

Proposed Warrant Article Regarding Appraiser:

To see if the voters of the Town of Freedom shall appropriate the sum of up to \$ 38,000 (\$2,500 per appraisal per abutter) to pay for a qualified and licensed Maine Appraiser to provide an opinion of the reasonable value to purchase by negotiation, or condemnation damages pursuant to 23 MRS 3021 et seq., if any, to be paid to each of the abutters of the disputed portion of the 1.5 miles of the Beaver Ridge Road for the layout of a public easement; and, to authorize the Select Board to retain an Appraiser.

Note of Explanation: There is a pending lawsuit in Hadyniak et al v. the Town of Freedom pending in Waldo County Superior Court in which the Plaintiffs claim sole ownership of a 1.5 mile portion of the Beaver Ridge Road. The Town, through the voters at a Special or Annual Town Meeting, has statutory authority to take a public easement for what are called “highway purposes,” which are essentially public rights for any person to travel on a road. The statute requires an appraisal to determine the reasonable value for negotiation or the taking of a public easement over what will be a narrow strip of land (the width to be later determined, but for a three rod easement it would be about 20 feet wide for each abutter as measured to the centerline of the proposed public easement). If the Town, through the Select Board is unable to purchase such a public easement from one or more of the abutters through negotiation, the Town through a future Town Meeting may then consider taking the public easement through what is known as a condemnation (eminent domain) process, pursuant to 23 MRS 3021 et seq. This statute is specifically used to resolve disputes as to the continuing right, title, and interest in and to any previously established public way or public easement, such as the Beaver Ridge Road.

This Ballot/Warrant Article DOES NOT serve to take any real property interests from anyone; it only authorizes the first step to hire an appraiser to determine the reasonable value of the public easement over approximately twelve to fifteen abutting parcels of land. After the appraisal work is completed, the voters of Freedom will then decide at a Town Meeting whether to proceed to hire a surveyor to provide a description of the center line of the Beaver Ridge Road and thereafter offer to purchase the public easement from each abutter, or use the condemnation process to take the public easement if negotiations fail with one or more abutting owners.