

24 BAY HAVEN ROAD

Property and Facilities Inventory

This document is one of a series of staff reports to document important information about properties owned and utilized by the Town of York. It is an attempt to compile and make available relevant information about properties to ensure the institutional knowledge is not lost over time.



March 2, 2021

24 BAY HAVEN ROAD

Location: 24 Bay Haven Road.



Facility: The Town has a stormwater outfall located on this property.

Property Acquisition: This property was acquired by the Town by means of a quit claim deed executed by the York Sewer District on February 25, 2021. The parcel was originally acquired by the York Sewer District when it acquired the sewer infrastructure and properties from the York Beach Village Corporation in 1951. The Trustees of the York Sewer District met with the Board of Selectmen on August 28, 2014, to initiate this transfer. It was offered to the Town to accommodate a stormwater outfall to accommodate stormwater drainage flowing downhill from Main Street and adjacent properties. The Town of York, York Water District and York Sewer District were working in partnership to jointly reconstruct this road and all underground utilities. With consent of the York Sewer District, the Town constructed a diffuser-outfall in the rip-rap along the shore. Voters authorized acceptance of this property from the York Sewer District by vote at a Special General Referendum on May 16, 2015 (see Article 10, which passed 2,736 Yes to 189 No). The transfer was accomplished six years later.

Also documented is a drainage easement from the Anderson Family Trust. This accommodated improvements to the stormwater drainage immediately upstream from the parcel acquired by the Town.

Deed References:

- At the time of writing (March 2, 2021), there is no recording information available for the property deed.
- Book 16985, Pages 773-775 (drainage easement from Anderson Family Trust)

Deed Restrictions: The deed references that the parcel is subject to an easement retained by the York Sewer District to allow the outfall pipe from their sewage treatment plant. This is the primary outfall from the treatment plant to the receiving waters at the mouth of the Cape Neddick River.

Survey and Monumentation: uncertain.

Relationship to Bond Funds: not applicable.

Land Use Permits & Approvals: The building file for this property has a Town Use/Shoreland Permit and a DEP NRPA Permit by Rule, both of which are dated in September 2015.

Other Information:

- *MS4 Area.* The property is located within the census-designated urbanized area and is therefore subject to Municipal Separate Storm Sewer System (MS4) requirements of the Clean Water Act.
- *Drainage System Plans.* Design of the entire drainage system that flows to this outfall, and the outfall itself, are detailed in an 18-page plan set entitled, "Construction Drawings for Main St. Reconstruction, Main Street, York Maine 03909, Prepared for York Department of Public Works and York Sewer District." The plans were prepared by CLD Consulting Engineers, and were signed on September 10, 2015 by Richard R. Lundborn, Maine Professional Engineer.

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- *Evanston and Evans Park Plan of 1897.* The deed references this lot as being Lot #145 on the 1897 Evanston and Evans Park plan. A copy of this plan is attached for reference. Some of the older land development plans appear to have been drafted without much local knowledge, this plan being no exception. Some of the areas shown as land on this plan are actually in the ocean, and the roads were not really developed as shown on this plan. It is interesting to note the area labeled as “Water Company” is likely the old water source for the original public water supply in York Beach. Water was pumped from this source to a tower located somewhere in the vicinity of 29 Main Street.

Property Deed

QUITCLAIM DEED WITHOUT COVENANT (Release Deed)
(Maine Statutory Short Form)

KNOW ALL BY THESE PRESENTS, that **YORK SEWER DISTRICT**, a Maine quasi-municipal corporation and having a place of business at 21 Bay Haven Road, York Beach, Maine 03910, County of York, and State of Maine, RELEASES to the **INHABITANTS OF THE TOWN OF YORK**, a Maine municipal corporation with a mailing address of 186 York Street, York, Maine 03909, certain real estate located in York, County of York and State of Maine, which is more particularly described in Exhibit A attached hereto and made a part hereof.

IN WITNESS WHEREOF, **YORK SEWER DISTRICT** has caused this instrument to be executed by its duly authorized undersigned representative as an instrument under seal, this 25th day of February, 2021.

YORK SEWER DISTRICT

Terry J. Bess
Witness

By: Timothy Haskell
Timothy Haskell
Its Superintendent

STATE OF MAINE
County of YORK SS.

February 25, 2021

Then personally appeared the above-named Timothy Haskell, Superintendent of **YORK SEWER DISTRICT** and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said **YORK SEWER DISTRICT**.

Before me,

Somnang Laurendeau
Notary Public/Maine Attorney-at-Law

Printed Name: Somnang Laurendeau

My Commission Expires: 5/23/2022

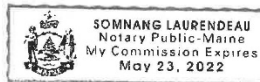


Exhibit A
Legal Description

All that certain lot or parcel of land situate in the Bay Haven area of the York Beach Village Corporation, in the Town of York, County of York and State of Maine, and being Lot No. 145, as shown on Plan of Evanston and Evans Park recorded at the York County Registry of Deeds in Plan Book 34, Page 12; See also Plan of Evanston recorded at said Registry in Plan Book 4, Page 1.

Meaning and intending to describe the same premises conveyed to York Sewer District by deed of Walter R. Anderson and Diane H. Anderson dated April 6, 1971 and recorded with the York County Registry of Deeds in Book 1901, Page 214.

EXCEPTING AND RESERVING, HOWEVER, from the above described parcel of land the following interest therein:

A perpetual appurtenant easement (the "Outfall Easement") in, under, upon, about, over, through and across the above described parcel of land (the "Servient Parcel") to construct, install, reconstruct, operate, repair, replace, remove, inspect, and maintain mains, pipes, and related appurtenances, whether now or hereafter existing (the "Outfall Improvements"), and to flow and provide a proper sewer treatment plant outfall for a parcel of land known as 21 Bay Haven Road, York, Maine and being identified as Tax Map 145, Lot 95 (Old Tax Map 20, Lot 52) in the Town of York Assessor's Office (the "Dominant Parcel"). The Outfall Easement includes, but is not limited to, the right to construct, install, reconstruct, operate, repair, replace, remove, inspect, and maintain the Outfall Improvements, and includes the right of unrestricted ingress and egress over and across the Servient Parcel by persons, vehicles (including trucks), and equipment and machines to the extent reasonably required for Grantor's exercise of the above easement rights. In the event any portion of the Servient Parcel is disturbed by Grantor's exercise of its easement rights under this Drainage Easement, Grantor shall restore such damaged area to the condition in which it existed as of the commencement of Grantor's activity, except as necessarily modified, in Grantor's discretion, to accommodate the Outfall Improvements.

Drainage Easement from Anderson Family Trust

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3pgs

After recording return to:
Durward W. Parkinson, Esq.
Bergen & Parkinson, LLC
62 Portland Road, Suite 25
Kennebunk, ME 04043



BK 16985 PGS 773 - 775 03/19/2015 03:50:34 PM
INSTR # 2015009802 DEBRA ANDERSON
RECEIVED YORK SS REGISTER OF DEEDS

Space Above This Line For Recording

EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that **Anderson Family Trust** of 20 Bay Haven Road in York, York County, Maine ("Grantor"), for consideration paid, hereby grants to the **INHABITANTS OF THE TOWN OF YORK**, a municipal corporation with an address of 186 York Street, York, Maine 03909, an easement for the installation, maintenance, repair, and replacement of a storm drain system, and related improvements including but not limited to pipes to and from the same, and utilization of the same for the collection and flowage of water. The area burdened by this easement is a portion of Grantor's property described in a deed dated October 10, 1997 and recorded with the York County Registry of Deeds in Book 8477, Page 134, and is located as depicted on the attached Exhibit A. The Grantee herein shall have the right to enter upon land of the Grantors for the purposes of installation, maintenance, repair, or replacement of said storm drain system and related improvements. Grantee shall be responsible for the maintenance, repair and replacement as it deems necessary of the storm drain system and related improvements. Grantors agree not be build any permanent improvements of any type in or over the storm drain system and any related pipes or improvements. This easement is for the benefit of the adjacent and nearby public roads and public rights of way and for the drainage of water from the same and from other lands, and includes the right for discharge and flowage of water whatsoever in nature and amount.

IN WITNESS WHEREOF, Dana C. Anderson has caused this instrument to be executed
as of this 5 day of March, 2016 by Dana Anderson, its duly authorized

[Signature]
Dana C. Anderson

[Signature]
Witness:

By: karen mahoney
Print Name:
Print title:

STATE OF Maine
COUNTY OF York, ss

MARCH 5, 2016

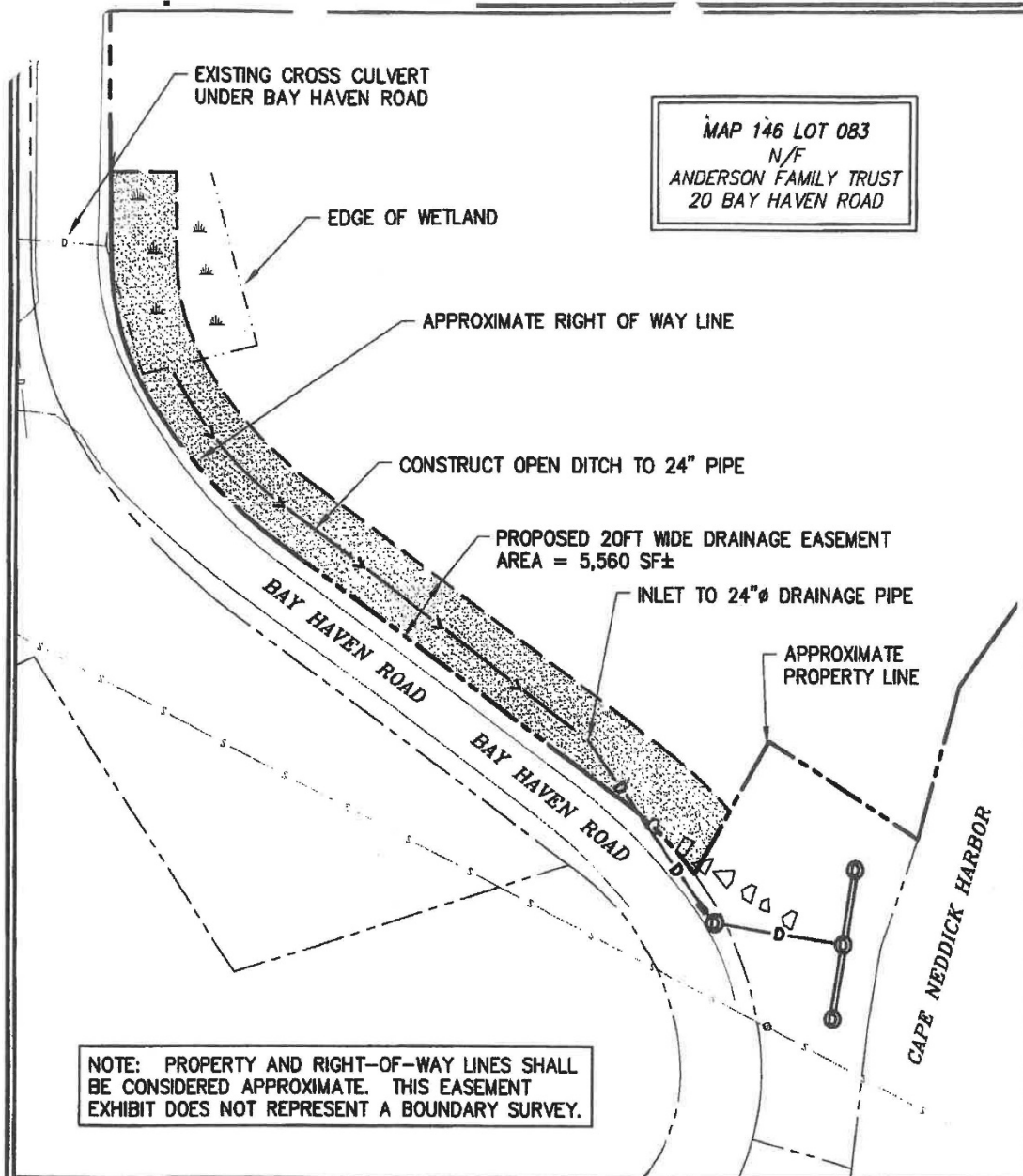
Personally appeared the above-named Dana Anderson, who are the legal
owners of the property known as 20 Bay Haven Road and acknowledges the foregoing
instrument to be their free act and deed in said capacity.

Before me,

[Signature]
Notary Public
Print Name:
My Commission expires:

LAURIE J. BILLINGS
Notary Public, Maine
My Commission Expires May 25, 2016

Seal



JOB NO.
11-0146
SCALE:
1"=40'
DATE:
11/13
DWG.
E4



Inc.
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(207) 363-0669 • Fax: (207) 363-2384
cid@cldengineers.com • www.cldengineers.com
Maine • New Hampshire • Vermont

MAIN STREET
RECONSTRUCTION
YORK, MAINE

PROPOSED DRAINAGE
EASEMENT EXHIBIT
TAX MAP 146 LOT 83

Evanston and Evans Park Plan of 1897

