissioner may condition any conveyance pursuant to this resolve upon a requirement that any community-based outpatient clinic constructed at the site provide suitable office space for the Bureau of Maine Veterans' Services at no cost to the State. The commissioner also may condition any conveyance to the Maine Veterans' Homes upon the requirement that the Maine Veterans' Homes deed to the State approximately .37 acres of land and construct, at no cost to the State, replacement facilities at the Dorothea Dix Psychiatric Center to replace any facilities displaced by development of the integrated veterans' campus in Bangor; and be it further

**Sec. 3 Property to revert to State. Resolved:** That any property transferred pursuant to this resolve for the purpose of providing a site for the location of an integrated veterans' campus in Bangor must be conveyed with the restriction that title to such property must revert to the State if such property ceases to be used to serve veterans. The State's purposes, to be specified in the relevant documents executing any conveyance, generally are to provide hospice care, a community-based outpatient clinic, housing for veterans in need and other services for veterans. If the state property is not used for such purposes by June 30, 2011 or ceases at any time thereafter to be used for such purposes, the property reverts to the State. If the property reverts to the State, the commissioner, after consultation with the

Superintendent of the Dorothea Dix Psychiatric Center, may return the property to state use or seek qualified developers and proposals for the further sale or lease of the state property as long as the proposals are compatible with other uses on the Dorothea Dix Psychiatric Center campus; and be it further

**Sec. 4 Description of property transferred. Resolved:** That the state property authorized to be transferred pursuant to this resolve is bounded and described as follows:

A certain lot or parcel of land, together with improvements, located northerly of State Street in the City of Bangor, County of Penobscot, State of Maine being more particularly described as follows:

Beginning at a 5/8" iron rebar marking the intersection of the northerly sideline of State Street and the most southerly corner of a parcel of land owned by Maine Veterans' Homes as described in book 5316, page 195 at the Penobscot County Registry of Deeds. Said rebar is depicted on a plan entitled "Standard Boundary Survey of Lands Located on State Street and Hogan Road, City of Bangor, County of Penobscot, State of Maine, Plan for Maine Veterans' Homes" dated February 8, 1993 and prepared by SMRT of Portland, Maine;

Thence, generally southwesterly by and along the northerly sideline of State Street following a curve to the right having a radius of 1463.09 feet, an arc length of 525.22 feet and a chord bearing and distance of S 55°15'30" W and 522.5 feet to a 5/8" capped iron rebar stamped "AMES A/E PLS 2311";

Thence, S 24°27'20" E by and along said State Street a distance of 31.8 feet to a 5/8" capped iron rebar stamped "AMES A/E PLS 2311";

Thence, S 69°38'10" W by and along the northerly sideline of said State Street a distance of 78.8 feet to a point marking the intersection of the northerly sideline of State Street and the easterly sideline of an easement along State Hospital Drive, so called;

Thence, N 20°21'55" W along said easement a distance of 30.2 feet to an angle point;

Thence, N 39°13'40" E along said easement a distance of 62.4 feet to a point of curvature;

Thence, following a curve to the left having a radius of 355.00 feet and an arc length of 272.49 feet to a point of tangency;

Thence, N 04°45'05" W along said easement a distance of 500.2 feet to a point of curvature;

Thence, following a curve to the left having a radius of 780.00 feet and an arc length of 167.98 feet to a point of tangency;

Thence, N 17°05'25" W along said easement a distance of 124.0 feet to a point of curvature;

Thence, following a curve to the right having a radius of 270.00 feet and an arc length of 93.16 feet to a point of tangency;

Thence, N 02°40'45" E along said easement a distance of 98.7 feet to a point on a nontangent curve;

Thence, following a nontangent curve to the left having a radius of 163.00 feet, an arc length of 220.01 feet and a chord bearing and distance of N 43°24'20" E and 203.7 feet to a point. Said point being approximately 30 feet easterly of the centerline of an access road leading to the southerly entrance of Dorothea Dix Psychiatric Center;

Thence, N 64°48'25" E a distance of 181.4 feet to a 5/8" capped iron rebar stamped "AMES A/E PLS 2311";

Thence, S 80°31'15" E a distance of 146.0 feet to a 5/8" capped iron rebar stamped "AMES A/E PLS 2311" marking the westerly line of land of said Maine Veterans' Homes as described in book 5316, page 195 at the Penobscot County Registry of Deeds;

Thence, S 09°25'45" W by and along the westerly line of said Maine Veterans' Homes a distance of 588.1 feet to a 4" x 4" granite monument;

Thence, S 75°42'25" W by and along said Maine Veterans' Homes a distance of 217.0 feet to a 5/8" iron rebar;

Thence, S 05°00'25" E by and along said Maine Veterans' Homes a distance of 257.8 feet to a 5/8" iron rebar;

Thence, S 52°14'55" E by and along said Maine Veterans' Homes a distance of 423.6 feet to the point of beginning;

For source of title refer to deeds from George W. Spratt to the State of Maine as described in book 601, page 24; Gibson, Prescott and Hersey to the State of Maine as described in book 601, page 26; and Trustees of Hersey Estate to The State of Maine as described in book 601, page 27, all recorded at the Penobscot County Registry of Deeds.

The above-described parcel of land is benefited by an easement for access and utilities (width of easement varies). Said easement is generally described as leading from State Street and running northerly to the Dorothea Dix Psychiatric Center, being known as State Hospital Drive, and depicted on a plan entitled "Property of The State of Maine, State Street & Hogan Road, Bangor, Maine, Property to be Conveyed to Maine Veterans' Homes" dated March 5, 2007, last revised September 25, 2007 and prepared by AMES A/E of Bangor, Maine.

The above-described parcel is also conveyed subject to all and with the benefit of all terms, conditions, easements and restrictions of record.

The above-described parcel of land contains 8.21 acres. Bearings are based on Grid North, Maine East Zone, NAD27 as taken from the above-referenced plan; and be it further

**Sec. 5 Property to be conveyed as is. Resolved:** That the property to be conveyed pursuant to this resolve must be conveyed as is, with no representations or warranties. Title must be transferred by quitclaim deed without covenant or release deed; and be it further

**Sec. 6 Competitive selection of landlord for the community-based outpatient clinic. Resolved:** That any conveyance of land made pursuant to this resolve may be conditioned by the commissioner upon a requirement that the entity to which the property is conveyed must lease a sufficient portion of that land to a nonowner entity upon the nonowner's selection by the United States Department of Veterans Affairs to construct a community-based outpatient clinic at the integrated veterans' campus in Bangor. The construction plans of any owner entity or nonowner entity must be approved by both the Department of Administrative and Financial Services, Bureau of General Services and the Maine Veterans' Homes, and an owner entity is allowed to recover in a lease to a nonowner the owner's costs to develop the site used by the nonowner entity. If a nonowner entity needs to demonstrate its ability to control the site to be fairly considered during any selection process conducted by the United States Department of Veterans Affairs to construct a community-based outpatient clinic in Bangor, the owner entity shall enter into an option agreement or other arrangement sufficient to permit such control to be demonstrated by the nonowner entity; and be it further

**Sec. 7 Bureau of General Services to lease land to Maine Veterans' Homes prior to effective date of resolve. Resolved:** That the Department of Administrative and Financial Services, Bureau of General Services is authorized by its existing authority pursuant to the Maine Revised Statutes, Title 5, chapter 153 to lease, prior to the effective date of this resolve, to the Maine Veterans' Homes the land described in this resolve to allow the Maine Veterans' Homes to begin site work for the development of the integrated veterans' campus in Bangor as soon as possible; and be it further

**Sec. 8 Exemptions. Resolved:** That any conveyance made pursuant to this resolve is exempt from any statutory or regulatory requirement that the property described herein must first be offered for use to the Maine State Housing Authority or to any other federal, state or local agency; and be it further

**Sec. 9 Execution of documents. Resolved:** That the State, by and through the commissioner, is authorized to execute:

1. A deed to transfer the property according to the terms herein;
2. Negotiate, draft, execute and deliver any documents necessary to settle any boundary line disputes for the property described herein;
3. Exercise the power of eminent domain to quiet title, if necessary, regarding the property described herein;
4. Negotiate, draft, execute and deliver any easements or other rights that, in the discretion of the commissioner, may contribute to the value of the transfer of the State's interest in the property described herein; and
5. Release any interests in the property described herein that, in the discretion of the commissioner, do not contribute to the value of the state property adjacent to the property described herein; and be it further

**Sec. 10 Proceeds. Resolved:** That any proceeds generated pursuant to this resolve must be distributed as follows.

1. Any proceeds from the sale of the state property must be deposited into the Department of Administrative and Financial Services, Bureau of General Services' capital repair and improvement account for capital improvements as designated by the commissioner.

2. Any proceeds from the lease of state property pursuant to this resolve must be deposited in the Real Property Lease Internal Service Fund Account or such other appropriate account as may be determined by the commissioner; and be it further

**Sec. 11 Authority to appoint Saxl Park Advisory Committee. Resolved:** That the Superintendent of the Dorothea Dix Psychiatric Center or its successor facility may appoint the Saxl Park Advisory Committee, referred to in this section as "the advisory committee," consisting of up to 11 voting members and as many nonvoting members as are determined necessary or useful to assist the superintendent in the operation, management and improvement of Saxl Park.

1. The 11 voting members of the advisory committee include:

A. A representative of the City of Bangor;

B. A representative from among the organizations that use the park;

C. A member of the public who is a City of Bangor resident;

D. A representative of the Maine Veterans' Homes;

E. A representative of the Veterans Housing Coalition of Maine;

F. A representative of the commissioner;

G. Up to 4 other additional members; and

H. The Superintendent of the Dorothea Dix Psychiatric Center or the superintendent's designee, who serves as chair of the advisory committee.

The committee, with the approval of the superintendent, may establish such internal administrative practices as it determines best, including those regarding the terms of members, time and places of meetings and method of decision-making, except that the superintendent shall keep and maintain the records of the committee.

2. The Director of the Bureau of General Services within the Department of Administrative and Financial Services is authorized to establish an account to accept and expend gifts on behalf of the advisory committee for the purpose of maintaining, operating and improving the park. Notwithstanding any other provision of state law, the receipt and expenditure of privately raised funds to benefit the park, except expenditures for public improvement projects of \$100,000 or more, are exempt from the Maine Revised Statutes, Title 5, chapters 153 and 155. Nothing in this section may be construed to exempt any other expenditure from Title 5, chapters 153 and 155; and be it further

**Sec. 12 Master plan to be developed. Resolved:** That the Director of the Bureau of General Services within the Department of Administrative and Financial Services, to the extent practicable within existing resources, shall convene a stakeholder group to develop a master plan to guide the future of the state property that is the subject of this resolve. Any such plan must recognize the historical and current uses of the site as well as the establishment of the integrated veterans' campus. The stakeholder

group must include representatives of the municipality, the Dorothea Dix Psychiatric Facility, veterans' organizations, tenants, Saxl Park and others as determined by the Director of the Bureau of General Services; and be it further

**Sec. 13 Repeal. Resolved:** That the authority to convey the property set forth in section 2 and section 9 is repealed 5 years from the effective date of this resolve.

## SUMMARY

This resolve implements the recommendations of the planning committee created pursuant to Executive Order 32, fiscal year 2006-07 regarding the creation of a veterans' campus on current state property in Bangor. The resolve reinforces the authority previously granted in Resolve 2005, chapter 209 authorizing the conveyance of property for the creation of independent housing for veterans at the site and authorizes the transfer of additional property for the construction and operation of a community-based outpatient clinic, a hospice facility and other facilities to serve veterans at the site. The resolve formally authorizes the creation of a Saxl Park Advisory Committee to help oversee the state property known as Saxl Park and located on this campus, authorizes the Department of Administrative and Financial Services, Bureau of General Services to accept and expend gifts on behalf of the advisory committee, and instructs the Director of the Bureau of General Services to convene a stakeholder group and to create a comprehensive plan within existing resources to guide the future of the campus, acknowledging the current and already planned uses. The authority granted by the resolve to convey the property is repealed 5 years from the effective date of the resolve.