

Bond Case Briefs

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DEDICATION - MAINE

Pilot Point, LLC v. Town of Cape Elizabeth

Supreme Judicial Court of Maine - July 21, 2020 - A.3d - 2020 WL 4118660 - 2020 ME 100

Property owners brought declaratory judgment actions, alleging town's right to accept an incipient dedication of proposed, but unaccepted way, had lapsed, and even if it had not lapsed, that town's right was limited by the scope of the original dedication.

The Superior Court consolidated the complaints. On transfer, Business and Consumer Court conducted a bench trial, and entered judgment for town. Property owner appealed.

The Supreme Judicial Court held that:

- Town's recordation of statutorily authorized notice to extend its right to accept incipient dedication of way did not create property owner's cause of action alleging town's right to accept an incipient dedication had lapsed, or start the running of a the six-year limitations period for a civil action;
- The statute of limitations with regard to property owner's claim that town's right to accept the dedication had lapsed would not begin to run until such time as the town formally accepted the dedication;
- Town's recordation of statutorily authorized notice to extend its right to accept incipient dedication was sufficient to satisfy the statutory requirements and thereby prevent the deemed vacation of the proposed way at issue, and to extend the time within which the town could accept the way if it chose to do so;
- Trial court did not abuse its discretion by dismissing without prejudice property owner's claim that, even if town's right to accept the incipient dedication of a way had not lapsed, its right was limited by the scope of the original dedication;
- Evidence was insufficient to establish town's right to accept incipient dedication had lapsed at common law; and
- Trial court did not abuse its discretion in dismissing, as unripe for review, property owner's claim that, even if town's right to accept an incipient dedication had not lapses, town's right was limited by the original dedication.