

Order of Vacation

TO: Residents of the Town of Freeport and other interested persons

FROM: Municipal Officers of the Town Freeport

The Municipal Officers of the Town of Freeport, Maine, pursuant to 23 M.R.S.A. § 3027-A, having given best practicable notice to all abutting property owners and the Freeport Planning Board, hereby order the vacation of the 40-foot-wide Unnamed Road running parallel to Lower Flying Point Road. The Unnamed Road is approximately 40 feet wide and begins at the intersection with Lower Flying Point Road, whence it runs parallel to said Lower Flying Point Road along the boundary of lots 1-28, as shown on a subdivision plan entitled "Plan of Flying Point Shores – Section III, dated October, 1949 (hereinafter, "the Plan"), which Plan is recorded in the Cumberland County Registry of Deeds in Plan Book 35, Page 44; and

Appended hereto and hereby incorporated as Exhibit A to this Order is a list of all the names of the owners of lots shown on said Plan together with their mortgagees of record.

Date: _____, 2021

By:

John Egan, Chair

Freeport Town Council

STATE OF MAINE

Cumberland, ss.

Date: _____

Personally appeared the above-named John Egan and acknowledged the above instrument to be his free act and deed and the free act and deed of the Town of Freeport.

Before me,

Notary Public/Attorney

(Print Name)

Notice of Proposed Vacation

From: The Municipal Officers of the Town of Freeport

A petition has been filed with the municipal officers of the Town of Freeport, Maine proposing to vacate the following way shown upon a subdivision plan named "Plan of Flying Point Shores – Section III", dated October, 1949 and recorded in the Cumberland County Registry of Deeds in Plan Book 34, Page 44.

A 40-foot-wide Unnamed Road running parallel to Lower Flying Point Road

If the municipal officers enter an order vacating this way, any person claiming an interest in this way adverse to the claims of the petitioners must, within one (1) year of the recording of the order, file a written claim thereof under oath in the Cumberland County Registry of Deeds and must, within one hundred eighty (180) days of the filing of the claim, commence an action in the Superior Court in Cumberland County in accordance with 23 M.R.S.A. § 3027-A.

Date: _____, 2021

By:

John Egan, Chair

Freeport Town Council



TOWN OF FREEPORT, MAINE

Town Manager's Office

30 Main Street

Freeport, ME 04032

Phone: 207-865-4743 x.118

Email: pjoseph@freeportmaine.com

MEMORANDUM

To: Freeport Town Council

From: Peter Joseph, Town Manager

Date: 7/16/20

RE: Request to vacate paper street shown on Town Plan #114

A "paper street" is a street shown on a plan (such as a subdivision) that was offered to the Town at the time of the recording of the plan, but which was never accepted or laid out by the Town. In most instances the Town retains future rights to lay out a public way over the paper street in question, but no public rights to the property exist until the Town takes affirmative action to create a public way. The request to vacate this paper street was recently brought to our attention by property owner Pat Lewis. An email supporting her request is attached to this memo, along with several maps and plans, and additional feedback received from other residents on the matter.

This paper street was created by the recording for the plan titled "Flying Point Shores – Section III" in 1949. Several times (most recently in 2017), the Town Council has voted to continue the Town's interest in this paper street. In 1999, there was a recommendation from the Town's 'Paper Streets' committee to vacate the street, but it was not ultimately vacated at that time.

The paper street in question runs roughly parallel to Lower Flying Point Road and crosses approx. 10 properties. The 28 properties shown on the original plan have been consolidated multiple times, reducing the number of parcels from 28 to approx. 10. Anecdotal evidence tells us that although the original plan was to have access to the 28 original parcels from the paper street, people instead used the existing public Lower Flying Point Road for access, and the additional land between the paper street and Lower Flying Point Road was later added to most of the waterfront parcels, giving them frontage along Lower Flying Point Road.

The Town at this point has no plans or intentions to lay out a public way across the paper street in question, as the adjacent Lower Flying Point Road is sufficient to access all of the parcels in the neighborhood. Town staff can envision no scenario where the paper street in question would be useful to the Town. At this point, the paper street does encumber all of the properties that it crosses, which is a burden to the property owners in some instances. It is therefore our recommendation that the Town vacate its rights to the paper street in question.

It should be noted that even if the Town does vacate its rights in the paper street in question, this does not in any way affect the status of any private easements or rights of way that may have been granted to cross the paper street to private property owners in the neighborhood. These rights, if they exist, may also encumber the properties in question, and it will be the responsibility of the individual property owners to sort out these rights.

Request to Vacate Paper Street #114 /Flying Point Shores

Pat <plewis7577@comcast.net>

Thu 7/16/2020 10:05 AM

To: Peter Joseph <pjoseph@freeportmaine.com>

3 attachments (2 MB)

Survey Lwr Fly Pt.pdf; Tax Map 5A Highlighted Street.jpg; Action Plan Paper Street Committee.jpg;

**** CAUTION EXTERNAL EMAIL ****

Town Manager Peter Joseph
Town Council Members
30 Main Street
Freeport, ME 04032

Dear Mr. Joseph and Council Members,

I am asking the Town Council to consider vacating the towns interest in the proposed road in Annie Brewer Plan Flying Point Shores, Sec III, Plan book 35, Page 44, 19499. It is now considered Paper Street #114.

I purchased 338 Lower Flying Pt Rd Tax Map 5A /43 in 2007 to be near my daughter's family and my grandchildren. My daughter has lived in the area for over 25 years since college.

The property has Paper Street #114 intersecting through the middle of it. I own the land under the 40 ft Paper Street and on both sides of it.

The Paper Street is parallel and close to Lower Flying Point Rd. Pedestrians and vehicles use Lower Flying Point Rd. for access.

The Paper Street leads to nowhere. It just goes across other lot owners along it. Most of it is wooded. I have not seen it used by anyone.

Current property owners of one of the lots spoke at the Paper Street committee meeting in 1999. That committee, made up of residents and a consultant, recommended that #114 be vacated as long as Tax Map 5A /47, Chickadee Lane had legal access. (legal access to this lot was given in 1988, Deed 8159/133).

The 40 ft Paper Street encumbers the use of the property. Being in the middle of the lots divides continuity of possible plans. With all the setbacks the useable area becomes more limited.

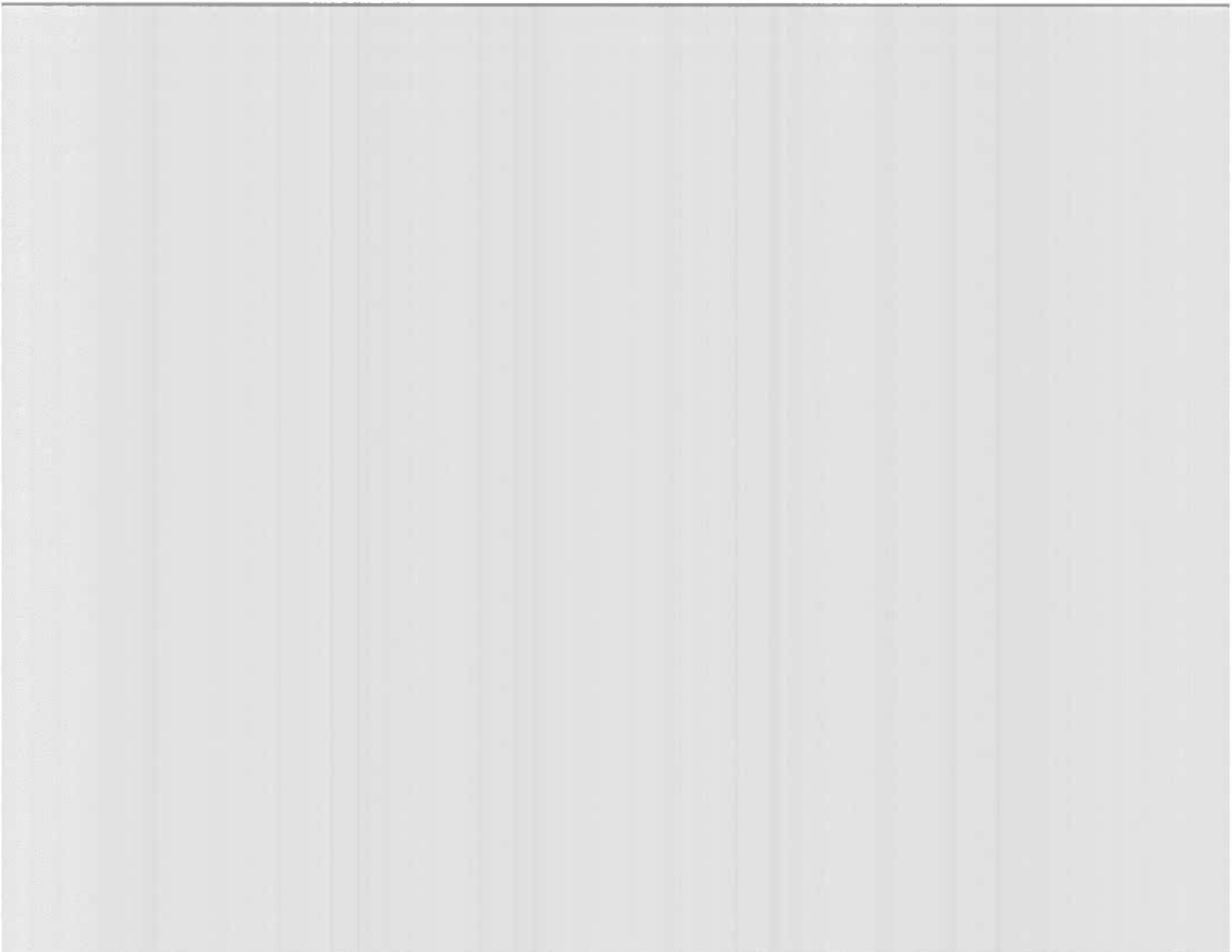
Paper Street = 40 ft wide
Shoreline setback = 75 ft
Paper St setback = 30 ft
Lwr Flying Pt Rd setback = 30 ft
Sideline setbacks each = 20 ft

The first step in eliminating the Paper Street completely is for the town to vacate its interest. I will then have an attorney to proceed with the process of eliminating others rights and interests.

Because of the Covid Pandemic I have not approached residents with a petition.

Please consider vacating the towns interest in Paper Street #114.

Thank you kindly,
Priscilla (Pat) Lewis
338 Lower Flying Pt Road



Vacating paper street lower flying point

Kevin Call Gmail <kvncall@gmail.com>

Wed 7/15/2020 7:17 AM

To: Peter Joseph <pjoseph@freeportmaine.com>

**** CAUTION EXTERNAL EMAIL ****

Mr. Joseph,

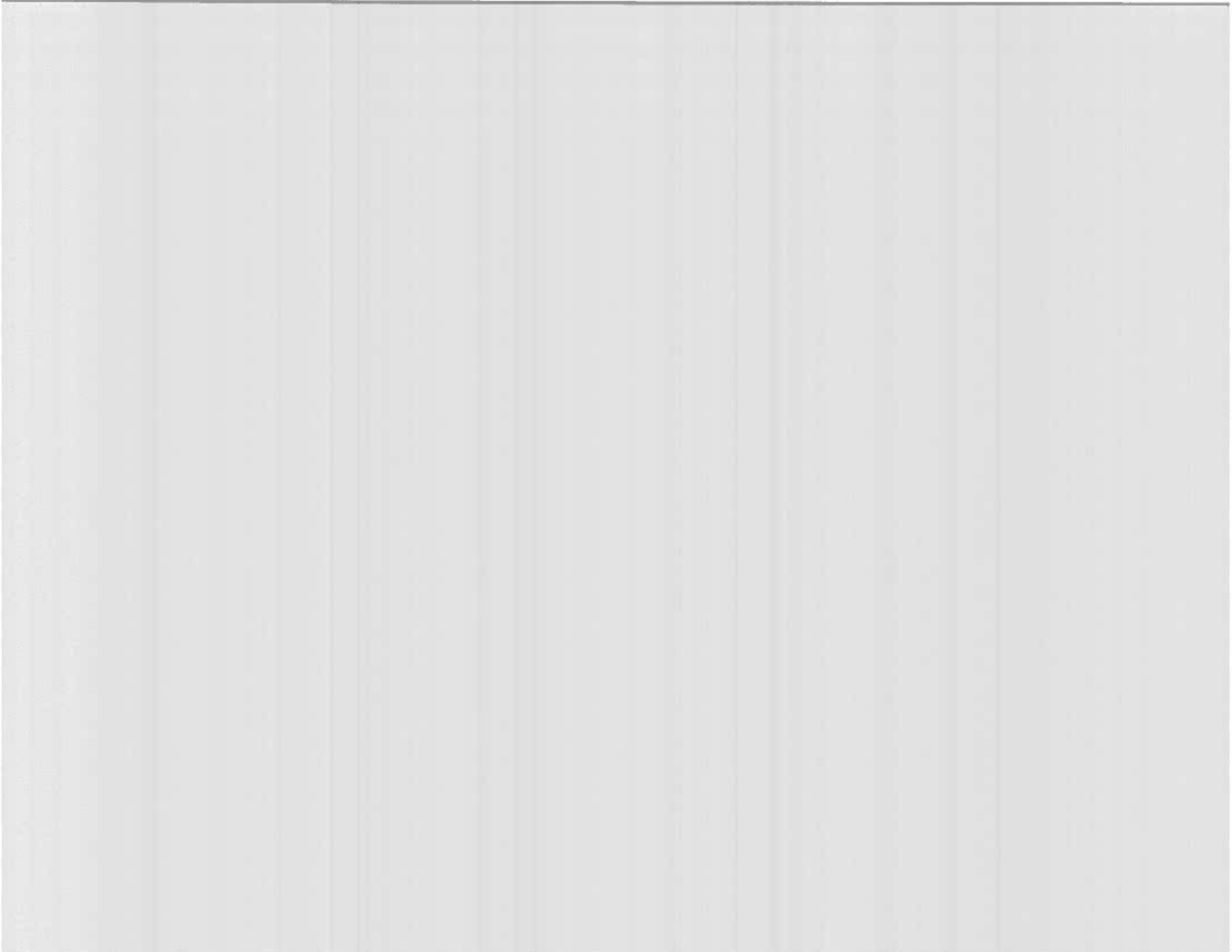
Please consider this letter as our request that the town vacate its interest in the paper street that bisects our property on Lower Flying Point. The property address is 352 Lower Flying Point Road (5A/40/ETC/0).

I understand that this ongoing issue may be discussed by the council at an upcoming meeting and public comments may be heard. Please consider the following from our point of view.

- To our knowledge, no one has ever used, or requested use of this paper street that doesn't allow public access to any parcels or shore.
- Apparently, this 40' paper street doesn't meet the current definition of a town road which needs to be 30', or 50' in width.
- Along with the potential setback of 30' from either side of the paper street, this renders a 100' swath across the middle of our lot useless. This lot which we have paid taxes on for almost 70 years.
- We are unaware of any of our neighbors who would like the town to keep its interest in this obscure, overly restrictive, unused paper street. I know one of our abutters had asked that this be vacated years ago when they built a new home.
- I'm told this could be a lengthy process, having the town vacate its interest in the paper street is a very large first step in cleaning up this situation that has been looming for decades.

Thanks for your time and consideration,
Kevin Call

Sent from my iPhone. Please excuse brief responses or incorrect spelling.



PLAN of FLYING POINT SHORES - SECTION III

FLYING POINT FREEPORT, MAINE

MRS. ANNIE M. BREWER - OWNER

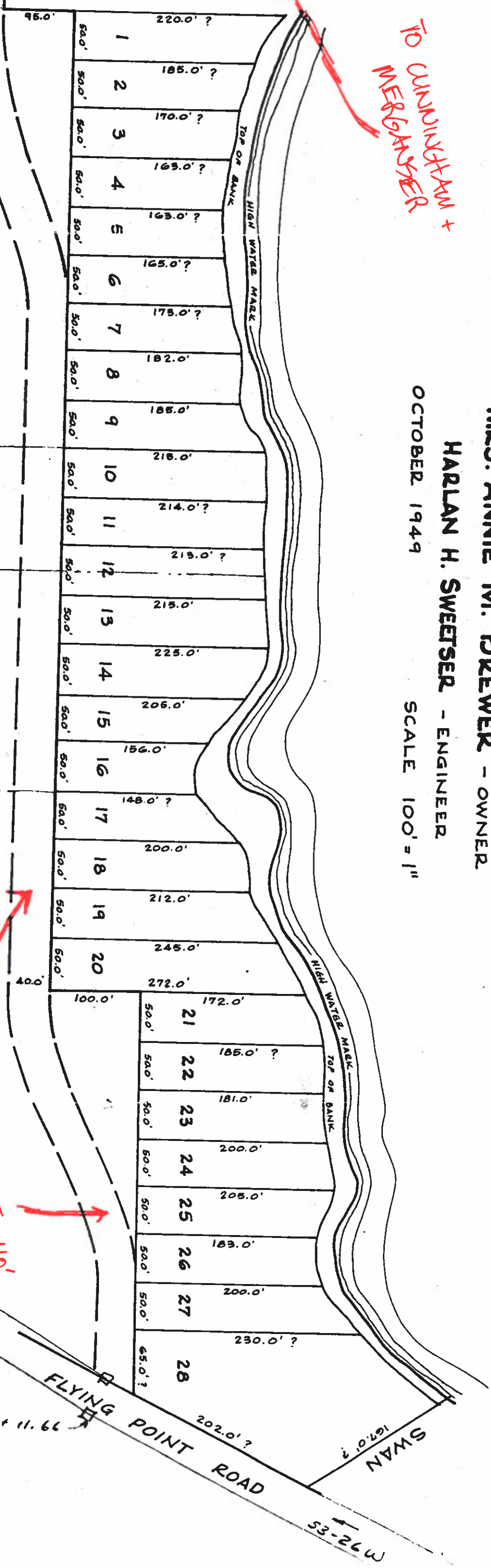
HARLAN H. SWEETSER - ENGINEER

OCTOBER 1949

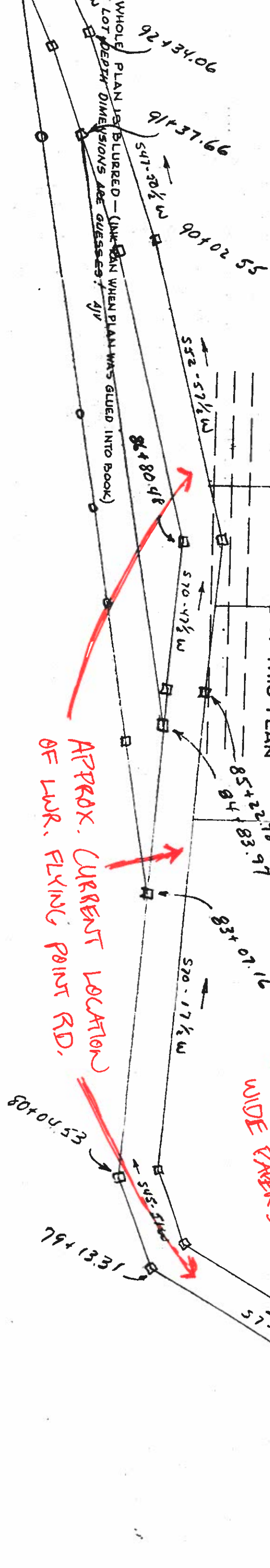
SCALE 100' = 1"

TO CHANDLER HAVEN +
MERGANSER

TO SHORE +
MARQUIT

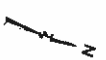


WE THE SELECTMEN OF FREEPORT HEREBY
CERTIFY OUR APPROVAL OF THIS PLAN





TOWN OF FREEPORT, MAINE
PROPERTY MAPS



James H. Thomas
gis@thomassolutions.com
Cumbers and
Cumbers of Maine
jht@maine.rr.com

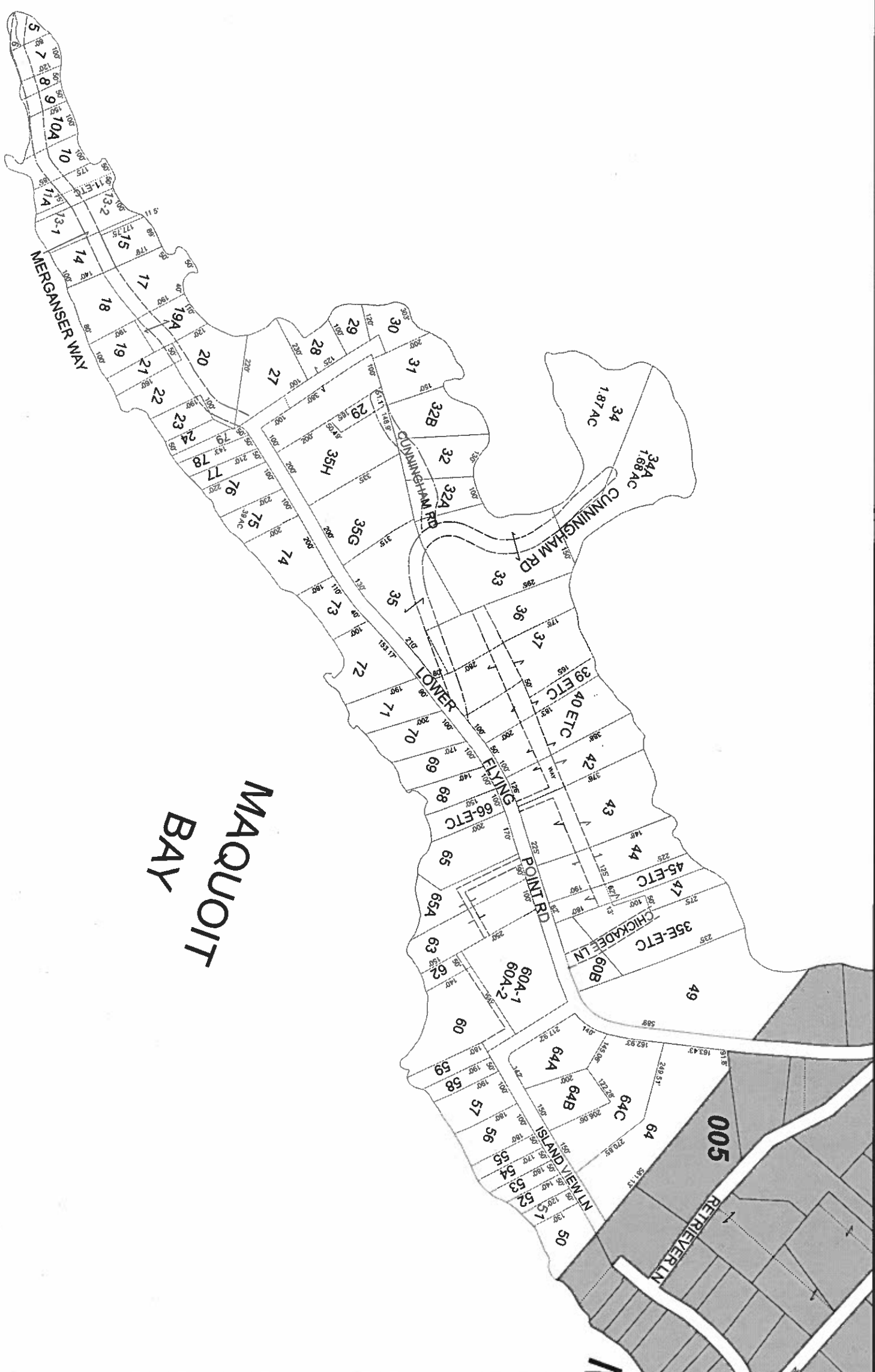
These maps are intended to be used for the purpose of Property Tax Assessments and should not be used for conveyances.
Revised to April 1st

Scale: 1" = 150'



2019

MAP: 5A



MAQUOIT BAY

