

LAKE CAROLYN

Property and Facilities Inventory

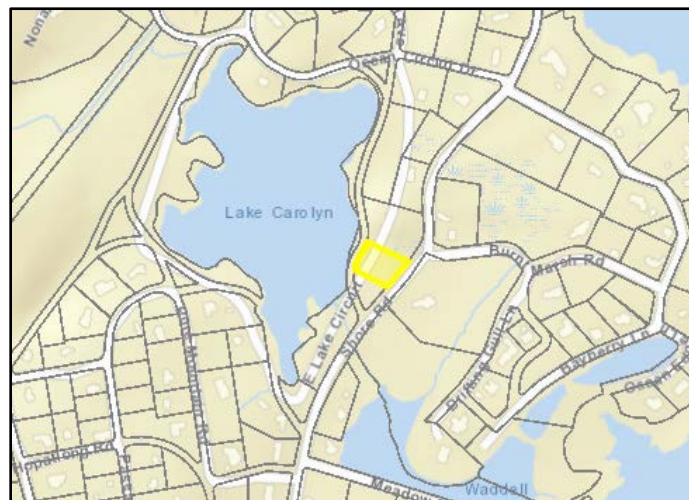
This document is one of a series of staff reports to document important information about properties owned and utilized by the Town of York. It is an attempt to compile and make available relevant information about properties to ensure the institutional knowledge is not lost over time.



July 15, 2021

LAKE CAROLYN

Location. 90 East Lake Circuit. The Town owns the Lake and most of the shore frontage. Also included in this write-up is information about the nearby Town-owned properties at 242 and 260 Shore Road. The property at 242 Shore Road abuts the Lake Carolyn property. The property at 260 Shore Road does not directly abut the Lake Carolyn property, but is separated only by a parcel owned by the York Land Trust.





Function. The Town is not currently using the Lake Carolyn property for any specific purpose. There is a small pull-off on Shore Road by the dam, which facilitates occasional visits by the public. The lot at 242 Shore Road may be buildable. The lot at 260 Shore Road is swampy and vegetated. By default, these properties serve as open space for the neighborhood.

Property Acquisition. There were three acquisitions:

- *Lake Carolyn.* The Town voted to purchase the land at Lake Carolyn at the Budget Referendum on May 22, 2010 (see Article 50). The deed was executed on November 9, 2010. The bond for purchasing this property was paid off in 2015.
- *242 Shore Road.* The Town acquired this parcel by property tax foreclosure on June 15, 2010.
- *260 Shore Road.* The Town voted to accept the donation of land from Sally Feeley and Milton Peterson at a Special General Referendum on May 18, 2019 (see Article 8). The deed was executed on June 19, 2019.

Deed References.

- Book 16039, Pages 518-520 (Lake Carolyn)
- Book 15879, Page 716 (242 Shore Road – Tax Lien Certificate)
- Book 18016, Pages 807-808 (260 Shore Road)

Deed Restrictions. There are no deed restrictions expressed on either deed. Research on prior deeds has not been conducted.

Survey and Monumentation. At the time of writing (July 2021), no survey of these properties has been located. 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 Lake Carolyn and Phillips Pond.
- Improvement of Lake Carolyn dam was approved by the voters at the May 29, 2009 Budget Referendum (see Article 46). The Statement of Fact associated with dam repair started with, “The Town owns Lake Carolyn...” yet the deed by which the Town acquired Lake Carolyn is dated November 9, 2010 – a year and a half later. At some point prior, the Town had foreclosed on the Lake Carolyn property for failure to pay property taxes. The property foreclosure was nullified in court because the Town had incorrectly notified the pair of owners, so the property remained in private ownership. Faced with the expense of repairing the dam, the owners agreed to sell the property to the Town. Voters approved the purchase in May 2010, and the bond for dam repairs was issued in July 2010.
- The Town owns three properties in very close proximity, and the York Land Trust owns two others. There could be an opportunity for unified planning and management of all these properties, and this should be investigated at some point.

Bond-Related Restrictions	The bond for dam repairs was a 20-year note issued on July 29, 2010. It is scheduled to be paid off on July 1, 2030. A refunding (refinancing) is anticipated in 2021.
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 30, 2021



Property Deed
Lake Carolyn

Doc# 2011004299
Bk 16039 Pg 518 - 520
Received York SS
01/28/2011 3:19PM
Debra L. Anderson
Register of Deeds

3 p
After recording return to:
Lawrence C. Walden, Esq. JW
Bergen & Parkinson, LLC
62 Portland Road, Suite 25
Kennebunk, ME 04043

Space Above This Line For Recording

WARRANTY DEED

We, CATHERINE M. WEBBER, of San Jose, California, and THEODORE N. VARTKO, of Yorba, Connecticut, for consideration paid, GRANT TO INHABITANTS OF THE TOWN OF YORK, a municipal corporation with an address of 186 York Street, York, Maine 03909, its successors and assigns, with WARRANTY COVENANTS, the premises located at Cliff Road and/or Shore Road, in the Town of York, County of York and State of Maine, described in EXHIBIT A attached hereto and hereby made a part hereof.

IN WITNESS WHEREOF, the said Catherine M. Webber and Theodore N. Vartko have hereunto set their hands and seals as of this 29 day of November, 2010.

MAINE R.E. TRANSFER TAX PAID

Cathy Sodil
Witness

Theodore N. Vartko
Theodore N. Vartko

STATE OF CT
COUNTY OF New Haven

Dec. 2, 2010

Then personally appeared the above-named Theodore N. Vartko and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Mary F. Bratek
Notary Public

Mary F. Bratek 12/13
Print Name/Date Commission Expires

SEAL

Witness

STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

Catherine M. Webber
Catherine M. Webber

NOVEMBER 29, 2010

Then personally appeared the above-named Catherine M. Webber and acknowledged the foregoing instrument to be her free act and deed.



Before me, WILLIAM A. WELCH

William A. Welch
Notary Public

WILLIAM A. WELCH FEB 23, 2013
Print Name/Date Commission Expires

Exhibit A

Parcel 1:

A certain lot or parcel of land situated in York, County of York and State of Maine, depicted and shown on a Map entitled "Map of Land of the York Cliffs Improvement Company, Town of York, Maine, January 1, 1893" described as follows:

Beginning on the northwesterly line of the Cliff Road at its intersection with the northeasterly line of West Lake Circuit as delineated and shown on said map; and thence running in said northeasterly line of West Lake Circuit and southeasterly line of West Lake Circuit and southwesterly line of East Lake Circuit to its intersection with the northwesterly line of the Cliff Road; thence in the northwesterly line of the Cliff Road to the place of beginning, excepting therefrom twenty-eight thousand seven hundred (28,700) square feet of the lands so bounded and shown on said map and thereon designated by Plot Number 272; also excepting therefrom twenty-four thousand eight hundred (24,800) square feet of the land so bounded and shown on said map unnumbered and shown on the Map entitled "Plan of Lands of the York Development Company" and thereon designed by Plot Number 289; meaning and intending to hereby convey all of the lands as bounded and described including all of the lands submerged and under the waters of Lake Carolyn excepting only the land above excepted.

Title reference is made to these two deeds: 1) Arlene Vartko to Arlene Vartko and Catherine M. Webber, dated February 13, 1990, recorded in the York County Registry of Deeds in Book 5321, Page 307; and 2) Arlene Vartko to Theodore N. Varkto, dated June 11, 1996, recorded in said Registry in Book 7867, Page 166.

End of Document

Ballot Question
Lake Carolyn

ARTICLE FIFTY

Shall the Town (1) approve the purchase of the land at Lake Carolyn; (2) appropriate the sum of \$75,000 to fund the costs of this project; and, (3) to fund this appropriation and authorize the Treasurer and the Chairman of the Board of Selectmen to issue, at one time or from time to time, general obligation securities of the Town of York, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed \$75,000 with the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption, form(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, to be delegated to the Treasurer and the Chairman of the Board of Selectmen?

Statement of Fact: This article involves the purchase of a 4.18 acre parcel that encompasses Lake Carolyn, along with an adjacent .77 acre parcel with a combined assessment of \$283,700. The lake would be available for recreational use and the Town would be able to repair the deteriorating dam using previously approved funds.

FINANCIAL STATEMENT

Total Town Indebtedness:

A. Bonds outstanding and unpaid	\$ 15,423,511
B. Bonds authorized and unissued	\$ 5,076,000
C. Bonds to be issued if the Article is approved	\$ 75,000
Total	\$ 20,574,511

Costs:

At an estimated interest rate of 3.50% for a five (5) year maturity, the estimated cost of the bond issue will be:

Principal	\$ 75,000
Interest	\$ 7,875
Total Debt Service	\$ 82,875

Total estimated project costs including debt service: \$82,875

Validity: The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

s/Margaret McIntosh, Town Treasurer

Budget Committee recommends approval (4-3)

Board of Selectmen recommends approval (5-0)

59%

1374

966

YES ☐

NO ☐

Property Tax Lien Certificate
242 Shore Road

State of Maine
Tax Lien Certificate
2009

Doc# 2010023607
Bk 15879 Ps 716
Received York SS
06/15/2010 9:21AM
Debra L. Anderson
Register of Deeds

006611

SMITH DONALD M/MARJORIE
199 MIDDLE ST
E WEYMOUTH, MA 02189

I, MARY-ANNE SZENIAWSKI, Collector of Taxes for the Town of York, a municipal corporation located in the County of York, State of Maine, hereby give you notice that a tax in the amount of \$1,330.76 has been assessed, and was committed to me for collection on August 4, 2009, against real estate in said Town of York, and against SMITH DONALD M/MARJORIE as owner(s) thereof, said real estate being described as follows:

Real Estate located at: 242 SHORE ROAD

Map Lot Description: 0009-0017-A

Registry of Deeds reference: B1925P580

Map and Lot numbers refer to such numbers as found on tax maps of the Town of York, prepared by: Town of York Maine and dated April 2009, on file at the Town of York municipal office.

I give you further notice that said tax, together with interest in the amount of \$8.77, which has been added to and has become part of said tax, remains unpaid; That a lien is claimed on said real estate, above described, to secure the payment of said tax; that proper demand for payment of said tax has been made in accordance with Title 36, Section 942, revised statutes of 1964, as amended.

Costs to be paid by taxpayer:
Statutory Fees and
Mailing Costs : \$34.54
Principal : \$269.71
Interest : \$8.77
Total : \$313.02

Mary - Anne Szeniewski

MARY-ANNE SZENIAWSKI
Tax Collector
Town of York

NOTICE: The municipality has policy under 36 M.R.S.A. Section 906 to apply all payments to the oldest outstanding tax obligation. If you are uncertain of the status on this property, contact the Tax Collector.

NOTICE: Partial payments do not waive a lien.

York, SS. State of Maine York, Maine June 15, 2010

Then personally appeared the above named MARY-ANNE SZENIAWSKI, Collector of Taxes, and acknowledged the foregoing instrument to be her free act and deed in her said capacity.

Before Me, *Melissa A Avery*
Melissa A. Avery
Notary Public
December 29, 2012

Property Deed
260 Shore Road



260 Shore Rd.

RELEASE DEED

NO R.E. TRANSFER TAX PAID

Know All By These Present that that **MILTON V. PETERSON**, with a mailing address of 12500 Fair Lakes Circle, Suite 400, Fairfax, Virginia 22033 and **SALLY P. FEELEY, Trustee of the Sally P. Feeley Revocable Trust**, under trust document dated May 17, 1989, with a mailing address of 6955 Carlisle Court, Apt D 319, Naples, Florida 34109, *Release* to **THE INHABITANTS OF THE TOWN OF YORK**, a body corporate and politic under the laws of the State of Maine, with a mailing address of 186 York Street, York, Maine 03909, a certain lot of land situated in the Town of York, County of York and State of Maine and being further described as lying on the southeasterly side of Shore Road, said lot being at or near Averill Cove, so-called, and being **Lot # 260C** as shown and delineated on a plan entitled, "**Plan of Lands of York Development Co., York Cliffs, York, Maine**" dated 1924, Whitman & Howard C.E. recorded in the York County Registry of Deeds at Plan Book 10, Page 1.

For a more particular description of the property hereby conveyed, see Trust Deed from Amedee A. Martel et al., to Mary T. Sheeran dated September 14, 1924 and recorded in the York County Registry of Deeds at Book 737, Page 117.

Meaning and intending to convey and hereby conveying the same property conveyed to Sally P. Feeley, as Trustee of the Sally P. Feeley Revocable Trust, by deed of Sally E. Feeley (also known as Sally P. Feeley) dated September 30, 1993 and recorded in the York County Registry of Deeds at Book 6751, Page 51. See also the deed of Sally E. Feeley, as Personal Representative of the Estate of Eric A. Peterson, to Milton V. Peterson dated January 20, 1992 and recorded in the York County Registry of Deeds at Book 5957, Page 129.

By my execution hereof, I, Sally P. Feeley hereby covenants that I am one of three Trustees of the Sally P. Feeley Revocable Trust pursuant to the aforescribed trust document dated May 17, 1989; that I have the power and authority under the Sixth Amendment to the Sally P. Feeley Revocable Trust to act without joinder of the two other Trustees; that said Trust is in full force and effect as of the date hereof; that I have the power, acting solely, to convey the aforescribed property as aforesaid; that in accordance with the terms and that, in making this conveyance, I have, in all respects, acted pursuant to the authority vested in and granted to me therein.

[SIGNATURE PAGE FOLLOWS]

2p → Town of York
 186 York St.
 York ME 03909

WITNESS our hands as of this 19th day of June, 2019.

Beth A. Bennett
Witness

[Signature]
MILTON V. PETERSON

[Signature]
Witness

Sally P. Feeley Revocable Trust

u/t/d May 17, 1989

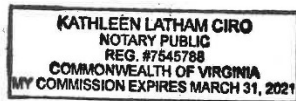
By: [Signature]
SALLY P. FEELEY, Trustee

STATE OF VIRGINIA
County of Fairfax

June 19, 2019

Then personally appeared the above-named **MILTON V. PETERSON** and acknowledged the foregoing instrument to be his free act and deed.

Before me,



[Signature]
Kathleen Latham Ciro
Notary Public
Kathleen Latham Ciro
Print Name

STATE OF FLORIDA
County of Collier

June 13, 2019

Then personally appeared the above-named **SALLY P. FEELEY, Trustee of the Sally P. Feeley Revocable Trust** u/t/d May 17, 1989, as aforesaid, and acknowledged the foregoing instrument to be her free act and deed in said capacity.

Before me,



[Signature]
Notary Public
Jessica T. Affleck
Print Name

Ballot Question
260 Shore Road

ARTICLE EIGHT

Do you favor authorizing the Town of York to accept a proposed gift of a lot or parcel of land, consisting of approximately .56 acres, said lot or parcel of land being shown on the records of the Town Assessor as owned by Sally E. Feeley Trustee and being located at **260 Shore Road** in the Town of York, Maine (Tax Map 0009, Lot 0024-B)?

Statement of Fact: If approved, the Town would be able to accept this gift of land located on Shore Road. This has been offered to the Town at no cost. The Town Assessor has valued this property at \$86,400.

Board of Selectmen recommends approval (5-0).

3839 **YES** ☐

235 **NO** ☐