

**Mackerel Cove Town Landing Title Summary and Fact Sheet  
for May 16, 2016 Public Hearing**

- Mr. Lamon notified the Town in August 2014 of title research conducted by his title insurance company concluding that he and his wife held title to the Mackerel Cove Town Landing parcel (Map 22, Lot 55, hereinafter, the “Town Landing Parcel”).
- The Town undertook research on ownership of the Town Landing Parcel and discovered the following:
  - Although town records reflect that the Town properly followed the statutory procedures for laying out and accepting the Town Landing Parcel as a town way in 1967, including making payment of \$200.00 in damages to the then owner of the parcel, Evelyn Sinnett, for the taking, there is no evidence, based on a title search from 1958 until 1976, that the Town recorded a deed or certificate in the Registry of Deeds describing the Town Landing Parcel that was the subject of the Town’s taking. The law in effect at the time was clear that for a taking to be effective against any person without actual notice thereof, the transaction must have been recorded in the Registry of Deeds.
  - Although there was no recorded evidence of the Town’s attempted taking of the Mackerel Cove Town Landing Parcel in 1967 (or later), there were other examples of the Town having recorded its taking of other certain property as a town way during this same time period (e.g., CCRD 3083/51 and CCRD 3367/273 from 1968 and 1969).
- As part of this research, the Town ordered a survey of the Town Landing Parcel which was completed by Brian Johnson of MidCoast Survey in November 2015. While researching the boundaries of the Town Landing Parcel, Mr. Johnson discovered that the Town may own the westerly portion of Tax Map 22, Lot 57, a parcel taxed to Mr. Hamilton P. Starr. [See deed from Bailey Island Group Associates to the Town of Harpswell dated May 29, 1986, CCRD 7490/76] However, the entirety of Lot 57 has been taxed to Mr. Starr and his family since at least 1965 and possibly as far back as the 1920s.
- The Board of Selectmen and Mr. Starr, following negotiations with their respective counsel, have proposed to resolve the boundaries between the Starr parcel and the Town Landing Parcel to the parties’ satisfaction. The Board of Selectmen proposes to exchange deeds with Mr. Starr to clarify the boundaries between their respective parcels, in return for a payment by Mr. Starr to the Town of the sum of \$3,000.

- The Board of Selectmen and the Lamons, following negotiations with their respective counsel, have proposed to establish the rights of the Lamons and the Town in and to the Town Landing Parcel as follows:
  - The Lamons to release by quitclaim deed to the Town all of their right, title and interest in the Town Landing Parcel, as depicted on the MidCoast Survey dated May 9, 2016;
  - The Board of Selectmen to subsequently convey an easement to the Lamons, consisting of an 8-foot wide strip of land along the westerly boundary of the Town Landing Parcel from Abner Point Road to the water, for the purpose of dinghy storage and access by foot and with non-motorized vehicles to the waters of Mackerel Cove, together with the right to trim and/or remove shrubbery within the easement area to the extent permitted by town ordinance, and to construct appropriate fencing no more than 2-feet in height around the easement area for the purpose of preventing parking or blocking by the public, to the extent such fencing is permitted by town ordinance, and otherwise subject to prior written approval by the Board of Selectmen.
- The Board of Selectmen proposes to have the Town appropriate the sum of \$4,000 to the Lamons to offset their costs in connection with resolving these title issues regarding the Town Landing Parcel.