

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-THREE

—
H.P. 486 - L.D. 797

Resolve, to Authorize the Conveyance of Real Property to the Capitol Area Recreation Association

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 its uses substantially altered except on the vote of 2/3 of all members elected to each House.

Whereas, the Capitol Area Recreation Association holds a lease from the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands on approximately 60 acres of nonreserved public lands in Augusta, Kennebec County, Maine for the purpose of nonprofit recreational uses; and

Whereas, the Capitol Area Recreation Association has significant investments in development of the leased premises for baseball, softball, soccer, lacrosse, horseshoes and other recreational uses and has requested that the Bureau of Parks and Lands convey to the Capitol Area Recreation Association fee title of the leased premises; and

Whereas, the Bureau of Parks and Lands receives no revenue from the lease and conveying the fee title will reduce the cost and burden of administrative oversight of the lease; and

Whereas, the Viles Arboretum leases from the Bureau of Parks and Lands an adjacent parcel of nonreserved public lands for the purpose of conservation, environmental education and nature-based recreation; and

Whereas, the Viles Arboretum wishes to limit impacts, such as noise and lighting, on the values and use of the Viles Arboretum leased premises; and

Whereas, the Bureau of Parks and Lands owns, but does not maintain, Piggery Road, which is a critical access route for the Capitol Area Recreation Association; and

Whereas, Piggery Road presently divides the Capitol Area Recreation Association leased premises from the Viles Arboretum leased premises and Piggery Road also provides access to the Viles Arboretum leased premises; and

Whereas, the Department of the Secretary of State, Bureau of Motor Vehicles has management responsibility for the nonreserved public lands westerly of the Capitol Area

Recreation Association lease and northerly of Piggery Road and maintains a parking lot directly adjacent to the leased area; and

Whereas, the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may sell or exchange lands with the approval of the Legislature in accordance with the Maine Revised Statutes, Title 12, sections 1814, 1837 and 1851; now, therefore, be it

Sec. 1. Director of Bureau of Parks and Lands directed to convey certain land used for community recreation areas along Piggery Road in Augusta, Maine. Resolved:

That the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry shall convey by quitclaim deed with restrictive servitudes to the Capitol Area Recreation Association for \$1 on or before July 1, 2024 all of the State's interest in a parcel of land in Augusta, Maine comprising playing fields and other community recreation areas along Piggery Road, which is currently the subject of a lease between the Bureau of Parks and Lands and the Capitol Area Recreation Association. The conveyance must include the portion of Piggery Road owned by the Bureau of Parks and Lands subject to the delineation of a boundary mutually agreed upon by the Bureau of Parks and Lands, the Capitol Area Recreation Association and the Viles Arboretum. The conveyance must be subject to the delineation of the westerly boundary mutually agreed upon by the Bureau of Parks and Lands, the Capitol Area Recreation Association and the Department of the Secretary of State, Bureau of Motor Vehicles. The Bureau of Parks and Lands shall consult with the Bureau of Motor Vehicles when delineating the westerly boundary of the parcel and may retain a narrow sliver of land along the westerly boundary, adjacent to the nonreserved public land parcel managed by the Bureau of Motor Vehicles, for purposes of buffering the Bureau of Motor Vehicles' parking lot on that nonreserved public land. Any land retained to buffer the Bureau of Motor Vehicles' parking lot must be assigned to the Bureau of Motor Vehicles for management in accordance with its management of its current nonreserved public land parcel.

The parcel must be conveyed subject to the following servitudes.

1. The conveyance must reserve an easement over Piggery Road for use by the Bureau of Parks and Lands and its lessees and contractors for foot and vehicular access at all times and for any management purpose.

2. The conveyance must reserve an easement over Piggery Road for nonmotorized use by the general public, including, but not limited to, persons on foot, bicycles or skis, but must allow the parcel owner to gate Piggery Road to prevent seasonal damage to the road or at any time as needed for security purposes.

3. The conveyance must require that the parcel be maintained in perpetuity for recreational use by the public and allow the assessment of fees, if any, only as needed to cover operating and capital expenses necessary for maintaining the parcel for recreational use by the public.

4. The conveyance must provide that if the Capitol Area Recreation Association ceases to exist or to maintain the parcel for recreational use by the public, the parcel reverts to the State of Maine, Bureau of Parks and Lands and the bureau is obligated to offer the parcel to the City of Augusta with all the servitudes listed in subsections 1, 2, 3 and 5. The conveyance must provide that if the City of Augusta declines to accept, the parcel remains

with the bureau, and if the City of Augusta accepts but then fails to maintain the parcel for recreational use by the public, ownership of the parcel must revert to the State of Maine, Bureau of Parks and Lands.

5. The conveyance must provide that, in recognition of the historic nature of its name, Piggery Road may be renamed only by mutual agreement of the Capitol Area Recreation Association, or the City of Augusta if the city acquires the property under subsection 4, the Bureau of Parks and Lands and the Viles Arboretum.

The Capitol Area Recreation Association shall pay all costs of conveyance, including, but not limited to, a survey of the property boundaries, recording costs and legal costs incurred by the Bureau of Parks and Lands. A survey to be completed for the parcel including Piggery Road must be referenced in the deed and recorded along with the deed.