

FAX: (207) 874-8716
 Inspections Dept.
 City of Portland, 389 Congress St.
 Portland, ME

Herbert A. Mehlhorn
 2 Preston Road
 Lexington, MA 02420
 13 October 2010
 Phone/FAX (781) 862-6843

→ Alt' in Suzanne Hunt, Room 315

Dear Mr. Hunt:

This is a summary of my remarks on the phone on 10/12/10.
 I'm including a copy, dated Sept. 3, 1997, of Book 13326, Page
 028 which notes the Portland City Council's action to continue the
 existence and public use of its dozens of informal roads, an action
 the state legislature had then required. Oaklawn Road, Peckham Road
 is described therein as part of the Whilings Farm Plan of Land
 found in Book 11, Page 99 (the printed list has a clerical error
 saying Page 97 where 99 is correct). Book 11, Page 99 defines

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Herbert A. Mahlborn 22 Sept 2010

As needed, coming from County and State.

At times, safety concerns and real estate matters converge, the roles of State, County, and City need to be coordinated and well delineated and understood.

The Authority for acceptance and adoption of a sub-division of real estate rests with the State of Maine, not the City or County.

The State appoints agents, i.e., Counties, to examine proposed plans on its behalf, see that they meet State requirements, and register and record such plans as are consistent with State requirements.

The State's requirements of 1908 were reviewed by the then Registrar/Registrar of Cumberland County, accepted as valid, and entered in Plan Book II, Page 99 with title "Plan of Land on Peck Island, Maine". That is the "Plan" found in my FAX to you of 21 Sept 2010. That "Plan" is, therefore, in force, now.

The "Plan" as recorded shows a full survey of the subdivision, formerly known as the "Shollings Farm", with complete metes and bounds, orientations and areas, as well as roads, streets, paths and the like for foot, carriage, and motor vehicle use. The "Plan", having met State standards, must be honored by the City of Portland in its such and every respect.

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Herbert A. Mathison

22 Sept 2010

The City is duty bound, is obligated, to accept as valid every property line in the "Plan" no matter what it finds; including property lines along delineated travelled ways. This is irrespective of whether the City chooses to adopt and accept for its care any of those surveyed travelled ways. The property lines of roads must, most specifically, be honored as shown in the 1908 "Plan of Seal".

The City of Portland has, of course, certain deprivative rights, derived from the State, and it has certain obligations.

The City may, for example, assess the parcels of recorded divided real estate and collect taxes for the City's needs. As another example, it may, under certain conditions, introduce zoning requirements and/or setback of new construction from property lines.

The City also has the obligation to protect the safety of the public in all parts of the City.

Most specifically the City is obliged to enforce, with an even hand, its Fence Code throughout the City. This is a public safety consideration.

The property lines in this

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Herbert A. Melhorn 22 Sept, 2010

particular Peaks Island part of the City of Portland are absolutely clear and found in Plan Book 4, Page 99 at the Cumberland County Registry.

The new fence at roadside of plot 7 on the "Plan" is a safety hazard within the meaning of the City's Fence Code. It is about six feet high. It is at a corner. The City can no more ignore that safety hazard than it can claim that it would be correct to ignore open burning of trash, without a specific permit, in this neighborhood. I await the City's action.

Sincerely yours,
Herbert A. Melhorn

Herbert A. Melhorn

FAX: (207) 874-8716

1 Oaklawn Road
Parker Island ME

Inspections Dept
City of Portland
389 Congress St
Portland, ME

04108

21 Sept 2010

Att'n: Supreme Court, Room 315

Dear Mr Hunt:

What follows, on two sheets, is the "Plan of Land" for this area as copied from Plan Book 11, Page 99 at the Cumberland County Registry where, I think, John O'Brien, is still the senior official.

All the deeds in this area originate from this plan. Deeds along Oaklawn Road specifically cite Oaklawn Road as "reversed", i.e., not deeded.

My lot is labeled "Jorgensen". The Louis Doug Frantz lot is #7 which borders both sides of Oaklawn Road.

The owner of lot 11 had a survey done in 2000 which is consistent with this record. My own survey, in 2000, is also consistent with this record.

I hope this helps you making effective the fence rule.

Sincerely yours,
Herbert G. Melhorn

PLAN OF LAND
PEARS ISLAND, MAINE
formerly known as the
Skillings Farm
Belonging to
Hess of Kennebunk Skilling
Scale, 80 feet = 1 inch
PORTLAND HARBOR

H. A. MELLHORN
8 CARLAWN ROAD
PEARS ISLAND, ME 04108

PLAN BOOK 11
PAGE 99
JUNE 12, 1908

PL
REID
JUNE 1

