



TOWN OF KITTELY MAINE

TOWN PLANNING DEPARTMENT

200 Rogers Road, Kittery, Maine 03904
 PHONE: (207) 475-1323
 Fax: (207) 439-6806
www.kittery.org

APPLICATION: RIGHT-OF WAY PLAN REVIEW (APPLICABLE FOR A SINGLE LOT)

FEE FOR REVIEW	<input type="checkbox"/> \$300.00	Amount Paid: \$ _____	Date: 10-19-2021
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PROPERTY DESCRIPTION	Parcel ID	Map	Lot	Zone(S): Base	Overlay	MS4	Total Land Area
	Physical Address						

Map: 11 Lot: 29-2 Zone(S): S/R Total Land Area: 4.78 AC
 Physical Address: MARTIN ROAD

PROPERTY OWNER'S INFORMATION	Name	Phone	Fax	Email	Mailing Address
	William & Cathy Cullen	207-252-1437		wajcullen@gmail.com	
	12 Roseberry Lane Kittery, ME 03904				

APPLICANT'S AGENT INFORMATION	Name	Phone	Fax	Email	Name of Business / Mailing Address
	Caroline Hall	978-210-0088		cghall63@gmail.com	
	21 Happy Ave Kittery, ME 03904				

DESCRIPTION	Existing Conditions:	4.78 AC with 2 existing condo homes. Legal frontage on Martin Rd. No way to access Martin Road Caroline Hall uses Happy Ave for access and Cullens use Roseberry Lane for access.
	Proposed legal and physical changes: (Documents for dedication of the ROW, maintenance agreements, riders to deeds, grading, drainage and pavement, etc.)	Proposed ROW to be in Caroline Hall name, this ROW allows 150' frontage for Hall & Cullen. Cullen will use Roseberry & Hall Happy Ave.

I certify that, to the best of my knowledge, the information provided in this application is true and correct and will not deviate from the Plan submitted without notifying the Kittery Town Planning Department of any changes.

Applicant's Signature:	Caroline B. Hall	Owner's Signature:	[Signature]
Date:	10/19/2021	Date:	10-19-2021



BK 17268 PGS 276 - 277 07/05/2016 02:14:36 PM
 INSTR # 2016025293 DEBRA ANDERSON
 RECEIVED YORK SS REGISTER OF DEEDS

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, That I, **JAMES P. JOHNSON**, of Kittery, County of York and State of Maine, for consideration paid, grant to **WILLIAM CULLEN** and **CATHY A. CULLEN**, husband and wife, both of Eliot, County of York and State of Maine, whose mailing address is 113 Old Farm Lane, Eliot, Maine 03903, with **WARRANTY COVENANTS**, as joint tenants, a certain lot or parcel of land, together with any improvements located thereon, situated off Happy Avenue, in the Town of Kittery, County of York and State of Maine, and being more specifically bounded and described as follows:

Beginning at an iron pipe at the northerly corner of land now or formerly of Vance Stitham, which point is also the intersection of said Stitham land with that of the Southern Maine Fish and Game Association, Inc. and the easterly end of Happy Avenue; thence continuing South 54° 12' 29" West 180.00 feet to a point; thence North 35° 47' 31" West 25.00 feet to a point; thence North 54° 12' 29" East 153.29 feet to an iron pipe; thence North 82° 41' 20" West 36.59 feet to an iron pipe being the place of beginning.

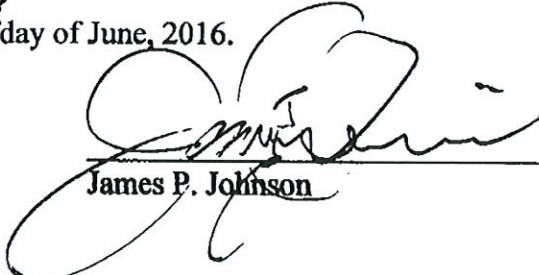
The foregoing property is shown as Tax Map 11, Lot 45-B in the Assessor's Records of the Town of Kittery.

Meaning and intending to convey and hereby conveying a portion of the premises conveyed to James P. Johnson by (1) a warranty deed from Abby L. Johnson dated July 6, 2012 and recorded in the York County Registry of Deeds at Book 16369, Page 346 and (2) quit-claim deed with covenants from Leonore F. Puffer dated December 18, 2009 and recorded in the York County Registry of Deeds at Book 15794, Page 174 and (3) by a municipal release deed from the Inhabitants of the Town of Kittery dated April 12, 2012 and recorded in the York County Registry of deeds at Book 16306, Page 80.

WITNESS my hand this 29th day of June, 2016.



 Witness



 James P. Johnson

No R.E. Transfer Tax Paid

2pg > Dean Bouffard

STATE OF MAINE

COUNTY OF YORK

June 29, 2016

Personally appeared before me the above-named **James P. Johnson**, known to me or satisfactorily proven to be the person who executed the within document, and acknowledged the foregoing instrument to be his voluntary act and deed.


Before me,

Dean K. Bouffard
Notary Public *Attorney-at-Law*

Print Name: Dean K. Bouffard

3P →

After recording return to:
Jason G. Howe, Esq.
Bergen & Parkinson, LLC
62 Portland Road, Suite 25
Kennebunk, ME 04043

DEBRA L. ANDERSON, REGISTER OF DEEDS

Bk 17740 PG 288
 Instr # 2018023586
 06/25/2018 04:13:24 PM
 Pages 3 YORK CO

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WARRANTY DEED

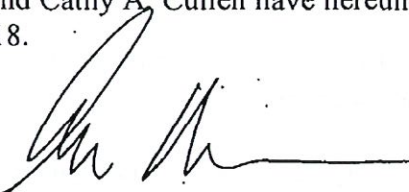
KNOW ALL PERSONS BY THESE PRESENTS, that **WILLIAM CULLEN** and **CATHY A. CULLEN**, of Kittery, York County, Maine, FOR CONSIDERATION PAID, hereby grants to **WILLIAM CULLEN**, whose mailing address is 12 Roseberry Lane, Kittery, Maine 03904, with WARRANTY COVENANTS, a certain lot or parcel of land, together with any improvements thereon and all rights appurtenant thereto, situated off Happy Avenue, located in the Town of Kittery, County of York, Maine; being more particularly described as follows:

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE


IN WITNESS WHEREOF, William Cullen and Cathy A. Cullen have hereunder set their hands and seals as of this 4 day of June 2018.

NO R.E. TRANSFER TAX PAID

Witness 


William Cullen

Witness 

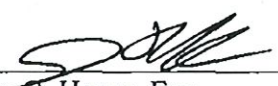

Cathy A. Cullen

STATE OF MAINE
COUNTY OF YORK, ss.

June 4, 2018

Personally appeared the above-named William Cullen and Cathy A. Cullen and acknowledged the foregoing instrument to be their free acts and deeds.

Before me,


Jason G. Howe, Esq.
Attorney at Law

Jason G. Howe
ATTORNEY AT LAW

EXHIBIT A

A certain lot or parcel of land, together with any improvements located thereon, situated off Happy Avenue, in the Town of Kittery, County of York and State of Maine, and being more specifically bounded and described as follows:

BEGINNING at an iron pipe found at the southwest corner of land of Southern Maine Fish & Game, said point also marking the southeast corner of property now or formerly of Randy M. & Sharon E. Navarro;

N 8°03'00" E 30.94' along a stone wall to a point;

S 80°14'50" E 84.30' to a point on the southeasterly side of a 30' sewer easement;

S 80°14'50" E 30.58' to the northeasterly side of a 30' sewer easement;

S 80°14'50" E 248.21' to a point marking the southwest corner of Parcel B of the Happy Ave Condominium;

S 80°14'50" E 77.62' to the southeast corner of Parcel B of the Happy Ave Condominium;

N 9°46'10" E 53.68' to the southwest corner of Unit #1;

S 81°12'50" E 121.78' to a point;

S 29°53'20" E 28.48' to the common corner of Unit 1 and Unit 2;

S 29°53'20" E 150.01' to a stone wall at land of Worthing;

S 66°33'00" W 92.01' along the stone wall to a drill hole at a corner of stone walls;

N 29°49'20" W 136.60' by a stone wall;

S 81°04'10" W 10.98' to the end of the stone wall;

N 79°57'20" W 61.23' to a 30' right-of-way;

N 79°57'20" W 62.88' to an iron pipe;

N 80°14'20" W 275.89' to an iron pipe;

N 78°50'00" W 48.00' to an iron pipe;

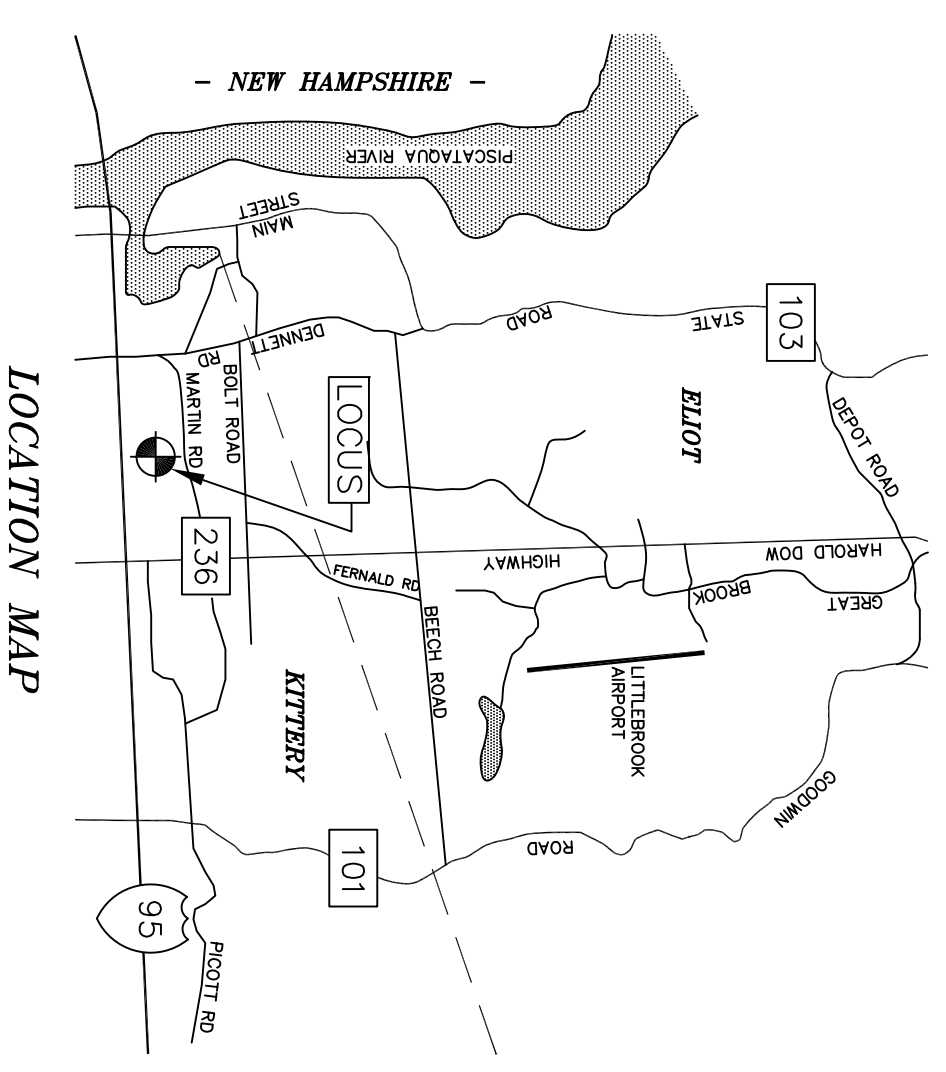
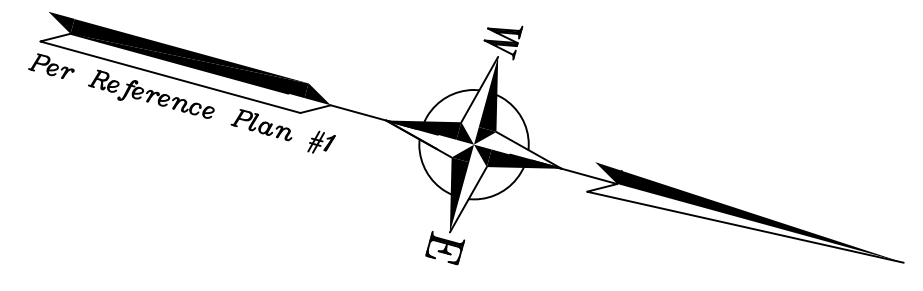
N 82°47'50" W 36.06' to a point;

N 82°41'20" W 16.48' to the POINT OF BEGINNING.

Containing 35,584 s.f.±

This property will be subject to the rights of a certain Unit 1 of Happy Avenue Condominium to be declared hereafter. Title reference is made here for ease of abstracting, and not to convey said rights.

MEANING AND INTENDING to convey and hereby conveying the same premises conveyed to William Cullen and Cathy A. Cullen by Warranty Deed of James P. Johnson, dated June 29, 2016, recorded in the York County Registry of Deeds in Book 17268, Page 276.



NOTES

1. THE PURPOSE OF THIS PLAN IS TO DEPICT A RIGHT-OF-WAY TO BE TO THE TOWN OF KITTERY, MAINE. THE SITE IS IDENTIFIED ON THE TOWN OF KITTERY TAX ASSESSING MAP AS MAP 11 LOT 25.
2. SEE DECLARATION OF CONDOMINIUM YCRD BK. P.
3. THE TOTAL AREA OF THE RIGHT-OF-WAY TO BE DECLARED IS 44,054 S.F.

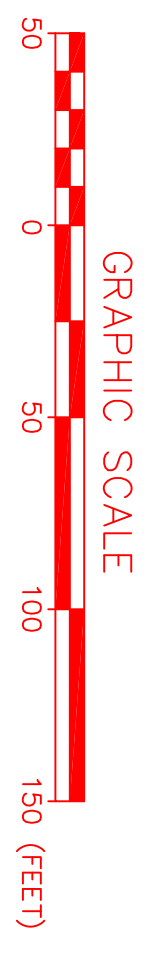
REFERENCE DEEDS

1. TITLE SOURCE DEED YCRD BK. P
2. ACCESS DEEDS TO MAP 97 LOT 18 FROM ROSEBERRY LANE YCRD BK1713 P.7, BK. 17314 P.1.
3. CORRECTIVE ACCESS DEEDS TO MAP 97 LOT 18 FROM ROSEBERRY LANE TO BE RECORDED.
4. SEE DECLARATION OF CONDOMINIUM YCRD BK. P

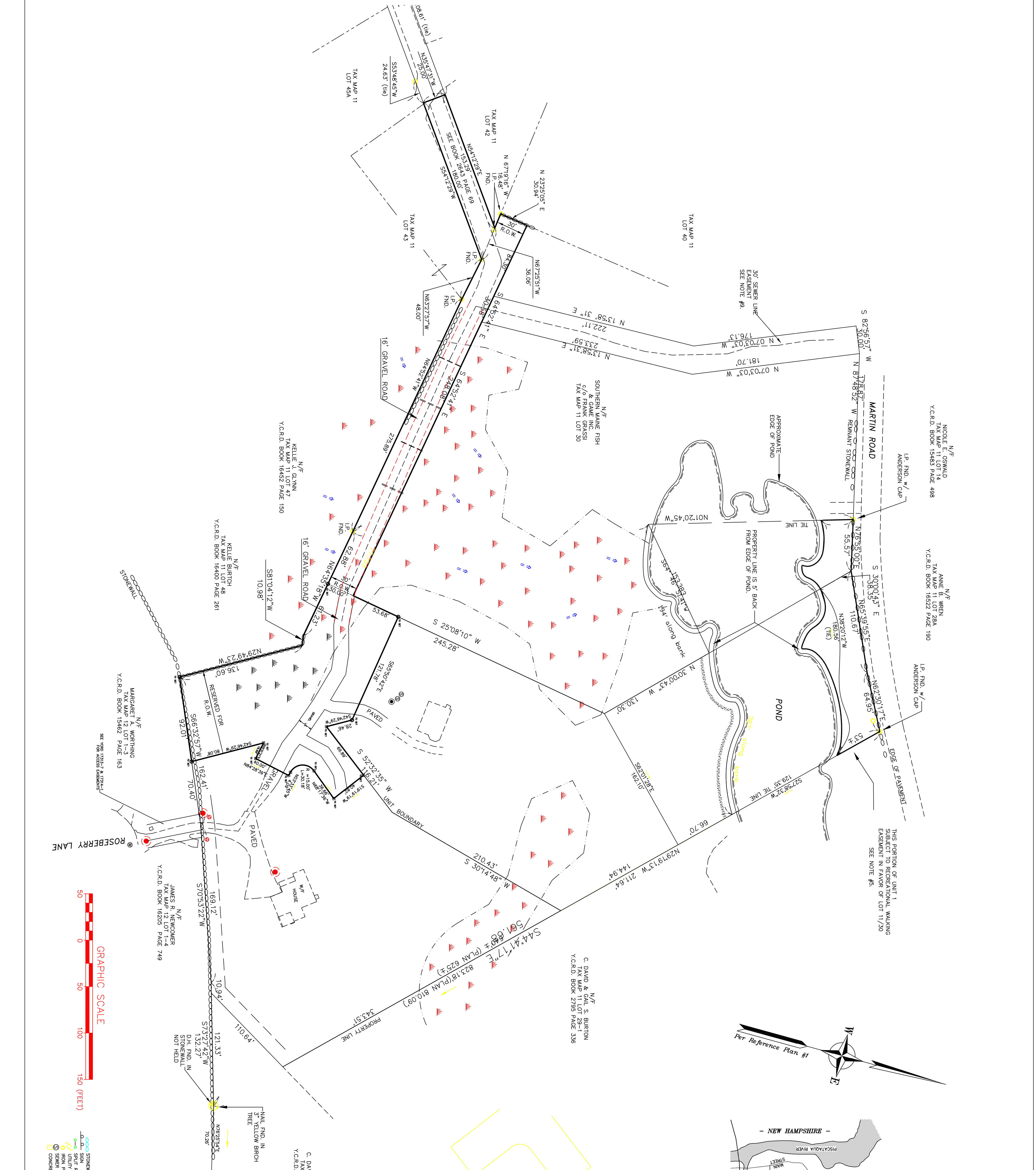
REFERENCE PLANS

1. "WETLAND CROSSING PLAN" BY EASTERLY SURVEYING, PROVIDED BY OWNER.
2. "PLAN OF LAND, MARTIN ROAD, KITTERY, MAINE FOR DOROTHY ANN JOHNSON" BY ANDERSON ASSOCIATES DATED JUNE 1980 AND RECORDED.
3. "PLAN OF PROPERTY AND POND FOR SOUTHERN MAINE FISH AND GAME ASSOCIATION, LOCATED IN KITTERY, YORK COUNTY, MAINE" BY B.S. GERRISH DATED OCT. 1983 AND RECORDED Y.C.R.D. PLAN BOOK 20 PAGE 30.
4. "PROPERTY IN KITTERY, YORK COUNTY, MAINE, PLAN SHOWING A PORTION OF PROPERTY OF FAUSTENA ANDERSON BY WOLLETON ENGINEERING DATED DEC. 1957 AND RECORDED Y.C.R.D. PLAN BOOK 28 PAGE 3.

FOR REVIEW



- STONEWALL
- SOFT RAIL FENCE
- IRON PIPE FOUNDED
- UTILITY POLE
- CONCRETE HIGHWAY BOUND



RIGHT-OF-WAY PLAN
OFF HAPPY AVE
KITTERY, ME 03904
TAX MAP 11 LOT 29

PREPARED FOR
WILLIAM & CATHY CULLEN
12 ROSEBERRY LANE
KITTERY, ME 03904

OWNER OF RECORD:
WILLIAM & CATHY CULLEN
YCRD BK. 16369 P. 346

BY
AMSDEN FIELD SURVEY
799 MAIN ST.
ELIOT, ME 03903

SCALE 1"=50'
DATE 10/29/19