



Town of Windham

Town Offices
8 School Road
Windham, Maine

Legislation Details (With Text)

File #: 17-195 **Version:** 1 **Name:**
Type: Order **Status:** Passed
File created: 10/17/2017 **In control:** Town Council
On agenda: 1/23/2018 **Final action:** 1/30/2018
Title: To vacate a portion of a proposed, unaccepted way between parcels identified as Map 31, Lot 50 and Map 31, Lot 69, as shown on the plan of Highland Lake Beaches, recorded in 1929 at the Cumberland County Registry of Deeds at Book 19, Page 23.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Cover Sheet 17-195, 2. Waterbury Paper Street Plan, 3. Waterbury Paper Street Deed Description, 4. Tax Map 31, 5. Unaccepted Ways - Paper Streets 1997

Date	Ver.	Action By	Action	Result
1/30/2018	1	Town Council	approved	Pass

I. Council Action Requested.

To vacate a portion of a proposed, unaccepted way between parcels identified as Map 31, Lot 50 and Map 31, Lot 69, as shown on the plan of Highland Lake Beaches, recorded in 1929 at the Cumberland County Registry of Deeds at Book 19, Page 23.

II. Basis for Council Action.

Council approval of this item is required because;

- a. Pursuant to Article I, Section 2 of the Charter “the Town may acquire property for any Town purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, or condemnation and may sell, lease, mortgage, hold, manage and control such property as its interest may require,”
- b. Pursuant to Article II, Section 3(I) the Town Council shall have the authority to “exercise all the legislative, financial, borrowing and other powers now or hereafter given by statute to inhabitants of towns acting in Town Meeting except as otherwise provided herein, and also exercise all the powers now or hereafter given by statute to municipal officers of towns,” and
- c. The proposed order would result in the Town relinquishing any interest it may have in a proposed, unaccepted way (“paper street”).

III. Issue Summary.

The town has received a request from the property owner at 77 Cottage Road to vacate a portion of a paper street. Attached are copies of a sketch and what appears to be a copy of the recorded plan of Highland Lake Beaches from 1929 (Book 3342 Page 266 in the attached copy of the 1997 notice). Also attached are copies of the assessment record and tax maps of two lots (31/50 and 31/69).

The town has, on at least a couple of occasions, vacated paper streets where property owners

showed that they created a problem for them, and vacating the paper street didn't create any adverse consequences. In this case, Mr. Waterbury wants to build a deck on his house but cannot meet setbacks due to the paper street, and has asked if the town could vacate just the portion that crosses the two lots he, and he and his wife, own. Code enforcement has confirmed that vacating this portion of the paper street will address the setback issue.

The order vacates any interest the town may have in the paper street but has no effect on any private rights or interest that may exist on the part of other owners of lots depicted on the recorded plan of Highland Lake Beaches.