

COREY ROAD

Town Records

March 17, 1788

Warrant, Article: Request of Israel True relative to laying out a road from the County Road to Lot No. 26 in the one-hundred (100) acre division, West side Royalls River.

April 15, 1788

Town Meeting Voted that the Selectmen lay out a road from the County Road to Lot No. 26 in the one-hundred (100) acre division. . . and report their proceedings at some future meeting.

September 13, 1841

Town Meeting Voted that the Selectmen direct the Surveyor to repair the road so that Captain Israel True can pass from his gate into the County Road with safety.

February 23, 1861

Warrant, 13th Article: Request of True and Cayson to see if the Town will help keep in repair the road that leads from the depot to their house.

March 5, 1851

Town Meeting Voted to allow True and Cazen their road taxes for two (2) years provided they expend that amount on the road leading from the depot to their house.

October 27, 1975

Town Council passed a motion that the Corey Road not be deemed an accepted public way but be maintained for fire and police protection purposes per 23 M.R.S.A. § 3105.

Deed History

The deeds described below establish that the road described in the records above is the Corey Road and that it was accepted by the Town as a private way - a way laid out at the request of one individual to way him out across someone else's land to a public way. Title to Parcel R3-9 on Corey Road can be traced from the present owners, Leroy and Helen Wormell, back to Israel True. In 1788, when Israel True requested a road, he did not own the southern twenty (20) acres in Lot. No. 26.

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Thus he needed to be "wayed out" over someone else's land to the County Road (Route 9).

November 14, 1777

Winthrop True to his son, Israel True, eighty (80) acres in Lot No. 26. (Book 12, Page 527.)

November, 1791

Heirs of Thomas Davee to Israel True, twenty (20) acres in Southern corner of Lot No. 26. (Book 18, pages 451-52)

July 9, 1836

Heirs of Israel and Mary True to their grandson, Israel True. All their real estate, it being in Lots 25 and 26. (Book 157, Page 2)

(NOTE: The following deed is included because it mentions "True's private road" even though the description of the location of the road in this deed does not correspond to the present location of the Corey Road.)

March 31, 1856

Israel True to Allen Lombard. One-half ($\frac{1}{2}$) acre beginning at the intersection of the County Road (Route 9) and the railroad, then Northeast along the railroad, thirteen and one-half ($13\frac{1}{2}$) rods "to the said Israel True's private road," then Southeast "by said True's Road" to a stake, then Southwest parallel with the railroad to the County Road, then North to the beginning, "with a right to pass and repass over and upon the said Israel True's Private Road". (Book 270, Page 429).

December 2, 1865

William D. and Jonathan S. True gave Israel True a mortgage for the following property: one-hundred eighteen (118) acres plus buildings in Lots 25 and 26. Beginning at the West corner of Benjamin Merrill's land, then Northeast to William Reed's land; Northwest by Reed's land and then Seward Wyman's land to the railroad; Southwest by the railroad; then South and West around one-half ($\frac{1}{2}$) acre owned by Allen Lombard to the County Road; then South by the County Road to Range Road; Southeast by the Range Road, seventy-eight (78) rods to the point of beginning.

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Excepting one-quarter ($\frac{1}{4}$) acre sold Charles W. Leslie by John Cayzer on February 22, 1865. (Book 339, Page 59).

The property described in the Mortgage of December 2, 1865 was subsequently conveyed as follows:

July 27, 1872: William D. and Jonathan S. True to Joseph Walker. (Book 395, Page 113).

Date Unknown

Joseph Walker to Willard P. Harris. (Book 555, Page 451).

December 1, 1894

Willard P. Harris to Matthew Benson. (Book 621, Page 135).

April 1, 1895

Matthew Benson to Arthur W. Stanley. (Book 626, Page 173).

March 17 & 22, 1920

Heirs of Arthur W. Stanley to Oren S. Thomes. (Book 1040, Page 498 and Book 1048, Page 202).

October 3, 1928

Oren S. Thomes to Lottie M. Corey. (Book 1307, Page 109).

This deed only convey ninety (90) acres as Thomes has conveyed twenty-eight (28) acres to Frederick W. Shaw on October 27, 1923. (Book 1153, Page 201). This deed did convey a right-of-way from the premises conveyed to Tuttle Road, across the "Reed farm" then owned by Thomes, and reserved a right-of-way across the premises conveyed from the Reed farm to the Maine Central Railroad Station.

September 2, 1938

Lottie M. Corey to Harris A. Corey. (Book 1560, Page 76).

November 8, 1974

Harris A. Corey to Leroy and Helen Wormell. (Book 3619, Page 300). In addition to the ninety (90) acres, this deed conveyed a right-of-way to said premises from Main Street across land conveyed by Thomes to Shaw.

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(Note: The private easement referred to in the deed to the Wormell's was created when Thomes sold twenty-eight (28) acres of the one-hundred eighteen (118) acre True Farm to Shaw. (Book 1153, Page 201, October 27, 1923) as follows: The twenty-eight (28) acres is described as bounded by Main Street, South and East by brooks, and North by land conveyed by Arthur W. Stanley to the Cumberland Milling Company. (See Book 817, Page 183), "reserving and excepting a permanent right-of-way across said premises either as at present located or as may be otherwise mutually agreed upon; also reserving the right to enter said premises at any time for the purpose of constructing or repairing such right-of-way.)

Conclusion:

The Corey Road appears to have originated as a statutory private road, which means that the public has a right to use the road but no obligation to maintain it. The Town is in fact, keeping the road in repair for police and fire protection purposes. Aside from their right to use Corey Road as members of the general public, the Wormell's appear to have a right in the nature of private easement to use the road.

October 29, 1975

Mr. & Mrs. Russell L. Reynolds
6 Corey Road
Cumberland, Maine 04021

Dear Mr. & Mrs. Reynolds:

At its regular meeting of October 27th, the Council was requested to make a decision as to whether or not Corey Road was an officially accepted public way of the Town of Cumberland. Because the Town does not have proof of title or was otherwise able to show that Corey Road was a public right of way, the Council found that Corey Road was a private right of way. The Town will continue to maintain, that is, plow and grade the front portion of Corey Road as we have done in the past for purposes of public safety. Thus, on a day to day basis no change will be noticed so far as Town interest in the Road is concerned.

The Council did request, however, that I contact you to ascertain whether or not anything in your deed or records would help to clarify the status of Corey Road.

Very truly yours,
THE TOWN OF CUMBERLAND

Jared S. A. Clark
Town Manager

JSAC/jh