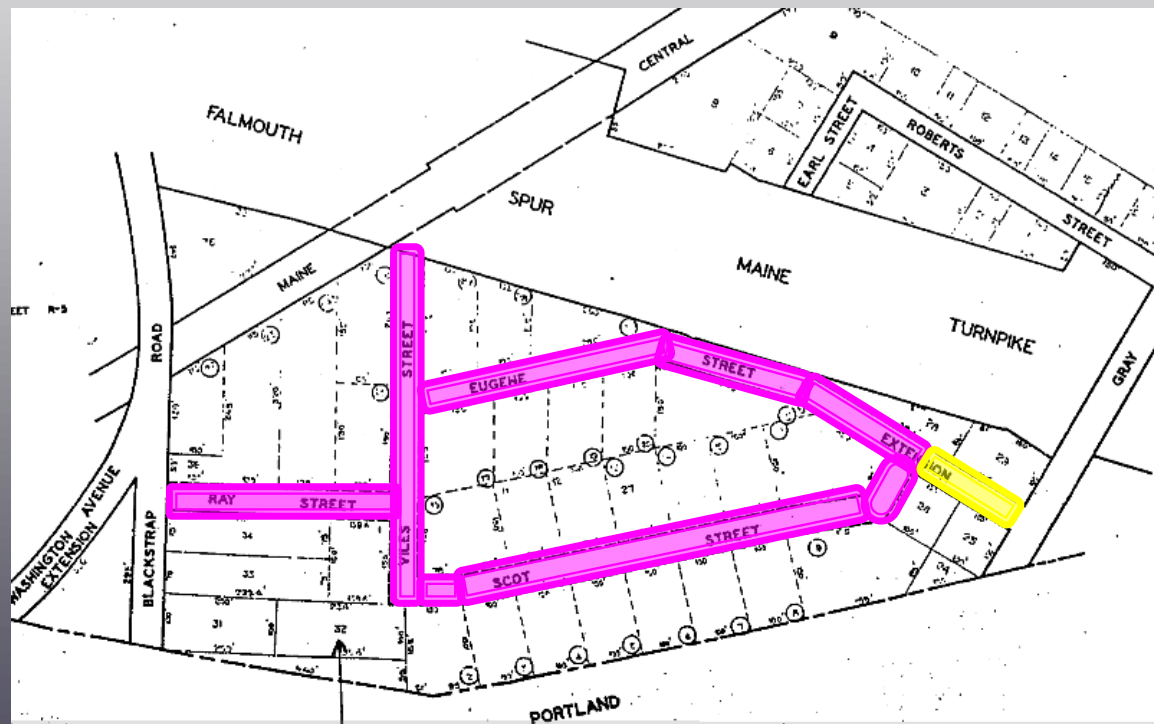




# Paper Streets Introduction

## May 2017



Paper Street: A road depicted on a recorded subdivision plan, but which has never been built or accepted (by the town) as a public way.



-  Built and Accepted
-  Un-built and Unaccepted (paper street)

## Access/Rights:

There are public and private rights in paper streets. Maine law dictates the nature of those public and private rights, the termination of those rights, and mechanisms for determining who owns the land “under” the paper street.

The Town’s focus is solely on certain public rights that will automatically expire if the Town takes no action prior to September 15, 2017



*Penacook Rd.*

Public Rights: The recording of a subdivision plan is generally considered a dedication to the public to accept or use the streets shown on the plan as public ways. Conversely, Vacating a paper street extinguishes these rights.

Private Rights: All lot owners in the subdivision generally acquire private rights-of-way over all the roads depicted on the plan (These rights may continue even if the town vacates the paper street).

## Summary of Process

For municipalities that exempted certain unaccepted ways, or paper streets, from being deemed vacated by operation of law, the 2017 deadline for the next and final 20-year extension is approaching. According to Maine law, a proposed, unaccepted way laid out on a subdivision plan recorded prior to September 29, 1987 is deemed to have been vacated if by September 29, 1997 (or 15 years after the subdivision plan is recorded, whichever is later) the way has not been constructed, used or accepted as a public way or easement.

The law provides one exception to that rule: municipalities may prevent an automatic vacation by filing a notice of extension in the registry of deeds. Municipalities may file for an additional 20-year extension by filing a new notice prior to the expiration of the first 20-year period.

### What This Means for Municipalities:

Extensions that were filed in 1997 will expire in 2017. Affected municipalities have until 2017 to review the list of paper streets that were saved from automatic vacation and determine which, if any, of those proposed ways should be saved from vacation for an additional 20 years.

*Source: Portland Press Herald (May 2016)*

# History

August 25, 1997 Action:  
Council Extended the  
Deadline of Automatic  
Vacation for 20 years

Inventory:  
35 Paper Streets Listed

054633

BK | 33 | 8PG264

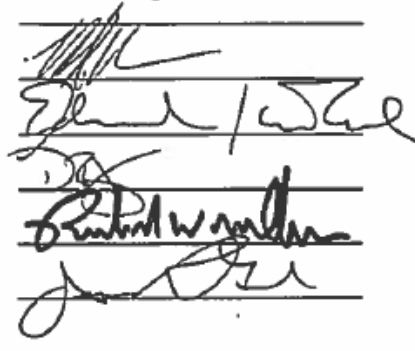
NOTICE TO EXTEND DEADLINE OF AUTOMATIC VACATION  
OF "PAPER STREETS"  
23 MRSA ss 3032

TOWN OF FALMOUTH

This Notice is made pursuant to 23 MRSA ss 3032. After due consideration, the municipal officers of the Town of Falmouth hereby vote to except from the operation of the time limitations of ss 3032 the proposed, unaccepted ways (commonly known as "Paper streets"), or portions thereof, which are described on the sheet attached hereto and incorporated herein as Exhibit "A".

This vote extends, for a period of twenty (20) years from the recording of this Notice, the time in which the ways described in Exhibit "A" will be subject to the operation of ss 3032. During that 20-year period, the rights of incipient dedication to public and private use of such ways shall remain in effect unless otherwise terminated or accepted in accordance with law.

Dated: August 25, 1997

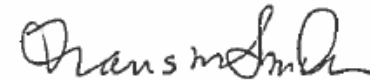


Municipal Officers  
Falmouth  
STATE OF MAINE  
Cumberland County, ss.

Date: Aug 25, 1997

Personally appeared before me the above-named  
David Murray, Edmund Kitchel, Richard Mulheew  
James Graul, John Holson  
being duly authorized municipal officers of the Town of Falmouth, and made oath  
that the foregoing is their free act and deed.

Notary Public



My commission expires:

Frances M. Smith, Notary Public  
State of Maine  
My Commission Expires 1/23/2001

Townder/Paper streets extension

# Guiding Principals in the Review for Possible Public Interest

New road: Street/Neighborhood Connectivity

Turn-around for municipal services

Access to vacant lots within the subdivision

Links to existing or potential trails

Links to public property (schools, parks, recreational facilities)

Water access

Current or potential utility needs (sewer, water, drainage, etc.)



# Inventory

(Enclosed in your Agenda Packet)

EXHIBIT "A"

Road Name	Town Tax Map	Subdivision Plan Book & Page Number	Subdivision Plan Name	Road Description
Unnamed	HL-3	Bk 17 Pg 49	Plan of Lots on Southeast Shore of Highland Lake, Falmouth Maine	Runs from the end of Road 4 all the way to Road 5.
Unnamed	R-9	None	None	Starts off of Road 6 just past Lot 53B and ends at the public boat launch, intersecting with Road 6.
Reg-Roc Road	U-1	Bk 17 Pg 21	Bay Shore	The end of Reg-Roc Road from the point where Bay Shore Drive intersects Reg-Road to the high water mark.
Riverside Drive	U-1	Bk 14 Pg 81	Falmouth Gardens	Runs perpendicular to Sunset Avenue, to the high water mark.
Ivy Place	U-1	Bk 14 Pg 81	Falmouth Gardens	That portion of Ivy Place that begins where Ivy Place and Riverside Drive intersect and runs between the lots described on Falmouth Tax Map U1, as Lot 180 and 179 to the highwater mark.
Arthur Avenue	U-4	Bk 14 Pg 64	Country Club Terrace	Runs off of Providence Avenue between the lots described as Falmouth Tax Map U4, Lots 48 and 50.
Brayton Avenue	U-4	Bk 14 Pg 62	Country Club Villa	Runs off of Hartford Avenue to Route One.
Harding (east)	U-4	Bk 14 Pg 64	Country Club Villa Sites	Runs between Hartford Avenue and Providence Avenue.
Harding (west)	U-4	Bk 14 Pg 62	Country Club Villa Sites	Runs between Hartford Avenue and Brayton Avenue.

Town clerk's paper streets extension

## Town's Options with Regards to Paper Streets:

- Do nothing and allow the paper street to be deemed vacated as of September 15, 2017
- Extend the incipient public rights in the paper street for another 20 years
- Accept the paper street and construct a public road
- Accept lesser easement rights in the paper street, such as for recreational use by the public and/or utilities

## Next Steps:

- Continued Staff and Legal Reviews of each paper street (May)
- Staff Provide Recommendations for Town Council Consideration (July)
- Hold a Public Hearing to inform the public (July)
- Council Action (Order) on Paper Streets (August)
- Council Order Recorded at the Registry prior to September 15, 2017

# Paper Streets Introduction

## May 2017

