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Nate Rudy, City Manager
Hallowell Property Committee
City of Hallowell
1 Winthrop Street
Hallowell, ME 04347

Re: Title research regarding questions relating to ownership of the parcels of land associated with the Reservoir Property

Question 1: Was the approximately 8 acres around the Little Egypt Quarry located on Tax Map 19 Lot 25 owned by the City of Hallowell or heirs of the Ballard Family?

Answer: Our research confirms the findings of Main-Land Development Consultants that the eight acres located within the Res property containing the Little Egypt Quarry appear to still be owned by Richard Ballard, Robert Ballard, and Helen Ballard, or by their heirs if any of them are deceased.

In 1920 when Henry Cummings deeded the property to Alphonso Cyr, Cummings reserved "eight acres of land, the precise boundaries of which are to be hereinafter determined between said Grantor and said Grantee which shall include the Quarry . . ." (Book 580, Page 419). Cummings then conveyed the eight acre quarry parcel to Raymond Gray in 1921. Gray conveyed it all back to Cummings in 1924. In 1929 Lena Cummings, Executrix under the Will of Henry Cummings, conveyed the eight acres to Vernon V. Dixon (Book 663, Page 283). In May 1935 the City of Hallowell recorded a tax lien certificate against Vernon V. Dixon for unpaid taxes on the property in question (Book 707, Page 446). The City of Hallowell took title of the property by virtue of foreclosure of said tax lien and then in 1976 the City conveyed the property along with two other tax acquired parcels to Richard Ballard, Robert Ballard and Helen Ballard of Hallowell (Book 1932, Page 84). After diligent search we could find no evidence that the Ballards have transferred this eight acre parcel out of their ownership. There is no evidence in the Registry of Deeds that could help locate the eight acre parcel boundaries on the face of the earth so the exact boundaries of the eight acres may be undeterminable.

Recommended Course of Action: Identify and locate Richard, Robert, and Helen Ballard and/or their heirs and obtain Quitclaim Release deeds to the City of Hallowell from any party who may have inherited an interest in this property. If the heirs cannot be located, the City can file a Quiet Title action in Superior Court to acquire clean title. If the City history of use of this property has been open, exclusive and under color of title for over 20 years, there should be little defense that the Ballard could raise to challenge a Quiet Title action.

Question 2: What is the status of the 11 acre parcel located off the northwest corner of the Res property, currently included in Tax Map 19, Lot 17?

Answer: On preliminary review, we agree with the findings of Main-Land Development Consultants in its report. It appears that the City of Hallowell obtained an 11 acre parcel from William Spaulding in the 1960s through multiple tax liens. The problem we found is a lack of clarity about the source of title to the entire 11 acres.

The 11 acre parcel can be traced back to Charles Gilley (Book 656, Page 321). However, it is not clear whether that 11 acre parcel that Gilley owned also includes a 4.8 acre triangular parcel formerly owned by H.L. Brown and Henry Cummings. There is nothing in any of the deeds that clarifies for us whether the 4.8 acre triangle exists as a separate parcel distinct from the 11 acre parcel the City foreclosed on with Spaulding or whether it was intended to be included within in the 11 acres that was eventually conveyed to Gilley. In addition, Granite City Corporation has been taxed on this 11 acre parcel for its most recent period of ownership. We do not know whether Granite City Corporation has been exercising its dominion over this parcel of land which might provide it with a basis for an adverse possession claim. We have examined the deed for Granite City Corporation and the descriptions are old and vague and do not shed any light on the Gilley ownership question.

Recommended Course of Action: If the City is interested in clearing title to the 11 acre parcel that was the subject of the Spaulding tax foreclosures, we may need to take a two pronged approach. The first prong would involve negotiation and release deed from Granite City Corporation. The second prong would involve a Quiet Title action against anyone claiming an interest in this property, particularly in the 4.8 acre triangle, under Henry Cummings, Lorenzo D. Merchant, or Alphonso Cyr as they are the last referenced owners before the confusion created in the deeds to Spaulding and Gilley.

Question 3: What is the legal status of the road leading from the former FAA Tower on Tax Map 19, Lot 23 to the Beacon Road (n/k/a Bog Brook Road)?

Answer: Although it is consistently referred to as a “right-of way” or the “Gilley right-of-way” in several deeds, we believe that the 50’ wide right-of way that is referenced as the Beacon Road on the boundary survey prepared by Main-Land Development was actually conveyed in fee

simple title to the State of Maine. There is deed from Nora Cyr to the State of Maine dated October 30, 1937 (Book 738, Page 111) that conveys the road and the northerly half of the diamond-shaped parcel of land shown on the Main-Land survey on the westerly portion of Tax Map 19, Lot 22. There is a subsequent deed, dated November 5, 1937 and recorded on the next page after the Cyr deed (Book 738, Page 112) in which Charles Gilley conveys a 50' wide strip of land to the State of Maine. The description lines up with the northerly end of the land conveyed to the State in the Cyr deed and the Gilley deed describes the 50' wide road shown on the Main-Land plan crossing the 11 acre parcel discussed in Question #2.

We have no evidence to believe that the property is not still under the ownership of the State of Maine.

Recommended Course of Action: If the City wishes to maintain access to the Res property and the former FAA tower site, it will need to obtain a Release Deed or an Easement Deed from the State of Maine. However, this recommendation is made with the understanding that we have made no investigation as to the status of legal access from the intersection of the Bog Brook Road and Winthrop Street to the northerly end of the "Beacon Road" as shown on the Main-Land plan.

I hope this memorandum helps the City with its future planning regarding these properties. If you have any questions or require additional clarification on any of the issues discussed above, please do not hesitate to contact me.

Best regards,



Mary A. Denison

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