

MONHEGAN PLANTATION CONDEMNATION ORDER

EASEMENTS FOR PLANTATION-OWNED COMMUNITY BROADBAND SYSTEM

WHEREAS, Monhegan Plantation is developing a Plantation-Owned community broadband system in Monhegan, Maine, as described in Monhegan's Application to the USDA RUS to obtain financing support; and

WHEREAS, Monhegan's community broadband system will significantly increase the ability of residents, businesses, property owners, and visitors to access broadband and related services for the overall betterment of Monhegan; and

WHEREAS, Monhegan received a grant in the amount of \$626,298 from the USDA RUS to help finance Monhegan's Plantation-Owned community broadband system (the "Grant"); and

WHEREAS, a condition of the Grant is for Monhegan to have satisfactory title to its Plantation-Owned community broadband system; and

WHEREAS, Monhegan's Plantation-Owned community broadband system will be located within and outside existing public ways, requiring that Monhegan secure necessary easements to construct, operate, and maintain its Plantation-Owned community broadband system as a necessary condition to the Grant; and

WHEREAS, the Board of Assessors has determined a public exigency exists for taking easements as described above by the Plantation for its Plantation-Owned community broadband system; and

WHEREAS, based on the foregoing recitals, at a Plantation Meeting set for June 2, 2020, the Inhabitants of Monhegan Plantation will be asked to find that the facts recited above require Monhegan to acquire easements by eminent domain for the purposes of its Plantation-Owned community broadband system.

NOW, THEREFORE, the Board of Assessors of Monhegan Plantation, acting as the municipal officers pursuant to Title 23 M.R.S. § 3023, hereby approve the following Condemnation Order, which will be sent to the owners of record by registered mail in

accordance with § 3023, to take easements for all lawful purposes regarding Monhegan's Plantation-Owned community broadband system as follows:

1. EASEMENTS DESCRIPTION: Easements shall be taken for the purposes to install, construct, reconstruct, maintain, repair, improve, replace, extend, enlarge, and operate a community broadband system on, over, under, and across a number of strips of land as described below. All such strips of land shall have as their centerlines existing water utility lines of the Monhegan Water Company ("MWC") following the routes described below. Fiber lines of the community broadband system will be attached to MWC's existing water utility lines and, in locations where attachment to the existing water utility lines is not feasible, located with minimal deviation from said lines within said strips of land. The width of each such strip of land shall extend twelve and one half (12 ½) feet on each side of its centerline. The routes of the said strips of land are described as follows:

Lighthouse Hill; Deadman Cove; Ice Pond; Meadow; School; Fish Beach

A. Beginning at the Monhegan Plantation Power District generator facility on Lighthouse Hill Road, thence westerly to a main water utility line intersection at the MWC public water supply storage tanks; thence northerly towards Lighthouse Hill Road to an intersection of the MWC main water utility lines; thence northerly crossing Lighthouse Hill Road to an intersection of the MWC main water utility lines on Blackhead Road; thence easterly along Blackhead Road towards Deadman Cove, ending at the terminus of the MWC main water utility line.

B. Beginning at the aforescribed intersection of the MWC main water utility lines on Blackhead Road; thence westerly along Blackhead Road towards Main Street to an intersection of the MWC main water utility line; thence southerly towards Lighthouse Road, ending at the terminus of the MWC main water utility line.

C. Beginning at the immediately aforescribed intersection; thence westerly along Blackhead Road and then northerly in a direction west of Ice Pond to an intersection of the MWC main water utility lines; thence easterly towards Ice Pond and northerly of Ice Pond, ending at the terminus of the MWC main water utility line.

D. Beginning at the aforescribed intersection west of Ice Pond; thence westerly then southerly, ending at the terminus of the MWC main water utility line northerly of the Monhegan Schoolhouse.

E. Beginning at the aforescribed intersection northerly of the MWC public water supply tanks and southerly of Lighthouse Hill Road; thence westerly towards the northerly side of the cemetery and continuing westerly to an intersection of the MWC main water utility lines at the northerly side of the Meadow wetland; thence northwesterly crossing Main Street and then westerly, ending at the terminus of the MWC main water utility line.

F. Beginning at the aforescribed intersection at the northerly side of the Meadow Wetland; thence southwesterly along the westerly side of the Meadow wetland to an intersection of the MWC main water utility lines southerly of Wharf Hill Road and easterly of Main Street, thence westerly crossing Main Street, ending at the terminus of the MWC main water utility line southerly of Wharf Hill Road and easterly of the Monhegan Inn.

G. Beginning at the aforescribed intersection southerly of Wharf Hill Road and easterly of Main Street; thence southwesterly along the westerly side of the Meadow wetland; thence westerly crossing Main Street northeasterly of Fish Beach, ending at the terminus of the MWC main water utility line.

Horns Hill; Hilltop; Lobster Cove

H. Beginning at the aforescribed intersection at the MWC public water supply tanks; thence southerly and then westerly towards Stanley Lane to an intersection of the MWC main water utility lines at Stanley Lane; thence southerly along Stanley Lane towards Horns Hill Road and following Horns Hill Road, ending at the terminus of the MWC main water utility line.

I. Beginning at the aforescribed intersection at Stanley Lane; thence westerly towards Hilltop Lane to an intersection of the MWC main water utility lines between Hilltop Lane and Stanley Lane; thence northerly, ending at the terminus of the MWC main water utility line.

J. Beginning at the aforescribed intersection between Hilltop Lane and Stanley Lane; thence westerly towards Hilltop Lane to an intersection of the MWC main water utility lines at Hilltop Lane; thence northerly towards the Meadow wetland and continuing westerly along the southerly side of the Meadow wetland, ending at the terminus of the MWC main water utility line.

K. Beginning at the aforescribed intersection at Hilltop Lane; thence westerly north of Horns Hill Road, crossing Meadow View and Martins Lane; thence southerly crossing Hilltop Lane to an intersection of the MWC main water utility lines on the southerly side of Hilltop Lane; thence westerly crossing Lobster Cove Road, continuing westerly, and then northerly crossing Horns Hill Road, ending at the terminus of the MWC main water utility line.

L. Beginning at the aforescribed intersection on the southerly side of Hilltop Lane; thence southerly then westerly towards Lobster Cove Road at an intersection of the MWC main water utility lines on the easterly side of Lobster Cove Road; thence westerly in the direction of Wharton Avenue and crossing Lobster Cove Road, ending at the terminus of the MWC main water utility line.

M. Beginning at the aforescribed intersection on the easterly side of Lobster Cove Road; thence southerly along and crossing Lobster Cove Road towards Cabot Lane, crossing Cabot Lane and continuing southerly along Lobster Cove Road to an intersection of the MWC main water utility lines southwest of where Mooring Chain Road and Lobster Cove Road intersect; thence southerly to an intersection on the westerly side of Lobster Cove Road; thence easterly crossing Lobster Cove Road, ending at the terminus of the MWC main water utility line.

N. Beginning at the aforescribed intersection on the westerly side of Lobster Cove Road; thence southerly along Lobster Cove Road, ending at the terminus of the MWC main water utility line.

O. Beginning at the aforescribed intersection southwest of where Mooring Chain Road and Lobster Cove intersect; thence westerly along Mooring Chain Road to Court Street; thence northerly along Court Street, ending at the terminus of the MWC main water utility line.

2. OWNERS OF RECORD & AWARD OF DAMAGES.

The owners of record of the properties affected by the easement takings described in this order are listed in Exhibit A attached hereto and made part thereof. The Board of Assessors has decided to award damages of \$0.00 to each owner because (a) the easements taken all follow existing water lines, so there will be no greater burden on the properties, and (b) access to the broadband system is expected to be a benefit to the affected properties.

3. Notices: This Order shall be filed with the Monhegan Clerk, with copies sent by registered mail to the owners of record described in Section 2 above. If said Plantation Meeting on June 2, 2020, approves the condemnation and the amount of damages to be awarded to the owners, then checks for the damages, if any, shall be immediately served upon the owners, and a certificate attested by the Plantation Clerk pursuant to Title 23 M.R.S. § 3024 shall be recorded in the Lincoln County Registry of Deeds.

Approved May 14, 2020

**MONHEGAN PLANTATION
BOARD OF ASSESSORS**

By: _____

Print Name: _____

Print Title: _____

By: _____

Print Name: _____

Print Title: _____