



Maine

Known Condemnations Benefiting Private Parties ¹⁸⁷

Filed/Authorized Condemnations  1

Threatened Condemnations  1

Legend  = 1  = 1

Portland (East End)

On July 6, 2005, less than two weeks after *Kelo*, City councilors decided to condemn the Portland Co.'s rail-access rights to turn over the land to a private developer planning to build condos and a parking garage. The Portland Co. sued the city the following day.¹⁸⁸ Later that month the developers reached an agreement with the company to buy the access rights.¹⁸⁹

Portland (Bayside)

In May 2006, City officials resumed talks with the owner of a scrap yard that they want to relocate outside the city so a yet-to-be-chosen developer or developers can build office space and a parking garage. The City is also in the process of hiring a site-planning firm to help create a redevelopment plan for the area. According to Jack Lufkin, the City's economic development director, the City will use eminent domain if the owner of E. Perry Iron & Metal Co. does not agree to move.¹⁹⁰ As one court found in a case unrelated to the eminent domain action, the City has spent years harassing Alan Lerman, the property owner—refusing permits and enacting new ordinances restricting his ability to do business.¹⁹¹

¹⁸⁷ These numbers were compiled from news sources. Many cases go unreported, and news reports often do not specify the number of properties against which condemnations were filed or threatened.

¹⁸⁸ Kelley Bouchard, "City sued over rail way right of way; The lawsuit, filed by the Portland Co., alleges the city broke eminent domain laws and seeks \$1.9 million," *Portland Press Herald*, at B1.

¹⁸⁹ Kelley Bouchard, "Deal reached on land needed for East End project; Riverwalk LLC comes to terms with owner Phineas Sprague on a right of way critical to waterfront plans," *Portland Press Herald*, July 28, 2005, at B1.

¹⁹⁰ Kelley Bouchard, "City makes new push for scrap yard deal; Meanwhile, Portland will advertise for help with a development plan for six acres in Bayside," *Portland Press Herald*, May 31, 2006, at B1.

¹⁹¹ *E. Perry Iron & Metal Co. v. Portland*, 2006 ME 52.