

Island residents, city dispute land rights

Old Town faces questions over eminent domain plan

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Part of Lot 189 beside the river that Jim Mitchell claims as his own. In 2017, he sued the city of Old Town over the land dispute.

OLD TOWN — When the last known owner of a plot of land on Treat and Webster Island seemed to have abandoned the property in the 1930s, some nearby residents claimed parts of it as their own.

Now, they find themselves embroiled in a land dispute with the city over who really has rights to it.

The land in question — known as Lot 189 — sits along the southwestern end of the island, surrounded by the Penobscot River. One resident claims the lot was owned by the Union Land Company in the late 1890s, although after 1930, the company stopped filing annual reports, leaving a vacant lot behind.

Some 40 years later, the city installed a sewer main along the land. Thinking it had acquired the property before then but unable to locate a deed, the city condemned the lot in August to begin eminent domain proceedings — a process in which a government entity takes possession of private property for public use.

At the same time, residents who live beside lot 189 continued to make improvements on the land — such as longtime neighbors Leda Theriault, who put in a retaining wall in the 1960s, and Jim Mitchell, who installed raised garden beds and has developed other parts of the property for community use.

But the city's actions to take over the entire plot of land by eminent domain has led residents to ask what their rights are.

“I call it my land, the city calls it theirs and the lawyer says, ‘Show me [a] deed,’” he said. Mitchell and the city have quarreled over property rights over lot 189 in the past, which prompted him in 2017 to enter a legal claim to a portion of the land in court.

Last August, when the city condemned the property to take it by eminent domain, it left some residents unsure about what would happen to land they've enjoyed for decades.

“I'm thinking, ‘I don't even know what's going on,’” Theriault said to the City Council on Feb. 3. “I don't know what my problem might be on my part of the land that I have taken care of for 47 years.”

“We just don't know where we stand with our property,” she said.

In January, the city posted a nearly full-page notice in the Penobscot Times, telling people who claimed part of the land to file an action in court.

“We filed the Superior Court case to seek out anyone with a claim of ownership in Lot 189 and inviting them [through the public notice] that if anyone reading the paper has a claim, they should make that claim and attempt to prove it,” Bearor said.

The notice encouraged residents to file their claims with the Penobscot County Superior Court by Feb. 26.

“If anyone wants to make a claim and convince somebody wearing a black robe that they own the property, they'll get paid some money for it. It's that simple,” he said Feb. 3, although it's unclear if the city will try to establish some other kind of agreement with residents over the disputed land.

Days after the council meeting, Theriault and a couple other residents met with City Manager Bill Mayo to talk about the problem. Theriault did not say what was discussed, but suggested the residents may soon come to a resolution with the city.

“We are simply waiting on the City Council,” she said. At the next special council meeting, Mayo said the city could consider working out an agreement with the residents that would share access to the land — after the case is settled.

“We could try to figure out exactly how or if that will work,” he said to the councilors. “If you chose to do that, we could do that with those lot owners.”