

OLD GAOL

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 29, 2021

OLD GAOL

Location: 193 York Street in York Village.



History: "The Old York Gaol in York Village, York Maine is one of the oldest surviving public buildings in the United States. It was constructed initially shortly after 1719, and was the third recorded jail in the town" (quoted from the 1980 Easement Deed - Historic Place - copy included in this document). The building has long been and continues to be managed as part of the museums run by Old York Historical Society. There are ample sources of information about this important historic building and site so no more is offered here.

Deed References:

- Book 18,594, Pages 388-393 (2021 quitclaim deed from First Parish Church)
- Book 3,580, Pages 342-348 (1985 lease to OYHS for 25 years)
- Book 2,789, Pages 154-160 (1980 historic easement to State of Maine for 30 years)
- Book 2,379, Page 31 et seq (1977 lease to the Old York Historical and Improvement Society for 99 years, but terminated in 1984 because of the merger of that entity with two others to form the Old York Historical Society)
- Book 1,278, Pages 348-350 (1954 lease to the Old York Historical and Improvement Society for 25 years)

Deed Restrictions: None.

There was an historic preservation easement granted to the State of Maine in 1980, but it had only a 30-year duration and has since expired. This was authorized by Article 43 at the March 7, 1981 Annual Town Meeting.

Survey and Monumentation: This property was surveyed in 2020 by Sebago Technics. The survey is depicted on a plan set entitled, "Boundary Survey of: Town/First Parish Lot Split, York Street and Lindsay Road, York, ME," Sheet 2 of 4, most recently revised on December 2, 2020, and certified by Jacob Bartlett, Maine Professional Land Surveyor #2513. Monuments shown on the plan were installed, and were still present as of May 4, 2021.

Relationship to Bond Funds: The Town did obtain tax-exempt bond funds to provide for renovations at the Old Gaol. Reference Article 59 of the Budget Referendum of May 18, 2019. This Article was approved, authorizing \$35,000 for "preservation and renovation of the Old Gaol." The Statement of Fact read:

This Article provides for maintenance of and enhancements to the Old Gaol. This facility is Town-owned and is a National Historic Landmark, and all work must conform to Historic District requirements. Work will include updating electric fixtures, exterior painting, new heat system, window restoration, foundation re-pointing, siding and wood repair, and tree trimming and removal.

This work has not yet been undertaken as of May 4, 2021. The final bond payment is scheduled for August 1, 2027.

Land Use Permits & Approvals: No research undertaken with regard to these matters.

Other Information:

- *MS4 Area.* The property is located within the census-designated urbanized area and is therefore potentially subject to Municipal Separate Storm Sewer System (MS4) requirements of the Clean Water Act.
- *Village Center Local Historic District.* This is a contributing structure and site in this District.

- *York National Historic District.* This is a contributing structure and site in this District.
- *Registered National Historic Landmark (#68000016).* This property is one of two National Historic Landmarks in York, the other being the Cape Neddick Light Station. This means the property is of the highest significance among the entire field of the nation's historic resources.
- *Museum Leases.* For many years, the Town has leased the building for use as a museum. At the time of writing (September 2021) the lease is expired. It expired in 2010 and the Town and OYHS are about to begin the negotiation process for a new lease. Past leases were executed in 1985, 1977, 1953 and 1927. There may have been earlier leases as well. However, the pattern of leasing as a museum is long established.

Property Deed

Quitclaim from First Parish Church – 2021

(See specifically Parcel Two – Old Gaol, on page 4 of 6)

No Transfer Tax

NANCY E HAMMOND, REGISTER OF DEEDS
E-RECORDED Bk 18594 PG 388
Instr # 2021015425
03/18/2021 10:48:52 AM
Pages 6 YORK CO

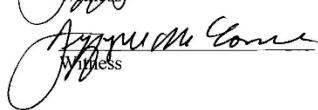
DLN: 1002140136077
QUITCLAIM DEED

FIRST PARISH CHURCH, YORK, MAINE, an independent local church pursuant to Title 13, Chapter 93, Subchapter 2 of Maine statutes, with a mailing address of 180 York Street, York, ME 03909 ("Church"), for consideration paid, hereby releases to **THE INHABITANTS OF THE TOWN OF YORK**, a municipal corporation with a mailing address of 186 York Street, York, ME 03909 ("Town"), all its right, title and interest in and to certain lots or parcels of land, together with the buildings and improvements located thereon, situated in the Town of York, County of York and State of Maine, more particularly bounded and described on Exhibit A attached hereto and made a part hereof.

This deed and a related deed to the Church from the Town of near or even date to be recorded herewith are exchanged pursuant to the terms of a certain Settlement Agreement between the parties dated as of July 1, 2020 in full settlement of certain title claims between them. In the event the Town ceases to exist as a municipal corporation, any real estate conveyed hereby that is retained by the Town at that time shall be conveyed to the Church. The foregoing provision does not encumber or in any way limit the Town's right to sell, convey, dispose, develop, or use in any way said real estate.

IN WITNESS WHEREOF, **FIRST PARISH CHURCH, YORK, MAINE** has caused this instrument to be signed by Janice Jonas, Its Moderator and Susan Mancinelli, Its Clerk, thereunto duly authorized, this 9th day of March, 2021.

FIRST PARISH CHURCH, YORK, MAINE


Witness

Witness

By: 
Janice Jonas, Its Moderator

By: 
Susan Mancinelli, Its Clerk

STATE OF MAINE
County of York

March 9th, 2021

Then personally appeared the above-named Janice Jonas, Moderator, and Susan Mancinelli, Clerk, of First Parish Church, York, Maine, as aforesaid, and acknowledged the foregoing instrument to be their free act and deed in their said capacities and the free act and deed of the First Parish Church, York, Maine.

Before me,



Notary Public
Print Name: Kathryn M. Danylik-Lagasse
Commission Expires 7/29/2022

Kathryn M. Danylik-Lagasse
Notary Public
State of Maine
My Commission Expires
July 29, 2022

EXHIBIT A
TO
DEED TO THE INHABITANTS OF THE TOWN OF YORK FROM FIRST PARISH CHURCH, YORK MAINE

PARCEL ONE-TOWN HALL:

A certain lot or parcel of land with the improvements thereon located on the northerly side of and adjacent to York Street, in the Town of York, County of York, State of Maine bounded and described as follows:

Commencing at a 12-inch by 12-inch granite monument found 24-inches above grade at the southwesterly corner of land now or formerly 192 York Street LLC as described in a deed recorded at the York County Registry of Deeds (YCRD) in Book 17909, Page 950 near the northerly sideline of York Street;

Thence N 34°08'51" E, a distance of 5.22 feet to the northerly sideline of York Street and the Point of Beginning;

Thence N 61°46'07" W, along York Street, a distance of 175.38 feet to an iron rod to be set at remaining land of the First Parish Church;

Thence N 31°20'04" E, along remaining land of the First Parish Church, a distance of 307.33 feet to an iron rod to be set;

Thence S 57°05'50" E, along remaining land of the First Parish Church, a distance of 189.57 feet to an iron rod to be set at land of 192 York Street LLC;

Thence S 34°08'51" W, along land of 192 York Street LLC, a distance of 293.00 feet to the Point of Beginning.

Containing approximately 54,677 square feet or 1.26 acres.

Basis of bearing is Grid North, Maine State Plane Coordinate System West Zone 1802, NAD83.

Iron rods to be set are 5/8-inch rebar with identification caps marked "STI PLS 2513 LLS 1003"

Reference is made to a plan titled "Boundary Survey of Town/First Parish Lot Split, York Street, York, ME, For Town of York, 186 York Street, York, ME 03909" last revised December 2, 2020 by Sebago Technics, Inc., Project Number 20325 (Sheet 1 of 4).

PARCEL TWO- OLD GAOL

A certain lot or parcel of land with the improvements thereon located on the southerly side of and adjacent to York Street and the easterly side of Lindsay Road No. 2, in the Town of York, County of York, State of Maine bounded and described as follows:

Beginning at an iron rod to be set on the easterly sideline of Lindsay Road No. 2 at land now or formerly of Charles and Deborah Ronnquist as described in a deed recorded at the York County Registry of Deeds (YCRD) in Book 17801, Page 576;

Thence N 30°00'15" E, along Lindsay Road No. 2, a distance of 42.64 feet to a point of curvature;

Thence along a tangential curve concave to the southeast and Lindsay Road No. 2 as defined by the following curve elements: having a radius of 269.45 feet, an arc length of 76.09 feet, and a chord that bears N 38°05'40" E, a distance of 75.84 feet, to a point of tangency;

Thence N 46°11'05" E, along Lindsay Road No. 2, a distance of 58.00 feet to York Street;

Thence S 61°46'07" E, along York Street, a distance of 75.56 feet;

Thence S 85°46'07" E, along York Street, a distance of 20.64 feet to an iron rod to be set at land now or formerly of Iduna207 LLC as described in a deed recorded at the YCRD in Book 17782, Page 534;

Thence S 35°11'51" W, along land of Iduna207 LLC and land now or formerly of the York Hospital, Inc. as described in a deed recorded at the York County Registry of Deeds (YCRD) in Book 8939, Page 277 a distance of 187.12 feet to land of Charles and Deborah Ronnquist;

Thence N 59°06'31" W, along land of Charles and Deborah Ronnquist and partially along a stone wall a distance of 104.02 feet to the Point of Beginning.

Containing approximately 18,414 Square Feet.

Basis of bearing is Grid North, Maine State Plane Coordinate System West Zone 1802, NAD83.

Iron rods to be set are 5/8-inch rebar with identification caps marked "STI PLS 2513 LLS 1003"

Reference is made to a plan titled "Boundary Survey of Town/First Parish Lot Split, York Street, York, ME, For Town of York, 186 York Street, York, ME 03909" last revised December 2, 2020 by Sebago Technics, Inc., Project Number 20325 (Sheet 2 of 4).

PARCEL THREE: REMICK BARN, JEFFERD'S TAVERN AND OLD SCHOOL HOUSE:

A certain lot or parcel of land with the improvements thereon located on the southerly side of and adjacent to York Street and the westerly side of Lindsay Road, in the Town of York, County of York, State of Maine bounded and described as follows:

Beginning at a railroad spike with a punch mark located on the southerly sideline of York Street at land now or formerly of James B. O'Neil LLC as described in a deed recorded at the York County Registry of Deeds (YCRD) in Book 18259, Page 256;

Thence S 65°38'21" E, along York Street, a distance of 64.32 feet;

Thence S 62°00'04" E, along York Street, a distance of 160.81 feet;

Thence S 58°21'55" E, along York Street, a distance of 36.56 feet to the northwesterly sideline of Lindsay Road;

Thence S 11°47'48" W, along Lindsay Road, a distance of 69.68 feet;

Thence S 14°58'36" W, along Lindsay Road, a distance of 112.99 feet;

Thence S 22°12'22" W, along Lindsay Road, a distance of 39.46 feet;

Thence S 23°56'12" W, along Lindsay Road, a distance of 75.02 feet;

Thence S 30°13'41" W, along Lindsay Road, a distance of 188.35 feet to an iron rod to be set at remaining land of the First Parish Church of York;

Thence N 56°36'47" W, along remaining land of the First Parish Church of York, a distance of 150.00 feet to an iron rod to be set;

Thence N 29°46'00" E, along remaining land of the First Parish Church of York, a distance of 115.00 feet to an iron rod to be set;

Thence N 51°17'30" W, along remaining land of the First Parish Church of York, a distance of 200.00 feet to an iron rod to be set at land now or formerly of the York Housing Authority as described in a deed recorded at the YCRD in Book 2921, Page 289;

Thence N 38°36'32" E, along land of the York Housing Authority, a distance of 215.00 feet to a 1 ¼-inch iron pipe found 2-inches above grade at land now or formerly of James B. O'Neil LLC;

Thence N 24°46'18" E, along land now or formerly of James B. O'Neil LLC a distance of 100.17 feet to the Point of Beginning.

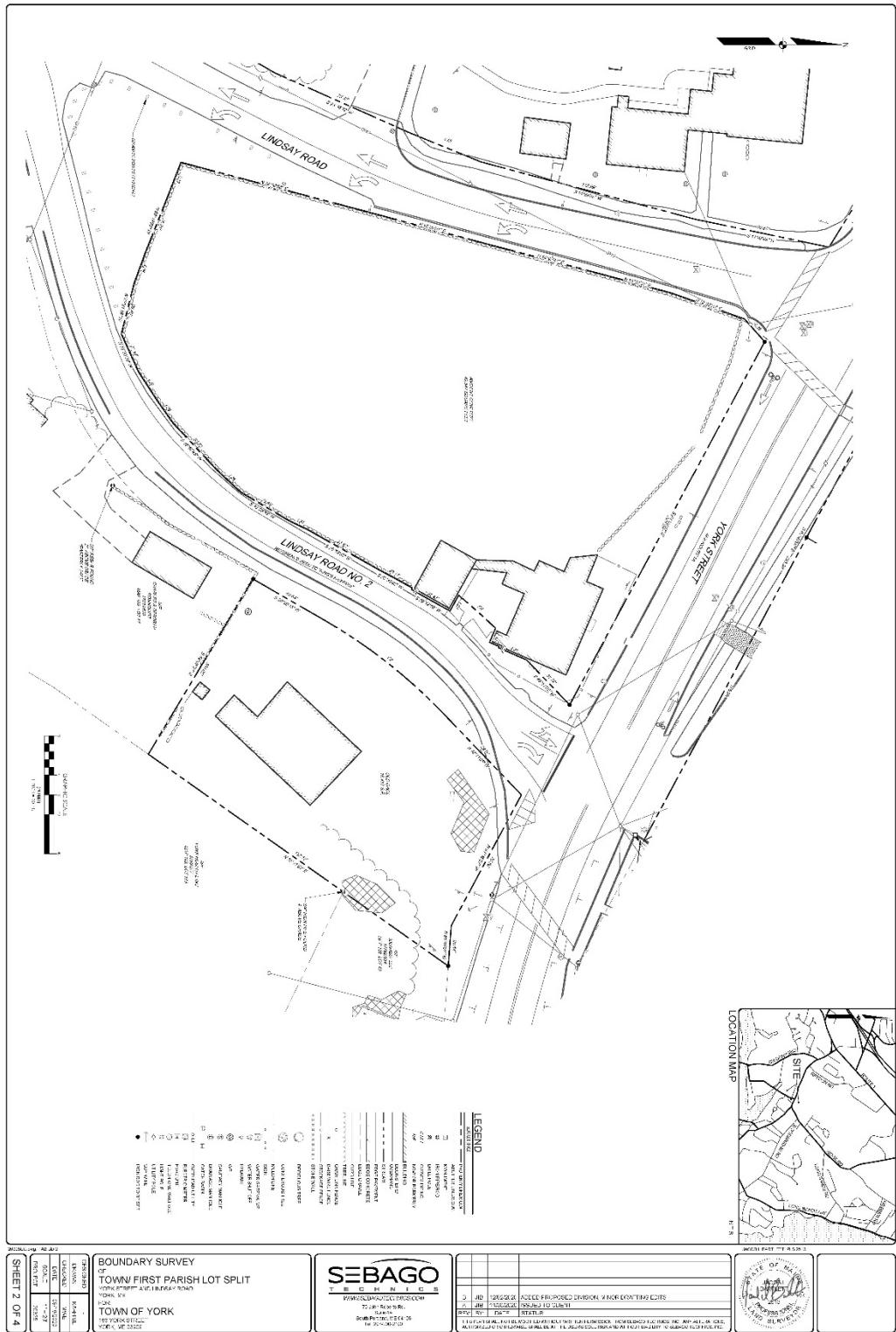
Containing approximately 2.84 Acres.

Basis of bearing is Grid North, Maine State Plane Coordinate System West Zone 1802, NAD83.

Iron rods to be set are 5/8-inch rebar with identification caps marked "STI PLS 2513 LLS 1003"

Reference is made to a plan titled "Boundary Survey of Town/First Parish Lot Split, York Street, York, ME, For Town of York, 186 York Street, York, ME 03909" last revised December 2, 2020 by Sebago Technics, Inc., Project Number 20325 (Sheet 3 of 4).

Property Survey



Town of York, Maine - Property & Facility Inventory - Old Gaol September 29, 2021

1980 Historic Easement to State of Maine

(NOTE: term of easement expired in 2010)

book 2789 page 154

09025

EASEMENT DEED - HISTORIC PLACE

THIS CONVEYANCE is made this 5th day of September,
1980 by and between the Old Gaol Museum Committee,

York County, Maine, hereinafter sometimes called
the Grantor, and the State of Maine through its State Historic Preservation
Officer for the Heritage Conservation and Recreation Service in the
United States Department of the Interior, hereinafter sometimes called
the Grantee.

WITNESSETH

WHEREAS the lessor is owner of certain premises known as Old York Gaol,
York, York County, Maine, which premises have been registered on the

National Register of Historic Places under the National Historic Preservation
Act of 1966 (P.L. 89-665, 16 U.S.C. § 470a, et seq); and

WHEREAS THE State of Maine through its State Historic Preservation Officer
for the National Register of Historic Places of the Heritage Conservation
and Recreation Service in the United States Department of the Interior, is
presently responsible for precluding any activity or omission at the
premises which would destroy or impair its value to the public as an
historic place; and

WHEREAS the Grantor is willing to grant to the State of Maine the easement
as hereinafter expressed for the purpose of insuring that the value of the
premises for such purposes will not be destroyed or impaired;

NOW THEREFORE, in consideration of the sum of One Dollar and other valuable
consideration paid to the Grantor, the receipt whereof is hereby acknowledged,
the Grantor does hereby give, grant, bargain, sell and convey, for
a period of thirty (30) years, unto the State of Maine, its successors and
assigns, an easement described in paragraph 1 through 10 the following
described parcel of land, with the buildings and improvements thereon (the
real property together with the buildings and improvements thereon and the
fixtures attached thereto and the appurtenances thereof, being hereinafter

collectively referred to as the "Property") located in York, York County, Maine and bounded as follows:

A certain lot or parcel of land, together with the building thereon, situated on the westerly side of York Road (State Route 1A) in York Village within the Town of York, as described in the York County Registry of Deeds, Book 88, Page 5 and Book 311, Page 455.

The easement herein granted shall be of the nature and character hereinafter expressed and shall be a covenant running with the land, binding upon Grantor; its successors and assigns.

The property is comprised essentially of grounds, collateral or appurtenant improvements and the Old York Gaol. The Old York Gaol is more particularly described as follows:

The Old York Gaol in York Village, York Maine is one of the oldest surviving public buildings in the United States. It was constructed initially shortly after 1719, and was the third recorded jail in the town. The first phase of construction produced a rectangular cell with field-stone walls of 3-foot-thick randomly coursed and dressed rubble, measuring on the exterior 30 by 18 feet with a height of 8 feet. Numerous subsequent building programs have incorporated this original cell, but its north-west stone wall is exposed to this day.

Building phases of 1719/20, 1729, 1763, 1799, and 1806 have produced a large frame structure of 1½ stories with gambrel roof, clapboard siding, and two large internal chimneys. This structure includes the cell (divided in two by a wooden partition), and jailer's quarters consisting of a kitchen, dining room, chambers, parlor and second-floor bedrooms. Two single panelled doors are present on the east side, where also are present two dormers in the half story with shed roofs and 6/6 windows. All of the fenestration on the north side is 9/6, save a small attic window of 6 panes. There is a nearly central door in the north elevation. At the southern end of the building is a 1-story gable-roofed addition.

The foregoing description of the Old York Gaol may be amended, replaced, or elaborated upon in more detail, and a description of the style, landscaping and similar particulars of the grounds, and any collateral or appurtenant improvements on the Property may be added, by an instrument in

writing, signed by both parties hereto, making reference to this Easement Deed and filed of record in the York County Registry of Deeds. If, and when such an instrument is placed of record, it shall be deemed to be a part of this Easement Deed as if set out herein.

For the purpose of preserving, protecting, maintaining the property, including its significance and value to the public as an historic place, the Grantor does hereby covenant and agree, on behalf of itself, its successors and assigns with the Grantee, its successors and assigns, as follows:

1. Grantor shall at its expense preserve the Property intact in the form in which it is described herein and shall maintain it in good condition and repair and shall inspect it carefully and frequently to detect deterioration or damage in order that maintenance or repairs can be made. The property shall be kept clean and a dignified appearance shall be maintained. All maintenance and repairs shall be done in a first-class workmanlike manner, using materials of high quality, and shall be commenced and prosecuted with a high degree of diligence and in a manner which preserves the Property as described herein.
2. No signs shall be erected and no activity shall be conducted on the Property which would destroy or diminish its historic, cultural or aesthetic value, and all things shall be done which are reasonably necessary to insure that the Property continues to be registered as an historic place under the National Historic Preservation Act of 1966.
3. The grounds and landscaping of the Property shall be maintained in a healthy condition and in a manner exemplifying the period and style of the Old York Gaol.
4. No alterations to the Property (including particularly, but not limited to, the Old York Gaol as described herein) shall be undertaken, commenced or performed with the prior written approval of the State of Maine through its State Historic Preservation Officer with the Heritage Conservation and Recreation Service of the United States Department of the Interior, or its other designated officer for the purpose.
5. Utility entrances needed from time to time shall be installed in

a manner which will not impair the aesthetics of the property.

6. Grantee, its agents and designees shall have the right to inspect the Property at all reasonable times in order to ascertain whether or not the terms and conditions of this Easement Deed are being complied with.
7. As Federal assistance has been employed for restoration and repair of the Old York Gaol, the Grantor agrees to allow public access not only to the grounds of the Property, but to the interior of the Old York Gaol not less than twelve (12) days per year. Public access may vary as to hours and days per week in accordance with seasonal demand provided, however, (i) that the grounds and the interior shall be open to the public for a sufficient amount of time and with a degree of frequency to afford reasonably convenient access by members of the public desiring to see it and (ii) cultural institutions and similar groups shall have access at any reasonable time, regardless of the season; subject only to the advance negotiation of adequate remuneration for attendants necessary to accompany such groups. Fees for admittance may be levied by the Grantor provided that the amount of such fees are reasonable and are commensurate with and comparable to the fees charged in Maine at the time for access to other historic or cultural buildings.
8. If the Grantor fails to observe or if the Grantor violates any covenant, agreement or provision contained herein, then the Grantor shall, in addition to all other remedies available at law or in equity, have the right to enforce this Easement Deed, including each of its provisions, by specific performance.
9. The covenant and agreements set forth herein shall be binding upon and shall inure to the benefit of the Grantor and the Grantee and their respective successors and assigns. TO HAVE AND TO HOLD the aforesigned and bargained easement with all the privileges and appurtenances thereof to the said State of Maine through its State Historic Preservation Officer for the Heritage Conservation and Recreation Service in the United States Department of the Interior, its successors and assigns, to its and their use and behoof for a period of thirty (30) years from and after the date hereof.

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10. The Grantor agrees to convey to the State of Maine first right of refusal in the event that at some future time they shall wish to sell the premises referred to in this agreement.

IN WITNESS WHEREOF, The Old Gaol Museum Committee has caused this deed to be signed by Harold B. Smith, Chairman, and Donald H. Koenig its officers duly authorized, Donald A. Lusk, as of the day and year first written above.

OLD GAOL MUSEUM COMMITTEE

Harold B. Smith
Chairman

STATE OF MAINE

York, in County of York Date September 10, 1980

Then personally appeared the above named Harold B. Smith, Maryabel G. Lusk, Donald H. Koenig, and Donald A. Lusk, of the Old Gaol Museum Committee, and acknowledged the foregoing instrument to be their free act and deed in said capacity and the free act and deed of the Old Gaol Museum Committee, York, Maine.

Before me,

Anne R. Erwin

Notary Public

ANNE R. ERWIN
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES MAR. 20, 2002



BOOK 2789 PAGE 160

-7-

Pursuant to the affirmative vote of the Inhabitants of the Town of York on Article 43 of the Warrant for the annual town meeting held on March 7, 1981, the undersigned, being the duly elected Selectmen of the Town of York, do hereby consent to the granting of the within easement.

WITNESS our hands and seals this 11th day of 'May', 1981.

INHABITANTS OF THE TOWN OF YORK

By Julia C. Berger

Ronald N. Howell

Valerie S. Allen

Robert D. Long

• Michael Schumacher

It's Selectmen

STATE OF MAINE

YORK, ss.

11 May 1981

Personally appeared the above-named Ronald N. Nowell, Arthur A. Berger
Michael V. Palumbo, Valerie C. Allen and Robert D. Guy and acknowledged the
foregoing to be true to the best of their knowledge, in their said capacity.

Before me.

Gretchen D. Seaver
Notary Public - Justice of the Peace

YOR 26
Received MAY 21 1981 at 11420M AD
Transcribed from the original