

Bond Case Briefs

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PUBLIC EASEMENTS - MAINE

Edwards v. Blackman

Supreme Judicial Court of Maine - December 31, 2015 - A.3d - 2015 WL 9589588 - 2015 ME 165

Servient tenement owners brought declaratory judgment action against dominant tenement owners and town, challenging validity of dedication of public easement over way and cul-de-sac, or that an easement had been created over the servient estate benefiting the dominant estate, and the dominant tenement owners counterclaimed, asserting rights to the way and beach located on the servient estate by virtue of prescriptive and deeded easements and common law rights to the intertidal zone.

Following a bench trial, the Superior Court entered judgment in favor of town and dominant tenement owners, and servient tenement owners appealed.

The Supreme Judicial Court of Maine held that:

- The 30 day period for servient tenement owners to challenge town's acceptance of a dedication of a public easement over way and cul-de-sac began to run on the date town residents accepted by vote the public easement;
- Competent evidence existed to support a finding that way and cul-de-sac located on servient tenement owners' property were to be included in dedication that created a public easement;
- Deed that explicitly granted beach rights created an express easement appurtenant to the lots conveyed by the grantor to the grantee;
- Grantee's beach easement passed through subsequent transfers of grantee's estate as an appurtenance thereof, survived the division of the grantee's estate, and continued to benefit the current owners of the dominant estate; and
- Evidence was sufficient to support a finding that beach located on servient estate was to be included in express easement that benefited dominant estate owners.