Town of Windham

Town Offices
8 School Road
Windham, Maine

Cover Sheet

File Number: 25-161

Agenda Date: 10/28/2025 **Version:** 1 **Status:** Agenda Ready

In Control: Town Council **File Type:** Order

Agenda Number:

I. Council Action Requested.

To find that special circumstances justify the waiver of the provisions of Article 3 of the Policy for the Disposition of Tax Acquired Property, to find that public benefit is derived by conveying the property identified as Tax Map 16, Lot 54 to the previous assessed owner, to authorize the Town Manager to execute a municipal release deed, transferring the aforementioned property to the previous assessed owner in exchange for all outstanding taxes and costs listed in 36 M.R.S. § 943-C(3)(C), and to authorize the Town Manager to enter into an agreement with the previous assessed owner as well as an abutting property owner, Margaret E. Birlem, on terms and conditions deemed by the Town Manager to be in the best interest of the Town, whereby the Town will receive title to approximately 24.97 acres of the above-described property as an unconditional gift.

II. Basis for Council Action.

Council approval of this item is required because;

a. Pursuant to Article I, Section 2 of the Charter the “Town may acquire property for any Town purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, or condemnation and may sell, lease, mortgage, hold, manage and control such property as its interest may require,” and
b. Pursuant to Article II, Section 3(I) of the Charter the Council shall have the power to “Exercise all the legislative, financial, borrowing and other powers now or hereafter given by statute to inhabitants of towns acting in Town Meeting except as otherwise provided herein, and also exercise all the powers now or hereafter given by statute to municipal officers of towns;” and
c. Pursuant to the Town’s Disposition of Tax Acquired Property Article 6, Section 6.1 the “Town Council has the right to waive any and all of the requirements of this policy in special circumstances, as deemed necessary, by an affirmative vote of five (5) or more Council members.”

III. Issue Summary.

This matter has been discussed with the Town Attorney, who has recommended this approach. This method of transfer allows the previous assessed owner to retain ownership of their home as well as the Town to receive title to a portion of property that can be further dedicated for passive, recreational uses.