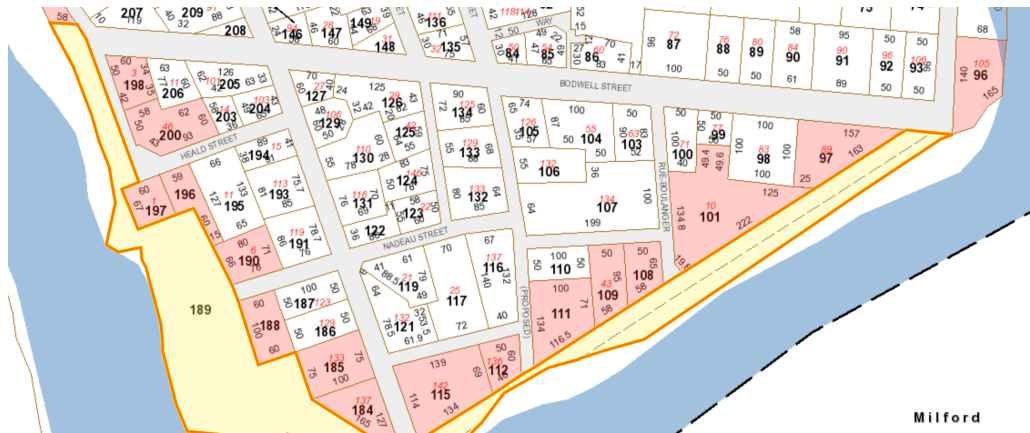


French Island Landowners Respond

Permissive Land Use Agreement Is Flawed

After years of negotiation, a Permissive Land Use Agreement (“Agreement”) has been offered to some abutting landowners of Lot 189. This Agreement will create City owned land on the southern riverfront of French Island. The map below shows this Lot 189 extending around the southern tip of the island. There are presently twelve privately owned lots abutting Lot 189 and the City owns two abutting lots, one of which (Lot 196) contains equipment for a sewage pumping station.



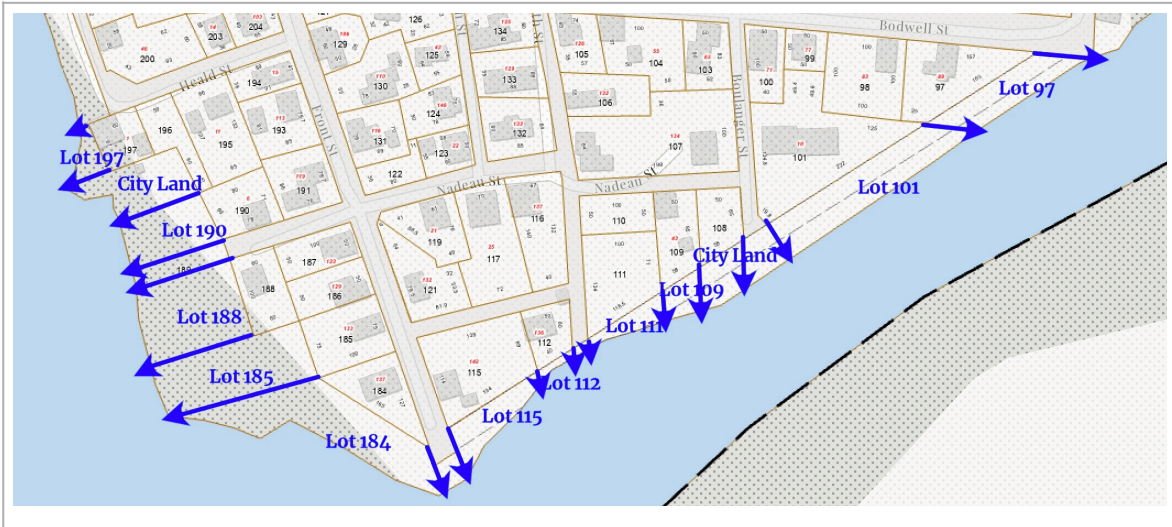
Lot 189 is land that was abandoned by the deed holder, Union Land Company, with the dissolution of that business entity in the 1930's. On the original plan for development of the land south of Bodwell Street (1902), Lot 189 was labeled as reserved for a fishing passageway, and as a transit line for hauling lumber from a mill located on the southern tip of the island.

This proposed Agreement is response by the City after landowners objected to the use of Eminent Domain by the City which allowed the City to claim ownership of Lot 189. The Agreement declares all of Lot 189 to be owned by the City and that “the Parties shall not allow usage of Lot 189 by the general public”. City officials claim that fishing and other recreational use of the land will not be affected by this Agreement, but we landowners wonder why this language is inserted into the Agreement. Further, the agreement has some confusing language regarding liability issues. It does clearly state the easement rights the City rightly requires for access to the sewer lines. We landowners support this easement and have no issue with it.

A better solution to the Lot 189 issue that has been consistently proposed by landowners is to extend existing property lines to the river, as has been done on all the other riverside lots on the island. All of the abutting landowners will grant an easement for the City to repair and maintain the sewer line as is common practice for landowners who own property which contains sewer lines. We landowners will allow traditional fishing and recreational use of the land by the public as we have in the past, and will incorporate such access into the wording of the new property deeds. A survey of land from 1832 labels the eastern river side as a “A passageway reserved for the benefit

of ... others to the upper mill dam as per Deed.” The same survey from 1832 labels the western river side land as “Reserved for the fish privilege extending to the rock.”

This is our proposed map for the extension of existing lot lines to the river.



Wall agree that the wording of the deeds is important for any creative and successful resolution of the abandoned land. Based on past history, we all agree that past usage has been acceptable. We landowners want to continue access to the river for all, and the City wants free access to the sewer system pipes. There needs to be an Agreement that respects all parties.

We, landowners abutting Lot 189, want to work with the City of Old Town to resolve the issue of ownership of this land. However, their use of condemnation and seizure on August 19, 2019 was incorrectly done. That action was discussed in an executive session of the subcommittee on May 6, 2019. On August 19, 2019, this special council meeting, with no more notice than a line in their agenda, condemned the land and seized it. Their failure to inform the citizens of Old Town who had appeared in discussion prior to this August action was a break in trust by the Council. But more importantly, it is a clear threat to every Mainer who expects open and forthright discussions from our governmental agencies.

The State of Maine requires a public notification that such an action is being considered before a governing body can use this aggressive legal maneuver. In addition, the State requires that a public meeting be scheduled to gain input from concerned citizens. Questionable legal advice offered to the subcommittee that because there was a sewer line under part of Lot 189, there was no need for the public notice. Thus, with no public notice and no public discussion, the land was seized by the City.

A frequent question asked those of us is “Why?” We have no idea why the City choose to spend more money on litigation than the property is worth. Indeed, the City seems willing to do anything it can to prevent a citizen based resolution to this land issue which makes all of us ask: Why?