

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 1712

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S.P. 617

In Senate, May 30, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator DUTREMBLE of York.

Cosponsored by Representative SHELTRA of Biddeford, Representative DUTREMBLE of Biddeford and Representative PLOURDE of Biddeford.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-NINE

---

Resolve, Authorizing the Director of the Bureau of Public Lands to Convey  
Certain State Property Within the City of Biddeford .

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(After Deadline)



1           **Director of the Bureau of Public Lands authorized to convey.**  
2     **Resolved:** That the Director of the Bureau of Public Lands is  
3 authorized to convey certain land as provided in the following  
4 agreement with the inhabitants of the City of Biddeford.  
5

6                                   BUREAU OF PUBLIC LAND  
7                                   DEPARTMENT OF CONSERVATION

8                                   PURCHASE AND SALES AGREEMENT

9  
10  
11           THIS AGREEMENT, is by and between the State of Maine, acting  
12 through its Bureau of Public Lands, Department of Conservation  
13 (hereinafter referred to as the "State"), and the Inhabitants of  
14 the City of Biddeford, Maine (hereinafter collectively referred  
15 to as the "Grantee"), in accordance with the provisions of 30  
16 M.R.S.A. Section 4169 and subject to the following terms and  
17 conditions:

18           (1) Subject to the terms hereof, the State shall convey all  
19 of its right, title and interest in and to a certain lot or  
20 parcel of land, (hereinafter referred to as the "premises"), as  
21 described in Exhibit A attached hereto.  
22

23           (2) The conveyance of the lot forming the premises shall be  
24 by deed to the Inhabitants of the City of Biddeford, Maine. No  
25 further obligation of the State of Maine, expressed or implied,  
26 is contained in this Agreement; and the Inhabitants of the City  
27 of Biddeford, Maine do hereby waive all claims or causes of  
28 action against the State of Maine, its agents or employees,  
29 relating to its or their management, ownership or administration  
30 of the premises.  
31

32           (3) No money for reason that tax liens had been filed by  
33 the City of Biddeford against this property. At the time the tax  
34 liens had been filed, none of the parties were aware that the  
35 State of Maine had any interest in the property.  
36

37           (4) The State shall convey the property by quitclaim deed  
38 without covenant.  
39

40           (5) The date of closing shall be within 30 days following  
41 the effective date of legislation authorizing this sale (the  
42 effective date is 90 days following adjournment of the  
43 Legislature.)  
44

45           (6) If for any reason the Grantee shall fail to meet the  
46 terms of this Agreement, in whole or in part, the agreement shall  
47 be terminated, subject to renegotiation at the discretion of the  
48 Director of the Bureau.  
49

50           (7) The grantee hereby acknowledges that it has had an  
51 opportunity to inspect the property or has voluntarily waived

1 such opportunity and that it understands and accepts the property  
and the terms of sale as represented herein.

3  
5 (8) The parties hereby acknowledge that Legislative  
authority is necessary to permit the terms hereof to be performed  
7 by the State, and that this Agreement, therefore, is made  
contingent upon the granting of such authority. In the event  
9 that the 114th session of the Legislature does not approve  
legislation authorizing this sale, this Agreement shall terminate  
11 on the date of legislative adjournment of the regular session in  
1989.

13 (9) The Grantee hereby certifies that it has full power and  
authority to act on behalf of the Grantee and that its signature  
15 affixed hereto binds the Grantee to the terms of this Agreement.  
In the event the Grantee shall default for any reason, in whole  
17 or in part, the agreement shall be terminated, subject to  
renegotiation by the Director of the Bureau at his sole  
19 discretion.

21 (10) The Grantee accepts the premises and any improvements  
thereon "as is," and without any representation or warranty as to  
23 any of the property, its condition or any matter not explicitly  
provided for in this Agreement. If any approval or permit of any  
25 governmental entity is necessary to the conveyance of the  
premises as provided for herein, the Grantee will make all  
27 arrangements, at his cost, to secure such approval(s) or  
permit(s), and the State shall cooperate in connection therewith  
29 but without cost to it.

31 (11) Notwithstanding any provision hereof, the State shall  
not convey any land or interest therein which comprises a public  
33 road or a great pond.

35 (12) This document constitutes the entire agreement between  
the parties; all amendments shall be in writing and executed by  
37 the parties hereto.

39 (13) The purpose of this agreement is to convey any  
interest, if any, to the State of Maine, may have acquired in and  
41 to said land by escheat from the estate of Beryl Hooper, and to  
resolve a title defect in the property.

43 FOR THE STATE:

FOR THE GRANTEE:

45

47

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51

Michael Cantara, Mayor  
Attorney in Fact for the  
Inhabitants of the City  
of Biddeford

Date: \_\_\_\_\_ Date: \_\_\_\_\_

1 EXHIBIT A

3 PARCEL #1

5 A certain lot or parcel of land situated on the Northerly side of  
7 the Andrews Road in the City of Biddeford, County of York, State  
of Maine more particularly bounded and described as follows:

9 Beginning at an iron pipe at the intersection of the  
11 Northeasterly sideline of the Andrews Road with the Southeasterly  
13 sideline of what was formerly the Drews Mills Road, now  
discontinued, said iron pipe being the southwesterly corner of  
land herein described.

15 Thence, N 35°-35'-35" E along said former location of the Drews  
17 Mills Road, a distance of one thousand six hundred three and  
19 fifty-five hundredths (1603.55) feet to an iron pipe and land now  
or formerly of Charles W. Smith, as described in Book 769 page  
308;

21 Thence S 54°-41'-40" E along said land now or formerly of Smith,  
23 a distance of six hundred seventy-nine and sixty-one hundredths  
(679.61) feet to a point, said point being the Southwest corner  
25 of land conveyed by Fillmore Hooper and Mary O. Hooper to Emile  
27 P. Drouin by deed dated July 13, 1953 and recorded in the York  
County Registry of Deeds in Book 1230 page 513, and land now or  
29 formerly of the City of Biddeford, being the first parcel of land  
described in a deed from the Casco Bank & Trust Co., to the City  
of Biddeford, dated November 24, 1982 and recorded in the York  
County Registry of Deeds in Book 3014 page 48;

31 Thence, S 55°-15'-50" E along said land now or formerly of the  
33 City of Biddeford, a distance of six hundred sixty-eight and  
eight hundredths (668.08) feet to a point and land now or  
35 formerly of Claude P. Dubois and Claire M. Dubois, as described  
in Book 2302 page 332 and Book 2302 page 335;

37 Thence, S 35°-32'-40" W along said land now or formerly of  
39 Dubois, a distance of three hundred forty-seven and five  
hundredths (347.05) feet to a point, said point being the  
41 Northerly corner of land conveyed by Frank C. Moulen, Sr., to  
Emile Drouin by deed dated November 24, 1954 and recorded in the  
43 York County Registry of Deeds in Book 1271 page 569, and land now  
or formerly of the City of Biddeford, being the second parcel of  
45 land described in said deed from the Casco Bank & Trust Co.;

47 Thence, S 36°-31'-15" W along said land now or formerly of the  
49 City of Biddeford, a distance of four hundred twenty-nine and  
eighty-two hundredths (429.82) feet to a point, said point being  
the Easterly corner of land conveyed by Mary O. Hooper to Emile  
51 Drouin by deed dated November 6, 1953 and recorded in the York  
County Registry of Deeds in Book 1241 page 389, and other land

1 now or formerly of the City of Biddeford, as described in Book  
1361 page 345;

3  
5 Thence, N 55°-28'-45" W along said other land now or formerly of  
the City of Biddeford, a distance of two hundred and no  
hundredths (200.00) feet to a point;

7  
9 Thence, N 55°-48'-45" W along said other land now or formerly of  
the City of Biddeford, a distance of two hundred fifty-seven and  
no hundredths (257.00) feet to a point, said point being the  
11 Easterly corner of land conveyed by Frank C. Moulen, conservator  
of Mary O. Hooper, to Emile Drouin and Theresa Drouin by deed  
13 dated April 22, 1958 and recorded in the York County Registry of  
Deeds in Book 1376 page 101, and other land now or formerly of  
15 the City of Biddeford, being the third parcel in said deed from  
the Casco Bank & Trust Co. to the City of Biddeford, dated  
17 November 24, 1982 and recorded in the York County Registry of  
Deeds in Book 3014 page 48;

19  
21 Thence, N 55°-48'-45" W along said other land now or formerly of  
the City of Biddeford, a distance of two hundred ninety and no  
hundredths (290.00) feet to a point;

23  
25 Thence, S 35°-40'-25" W along said other land now or formerly of  
the City of Biddeford, a distance of six hundred sixty-two and  
seventy-six hundredths (662.76) feet to a point and said  
27 Northeasterly sideline of the Andrews Road;

29 Thence, N 79°-52'-40" W along said Northeasterly sideline of the  
Andrews Road, a distance of one hundred twenty-three and  
31 forty-one hundredths (123.41) feet to a point;

33 Thence N 68°-23'-00" W along said Northeasterly sideline of the  
Andrews Road, a distance of three hundred forty-five and  
35 ninety-two hundredths (345.92) feet to a point;

37 Thence N 63°-34'-55" W along said Northeasterly sideline of the  
Andrews Road, a distance of one hundred forty-eight and one  
39 hundredth (148.01) feet to an iron pipe and the point of  
beginning.

41  
43 Said Parcel contains 34 Acres, more or less.  
Said Bearings refer to Grid North-Maine Coordinate System-West  
Zone.

45  
47 Said herein described parcel being subject to various  
right-of-ways of record.

49  
51 Being a portion of Parcel "A" as shown on a "Plan Showing a  
Standard Boundary Survey made for the City of Biddeford, Maine,  
on the Andrews Road in Biddeford, Maine", dated July 26, 1988 by

1 the City of Biddeford, Maine Engineering Department, File No. TD  
811.

3  
5 Being a portion of the premises conveyed by Harriet Hooper to  
Fillmore Hooper by deed dated October 29, 1908 and recorded in  
7 the York County Registry of Deeds in Book 570 page 522, and being  
a portion of the premises conveyed by Fillmore Hooper to Mary O.  
9 Hooper by deed dated October 28, 1921 and recorded in the York  
County Registry of Deeds in Book 697 page 23.

11 PARCEL #2

13 A certain lot or parcel of land situated Northeasterly of but not  
15 adjacent to the Andrews Road in the City of Biddeford, County of  
York, State of Maine, more particularly bounded and described as  
follows:

17 Beginning at a point marking the Easterly corner of land now or  
19 formerly of the City of Biddeford, being the first parcel in a  
deed from the Casco Bank & Trust Co. to the City of Biddeford,  
21 dated November 24, 1982 and recorded in the York County Registry  
of Deeds in Book 3014 page 48, said point also being the Easterly  
23 corner of land conveyed by Fillmore Hooper and Mary O. Hooper to  
Emile P. Drouin by deed dated July 13, 1953 and recorded in the  
25 York County Registry of Deeds in Book 1230 page 513;

27 Thence, N 54°-10'-00" W along said land now or formerly of the  
City of Biddeford, a distance of three hundred ninety-eight and  
29 seventy-two hundredths (398.72) feet to a point and land now or  
formerly of Charles W. Smith, as described in Book 664 page 170;

31 Thence N 31°-58'-10" E along said land now or formerly of Smith,  
33 a distance of one hundred forty and ninety-six hundredths  
(140.96) feet to a point;

35 Thence, S 55°-23'-35" E along said land now or formerly of Smith,  
37 a distance of two hundred fifteen and twenty-four hundredths  
(215.24) feet to a point;

39 Thence, S 49°-00'-35" E along said land now or formerly of Smith,  
41 a distance of one hundred ninety-three and eight hundredths  
(193.08) feet to a point and land now or formerly of Clair's  
43 Inc., as described in Book 3444 page 48;

45 Thence, S 35°-30'-10" W along said land now or formerly of  
Clair's Inc., and along land now or formerly of Claude P. Dubois  
47 and Claire M. Dubois, as described in Book 2302 page 332 and 335,  
a distance of one hundred twenty-seven and eighty-nine hundredths  
49 (127.89) feet to the point of beginning.

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Said parcel contains 1.3 Acres, more or less.  
Said bearings refer to Grid North-Maine Coordinate System-West Zone.

Said herein described parcel being Parcel "E" as shown on a "Plan Showing a Standard Boundary Survey made for the City of Biddeford, Maine, on the Andrews Road in Biddeford, Maine", dated July 26, 1988 by the City of Biddeford, Maine Engineering Department, File No. TD 811.

Said herein parcel being the same premises conveyed by George P. Waterhouse to Fillmore Hooper by deed dated December 5, 1916 and recorded in the York County Registry of Deeds in Book 650 page 226, and being a portion of the premises in a deed from Fillmore Hooper to Mary O. Hooper, dated October 28, 1921 and recorded in the York County Registry of Deeds in Book 697 page 23.

PARCEL #3

A certain lot or parcel of land situated Northeasterly of but not adjacent to the Andrews Road in the City of Biddeford, County of York, State of Maine, more particularly bounded and described as follows:

Beginning on the southwesterly side of said road at the corner of land formerly of William H. Hutchins; thence southwesterly by said Hutchins land eighty (80) rods to corner of land formerly owned by O.D. Dolliff thence northwesterly by said Dolliff land to land formerly owned by Joshua Hooper, now land of grantee; thence northeasterly by said Hooper land and across said road, one hundred and five (105) rods, more or less to a corner; thence northwesterly by said Hooper land forty (40) rods, more or less to a corner, thence northeasterly twenty-four (24) rods to a corner, thence northwesterly four (4) rods to a corner; thence northeasterly by land formerly owned by M.M. Miliken, twenty-two (22) rods to land of Joseph Hill; thence southeasterly by said Hill land forty-four (44) rods to a corner; thence northeasterly two (2) rods to a corner; thence southeasterly by land of E. W. Staples thirty (30) rods, more or less, to a corner; thence northeasterly by said Staples land sixty (60) rods, more or less, to a corner; thence southeasterly by said Staples land fifty (50) rods more or less, to a corner; thence southwesterly in a straight line one hundred and thirty-three (133) rods, more or less, to the point of beginning.

EXCEPTING FROM THE ABOVE DESCRIBED PARCEL OF LAND THE FOLLOWING PARCELS OF LAND:

A certain lot or parcel of land situated in Biddeford, beginning at a corner of stone wall bounded by a stone wall fence one hundred rods northeast more or less to an iron post, thence thirty rods more or less southeast bounded by a stone wall fence to corner, thence one hundred rods more or less southwest to a



1 corner on a big rock on the old Drews Mills road, thence on the  
Andrews road so-called, thirty rods, more or less by a stone wall  
3 fence going west to the corner of beginning.

5 Also, a certain lot or parcel of land situated in said Biddeford  
on the southerly side of the Andrews Road, so-called, and being  
7 bounded and described as follows: Beginning on the southerly  
side of the Andrews Road at the division line between land herein  
9 conveyed and land of one Moulen said line being marked by a stone  
wall set back from said road; thence turning and running along  
11 said road in a southeasterly direction 80 rods more or less to  
line of land of one Lamothe, said line being marked by a stone  
13 wall, and being approximately one foot southeasterly from a large  
elm tree; thence turning and running in a southwesterly direction  
15 by said Lamothe land along a stone wall fence and a line ditch  
17 176 rods more or less to a large pine tree and corner of land of  
Lamothe, the land herein conveyed and land of one Norman; thence  
turning and running in a northwesterly direction by said Norman  
19 land, said line being marked by a ditch; said ditch being on the  
land herein granted, 80 rods, more or less, to a corner; thence  
21 turning and running in northeasterly direction by land of said  
Norman and by land of one Moulen, the said line being marked by a  
23 ditch on the land herein granted for a portion of the way, and  
also marked for a portion of the way by a stone wall, a distance  
25 of 176 rods, more or less to the Andrews Road and point of  
beginning.

27 Also, a certain lot or parcel of land located in Biddeford, and  
29 bounded and described as follows: Beginning at the southwesterly  
corner of land of the grantee and the southeasterly corner of the  
31 land herein granted and at the line of one Norman; thence in a  
northeasterly direction by other land of Moulen across the  
33 Andrews Road, so-called, by land of one Welch approximately one  
hundred forty (140) rods more or less to other land of the  
35 grantor; thence turning and running in a northwesterly direction  
by other land of the grantor approximately forty (40) rods, be  
37 the same more or less, to an iron pipe driven into the ground and  
other land of the grantor; thence turning and running in a  
39 southerly direction and by other land of the grantor and crossing  
the Andrews Road a distance of one hundred forty (140) rods, be  
41 the same more or less, to an iron pipe driven into the ground and  
land of one Norman; thence turning and running in an easterly  
43 direction by said Norman's land approximately forty (40) rods, be  
the same more or less, to land of the grantee and the point of  
45 beginning.

47 Also, a certain lot or parcel of field land situated in  
Biddeford, Maine and being a part of the home farm of the  
49 grantors, bounded and descried (sic) as follows: beginning at  
the northeasterly corner of land now or formerly of one McIntire;  
51 thence by other land of the grantors in a nearly northeasterly  
direction seven hundred feet (700) to other land of the grantors;

1           thence at nearly right angles and running in a generally  
3           southerly direction six hundred fifty-nine feet (659) to other  
5           land of grantors; thence turning at nearly right angles and  
7           running in a generally northwesterly direction six hundred feet  
9           (600) to other land of the grantors; thence at nearly right  
11           angles with the last described line and running in a generally  
13           northerly direction by other land of the grantors and land now or  
15           formerly of said McIntire six hundred sixty-three feet (663) to  
17           point of beginning. Said premises being completely surrounded by  
19           an old stone wall.

11

13           Also, land situated in Biddeford, b. Beginning at an oak tree on  
15           E. side of Andrews Road & at southwest corner of conveyed lot and  
17           land of Ham; thence northwest by said road 500 feet, more or less  
19           to an iron post; thence north by Lucein Bourque land 1200 feet,  
21           more or less to and (sic) iron post; thence northeast by land of  
23           Mary O. Hooper, 500 feet, more or less to an oak tree; thence  
25           southwest 1200 feet more or less to land of Ham, oak tree & point  
27           of beginning.

21           The descriptions of Parcel #3 and its exceptions listed above  
23           have been copied verbatim from the following deeds recorded in  
25           the York County Registry of Deeds: Book 616 page 47, Book 1131  
27           page 78, Book 1152 page 404, Book 1162 page 169, Book 1230 page  
29           513 and Book 1397 page 558.

27           Being a portion of the premises conveyed by Onesime Brunelle to  
29           Fillmore Hooper by deed dated April 22, 1913 and recorded in the  
31           Y.C.R.D. in Book 616 page 47, and being a portion of the premises  
33           conveyed by Fillmore Hooper to Mary O. Hooper by deed dated  
35           October 28, 1921 and recorded in the Y.C.R.D. in Book 697 page 23

33

PARCEL #4 + #5

35           A certain lot or parcel of land situated in said Biddeford  
37           bounded and described as follows. Commencing at the  
39           southeasterly corner of land of Daniel Smith and William  
41           Hutchins; thence southwesterly 13 1/2 rods; thence northwesterly  
43           by land of Octavus D. Dolliff about thirty rods; thence  
45           northeasterly by land of said Dolliff 13 1/2 rods; thence  
47           southeasterly by land of the said Smith about 30 rods to point of  
49           beginning, said land containing two and one half acres, more or  
51           less.

45           Being a portion of the premises conveyed by Onesime Brunelle to  
47           Fillmore Hooper by deed dated October 15, 1913 and recorded in  
49           the York County Registry of Deeds in Book 627 page 151, and being  
51           a portion of the premises conveyed by Fillmore Hooper to Mary O.  
            Hooper by deed dated October 28, 1921 and recorded in the York  
            County Registry of Deeds in Book 697 page 23.

51

1 Also, a certain lot of land situated in said Biddeford and  
described as follows, viz: Beginning on the Mill stone rock by  
3 land formerly owned by George Buzzell; thence southeast by said  
Buzzell's land thirty and one half rods to a stake in the Heath;  
5 thence southwest twenty-five and two-thirds rods to a stake by a  
rock; thence northwest thirty and one half rods to a stake near a  
7 white oak tree spotted; thence north east twenty-five and two  
thirds rods to the place of beginning: containing six acres be  
9 the same more or less.

11 Being a portion of the premises conveyed by Onesime Brunelle to  
Fillmore Hooper by deed dated October 15, 1913 and recorded in  
13 the York County Registry of Deeds in Book 627 page 151, and being  
a portion of the premises conveyed by Fillmore Hooper to Mary O.  
15 Hooper by deed dated October 28, 1921 and recorded in the York  
County Registry of Deeds in Book 697 page 23.

17

19

#### STATEMENT OF FACT

21

23 The transaction outlined in this resolve involves the  
conveyance of any interest the State of Maine may have acquired  
in land by escheat from the estate of Beryl Hooper in order to  
25 resolve a title defect in the property.