



Ann Machado <amachado@portlandmaine.gov>

1051 Washington Ave.

Camille Alden <calden@portlandmaine.gov>

Fri, Aug 18, 2017 at 3:24 PM

To: Ann Machado <amachado@portlandmaine.gov>

Cc: Michael Goldman <mig@portlandmaine.gov>, William Scott <wgs@portlandmaine.gov>

Ann,





I'll give you the facts as I know them, along with the documentation to support those facts. Michael Goldman may want to chime in with a legal opinion as well. Perhaps with the facts and Michael's opinion, you can make a decision on how best to respond to the property owner.

1. I have not been able to find a record of how Ray Street was **initially** established as a public road (likely back in the 1800's and possibly even the 1700's). Those records may be very hard to find or non-existent.
2. **November 6, 1916:** The property in question is shown as **Lot 1 on the Washington Terrace Subdivision** which was recorded at the Registry of Deeds on **Plan Book 13, Page 72 (attached)**. The plan does not show the width of Ray Street, but, it scales on the plan at a width of 45 feet.
 - It's interesting to note that the subdivision plan across the street (Pinedale, PB 10/125 dated 1905) also does not show the width of Ray Street, but it scales at 40 feet wide.
 - Also, another subdivision down the road (Ray Gardens, PB 12/103 dated 1914) does not show the width of Ray Street, but it scales at roughly 50 feet wide, plus the plan shows a second line for a proposed widening of Ray Street.
 - In other words, the three subdivisions in the neighborhood and all dated around the same time frame all show different widths of Ray Street- almost as if the width had never been determined.
3. **September 4, 1957:** The City *relocates* Ray Street and goes through the formal process to do so. **Please see attached clerk document which describes the steps taken by the City to establish the relocation. This is the critical document.** It states the necessary legal procedures and notifications that the City followed in order to relocate Ray Street.
4. **2010-2011:** I did a survey of a cross country sewer in that area (see attached plan 1011/24).
5. **August 1, 2016:** I forwarded my CAD plan to the property owner's surveyor, Richard (Dick) Eaton. Mr. Eaton completed his boundary plan of the Cooney property on July 26, 2016. **My plan roughly agrees with Mr. Eaton's boundary plan.**
6. If you look at the subdivision plan, you see that it shows a distance of 43.0 feet along Washington Ave. from it's intersection with Ray Street. If you look at my boundary plan or Mr. Eaton's boundary plan, that same line now measures 34.86 feet, a difference of 8.14 feet. The change in the distance is due to the 1957 relocation of Ray Street done by the City. This is the distance that the Cooney's are concerned about.
7. There is no question as to the correct location of the 1957 Ray Street layout. As you can see from my boundary plan, there are monuments all along Ray Street delineating the street line. The monuments agree with the 1957 street layout. As stated before, Mr. Eaton's boundary plan is in agreement with mine.
8. In other words, when the City relocated Ray Street in 1957, it appears that approximately an 8' strip of property was "taken" from the Cooney's parcel **based on the Washington Terrace Subdivision plan mentioned in note 2.** My survey supports this and Mr. Eaton's survey supports this. However, prior to the 1957 relocation, none of the subdivision plans in the area agree on the width of Ray Street, that's why I have placed "taken" in parenthesis.
9. I conducted deed research on this parcel dating back to 1936. I found no deed where any prior owners of this parcel conveyed the 8' strip in fee to the City. However, the process of the Relocation of Ray Street by the City in 1957 may have met all the necessary legal requirements to change the road so that no deed was needed. That's the question that Mr. Goldman would need to answer.
10. I don't know if this matters, but, the property has been owned by the Cooney's since 2004, long before the 1957 Relocation of Ray Street.

I know this is a lot of data, but, I felt it was necessary to provide the history and the facts so that you could make an informed decision. Please feel free to call if you have any questions.

[Quoted text hidden]

4 attachments

-  **CCRD PB 013_072 Washington Terrace.pdf**
180K
-  **Ray St Clerk Record Vol 74 PP 293-294.pdf**
196K
-  **01011_024__002.pdf**
4941K
-  **08-15-17 Dick Eaton Survey plan for Cooney.pdf**
346K