

PHILLIPS POND

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.



June 15, 2021

PHILLIPS POND

Location: 328 Shore Road.



Function: By deed restrictions imposed at the time of donation to the Town, this property is a wildlife refuge.

Property Acquisition: The Town voted to accept the donation of land at a Special Town Meeting on June 23, 1982 (see Article 24). The deed was executed on September 28, 1982.

Deed References:

- Book 2988, Pages 21-23

Deed Restrictions: The 1982 deed notes this land shall be, “conveyed upon the following conditions and restrictions:

- 1) The land shall be kept forever in its natural wild state, and as a sanctuary for wild beasts and birds.
- 2) There shall be no hunting, fishing, parking, picnicking, or swimming allowed on the premises.
- 3) Nature observers, scientific studies and artists may be allowed on the premises.
- 4) Vegetation may be removed to accommodate [sic] the scenic vista of abutting land-owners.”

Survey and Monumentation: At the time of writing (June 2021), no survey of this property has been located. A portion of the boundary is shown on the survey associated with the Phillips Farm Subdivision. The status of any survey monuments is unknown.

Other Information:

- The Town amended the Firearms Safety Ordinance in November 2013 to prohibit by ordinance the discharge of firearms on Phillips Pond and Lake Carolyn.
- To date, the Town has not engaged in active wildlife management practices on this property.
- While the deed restrictions allow for the possibility of vegetation removal on this Town-owned lot for the benefit of the view from neighboring properties, the means of obtaining permission is not clear. This should be investigated. Deeds for adjacent properties should be reviewed to see if view easements were granted.

Bond-Related Restrictions	Not applicable
Land & Water Conservation Fund Restrictions	Not applicable
National Historic District	Not applicable
Local Historic District, Landmark or Site	Not applicable
In the Urbanized Area	Not as of June 14, 2021

Property Deed

THAT I, WILLIAM H. MITCHELL, JR. and ELIZABETH C. MITCHELL, both of York, County of York and State of Maine, in consideration of One Dollar and other valuable considerations (less than \$100.00) paid by THE INHABITANTS OF THE TOWN OF YORK, a body corporate and politic created under the laws of the State of Maine, and located in York, County of York and State of Maine, the receipt where it does hereby acknowledge, does hereby GIVE, GRANT, BARGAIN, SELL AND CONVEY, unto the said The Inhabitants of the Town of York, its successors and assigns forever, a certain lot or parcel of land situated in York, County of York and State of Maine and lying southwesterly, westerly and northwesterly of Shore Road, so-called, and bounded and described as follows:

BEGINNING at an iron pipe at the southeasterly corner of the premises herein conveyed on the westerly side of said Shore Road thence running North 84°43' 05" West by land of Edith Bird, 115.90 feet to a 28" maple tree; thence continuing North 79°50'25" West by said land of Bird 332.76 feet to an iron pipe in the ground; thence turning and running North 25°47'45" West by land of Carl and Dorothy Merrill 226.68 feet to an iron pipe in the ground; thence running South 64°35'55" West by said Merrill land 120.74 feet to a pile of stones; thence continuing South 59°16'40" West 19.49 feet to the end of an old stone wall; thence continuing southwesterly by and along said stone wall and land of Merrill 95.17 feet to a drill hole in said wall; thence turning and running North 16°45'10" East along remaining land of these grantors and through a stream 158.07 feet to a 12" apple tree; thence continuing North 19°21'10" East by said grantors' land and by an old barbed wire fence 75.70 feet to a 5" cherry tree; thence continuing North 00°53'15" East by grantors' land and said barbed wire fence 65.80 feet to a 12" poplar tree; thence continuing North 20°37'30" West by said grantors' land and barbed wire fence 32.80 feet to an 18" double pine with wire; thence running North 47°14'50" East by land of these grantors and by said barbed wire fence 147.44 feet to a fence post; thence continuing North 49°12'40" East by said grantors' land 120.41 feet to a fence post; thence continuing North 49°59' 20" East by said grantors' land and said barbed wire fence 102.87 feet to a 12" apple tree with wire; thence continuing North 38°28'20" East by grantors' land and said barbed wire fence 87.08 feet to a 4" poplar tree with wire; thence continuing North 40°37'40" East by grantors' land and said barbed wire fence 44.78 feet to a fence post; thence continuing North 62°09'40" East by grantors' land and said barbed wire fence 80.90 feet to a fence post; thence continuing North 65°39'45" East by grantors' land and said barbed wire fence 49.99 feet to a fence post; thence continuing North 76°04'45" East by grantors' land and said barbed wire fence 85.98 to a fence post; thence continuing North 78°20'30" East by grantors' land and barbed wire fence 19.28 feet to a fence post; thence continuing North 79°55'25" East by grantors' land and said barbed wire fence 69.51 feet to a fence post; thence continuing North 81°04'00" East by grantors' land and said barbed wire fence 109.57 feet to a fence post; thence continuing North 78°24'20" East by grantors' land and said barbed wire fence 89.77 feet to a fence post; thence continuing North 61°58'40" East by grantors' land and said barbed wire fence 29.66 to a fence post; thence continuing North 65°54'40" East by grantors' land and said barbed wire fence 29.97 feet to a fence post; thence continuing North 81°22'30" East by grantors' land and said barbed wire fence 69.49 feet to a fence post; thence turning South 61°24'15" East by grantors' land and said barbed wire fence 28.54 feet to a fence post; thence continuing South 78°26'25" East by grantors' land and said barbed wire fence 38.08 feet to a fence post; thence continuing South 61°01'45" East by grantors' land and said barbed wire fence 17.07 feet to a fence post; thence continuing North 81°12'25" East 13.41 feet to an iron pipe in the ground near the westerly sideline of said Shore Road; thence turning and running South 23°48'40" East

(10)

along the edge of a point which is included in this conveyance 11.81 feet to a point; thence continuing South 36°48'40" East along said pond 48.54 feet to a point; thence continuing South 43°18'40" East 104.80 feet to a point; thence continuing South 47°48'40" East 107.81 feet to a point; thence continuing South 38°18'40" East 35.59 feet to a point; thence continuing South 26°18'40" East 42.57 feet to a point at the approximate sideline of said Shore Road; thence running South 03°18'40" East by said Shore Road 21.24 feet to a point; thence continuing South 21°45'10" West 8.83 feet to a point; thence running South 39°58'00" West by and along said Shore Road 60.21 feet to a point; thence continuing South 43°31'45" West by said Shore Road 139.58 feet to a point; thence continuing South 48°41'15" West by said Shore Road 132.45 feet to a point; thence continuing South 62°11'15" West by said Shore Road 66.24 feet to a point; thence continuing South 68°41'15" West by said Shore Road 91.10 feet to a point; thence continuing South 59°41'15" West by said Shore Road 66.41 feet to a point; thence continuing South 42°41'15" West by said Shore Road 119.95 feet to a point; thence continuing South 25°41'15" West by said Shore Road 61.74 feet to a point; thence continuing South 15°56'15" West by said Shore Road 193.85 feet to a point; thence continuing South 10°35'20" East by said Shore Road 47.02 feet to the iron pipe marking the point of beginning. Said description taken from "Plan of Land Shore Road, York, Maine to be conveyed to Town of York" dated July 1982 drawn by Anderson Associates, which plan is to be recorded herewith.

Said premises are a portion of those conveyed to William H. Mitchell Jr. and Elizabeth G. Mitchell by two deeds (1) from Edith T. Neill dated 8-15-49 and recorded in York County Registry of Deeds Book 1136, Page 523, and (2) from Frances Marion Neill dated 11-3-49 and recorded in said Registry Book 1180, Page 216.

Said premises are conveyed upon the following conditions and restrictions:

1. The land shall be kept forever in its natural wild state, and as a sanctuary for wild beasts and birds.
2. There shall be no hunting, fishing, parking, picnicking, or swimming allowed on the premises.
3. Nature observers, scientific studies and artists may be allowed on the premises.
4. Vegetation may be removed to to accommodate the scenic vista ^{of} abutting land-owners.

TO HAVE AND TO HOLD the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said THE INHABITANTS OF THE TOWN OF YORK, its successors and assigns, to it and their use and behoof forever.

AND we do COVENANT with the said Grantee, its successors and assigns, that we are lawfully seized in fee of the premises, that they are free of all encumbrances, that we have good right to sell and convey the same to the said Grantee, to hold as aforesaid; and that we and our heirs shall and will WARRANT AND DEFEND the same to the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the said William H. Mitchell, Jr. and Elizabeth C.

Mitchell, husband and wife, and each for the other, have hereunto set our hands and seals this 28th day of September 1982.

WITNESS:

Frank E. Hancock

William H. Mitchell, Jr.
William H. Mitchell, Jr.

Elizabeth C. Mitchell

Elizabeth C. Mitchell
Elizabeth C. Mitchell

BOOK 2988 PAGE 23

STATE OF MAINE
YORK ss.

September 28, 1982.

Then personally appeared the above named William H. Mitchell and Elizabeth C. Mitchell and acknowledged the foregoing instrument to be their free act and deed.

Before me,

Frank E. Hancock
Notary Public - Justice of the Peace

YorK, ss.

Received OCT 4 1982 at 8:30 AM A.D.
and recorded from the original

-3-

Ballot Question

MINUTES OF SPECIAL TOWN MEETING

HELD

June 23, 1982

ARTICLE TWENTY-FOURTH: Upon a motion made by Ronald Nowell and duly seconded by Michael Palumbo, it was voted to accept a parcel of land from William H. Mitchell, Jr.