

**CROSS HILL LLC
c/o Stephen Parkhurst
One Union Wharf
Portland, ME 04101
(207) 523-8102**

June 2, 2008

Planning Board
Town of Cape Elizabeth
PO Box 6260
Cape Elizabeth, ME 04107

RE: Discontinuance Request: Tiger Lily Lane

Ladies and Gentlemen:

Cross Hill, LLC is the developer of the Cross Hill subdivision in Cape Elizabeth, off Sawyer Road and Wells Road. In connection with the subdivision approval for Cross Hill, the Town of Cape Elizabeth accepted various roads, including Tiger Lily Lane. Tiger Lily Lane has been mostly developed as a public road, although the last approximately 555 feet of the street (which section will be hereafter referred to as the "Proposed Discontinued Portion"). I enclose a plan of the subject property, with the Proposed Discontinued Portion marked in yellow. I also enclose photographs of the area and a copy of the relevant tax map.

The Proposed Discontinued Portion lies between Lots 82 and 83 in Cross Hill (both of which lots are owned by Cross Hill, LLC), and ends at a 100' buffer between Cross Hill and land that I will herein refer to as the Jordan Land, shown as Lot 30 on Tax Map R05-2.

Cross Hill has been developed, and so also has access to the Jordan Land. There is now adequate access to the Jordan Land via Deer Pond Road and Hockey Pond Lane, eliminating the need to access it from Tiger Lily Lane. Further, the topography of the Proposed Discontinued Portion is solid ledge, roughly fifteen feet high, extending across the entire width of the Proposed Discontinued Portion, and continuing for approximately 455 feet along the same, plus through another 100' in the buffer area.

In short, because the original intent of the Proposed Discontinued Portion (i.e. access to the Jordan Land) no longer applies, and because of the nature of that land, it is highly unlikely that the Proposed Discontinued Portion of Tiger Lily Lane will ever be developed, and we request that the Town approve an order for discontinuance of the same.

We further request that in its discontinuance of the Proposed Discontinued Portion, the Town relinquish any and all public easement to which it would otherwise have a right. As stated above and shown in the enclosed photograph, the subject area is pure ledge. The ground features are such that public pedestrian access would be dangerous at best, and vehicular access impossible. I also point out that there is adequate pedestrian access from the developed portion of Tiger Lily Lane to the green belt via a footpath between Lots 81 and 82, as shown in the enclosed trail map. Additionally, an easement for utilities would be worthless to the Town. Any water lines would have to be buried at a minimum depth of 5.5 feet, meaning excavation of at least 21.5 feet through pure ledge for a distance of about 555 feet to the Jordan Land. Although shallower, power lines, cable lines and the like would also have to be dug through solid ledge for the same distance in order to be useful.

Thank you for your consideration. For your convenience I enclose a draft Notice of Proposed Discontinuance, along with a proposed Order of Discontinuance on terms outlined above. Should you have any questions or need any further information, please feel free to contact me.

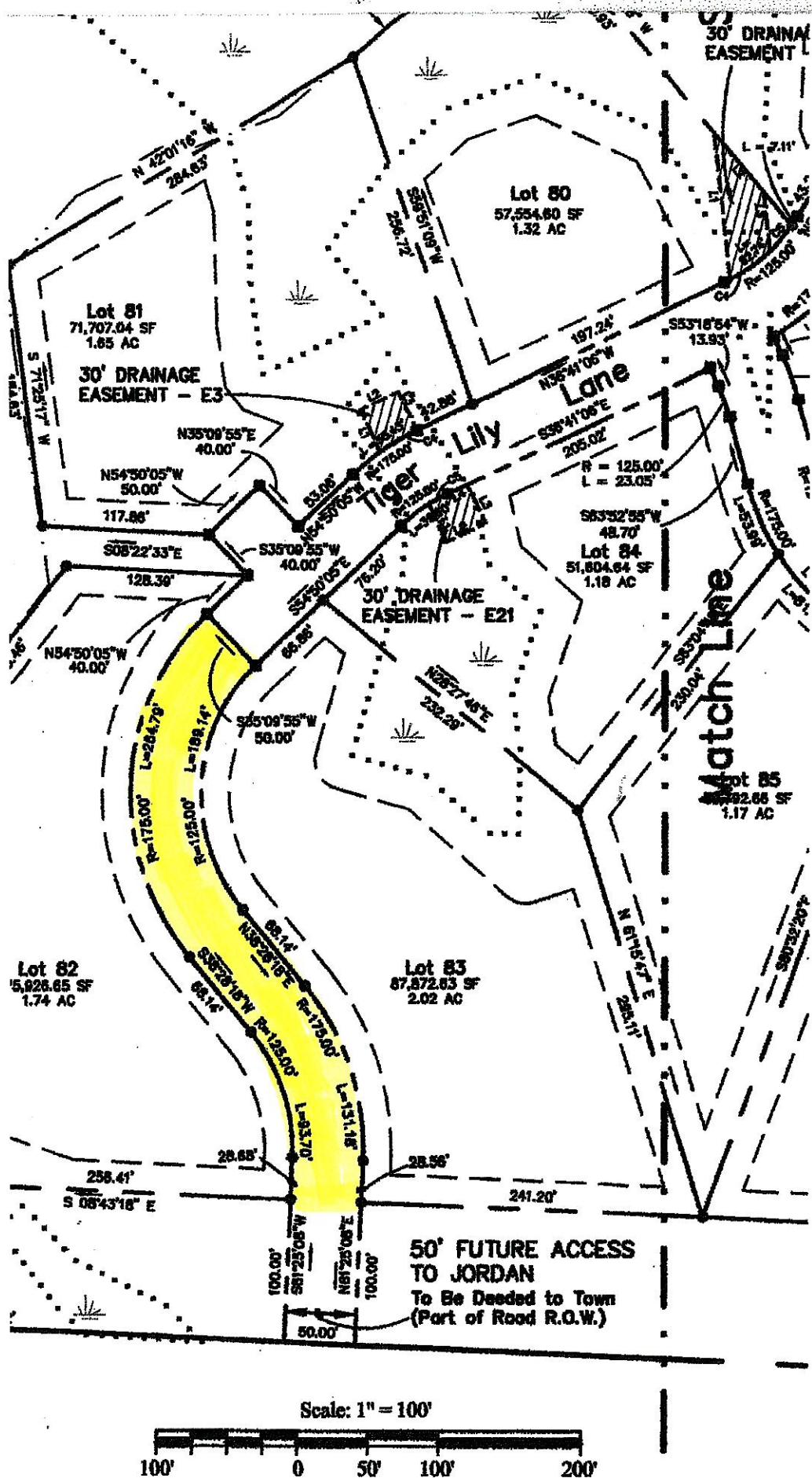
Sincerely,

A handwritten signature in black ink, appearing to read 'Stephen P. Parkhurst', with a long horizontal flourish extending to the right.

Stephen P. Parkhurst
Vice President Cross Hill, LLC



"Proposed Discontinued Portion" shown in yellow



Cross Hill, L.L.C.
281 Veranda Street
Portland, Maine 04103

Amended Final
Subdivision Plat

Sheet 1 of 3

Cross Hill

Wells / Sawyer Road
Cape Elizabeth, Maine

Cross Hill, L.L.C.

281 Veranda Street
Portland, Maine 04103

DESIGNED

W. Whitten

DATE

Nov. 1995

DRAWN

W. Whitten

SCALE

1"=100'

CHECKED

L. Barry

JOB. NO.

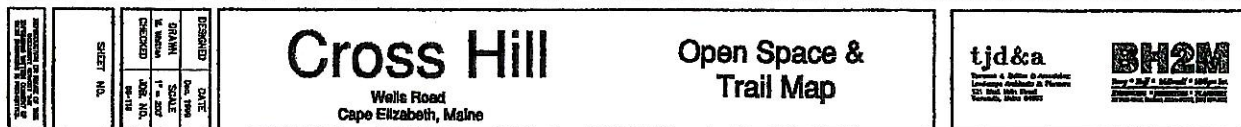
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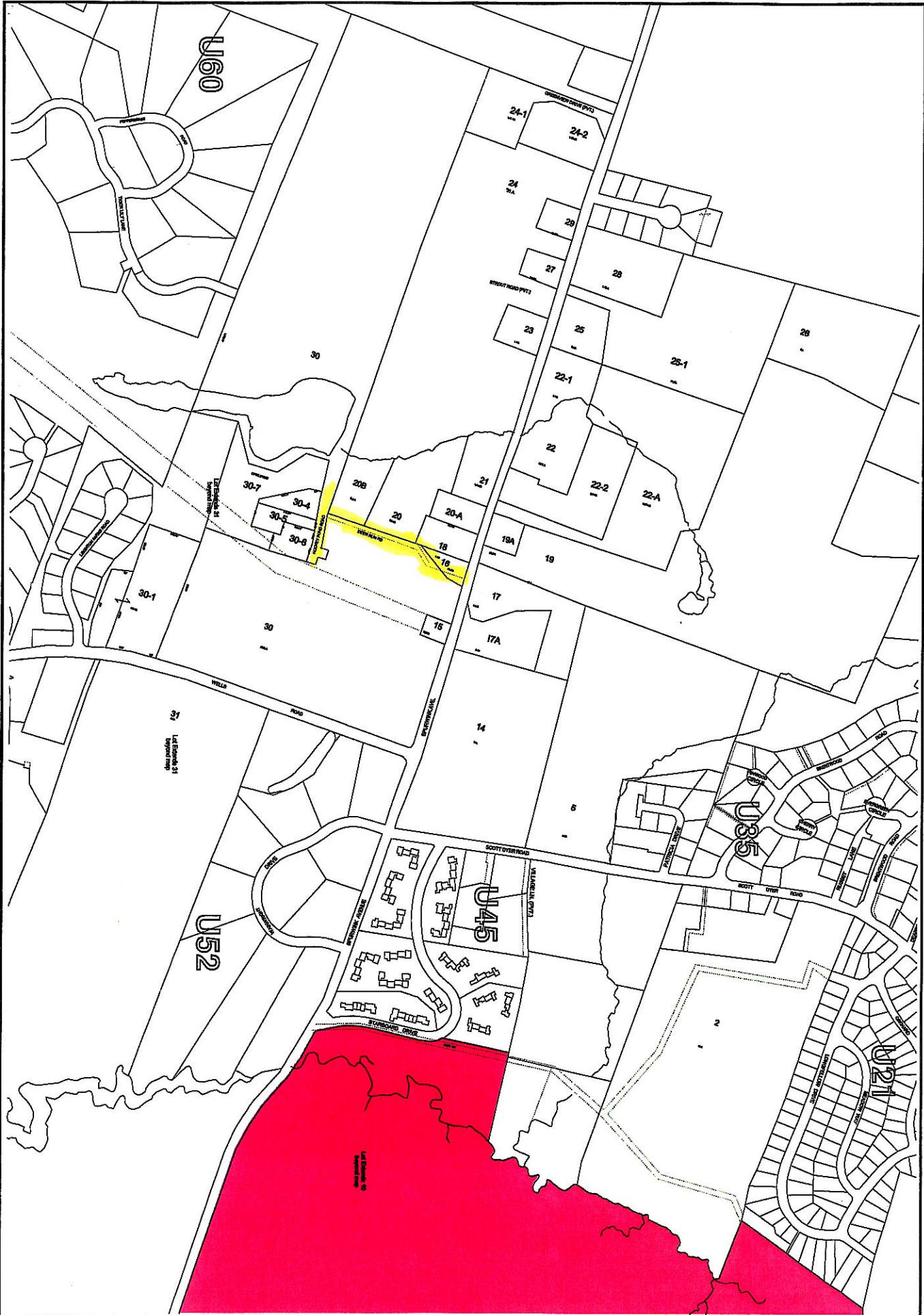
2

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Trail Map



Yellow - Access To Jordan Land From Spruik Rd



Map: R05-2

2007

This map is intended to be used for the purpose of property assessment and should not be used for any other purpose.

James H. Thomas
Cumberland, Maine
jht@maine.net



PROPERTY MAPS
TOWN OF CAPE ELIZABETH, MAINE

**NOTICE OF PROPOSED DISCONTINUANCE OF
PORTION OF TIGER LILY LANE**

A request has been made to the Town of Cape Elizabeth City Council to discontinue a portion of Tiger Lily Lane, as depicted in *Attachment 1*.

According to records in the Cape Elizabeth Assessor's office, the abutting property owners are as follows:

Cross Hill LLC
c/o Stephen P. Parkhurst, V.P.
Town and Shore Associates
One Union Wharf
Portland, ME 04101

Town of Cape Elizabeth
PO Box 6260
Cape Elizabeth, ME 04107

The proposed discontinuance is without damages, and without retained public easement, and the discontinuance order shall so state. Pursuant to 23 MRSA Section 3026, the proposed discontinuance order will be on file with the Cape Elizabeth Town Clerk on or before _____, 2008.

The Cape Elizabeth Town Council will hold a public hearing and act on the request to discontinue the referenced portion of Tiger Lily Lane at its meeting on _____, 2008 at _:_ pm, which will be held at Cape Elizabeth Town Hall, Cape Elizabeth, Maine. The public is welcome to attend and participate.

**TOWN OF CAPE ELIZABETH
IN THE TOWN COUNCIL**

ORDER DISCONTINUING PORTION OF TIGER LILY LANE

IT IS HEREBY ORDERED, that, pursuant to 23 MRSA Section 3026, having given best practicable notice to all abutting land owners and to the Town of Cape Elizabeth Planning Board, that portion of Tiger Lily Lane, as depicted in *Attachment 1*, be and hereby is discontinued as a town street or town way.

IT IS HEREBY FURTHER ORDERED, that, pursuant to 23 RRSA Section 3026, the Town shall retain no public easement in the discontinued portion of Tiger Lily Lane.

IT IS HEREBY FURTHER ORDERED, that no damages are to be paid in connection with is Order of Discontinuance.