

086 (90-H-3-)

090-H001

Harbert A. Muhlhorn  
2 Creston Road  
Lexington, MA  
02420  
08 Nov 2010  
Phone (781) 862-6943

Ms. Suzanne Hunt  
Inspection Dept, Room 315  
City of Portland, 339 Congress St.  
Portland, ME 04101

Dear Ms Hunt:

Please find two items herewith. One is a copy from Plan Book 11, Page 99 of the Cumberland County Registry showing my Peake Island neighborhood. I have highlighted details pertinent to the fence violation at 25 Oaklawn Road (You received the same Plan of Land, Book 11, Page 99, by FAX, from me at Peake Island, on 21 Sept. 2010, without my newly added markings). The other item is the DEED for the FRANTZ land, lots A and 7 on the aforementioned Plan of Land. The DEED may be new to you.

You can see that the Frantz deed defines Frantz ownership entirely in terms of Book 11, Page 99. Specific citations of Oaklawn Road are included in the deed.

What I have not told you before is that in 2001 I had my land, called 'Inglewood', surveyed for reasons not related to the present fence issue. When you are next on Peake Island (very soon I hope) kindly find the two surveyor's markers at the corners of my lot where it meets Oaklawn Rd. (They are indicated by red circles on the Plan of Land provided herewith). They are down to the ground and an inch or so from the old iron pipe still standing there. They define the edge of Oaklawn Road, without ambiguity of any kind.

Those markers, with the Plan of Land, make it

Luzerne Front

2

11/28/10

instantly apparent that the extension of my side of  
Oaklawn Road down the hill past Lot A (Fronty) and  
along Lot 7 (Fronty) puts the Fronty fence, along  
lot 7, on the edge of the road (even partly in the  
road). It is not anywhere near 25 feet away  
from the road as the Fence Code (sect. 14-426) requires.  
Violation could not be more clear.

Violation of Corner Clearance requirement is clear also.  
What further information could you possibly  
need to bring about compliance?!!

I would appreciate your getting this fence matter  
settled in full accordance with sect. 14-426 and sect.  
14-434 as promptly as possible.

Please realize that while there is little traffic on  
Oaklawn Road right now there will be plenty of traffic  
starting in May when "summer" water is turned on. Then there  
will be lots of traffic during the summer: private cars,  
tradesman's pickups, landscapers towing big equipment  
trailers, fuel trucks, frozen food vendors, postal UPS, and  
FedEx vehicles, a small sightseeing "tour bus" several  
times each day and bicycles in great numbers shooting  
down the hill toward the water and past the fence at  
issue, with many of the riders being very young.  
Safety is a most serious concern.

Please cause the Fronty fence to  
come into complete ~~compliance~~ compliance  
with the Fence Code without any further delay.

Sincerely yours,  
Herbert A. Whitman

all this to say nothing of pedestrians  
with baby strollers and children  
in tow going to and from the beach!

PLAN OF LAND  
ON  
PEAKS ISLAND, MAINE

formerly known as the  
SKILLINGS FARM

Belonging to  
Hess of Vermont & Whillings  
PORTLAND HARBOR

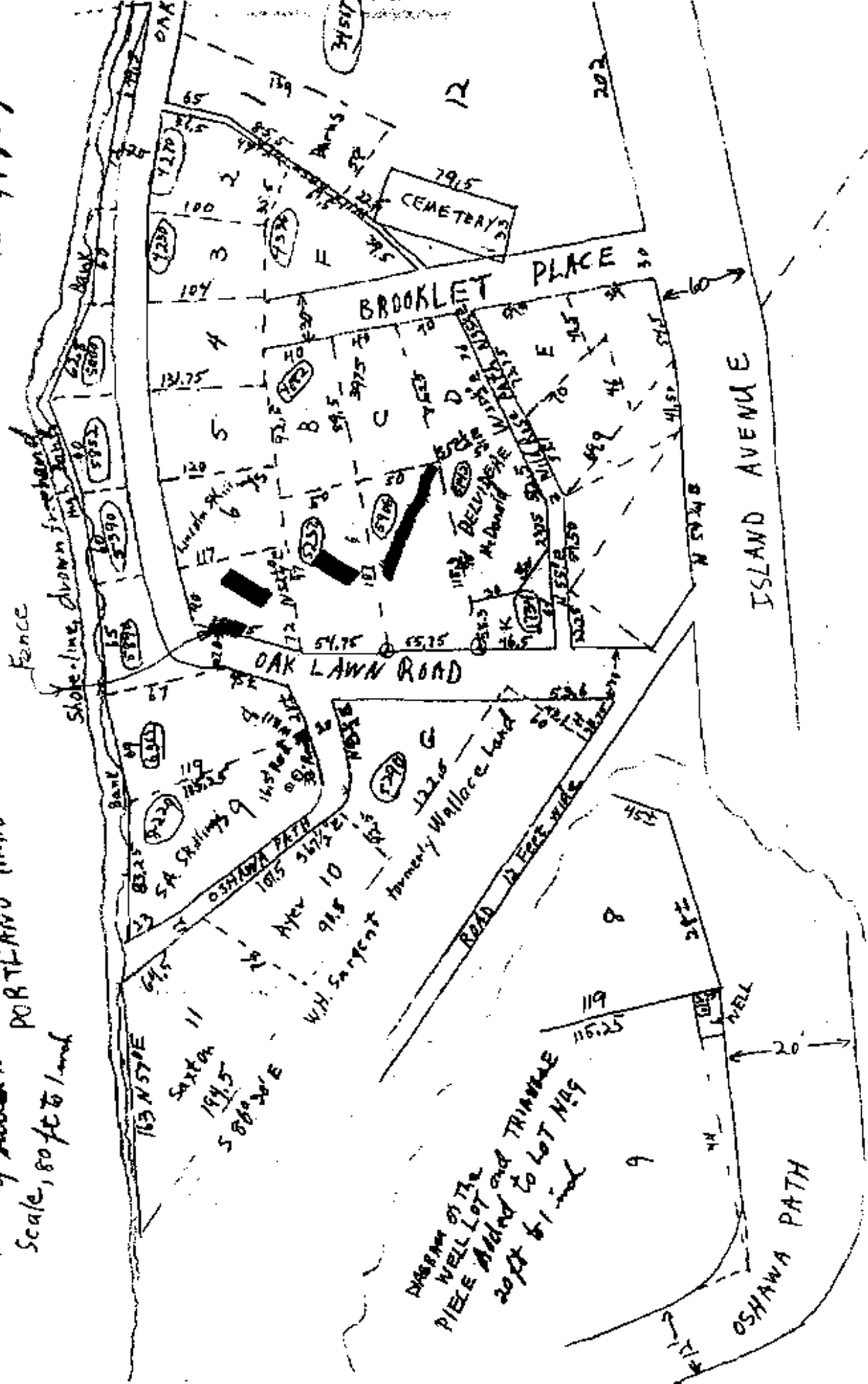
Scale, 80 ft to 1 inch

H. A. MEHLHORN  
9 OAKLAWN ROAD  
PEAKS ISLAND, ME. 04108

PLAN BOOK 11  
Page 99  
June 12, 1908

PLAN  
Revised by  
June 12

Carroll County Registry





1188110  
 for [unclear]

TO HAVE AND TO HOLD the abovegranted and hereunto granted premises with all the privileges and appurtenances therein to the said  
 RONALD A. FRANKS JR., and STANLEY I. FRANKS  
 as joint tenants, and not as tenants in common, to them and their heirs and assigns, and the survivor of them, and the heirs and  
 assigns of the survivor of them, and their use and lawful heirs.

AND I do COVENANT with the said GRANSON, as aforesaid, that I am lawfully seized in fee of the premises,  
 that they are free of all encumbrances.

That I have good right to sell and convey the same to the said GRANSON to hold as aforesaid; and that I and  
 my heirs shall and will WARRANT AND DEFEND the same to the said GRANSON, his heirs and assigns  
 and the heirs and assigns of the survivor of them forever, against the lawful claims and demands of all  
 persons.

IN WITNESS WHEREOF, we the said NARAL E. SELLINGS and ROBERT F. SELLINGS, being husband and wife,  
 each

acting in the deed as Grantor, and relinquishing and conveying all right by deed and all other rights in the  
 above described premises, have hereunto set our hand and seal this 17th day of September  
 1952, in the year of our Lord one thousand nine hundred and fifty-two.

RETURNED, READ AND DELIVERED IN PRESENCE OF  
 [Signature] M.S. [Signature] Esq. [Signature]  
 Notary Public for [unclear]

STATE OF MICHIGAN, County of [unclear], ss.  
 I, [unclear], Notary Public, do hereby certify that the within and foregoing instrument is the  
 original and acknowledged the foregoing instrument to be her true and legal act and deed.  
 Witness my hand and seal this 17th day of September, 1952.



STATE OF MICHIGAN, County of [unclear], ss.  
 I, [unclear], Notary Public, do hereby certify that the within and foregoing instrument is the  
 original and acknowledged the foregoing instrument to be her true and legal act and deed.  
 Witness my hand and seal this 17th day of September, 1952.

ATTEST: [Signature] Notary Public