



LAND SURVEYORS

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September 7, 2021

Ms. Elizabeth Franco
Ms. Lynne Cleary
175 Delaware Court
Portland, ME 04103

Re: Kimball Estate, Route 184, Lamoine, Maine

Dear Elizabeth and Lynne,

At your request we have completed a boundary survey of the lot located on Route 184, in Lamoine. We found the following in regard to your property:

The oldest deeds to your lot (ref. 546-306 and dated August 9, 1919) describe a skewed, near-rectangular shape located on the “northeasterly side of the Town Road”, which is apparently now known as Route 184, or Lamoine Beach Road. It is described being 6 rods (99 feet) by 10 rods (165 feet) and begins on southeasterly line of the neighboring parcel owned by one DesIsles. Two Cedar Posts are described as marking the rear corners, away from the road.

Our research indicates that your lot was originally part of what is now Lamoine Beach Park Land and was created prior to the small lot to the southeast, and also prior to a small lot on the northwest, which may or may not still exist. Being senior in title, and with both abutters described as along your lot, the original description of your lot is the controlling factor. The northeast side of the road, the two Cedar Posts, the line of DesIsles, and bearings/distances being our primary evidence.

In the field we did not uncover any conclusive evidence of the original DesIsles line, likely because the parent and neighboring parcel were both later obtained by Bar Harbor Highlands, Inc. combined, and subsequently re-divided into what was known as Meadow Point Subdivision (Planfile #12-6, dated 1970). We did find a 1” diameter Bolt along the road in the general vicinity of the old DesIsles Line, which will be discussed further. When the Subdivision was created a survey plan was recorded which shows what is apparently your lot, but it is shown as an exact rectangle, 80’ x 165’, and with 1” Pipes marking the corners. Not finding the Cedar

Posts, we turned to the Meadow Point Plan for evidence of the original location of the Cedar Posts, but only found 1" pipes which are never described in your deed. Likely these were installed at the time of subdivision, but regardless they do not control the location of your boundary lines in our opinion.

The plan also appears to disagree with the description of your lot in the shape, and the depth from the road. The plan may use the center of the road instead of the northeasterly side, causing the 99' to 80' discrepancy on your lot, but then shows the lot to the southeast as being an additional 20' in depth. Since both lots are described as lying on the "northeasterly side of the Town Road" and the neighboring lot being described as 100' in depth, versus 99', the 20' difference doesn't add up. For these reasons it is our opinion that the plan and 1" pipes do not control the location of the boundary lines.

We were able to locate an old, partially standing, surprisingly straight, split rail fence which runs nearly exactly parallel to the road and 117 feet, more or less, distant from the centerline thereof. The fence changes from 3 tiers to 2 tiers tall as it continues along the apparent rear line of the lot to your southeast, and along their southeasterly line to the road. For several reasons we have held this fence line as evidence of your rear boundary line.

1: The age of the fence, having been there at least 20 years, gives support to the idea that it is at least the line of possession and may provide a claim of adverse possession, causing the boundary line to follow the fence line. As the line of possession, it provides visual notice to all abutters and to our knowledge that has not been contested by any abutter to this point. However, possession of State owned property usually cannot turn into ownership by statue.

2: This distance the fence lies off the northeasterly side of the road supports the validity of the fence. The sides of the two lots shown on the Meadow Point Plan were described as being 99' and 100' individually, by deed, which should create no more than a 1' offset in the rear of the two lots, though the plan shows a 20' offset. The rear fence line was measured to be 117', more or less, from the centerline of the road. 17'-18' from the centerline is the approximate shoulder of the road, which gives support to holding what was likely the point referred to as "side of the road" in both deeds. The fence line is 99'-100' from this point which generally agrees with the deeds.

3: The original description of your lot gives bearings of North 20 degrees East for the side lines and South 74 degrees East for the rear and road lines. These do not form a 90-degree, interior angle like the Meadow Point Plan depicts. The deed angle is actually 86 degrees. When attempting to overlay the original description onto the evidence found on the ground, it was discovered that the angle beginning from the 1" Bolt previously mentioned as being found on the edge of the road, to the northerly end post of the fence, and turning along the fence line, is almost exactly the described 86-degree interior angle.

It is our opinion that the Meadow Point Plan does not adhere with the deed description of your lot and therefore should not be held as sufficient evidence to place the boundary lines exists. Based on the age, location, and orientation of the fence line in regards to the road, 1" Bolt found, and other fence lines, and the resulting adherences to the controlling deed description, it is our opinion that the fence and 1" Bolt are the best evidence of the original boundary lines. We have shown the lot lines as such on the provided plan.

With the conflicting overlap caused by the recorded subdivision plan and the fact that the State of Maine is the abutting owner, a boundary line agreement may be appropriate in this situation to avoid any future confusion or disagreement. We recommend that you review this information with your attorney for further guidance.

Lastly, we found sufficient soils to support a leach field on the property. Enclosed is the soils report from Stephen Holwell which can be given to potential buyers as evidence of sufficient soils on the property.

Please let us know if you have any question or need anything further.

Sincerely,



Stephen R. Salsbury, PLS

/s

Enc.