

WHEELER WILDLIFE REFUGE

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 21, 2021

WHEELER WILDLIFE REFUGE

Location: 9 Harris Island Road.



Property Name: The name Wheeler Wildlife Refuge either existed or was formally established by Town voters by adoption of the Wheeler Wildlife Refuge Ordinance on March 30, 1985.

The land for this wildlife refuge was donated by five (or possibly six) prior owners to help facilitate dredging of York Harbor. After deposition of the dredge spoils, the land was to be used as a wildlife refuge. The Wheeler family was one of the five original donors. Regarding the name, in an article in The York Weekly dated September 21, 1994, attorney David Strater is quoted as follows:

“I called it the Wheeler Wildlife are, to make it more interesting for the voters. Originally, I was only dealing with the Wheelers. We figured if we put the name

‘wildlife area’ on it, all the conservationists would perk up their heads and take care of it, which they have.”

Function: By deed restrictions established at the time of Town acquisition, this property is a wildlife refuge.

Property Acquisition: A number of transactions relating to this property occurred in April and May, 1961. The exact patter is not clear and could be investigated if further detail is necessary. At a Special Town Meeting on April 15, 1961, the voters agreed to participate in the dredging project (Article 2) and authorized the Board of Selectmen, “to obtain land for spoil areas for the York Harbor Dredging project in any manner provided by law” (Article 3). Voter authorization is clear.

On April 20th the Board of Selectmen posted a Notice of Intention to Take Land, and on April 28th acted to take land for this project. Without further research it is not clear where this parcel is, but the description references land of Greig, Durrell and Young. Total damages paid were \$200.

Two deeds to the Town were executed even before the public vote (Young and Wheeler) and three were executed the following month (Durrell, Raleigh and Grieg). None of these deeds indicates payment of any significance.

Deed References:

- Book 1461, Pages 127 – 128 (Young, signed 4/10/1961)
- Book 1450, Pages 574 – 576 (Wheeler, signed 4/13/1961)
- Book 1461, Pages 274 – 275 (Durrell, signed 5/19/1961)
- Book 1467, Pages 62 – 63 (Raleigh, signed 5/20/1961)
- Book 1460, Pages 98 – 99 (Grieg, signed 5/31/1961)

Deed Restrictions: Each of the five deeds granting land to the Town contains identical language about use of the land, as follows:

“This conveyance is made subject to the following conditions, to wit: That on or before December 31, 1961, a portion of the mudflats included in the foregoing-described parcel shall be filled with sand, mud, clay, or gravel to a height of not more than ten (10) feet above the mean low water mark; that the Grantees shall grade and ditch any area filled as aforesaid, to

prevent the accumulation of standing water, and that such grading and ditching shall be completed on or before the first day of July, 1962; that this parcel shall be forever maintained in its unimproved and natural state as a wildlife sanctuary for the enjoyment of the Inhabitants of the Town of York; that motor vehicles shall, by suitable barriers or fences, be absolutely excluded from any portion of the area described herein, except for the purposes of ditching, grading, or cultivating; that no signs or other structures shall be erected on any portion of the premises described herein.”

Survey and Monumentation: At the time of writing (July 2021), no survey of this property has been located. There may be survey information along the boundary with Maine Route 103 in the form of highway plans. The status of any survey monuments is unknown.

Facility Acquisition/Construction/Alteration: Not applicable.

Land Use Permits & Approvals: Not applicable.

Other Information:

- In addition to land use regulations for zoning and floodplain management, the Town enacted an ordinance specific to the ongoing management of this property – the **Wheeler Wildlife Refuge Ordinance**. This was originally adopted on March 30, 1985. It was amended on May 16, 2015, to bring its enforcement standards into compliance with new State requirements. This Ordinance essentially mirrors the deed restrictions. A copy of the Ordinance as in effect at the time of writing (July 2021) is included after the property deeds.
- The Board of Selectmen voted on August 12, 2013, to authorize the placement of an osprey nesting platform in the Refuge, finding this to be consistent with the intent of the deed restrictions. This was an Eagle Scout project for Matthew Webber and was conducted under the guidance of William Lee of UNH.
- In March 2001 the Town was informed by the Maine Natural Areas Program of the Department of Conservation that it had identified 3 rare plant species on this property: Bigelow’s glasswort (*Salicornia bigelovii*), sea-side gerardia (*Agalinis maritima*), and sea-beach sedge (*Carex silicea*). The State recommended voluntary stewardship of the land to protect these species.

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- There was extensive habitat restoration work undertaken in 2003 and perhaps extending into 2004. In the permit application for this work, the Project Description and Purpose read, in part, as follows:

“The Wheeler Refuge offers opportunities for tidal habitat restoration and enhancement and associated recreational, educational and research opportunities. The Town of York owns the Refuge. The southerly portion was diked and filled with dredge spoil when two anchorages were created in York Harbor in 1961. The filled area lacks the drainage pattern of a natural marsh and is isolated from full tidal exchange by the rock and gravel dikes on the south and west. Restoration of tidal interaction between the marsh and adjacent estuary to more closely approximate natural tidal hydrology, and limited excavation of parts of the spoil area to emulate natural marsh pools are expected to encourage more vigorous and abundant salt marsh vegetation, and thereby enhance its value as both fisheries and wildlife habitat. Specific actions include:

- Restoring tidal flow through the dikes to the south and west by removing a portion of each dike down to marsh elevation to create lower, broader spillways. This will enhance the frequency and duration of tidal flooding of the marsh surface;
- Excavating a starter channel from the south dike spillway approximately 160 feet upstream following an existing swale to an existing pool, possibly extending the channel further following the swale if feasible. This is designed to promote tidal exchange and channel development further up into the marsh and enhance channel habitat; and,
- Excavating approximately 13 deeper areas or reservoirs in potential pool habitat, each reservoir to be individually sized to fit its site. These excavations are designed to develop into permanent pool habitat.”

Bond-Related Restrictions	Not applicable
Land & Water Conservation Fund Restrictions	Not applicable
National Historic District	Partial
Local Historic District, Landmark or Site	Not applicable
In the Urbanized Area	Partial as of July 21, 2021



Takings Documents

York, SS.

April 20, 1961.

NOTICE OF INTENTION TO TAKE LAND

WHEREAS, in the River and Harbor Act of Congress, approved 14 July 1960, provision was made for the improvement of York Harbor, Maine, in accordance with a project set forth in House Document No. 395, 86th Congress, 2nd Session, subject to the condition that local interests furnish free of cost to the United States of America suitable spoil disposal areas for said improvement,

AND WHEREAS, His Excellency, John H. Reed, Governor of the State of Maine, has approved said project,

AND FURTHER WHEREAS, the Selectmen of the Town of York, have been directed by vote of the Inhabitants of the Town of York at a town meeting held in said town on the 15th day of April, A.D. 1961, to acquire by any legal means suitable spoil disposal areas for said navigational improvement,

THEREFORE, in accordance with the provisions of Chapter 91, Section 138, of the Revised Statutes of Maine, notice is hereby given of the intention of the Selectmen of the Town of York to take the premises herein described and that a hearing will be held at 9:30 a.m. April 28, A.D. 1961, on Route 103, so-called, adjoining the premises which are more particularly described as being that parcel of mudflats located on the Southerly side of the York River in the Town of York, County of York and State of Maine, and being more particularly bounded and described as follows, to wit: Beginning at the Southwesterly corner of the parcel herein described at the Southeasterly sideline of the State highway known as Route 103 at Station 43 plus 91.4 as delineated on a map entitled "Maine State Highway Commission Right-of-Way Map, State Highway "100", S.H.C. File # 16-108, Sheet No. 3 of IV Sheet", dated July 1955 and recorded in the office of the County Commissioners at Alfred, Maine; running thence from said point North 35° 14' East 475 feet, more or less, by and along said Southeasterly sideline of the State Highway to land of Edward P. Greig and Rachel Ann Greig; thence turning and running Southeasterly by and along land of said Greig 360 feet, more or less, to the thread of the stream forming

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the Easterly boundary of the premises herein described, and the Westerly boundary of land of Katherine Durrell; thence turning and running Southeasterly and Southerly by and along land of said Durrell 600 feet, more or less, to the Southeasterly corner of the parcel herein described and land of Roger Young; thence turning and running by and along land of said Young in a Northwesterly direction 700 feet, more or less, to the point of beginning; containing 11.2 acres, more or less, and being an area entirely covered by water at high tide. Reference is hereby made to a certain plan prepared by Ernest Gallant, C.E., dated April 1961, and entitled "Proposed Anchorages and Spoil Area, YORK HARBOR", to be recorded in the York County Registry of Deeds. The premises described herein are delineated on the aforementioned plan as Parcel # 2.

James H. MacIsaac
Arthur D. Ellis
Edward C. Bragdon, Jr.
Selectmen of the Town of York

State of Maine
York, SS.

April 20, 1961.

I, Norris A. Talpey, Clerk for the Town of York, certify that on the 20th day of April, A. D. 1961, I caused a copy of the foregoing Notice of Intention to Take Land to be published in the York Weekly, a newspaper published in the Town of York, and I posted a copy of the foregoing at the premises, and I further posted copies of the foregoing in two public places in said York, to wit:
at Town House, York Village and York Harbor Postoffice,
York Harbor

Norris A. Talpey
Clerk of the Town of York

STATE OF MAINE
York, SS.

April 28, 1961

RETURN OF SELECTMEN

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned Selectmen of the Town of York, County of York, and State of Maine, after hearing held this day at 9:30 a.m. at the premises described herein, did take said premises in fee simple for the Inhabitants of the Town of York, having decided that said premises were suitable and necessary for the improvement of navigation in York Harbor in said Town of York, pursuant to the provisions of Chapter 91, Section 138, of the Revised Statutes of Maine; said premises being taken as necessary spoil disposal area required under the provisions of the River and Harbor Act of Congress approved 14 July 1960, House Document No. 395, 86th Congress, 2nd Session, approved by John H. Reed, Governor of the State of Maine, and pursuant to a vote of the Inhabitants of the Town of York at a town meeting held April 15, 1961, directing the said selectmen to acquire spoil areas as aforesaid by any legal means. The premises taken are more particularly described as being that parcel of mudflats located on the Southerly side of the York River in the Town of York, County of York and State of Maine, and being more particularly bounded and described as follows, to wit: Beginning at the Southwesterly corner of the parcel herein described at the Southeasterly sideline of the State highway known as Route 103 at Station 43 plus 91.4 as delineated on a map entitled "Maine State Highway Commission Right-of-Way Map, State Highway "100", S.H.C. File #16-108, Sheet No. 3 of IV Sheet", dated July 1955 and recorded in the office of the County Commissioners at Alfred, Maine; running thence from said point North 35°14' East 475 feet, more or less, by and along said Southeasterly sideline of the State Highway to land of Edward P. Greig and Rachel Ann Greig, thence turning and running Southeasterly by and along land of said Greig 360 feet, more or less, to the thread of the stream forming the Easterly boundary of the premises herein described, and the Westerly boundary of land of Katherine Durrell; thence turning and running Southeasterly and Southerly by and along land of said Durrell 600 feet, more or less, to the Southeasterly

corner of the parcel herein described and land of Roger Young; thence turning and running by and along land of said Young in a Northwesterly direction 700 feet, more or less, to the point of beginning; containing 11.2 acres, more or less, and being an area entirely covered by water at high tide. Reference is hereby made to a certain plan prepared by Ernest Gallant, C.E., dated April 1961, and entitled "Proposed Anchorages and Spoil Area, YORK HARBOR" to be recorded in the York County Registry of Deeds. The premises described herein are delineated on the aforementioned plan as Parcel # 2.

We have determined that the owners, so far as known, and their respective interests in the premises taken and the damages awarded to each, are as follows, to wit:

Howard W. Caswell	1/6 interest in common	<u>\$33.33</u>
Russell G. Caswell	1/6 interest in common	<u>\$33.33</u>
Barbara M. Elmo	1/6 interest in common	<u>\$33.34</u>
Eileen C. Nanos	1/4 interest in common	<u>\$50.00</u>
Geraldine M. Randall	1/4 interest in common	<u>\$50.00.</u>

James H. MacIsaac
Robert W. Ellis

Selectmen for the Town of York

WARRANT FOR SPECIAL TOWN MEETING.

April 15, 1961

TO LAURENCE O. SANBORN, Esquire of the Town of York, York County greetings: In the name of the State of Maine, you are required to notify and warn the inhabitants of the Town of York, qualified by law to vote in Town affairs, to assemble in the Town House in said Town of York on Saturday the fifteenth day of April, nineteen hundred and sixty-one at 11 o'clock in the forenoon to act on the following, to wit:

FIRST--To choose a moderator to preside at said meeting.

SECOND--To see if the Town will vote to authorize the Selectmen to enter into and to sign any necessary agreements and releases with the State of Maine and the United States Government necessary for the completion of the York Harbor Dredging Project, known as House Document No. 395, 86th Congress, 2nd Session, River & Harbor Act (Public Law 86-645 86th Congress, HR-7634) approved 14 July 1960.

THIRD--To see if the Town will vote to authorize the Selectmen to obtain land for spoil areas for the York Harbor Dredging project in any manner provided by law.

Dated at York this eighth day of April in the year of our Lord nineteen hundred sixty-one.

James W. Macomber
Robert W. Ellis

Edward A. Brogdon, Jr.
Board of Selectmen, York, Maine

Deed from Durrell
May 19, 1961

KNOW ALL MEN BY THESE PRESENTS,

THAT KATHARINE M. DURRELL of Wellesley Hills, Commonwealth of Massachusetts, in consideration of the conditions contained herein, do hereby remise, release, bargain, sell and convey, and forever quitclaim unto the Inhabitants of the Town of York, County of York and State of Maine, and their successors a certain lot or parcel of tidal land and marshland situated in the Town of York, County of York and State of Maine, and being a portion of the premises conveyed to the Grantor by deed recorded at the York County Registry of Deeds in Book 1242, Page 517, and being that portion bounded Northerly by the thread of the stream between land of the Grantor and land of Nathaniel Wheeler, et al, Easterly by a line following a constant contour of elevation along the Town Road between land of Lusty and the Grantor and along upland of the Grantor where said contour is ten (10) feet above mean low water mark, to the Southerly end of the highway fill on the abandoned road at the Southernmost point of Harris Island, so-called, and thence bounded Southerly by a line extending from the aforementioned point North seventy-two degrees (72°) West along a proposed earth dike to the thread of the stream forming the Westerly boundary between land of the Grantor and land of Raleigh, heirs of Mark Caswell, and land of Edward and Rachel Grieg, and bounded Westerly by the thread of the last mentioned stream, and being the parcel delineated as parcel 5 on a plan entitled "Proposed Anchorages and Spoil Area, York Harbor, Town of York", prepared by Ernest E. Gallant, C.E., April 1961.

This conveyance is made subject to the following conditions, to wit: That on or before December 31, 1961, a portion of the mudflats included in the foregoing-described parcel shall be filled with sand, mud, clay, or gravel to a height of not more than ten (10) feet above the mean low water mark; that the Grantees shall grade and ditch any area filled as aforesaid to prevent the accumulation of standing water, and that such grading and ditching shall be completed on or before the first day of July, 1962; that this parcel shall be forever maintained in its unimproved and natural state as a wildlife sanctuary for the enjoyment of the Inhabitants of the Town of York, that motor vehicles shall, by suitable barriers or fences,

be absolutely excluded from any portion of the area described herein, except for the purposes of ditching, grading, or cultivating; that no signs or other structures shall be erected on any portion of the premises described herein.

This deed is made on the condition that the Grantees or their successors shall faithfully perform each and all of the conditions herein contained on their part to be performed, and any neglect or failure so to do shall forfeit the estate hereby conveyed and this deed shall become forfeited and the premises herein described and all rights herein conveyed shall at once revert to and revest in and become the property of the Grantor or her heirs and assigns without any declaration of forfeiture or act of re-entry, and without any other act by the Grantor, or her heirs and assigns, to be performed, and without any right of the Grantees to reclamation or compensation for improvements made, as absolutely, fully, and perfectly as if this deed had never been made.

TO HAVE AND TO HOLD, the same, together with all the privileges and appurtenances thereunto belonging, to them, the said Inhabitants of the Town of York, their successors forever.

AND I do COVENANT with the said Grantees, and their successors, that I will warrant and forever defend the premises to them, the said Grantees, and their successors forever, against the lawful claims and demands of all persons claiming by, through, or under me.

IN WITNESS WHEREOF, the said Katharine M. Durrell and Donald D. Durrell, husband of the said Katharine M. Durrell, joining in this deed as Grantors, and relinquishing and conveying our rights by descent and all other rights in the above-described premises, have hereunto set our hands and seals this 19th day of May in the year of our Lord one thousand nine hundred and sixty-one.

Signed, Sealed and Delivered
in presence of:

Constance M. Long Wilson, Katharine M. Durrell
29 North State St. Wrentham, Mass. Stanley B. Barber
Commonwealth of Massachusetts } ss. May 19, 1961.
County of Norfolk

Personally appeared the above-named Katharine M. Durrell and acknowledged the above instrument to be her free act and deed.

STANLEY B. BARBER
My Commission Expires May 19, 1962

Before me,
Stanley B. Barber
Notary Public

YORK, ME. REGISTRY OF DEEDS
Received MAY 22 1961
at 8:30 a.m. M. and
recorded in Book 146, Page 274.
APPROPRIATE
REGISTER

Deed from Grieg
May 31, 1961

KNOW ALL MEN BY THESE PRESENTS,

THAT we, EDWARD P. GRIEG and RACHEL ANN GRIEG, joint tenants, of the Town of York, County of York, and State of Maine, in consideration of One Dollar (less than \$100), paid by the Inhabitants of the Town of York, County of York and State of Maine, the receipt whereof we do hereby acknowledge, do hereby remise, release, bargain, sell and convey, and forever quitclaim unto the said Inhabitants of the Town of York and their successors a certain lot or parcel of land situated in the Town of York, County of York and State of Maine, and being a portion of the premises conveyed to the Grantors by the executors of the estate of Joseph W. Bowman, and being bounded Northwesterly by the Southeasterly sideline of Route 103, so-called, leading from York Harbor to Kittery, Northeasterly and Easterly by the thread of the stream forming a boundary line between land of the Grantors and land of Wheeler, et al, and Katherine Durrell, Southerly by land of the heirs of Mark Caswell.

This conveyance is made subject to the following conditions, to wit: That on or before December 31, 1961, a portion of the mud flats included in the foregoing-described parcel shall be filled with sand, mud, clay, or gravel to a height of not more than ten (10) feet above the mean low water mark; that the Grantees shall grade and ditch any area filled as aforesaid, to prevent the accumulation of standing water, and that such grading and ditching shall be completed on or before the first day of July, 1962; that this parcel shall be forever maintained in its unimproved and natural state as a wildlife sanctuary for the enjoyment of the Inhabitants of the Town of York; that motor vehicles shall, by suitable barriers or fences, be absolutely excluded from any portion of the area described herein, except for the purposes of ditching, grading, or cultivating; that no signs or other structures shall be erected on any portion of the premises described herein.

This deed is made on the condition that the Grantees or their successors shall faithfully perform each and all of the conditions herein contained on their part to be performed, and any neglect or failure so to do shall forfeit the estate hereby conveyed and this deed shall become forfeited and the premises herein described and all rights herein conveyed shall at once revert to

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and re-vest in and become the property of the Grantors or their heirs and assigns without any declaration of forfeiture or act of re-entry, and without any other act by the Grantors, or their heirs and assigns, to be performed, and without any right of the Grantees to reclamation or compensation for improvements made, as absolutely, fully, and perfectly as if this deed had never been made.

TO HAVE AND TO HOLD, the same, together with all the privileges and appurtenances thereunto belonging, to them, the said Inhabitants of the Town of York, and their successors forever.

AND we do COVENANT with the said Grantees, and their successors, that we will WARRANT AND FOREVER DEFEND the premises to them, the said Grantees, and their successors forever, against the lawful claims and demands of all persons claiming by, through, or under us.

IN WITNESS WHEREOF, the said Edward P. Grég, as grantor and as husband of Rachel Ann Grég, and Rachel Ann Grég, as grantor and as wife of Edward P. Grég, joining in this deed as Grantors, and relinquishing and conveying our rights by descent and all other rights in the above-described premises, have hereunto set our hands and seals this 31st day of May in the year of our Lord one thousand nine hundred and sixty-one.

Signed, Sealed and Delivered
in presence of:

[Signature]
to both

Edward P. Grég
Rachel Ann Grég

State of Maine
York, SS.

May April 31, 1961.

Personally appeared the above-named Edward P. Grég and acknowledged the above instrument to be his free act and deed.

Before me,
[Signature]
Justice of the Peace

YORK, ss. REGISTRY OF DEEDS
Received JUN 2 1961 10
at 2 h 28 m 11 a. and
recorded in Book 1160 Page 98

SS. EE.
150324

ATTEST:
[Signature]
REGISTER

Deed from Raleigh
May 20, 1961

KNOW ALL MEN BY THESE PRESENTS,

THAT I, WALTER L. RALEIGH, of Memphis, State of Tennessee, in consideration of One Dollar (less than \$100), paid by the Inhabitants of the Town of York, County of York and State of Maine, the receipt whereof I do hereby acknowledge, do hereby remise, release, bargain, sell and convey, and forever quitclaim unto the said Inhabitants of the Town of York and their successors a certain lot or parcel of land situated in the Town of York, County of York and State of Maine, and being a certain parcel of mudflats lying on the Southerly side of the York River in the Town of York, County of York, and State of Maine, and being more particularly described as follows, to wit:

Beginning at a point on the mudflats lying Southeasterly from the Southeasterly sideline of the State highway denominated as Route 103 and shown on a certain map entitled "Maine State Highway Commission Right-of-Way Map, State Highway "100", S.H.C. File #16-108, Sheet No. 3 of IV sheet", dated July 1955 and recorded in the office of the County Commissioners at Alfred, Maine, said point being located on the boundary line between land of Walter Raleigh and the heirs of Mark Caswell 52 feet, as measured from Station 43 plus 86 on the base line of said map and 11 feet as measured in a Southeasterly direction along the aforesaid boundary line from the Southeasterly sideline of said Route #103; and running thence from said point over and along the mudflats and the Southerly boundary of land of the heirs of Mark Caswell 700 feet, more or less, to the thread of the stream forming the Westerly boundary line of land of Durrell; thence turning and running Southerly by and along the thread of said stream and the land of Durrell 150 feet, more or less, to a line extending from the Southernmost point of Harris Island, so-called, and being the abutment of the abandoned town way on said Harris Island, to the center of the large rock or island in the mudflats lying Southeasterly from the bridge on said Route 103 at Station 45 on the aforementioned State Highway Commission map, and turning and running Northwesterly by and along said line to the center of said rock or island; thence turning and running approximately North 50° West to the point of beginning, containing 2.9 acres, more or less, and being parcel #1 as shown on a certain plan drawn by Ernest Gallant, C.E., dated April 1961 and entitled "Proposed Anchorages and Spoil Area, York Harbor, Town of York", to be recorded in the York County Registry of Deeds.

This conveyance is made subject to the following conditions, to wit:

That on or before December 31, 1961, a portion of the mudflats included in the foregoing-described parcel shall be filled with sand, mud, clay, or gravel to a height of not more than ten (10) feet above the mean low water mark; that the Grantees shall grade and ditch any area filled as aforesaid, to prevent the accumulation of standing water, and that such grading and ditching shall be completed on or before the first day of July, 1962; that this parcel shall be forever maintained in its unimproved and natural state

as a wildlife sanctuary for the enjoyment of the Inhabitants of the Town of York; that motor vehicles shall, by suitable barriers or fences, be absolutely excluded from any portion of the area described herein, except for the purposes of ditching, grading, or cultivating; that no signs or other structures shall be erected on any portion of the premises described herein.

This deed is made on the condition that the Grantees or their successors shall faithfully perform each and all of the conditions herein contained on their part to be performed, and any neglect or failure so to do shall forfeit the estate hereby conveyed and this deed shall become forfeited and the premises herein described and all rights herein conveyed shall at once revert to and re-vest in and become the property of the Grantor or his heirs and assigns without any declaration of forfeiture or act of re-entry, and without any other act by the Grantor, or his heirs and assigns, to be performed, and without any right of the Grantees to reclamation or compensation for improvements made, as absolutely, fully, and perfectly as if this deed had never been made.

TO HAVE AND TO HOLD, the same, together with all the privileges and appurtenances thereunto belonging, to them, the said Inhabitants of the Town of York, and their successors forever.

AND I do COVENANT with the said Grantees, their successors, that I will WARRANT AND FOREVER DEFEND the premises to them, the said Grantees, and their successors forever, against the lawful claims and demands of all persons claiming by, through, or under me.

IN WITNESS WHEREOF, the said Walter L. Raleigh, as grantor, a single man, have hereunto set my hand and seal this ^{May} 20th day of ~~April~~ in the year of our Lord one thousand nine hundred and sixty-one.

Signed, Sealed and Delivered
in presence of:

CPH [Signature]
State of Maine ~~State of Tenn.~~
York, ss. ~~County of Shelby~~

Walter Louis Raleigh
^{May} 20th, 1961
~~April~~

Personally appeared the above-named Walter L. Raleigh and acknowledged the above instrument to be his free act and deed.

Before me,

Alkins Carter Jr.
Justice of the Peace
NOTARY PUBLIC
My Commission Expires
Sept 19, 1962

YORK, ss. REGISTRY OF DEEDS
Received MAY 25 1961
It is hereby acknowledged that the within and
recorded in Book 11467, Page 62
ATTEST
Phyllis [Signature]
REGISTER

Deed from Wheeler
April 13, 1961

KNOW ALL MEN BY THESE PRESENTS,

THAT we, NATHANIEL WHEELER, BANCROFT C. WHEELER and EUNICE WHEELER, of Worcester, in the County of Worcester, and Commonwealth of Massachusetts, and LEONARD WHEELER of Cambridge, in the County of Middlesex, and Commonwealth of Massachusetts, in consideration of the conditions herein contained, do hereby remise, release, bargain, sell, and convey, and forever quitclaim unto the Inhabitants of the Town of York, County of York and State of Maine, and their successors a certain lot or parcel of land situated in the Town of York, County of York and State of Maine, and being a portion of the premises conveyed to the Grantors by deed of Cyril Lessard, and being that portion of Bragdon's Island lying between the old highway leading from York Harbor across Bragdon's Island and Harris Island to Seabury, so-called, and the new highway known as Route 103 and being more particularly bounded as follows, to wit: Southerly by the thread of the stream between land of the Grantors and land of Greig and Durrell, Northwesterly by a line running Northeasterly along a contour line ^{ten 10} ~~twelve (12)~~ feet above mean low water on the Southeasterly side of said Route 103 to the road connecting Route 103 with the town way leading to Harris Island; thence turning and running Easterly parallel to said connecting road along the aforesaid contour line to said town highway; thence turning and running on the Westerly side of said town highway in a Southerly direction along the aforesaid contour line to the Northeasterly corner of land of Durrell.

This conveyance is made subject to the following conditions, to wit: That on or before December 31, 1961, a portion of the mud flats included in the foregoing-described parcel shall be filled with sand, mud, clay or gravel to a height of not more than ^{ten 10} ~~twelve (12)~~ feet above the mean low water mark; that the Grantees shall grade and ditch any area filled as aforesaid, to prevent the accumulation of standing water, and that such grading and ditching shall be completed on or before the first day of July, 1962; that this parcel shall be forever maintained in its unimproved and natural state as a wildlife sanctuary for the enjoyment of the Inhabitants of the Town of York; that motor

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vehicles shall, by suitable barriers or fences, be absolutely excluded from any portion of the area described herein, except for the purposes of ditching, grading, or cultivating; that no signs or other structures shall be erected on any portion of the premises described herein; that all trees having a diameter of more than three (3) inches shall be protected from fill in the described premises by a stone or cement retaining wall with at least eighteen (18) inches clearance from the trunk of any such tree;

This deed is made on the condition that the Grantees or their successors shall faithfully perform each and all of the conditions herein contained on their part to be performed, and any neglect or failure so to do shall forfeit the estate hereby conveyed and this deed shall become forfeited and the premises herein described and all rights herein conveyed shall at once revert to and revest in and become the property of the Grantors or their heirs and assigns without any declaration of forfeiture or act of re-entry, and without any other act by the Grantors, or their heirs and assigns, to be performed, and without any right of the Grantees to reclamation or compensation for improvements made, as absolutely, fully, and perfectly as if this deed had never been made.

TO HAVE AND TO HOLD, the same, together with all the privileges and appurtenances thereunto belonging, to them, the said Inhabitants of the Town of York, and their successors forever.

AND we do COVENANT with the said Grantees, and their successors, that we will WARRANT AND FOREVER DEFEND the premises to them, the said Grantees, and their successors forever, against the lawful claims and demands of all persons claiming by, through, or under us.

IN WITNESS WHEREOF, we, the said NATHANIEL WHEELER, a single man, BANCROFT C. WHEELER and MARY R. WHEELER, EUNICE WHEELER, a single woman, LEONARD WHEELER and CORNELIA B. WHEELER, joining in this deed as Grantors, and relinquishing and conveying our rights by descent and all other rights in the above-described premises, have hereunto set our hands and seals this

13th day of April in the year of our Lord one thousand nine hundred and sixty-one.

Signed, Sealed and Delivered
in presence of:

Marcus C. Bullard
George W. Knutson Jr.
George W. Knutson Jr.
Alice J. Smith
Anne M. Brady
Anne M. Brady

Nathaniel Wheeler
Barnett L. Wheeler
Mary R. Wheeler
Eunice Wheeler
Leonard Wheeler
Cornelia B. Wheeler

Commonwealth of Massachusetts } ss.
Worcester Mass

April 14 - , 1961.

Personally appeared the above-named Nathaniel Wheeler and acknowledged
the foregoing instrument to be his free act and deed.

Before me,

Notary Public

My Commission Expires Oct 13, 1963

YORK, ss. REGISTRY OF DEEDS

Received APR 20 1961

at 9 38 A.M. and

recorded in Book 1150, Page 574

ATTEST:

Thelma Deschambeault
REGISTER

Deed from Young
April 10, 1961

KNOW ALL MEN BY THESE PRESENTS,

THAT I, ROGER E. YOUNG, of the Town of York, County of York, and State of Maine, in consideration of one Dollar (less than \$100), paid by the Inhabitants of the Town of York, County of York and State of Maine, the receipt whereof I do hereby acknowledge, do hereby remise, release, bargain, sell and convey, and forever quitclaim unto the said Inhabitants of the Town of York and their successors a certain lot or parcel of land situated in the Town of York, County of York and State of Maine, and being a certain parcel of mudflats lying on the Southerly side of the York River in the Town of York, County of York, and State of Maine, and being more particularly described as follows, to wit:

Beginning at a point on the mudflats lying Southeasterly from the Southeasterly sideline of the State highway denominated as Route 103 and shown on a certain map entitled "Maine State Highway Commission Right-of-Way Map, State Highway "100", S.H.C. File #16-108, Sheet No. 3 of IV sheet", dated July 1955 and recorded in the office of the County Commissioners at Alfred, Maine, said point being located on the boundary line between land of Walter Raleigh and the heirs of Mark Caswell 52 feet, as measured from Station 43 plus 86 on the base line of said map and 11 feet as measured in a Southeasterly direction along the aforesaid boundary line from the Southeasterly sideline of said Route #103; and running thence from said point over and along the mudflats and the Southerly boundary of land of the heirs of Mark Caswell 700 feet, more or less, to the thread of the stream forming the Westerly boundary line of land of Durrell; thence turning and running Southerly by and along the thread of said stream and the land of Durrell 150 feet, more or less, to a line extending from the Southernmost point of Harris Island, so-called, and being the abutment of the abandoned town way on said Harris Island, to the center of the large rock or island in the mudflats lying Southeasterly from the bridge on said Route 103 at Station 45 on the aforementioned State Highway Commission map, and turning and running Northwesterly by and along said line to the center of said rock or island; thence turning and running approximately North 50° West to the point of beginning, containing 2.9 acres, more or less, and being parcel #1 as shown on a certain plan drawn by Ernest Gallant, C.E., dated April 1961 and entitled "Proposed Anchorages and Spoil Area, York Harbor, Town of York", to be recorded in the York County Registry of Deeds.

This conveyance is made subject to the following conditions, to wit:

That on or before December 31, 1961, a portion of the mudflats included in the foregoing-described parcel shall be filled with sand, mud, clay, or gravel to a height of not more than ten (10) feet above the mean low water mark; that the Grantees shall grade and ditch any area filled as aforesaid, to prevent the accumulation of standing water, and that such grading and ditching shall be completed on or before the first day of July, 1962; that this parcel shall be forever maintained in its unimproved and natural state

as a wildlife sanctuary for the enjoyment of the Inhabitants of the Town of York; that motor vehicles shall, by suitable barriers or fences, be absolutely excluded from any portion of the area described herein, except for the purposes of ditching, grading, or cultivating; that no signs or other structures shall be erected on any portion of the premises described herein.

This deed is made on the condition that the Grantees or their successors shall faithfully perform each and all of the conditions herein contained on their part to be performed, and any neglect or failure so to do shall forfeit the estate hereby conveyed and this deed shall become forfeited and the premises herein described and all rights herein conveyed shall at once revert to and revest in and become the property of the Grantor or his heirs and assigns without any declaration of forfeiture or act of re-entry, and without any other act by the Grantor, or his heirs and assigns, to be performed, and without any right of the Grantees to reclamation or compensation for improvements made, as absolutely, fully, and perfectly as if this deed had never been made.

TO HAVE AND TO HOLD, the same, together with all the privileges and appurtenances thereunto belonging, to them, the said Inhabitants of the Town of York, and their successors forever.

AND I do COVENANT with the said Grantees, and their successors, that I will WARRANT AND FOREVER DEFEND the premises to them, the said Grantees, and their successors forever, against the lawful claims and demands of all persons claiming by, through, or under me.

IN WITNESS WHEREOF, the said Roger E. Young, as grantor, and RUBY YOUNG, as wife of the said Roger E. Young, joining in this deed as Grantors, and relinquishing and conveying our rights by descent and all other rights in the above-described premises, have hereunto set our hands and seals this 10th day of April in the year of our Lord one thousand nine hundred and sixty-one.

Signed, Sealed and Delivered
in presence of:

[Signature] *Roger E. Young*
To *Ruby E. Young*

State of Maine
York, ss.

April 10, 1961.

Personally appeared the above-named Roger E. Young and acknowledged the above instrument to be his free act and deed.

Before me,

[Signature]
Justice of the Peace

YORK, SS. REGISTRY OF DEEDS
Received APR 27 1961
at 11:40 A.M. in A-129
Recorded in Book 1401, Page 127
Attest: *[Signature]*
REGISTER

Wheeler Wildlife Refuge Ordinance

Wheeler Wildlife Refuge Ordinance



Town of York, Maine

Most Recently Amended: May 16, 2015

Prior Dates of Amendment:

Date of Original Enactment: March 30, 1985

ENACTMENT BY THE LEGISLATIVE BODY

Date of the vote to amend this Ordinance: May 16, 2015.

Certified by the Town Clerk:

(signature)

on June 19, 2015
(date)

WHEELER WILDLIFE REFUGE ORDINANCE

Section One. Land Area

Area described as being bounded northwesterly by U.S. Route 103, southwesterly by the dike running from said U.S. Route 103 to Harris Island and easterly and westerly by Harris Island, Bragdon's Island, and the roadway connecting said Harris Island and Bragdon Island, and the westerly sideline of the town way leading from U.S. Route 103 over Bragdon's Island being the entire area acquired by inhabitants of the Town of York in 1961 for dredging spoil, including all Town land held in trust as a wildlife refuge, is hereby declared to the "Wheeler Wildlife Refuge."

Section Two. Prohibitions

Within the limits of the area described in Section 1, it shall be unlawful to operate motor vehicles, deposit fill, erect structures, or remove wildlife or botanical specimens.

Section Three. Violations/Penalties

Any person who violates this ordinance shall be subject to a civil penalty of \$100.00 for the first offense, \$150.00 for the second offense, and \$250.00 for the third and subsequent offenses.

Section Four. Waiver / Payment of Fines

Any person charged with a violation of this section, shall be allowed to waive such violation and tender to the Town of York the fine amount if paid within 20 days of issuance of the summons. If the waiver fine is paid, no appearance before a District Court Judge or other judicial officer shall be required. If the offender pays the waiver fine, the matter will be closed in the York Police Records system and listed as a subsequent offense for future violations.

If the offender chooses not to pay the waiver fine, he/she shall appear in court on the specified date to answer for the ordinance violation. If the offender is found to have committed the offense in court, fines, applicable court fees, attorney's fees, and prosecution costs may apply.