

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND AND FIFTEEN

—  
S.P. 278 - L.D. 780

**Resolve, Authorizing the Director of the Bureau of Parks and Lands To  
Convey the Parcel of Land in Kittery Known as John Paul Jones Memorial  
Park to the Town of Kittery**

**Preamble.** The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation or recreation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House.

**Whereas,** certain real estate authorized for conveyance by this resolve is under the designations described in the Maine Revised Statutes, Title 12, section 598-A; and

**Whereas,** the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may sell or exchange lands with the approval of the Legislature in accordance with the Maine Revised Statutes, Title 12, section 1814 and section 1851, subsections 1 and 2; now, therefore, be it

**Sec. 1. Director of the Bureau of Parks and Lands is authorized, but not directed, to convey certain land known as John Paul Jones Memorial Park in Kittery. Resolved:** That the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may gift by quitclaim deed without covenant, and on such other terms and conditions as the director may direct, the interests of the State in the property known as John Paul Jones Memorial Park, referred to in this resolve as "the property," situated between Hunter Avenue and Newmarch Street and between Water Street and Government Street in the Town of Kittery, County of York, with the buildings and improvements, together with all appurtenant rights and easements located on that property, to the Town of Kittery; and be it further

**Sec. 2. Restrictions. Resolved:** That the instrument transferring the interests of the State in the property must include the following terms and restrictions:

1. The property must continue to be used and managed for public noncommercial governmental purposes as a public park. If the property is used otherwise, title to the property must automatically revert to the Department of Agriculture, Conservation and

Forestry, but only on those terms and conditions as the Director of the Bureau of Parks and Lands within the department may direct;

2. In the event the Town of Kittery proposes to transfer an interest in the property, in whole or in part, to a 3rd party not affiliated with the Town of Kittery, the department has a right of first refusal to take back the property at no cost and upon those terms and conditions as the director may direct; and

3. Notwithstanding any decision by the department not to exercise its right of first refusal, the department shall continue to hold the right of first refusal in perpetuity, and such right is a servitude on the property and runs with the land and is binding upon the Town of Kittery, its successors and assigns forever.