

270 Farmington Avenue Suite 345 Farmington, CT 06032 860.521.0000 860.521.2000 fax Please direct mail to Farmington Address 100 Grand Street Suite 2H Waterbury, CT 06721 203.528.4317 203.437.8153 fax isaaclawllc.com

Elton B. Harvey, III Of Counsel

eharvey@isaaclawllc.com

September 8, 2022

Attorney John A. Collins, III Suisman, Shapiro, Wool, Brennan, Gray & Greenberg, PC 2 Union Plaza, Ste 200 New London, Conn. 06320

Re: Interim Report Town Landing, Old Lyme, Connecticut

Dear Attorney Collins;

You have requested a summary update of my efforts thus far to ascertain the existence and location of Tantummaheag Road in the area commonly known as the "Town Landing" and adjacent to the Darista/Frampton property in the Town of Old Lyme.

Pursuant to your instructions, I have reviewed materials that you have provided to me and conducted additional research in the Land Records of the Town of Old Lyme and Lyme, Connecticut. I have also researched records available at the Connecticut State Library in Hartford, Conn. The following is a summary of my activities and the documents I have found which bear on the issue of whether the road known as Tantummaheag Road running from Neck Road to the area commonly known as the "Town Landing" is a public road within the Town of Old Lyme. It is my conclusion that it is a public road. The following represents the significant chains of title reviewed relating to the area at issue.

12 and 19 Tantummaheag Road:

The area currently occupied by 12 and 19 Tantummaheag Road and road way known as Tantummaheag Road were likely part of the property acquired by William Lord (1618-1678) and conveyed by his sons, William Lord, Thomas Lord, Robert Lord and Richard Lord to Samuel Olmsted on June 19, 1684, referred to as a 20 rod parcel that bounded Northerly on other land of said Lords, Easterly by the

swamp and Westerly by the Cove in Volume 3 at Page 60 of the Lyme Land Records.

Samuel Olmsted then conveyed to Richard Lord on November 13, 1695, a 12 acre parcel which bounded North on formerly William Lord, now in the hands of Richard Lord; Easterly by the Highway, Southerly by John Coult, and Westerly with the Cove in Volume 2 at Page 123 of the Lyme Land Records.

On December 13, 1695, William Lord conveyed to Richard Lord, a 30 acre parcel which bounded Northerly by Thomas Lord, Easterly by the Common; Southerly with lands of Thomas Lord and Westerly by the Cove in Volume 2 at Page 122 Book of Grants Hartford.

On November 24, 1701, in Town Book of Grants 2 at Page 132 Hartford, a highway was laid out between lands of Richard Lord and Thomas Lord on both sides of Tantummaheag Brook.

On January 2, 1713, in Volume 2 at Page 305 of the Lyme Land Records, I found an additional layout of a highway on the North side of property of William Lord's land from to Commons to the Cove.

N.B. These layouts will be discussed below.

Richard Lord and Thomas Lord did enter into a division of their properties on March 3, 1720/21 in Volume 3 at Page 342 of the Lyme Land Records and in Volume 3 at Page 345 of the Lyme Land Records.

Richard Lord gifted to Richard Lord, Jr. on March 15, 1719/20 in Volume 2 at Page 258 of the Lyme Land Records, being his 300 acres northerly of Tantummaheag Brook and his 35 Acre parcel South of Tantummaheag Brook and the 15 acre Rock Pasture.

N.B. This first conveyance after 1701 references Tantummaheag Brook as the southerly boundary of the 300 acre farm and the highway as the northerly boundary of the 35 acre parcel referenced above.

Richard Lord Sr. conveyed to Richard Lord, Jr. on February 18, 1725/26 in Volume 4 at Page 193 of the Lyme Land Records.

Richard Lord conveyed a portion of his land lying Northerly of Tantummaheag Brook to his son Enoch Lord (1/4 interest) on April 11, 1748 in Volume 8 at Page 259 of the Lyme Land Records.

The confidence of the properties of the properti

and a property and a feet for the term of the contract of the contract of the property of the contract of the c The property of the contract o

erentagionerali più riferetti. Pro elektrik e i e orivire e i il projece e destiti il projece. Protesti il po e o oji o e o estre i orio e e e e e e e e e e e e e e e i il protesti il projeci e e e e e e e

我也一个心理的是看看的"大多大"。 化二环二烷 (General Control) 医连续激励 · 1 一次数数

responding to the control of the con

and the second of the contraction of the contractio

A surprise that the property of the contract of the confidence of

Color Arthur Grand Actual

TO THE CONTRACTOR OF STATE AND THE STATE OF T HE STATE OF THE STATE OF

The American Actions of the Control of the Control

Sign in the control of the state of the stat

THE SECOND CONTROL OF THE SECOND SECO

CONTRACTOR AND SOLITABLE SERVICE SERVICES AND ASSESSED.

(1) 10 (1) 11 (1) 11 (1) 11 (1) 11 (1) 11 (1) 11 (1) 11 (1) 11 (1) 11 (1) 11 (1) 11 (1) 11 (1) 11 (1) 11 (1) 1

on to a september of the given

The contains the first of the property of the

N.B. Richard Lord (1690-1748) married Elizabeth Lynde (1694 -1778) on July 11, 1720 and had the following children:

Richard Lord (1722-1742) Susanna Lord (Lathrop) (1724-1808) Enoch Lord (1725 – 1814) Elizabeth Lord (1727-1731) Ann Lord (McCurdy) (1729-1802) Lynde Lord (1733-1801) Elizabeth Lord (Elliott) (1735-1820)

There is a gap in title from 1748 until 1799 when there is a conveyance from Richard Lord of the Southerly part of the farm given to Richard Lord and his father Enoch Lord by Richard Lord, Esq. in Volume 21 at Page 170 and from Enoch Lord to Richard Lord in Volume 21 at Page 171 of the Lyme Land Records, both deeds are dated on January 23, 1799.

On April 25, 1820, Wm M. Lord, Stephen T. Lord, Sarah A. Lord and Richard Lord conveyed a 1/3 interest in the Estate of Richard Lord to Anna Lord in Volume 29 at Page 133 of the Lyme Land Records.

On April 25, 1820, William M. Lord, Stephen T. Lord, Sarah A. Lord and Anna Lord conveyed their interest to Richard Lynde Lord in Volume 29 at Page 134 of the Lyme Land Records.

On January 28, 1860, the will of Richard L. Lord was admitted in the Lyme Probate Court in Volume 2 at Page 361 and devised to his wife, Esther Ann Lord, a life estate in his real and personal property, and, upon her death, to the sons of his brother Stephen, in order, oldest to youngest.

On September 27, 1867, Evelyn McCurdy, Robert McCurdy Lord, John M. Lord, Edward D. Griffin, Gertrude McCurdy Griffin, Israel Matson and Charles M. Lord, the heirs at law of said Richard L. Lord, did convey their interest in the homestead of Richard L. Lord to Clement D. Hancox in Volume 2 at Page 116 of the Old Lyme Land Records.

N.B. The property currently owned by the Darista/Framptons is shown on the 1868 Beers Atlas in the name of Captain C.D. Hancox.

Clement D. Hancox did convey his interest to Henry Noyes on February 6, 1869 in Volume 2 at Page 175 of the Old Lyme Land Records.

Henry Noyes did convey his interest to Shirley P. Austin on May 19, 1905 in Volume 5 at Page 557 of the Old Lyme Land Records.

Day and the state of the state The Beauty Barbara and the Committee of a la compresionado de la compresión de la latina de la compresión de la latina de la compresión de la compre understand no hall all annual lighted in the best of the management of the side of the light of the light factor of the o ministrational ligation. A section of the contract of the co trafigires de la companya de la comp . The figure that the second control of the control and the first of the control of the and growing the property of the control of the control of the property of the control of the con o since for consistent more for the constraint of the first of the first of the first incident is the constraint. SER BUT OF FREE RED BOWER া ক্ষান্ত্ৰ । ১০০০ চনত প্ৰত্যালয় হ'ব বিষ্ণা <mark>চন্দ্ৰিক চনত কৰিছিল স্থা কৰিছিল। স্থা কৰিছিল স্থা কৰিছিল। স্থা কৰিছিল স্থা কৰিছিল স্থা কৰিছিল স্থা কৰিছিল। স্থা কৰিছিল স্থা কৰিছিল স্থা কৰিছিল স্থা কৰিছিল স্থা কৰিছিল। স্থা কৰিছিল স্থা কৰিছিল স্থা কৰিছিল স্থা কৰিছিল স্থা কৰিছিল। স্থা কৰিছিল স্থা কৰিছিল স্থা কৰিছিল স্থা কৰিছিল স্থা কৰিছিল। স্থা কৰিছিল স্থা কৰিছিল স্থা কৰিছিল স্থা কৰিছিল স্থা কৰিছিল। স্থা কৰিছিল স্থা কৰিছিল স্থা কৰিছিল স্থা কৰিছিল স্থা কৰিছিল। স্থা কৰিছিল স্থা কৰিছিল স্থা কৰিছিল স্থা কৰিছিল স্থা কৰিছিল। স্থা কৰিছিল স্থা কৰিছিল স্থা কৰিছিল স্থা কৰিছিল স্থা কৰিছিল স্থা কৰিছিল। স্থা কৰিছিল স্থা কৰিছিল। স্থা কৰিছিল স্থা কৰিছিল স্থা কৰিছিল স্থা কৰিছিল স্থা কৰিছিল স্থা কৰিছিল। স্থা কৰিছিল স্থা</mark> 医骶柱动脉 医皮肤性 精囊性 化二基磺酚 化二二氯化物 电压电池 医鼠毒 医二种毒素

。 "我们的人。"<mark>这一路的人</mark>有一个

Shirley P. Austin and Susie L. Austin did convey their interest on October 24, 1906 to Robert C. Hall in Volume 6 at Page 118 of the Old Lyme Land Records.

Henry Noyes did convey his interest in property north of land previously conveyed to Shirley P. Austin up to a certain stone wall through the ice pond to the Connecticut River, if he failed to do so in his conveyance in 6/118 above, on November 3, 1906 in Volume 6 at Page 126 of the Old Lyme Land Records.

Robert C. Hall and Frances C. Hall did convey their interest to Richard Goodman on November 4, 1907 in Volume 6 at Page 213 of the Old Lyme Land Records.

The Estate of Richard Goodman did devise to Rosalie C. Goodman and E. Lillian Goodman on February 18, 1917 in Volume10 at Page 187 of the Old Lyme Land Records.

Rosalie C. Goodman and E. Lillian Goodman did convey their interest to Gertrude Miles Gray on March 3, 1917 in Volume 10 at Page 190 of the Old Lyme Land Records.

The Estate of Gertrude Miles Grey did devise her interest to Fredericka Binney Wilson on June 14, 1944 in Volume 39 at Page 181 of the Old Lyme Land Records, subject to a life use in Herbert Willard Gray.

Herbert Willard Grey did release his life estate to Fredericka Binney Wilson on January 24, 1949 in Volume 46 at Page 456 of the Old Lyme Land Records.

Fredericka Binney Wilson did convey her interest to Paul W. Hains and Helen J. Hains on February 19, 1951 in Volume 49 at Page 172 of the Old Lyme Land Records.

Helen J. Hains did convey her interest to Hartford National Bank and Trust Company Trustee by deed dated May 17, 1972 in Volume 106 at Page 312 of the Old Lyme Land Records.

Hartford National Bank and Trust Company Trustee did convey its interest to Helen J. Hains on March 11, 1981 in Volume 140 at Page 545 of the Old Lyme Land Records.

Helen J. Hains did convey her interest to Diana Field Atwood on September 16, 1983 in Volume 147 at Page 858 of the Old Lyme Land Records.

Change of Name Diana Field Atwood to Diana Atwood Johnson dated March 7, 2016 in Volume 408 at Page 1003 of the Old Lyme Land Records.

	· 基种基础的。		神神等的中央生态。1985年
		La De Cataman	
	1 · · · · · · · · · · · · · · · · · · ·		
1.5000 中级特别和国家的特别。			
[1] [[[[[[]]]]] [[[]] [[[]]] [[]] [[]]			
			The war is a second of the second
Branch Commencer Com			
			인수를 받는 아래에는 문제되다
一、自己的经验的 经基础 经证券 医甲状腺			
		•	
		二字形式 医多类菌 感染色	
. The way and the control of		n aller er er er	
		그런데 됐다. 이 관련인정보다	िर्धा सिक्के हैं। एक स्थानक है है है ।
of the production of the second of the second			
	•		
اللها المراكبة والمراكبة			
		三角尖尖 医二甲基酚酚硷	
		•	
			1
y delikar yen bi aboley kolumater, in erun	A Series		i salara salara in c
			of the second
· 被整理的根据等的的概念等。1500元	See See See See See		
The state of the s	30.00		
· · · · · · · · · · · · · · · · · · ·			

Diana Atwood Johnson conveyed to Diana Atwood Johnson as Trustee of The Diana Atwood Johnson Revocable Trust on March 3, 2016 in Volume 408 at Page 1006 of the Old Lyme Land Records.

Jeanette M. Dostie, Trustee of the Diana Atwood Johnson Revocable Trust did convey to Carla Darista and George Frampton on September 23, 2020 in Volume 437 at Page 575 of the Old Lyme Land Records.

North Side of Tantummaheag Road (Partial Search)

Mary J. Lord, Sarah H. Lord, Thomas H. Lord, Clement D. Hancox, Catherine Ellen Hancox to George H. Lord dated November 30, 1864 in Volume 1 at Page 563 of the Old Lyme Land Records.

George H. Lord conveyed his interest of Sarah H. Lord and James Griswold dated March 17, 1870 in Volume 2 at Page 220 of the Old Lyme Land Records.

Albert M. Smith and Sarah H. L. Smith to Richard S. Griswold dated March 15, 1873 in Volume 2 at Page 358 of the Old Lyme Land Records.

Richard S. Griswold and Rosa B. Griswold to Catharine A. Brown dated December 1, 1898 in Volume 5 at Page 19 of the Old Lyme Land Records.

James N. Brown and Catharine A. Brown and Robert C. Hall and Frances C. Hall enter into a boundary line agreement between their respective properties dated October 15, 1907 in Volume 6 at Page 209 and in Volume 6 at Page 210 of the Old Lyme Land Records.

N.B. This sets the Southerly boundary line of the Brown Property on the line as shown on the Hains map in #1900 in the Old Lyme Land Records.

Alice May Brown Vreeland, Williamson U. Vreeland, May Vreeland Barton, heirs of Estate of Catherine A. Brown and Estate of James N. Brown to Katherine Brown Burt dated January 29, 1942 in Volume 38 at Page 361 of the Old Lyme Land Records.

Katherine Brown Burt to William G. Burt, Jr. and David S. Burt dated June 9, 1960 in Volume 68 at Page 102 of the Old Lyme Land Records.

William G. Burt, Jr. to David S. Burt dated July 5, 1960 in Volume 68 at Page 313 of the Old Lyme Land Records.

2000年1月1日 · 日本教育中国的自由的自由的自由 ्रभाविक स्त्रेस का राज्य स्थानिक प्रतिक्रिक स्त्रेस्त्र स्त्रिक स्त्रिक स्त्रिक स्त्रिक स्त्रिक स्त्रिक स्त्रि चित्रिक स्त्रिक and the second of the second o and the first of the contract 全种类型的产品的复数形式 (1985年) (1986年) 数据据数据数据数据数据 (1911年)。 (1911年) Lifetina efficient och tall ber i kölli i sile i Operation for the property of the control of the co grander van engligte vielbekente er einen er engen er er grand bleib verkreite fan alle kommikete. ragional del por decentra e en la comina en en estado en la fallación de que en el Colombia. and say the property of the control and the house of the second of the contract of on the control of the second section र क्रिक्ट के के कि के के किस के किए हैं। इस किए की किए किस की किए कि manth or sittle for the electric to differ endigence in the contract of t the property of the property o

David S. Burt to Robert T. Jackson and Edna O. Jackson dated September 17, 1973 in Volume 113 at Page 479 of the Old Lyme Land Records.

Estate of Robert T. Jackson to Edna O. Jackson dated February 4, 1985 in Volume 154 at Page 267 of the Old Lyme Land Records.

Discussion:

My review of the deeds of the Lord families and the Coult families which owned property on either side of Tantummaheag Road from 1701 forward showed a consistent use of the North and South sides of a highway now known as Tantummaheag Road as a boundary for their respective conveyances.

As you know, "(p)ublic highways may be established by one of four methods: "(1) through the direct action of the legislature; (2) through authorized proceedings involving an application to a court; (3) through authorized proceedings by agents appointed for that purpose, such as selectmen of towns ... and specified authorities of cities and boroughs ... (4) through private dedication of land for that purpose and its acceptance by the public." (Citations omitted; internal quotation marks omitted.) Montanaro v. Aspetuck Land Trust, Inc., 137 Conn.App. 1, 9, 48 A.3d 107, cert. denied, 307 Conn. 932, 56 A.3d 715 (2012), quoting Makepeace v. Waterbury, 74 Conn. 360, 361, 50 A. 876 (1902).

"From early times, under the common law, highways have been established in this state by dedication and acceptance by the public. ... [T]wo elements are essential to a valid dedication: (1) a manifested intent by the owner to dedicate the land involved for the use of the public; and (2) an acceptance by the proper authorities or by the general public. ... No particular formality is required in order to dedicate a parcel of land to a public use; dedication may be express or implied. ... Whether there has been a dedication and whether there has been an acceptance present questions of fact. ... Likewise, the determination of the extent to which there has been an acceptance of a street involves a question of fact." (Internal quotation marks omitted.) "Vernon v. Goff, 107 Conn.App. 552, 945 A.2d 1017, cert. denied, 289 Conn. 920, 958 A.2d 154 (2008)..."

For the purposes of this report, I have accepted as a given that the layout of Tantummaheag Road in 1701 by a committee appointed by the Town of Lyme was evidence of the establishment of a public highway by town-appointed agents. I did not find, thus far, that there was other evidence of manifest intent to dedicate Tantummaheag Road, either by specific action of the Court, legislature or private conveyance by abutting owners. However, I did find a similar committee

TERNITARIA PER PER TURBU ANTAN A TO THE TOTAL ANTAN A

ি ক্ষুত্ৰ কৰিছে কৰিছে। কৰিছে কৰি ই ইন্তাৰ কৰিছে বিশ্ব কৰিছে কৰি কৰিছে কৰিছ

· 1970年 (1991年) 1982年 - 1982年 ्राह्मेल अनुसन्<mark>री</mark>ता है के हुए उनके <mark>से</mark>र्प क and all all all the area of the first of the contract of n Palata Barka and Palata and the Select and the land of the control of the ball of the control of the cont saga sebakkali da masaka sebelah di membalah dia नमार्थ वर्षके हुन्य १५०० और स्थातिहारी पर्ने वस्तुर्ये किस्ती and the marketing and the first and a second

Pouseum d'Articulation de la company de l Republica de la company d La company de la c

· 公司公司 对于由国际中国的产品的。 (1992年12月1日日)

जार हो । प्रदेश हैं कर ह<mark>ै कि अभिन्न पूर्व अध्यान कुल मिल्</mark>स है

appointment and layout in 1713 in Volume 2 at Page 305 of the Lyme Land Records, which is another layout of a highway on the northerly side of William Lord's land from the country road to the Cove and which appears to have been southerly of the layout in 1701. While the layout is difficult to follow in both the 1701 layout and the 1713 layout due to the use of monuments, e.g. rocks and trees and the like, that are no longer available to serve as reliable historical markers of the intent of the original committee, it is clear that the Town of Lyme intended to establish one or more public ways from the Country Road (what is now Neck Road) to the Cove. And, once dedicated, the use by the general public and by the abutting owners in using what became known as Tantummaheag Road as a boundary and means of access to their properties abutting said road for a period in excess of 300 hundred years is reasonable evidence that the general public and citizens of Lyme and Old Lyme who have a right or need to use the road have accepted Tantummaheag Road as a public highway.

Obviously, the best evidence of acceptance is the actual usage as evidenced by the testimony or affidavits of the general public who have had occasion to use such road but evidence of acceptance and use may also be found by other "acts of individuals, such as giving it a name by which it becomes generally known, recognizing it upon maps and in directions, using it as a descriptive boundary in deeds of the adjoining land, or as a reference for locality in advertisements of property, &c., and any other acts which recognize its usefulness and tend to show an approval of the gifts by the members of the community immediately cognizant of it; but the principal evidence of its beneficial character will be the actual use of it as a highway, without objection, by those who have occasion to use it for that purpose." Green v. Town of Canaan, 29 Conn.157 (1860)

Similarly acceptance may be found in the layout of such highway in the maps made by cartographers over the years that document the roads in existence in Old Lyme during various periods. By way of example, the Town of Old Lyme Historical Society keeps records of maps that show Tantummaheag Road and its approximate location over the years. In particular, the Town of Old Lyme is included in the New London County Atlas of 1868, published by Beers, Ellis & Soule, and shows Tantummaheag Road as running from Neck Road to Lord's Cove, immediately North of property of Captain C.D. Hancock and immediately South of Tantummaheag Brook.

Approximately a century later, the 1958 Connecticut Highway Department map showing local roads which was used for funding local roads, shows Tantummaheag Road and labels it as an improved local road until it reaches the shore of the Connecticut River and then the road turning and runs in a southerly direction and labelled as an impassable road through property now owned by the Darista/Frampton until turning westerly towards Goose Island.

and the first of the second of the first of the second of la radia - rea l'obres del 1886, e regentario of the few years and a description of the figure of the first of the first of the few of ว ได้ที่ 3 คือ 1000 การที่ 3 คือ ใช้เลี้ยงเครื่อง **วิ**ดีตั้ง รู้อยที่ 3 ผู้คู่สู่ 2 **การตั้งใช้** 2 The grant of the second of the

Para sa pagista di Santana Mena.

电弧点 医真体管 化

on a Grena da.

The second of th British Sant La Market British British Salah Land to the state of the state The same of the state of the st ्राच्या । वर्षे के अन्तर के लेक्षा के बेर्च के

La servición de districto

प्रकार के का का किया है। इस विकास के किया की देखें ti riber produce an light for a common light and the common beginners a light to a feeting a field

and published the second of th and the contract of the second se

2004年1月15日 李朝 医动物性多数形式 化二氯化 A BOTTO AND THE BOTTO AND A SECOND and the sea to be trailing to end to AND resident tracks for the The Arthur State of the Parket Control appeter and the back appeter the end

attribute est latitude viceseest la 4-1

Newscon Street artists in the in a company to first since and the contract of the contra and the first of the contract u greeke kaligus is a n gerkekkerbakten (1.6 % **第564、1975**、1986年新安全最高 รางใช้การเกิดสุดสาราชานาราชานาราชานาราชานาราชานาราชานาราชานาราชานาราชานาราชานาราชานาราชานาราชานาราชานาราชานารา e bell to be which the bell wit **建筑的设计的 计图像 医** 医二氯

nation in the constraint of the state of SPACE CONTRACTOR OF THE SECTION OF T Application of the plant was STATE OF THE STATE

प्राप्त के प्रमुख्या है। इसम्बर्धान के बारे कुछ ta nemice de Calendaria

The Map of Lyme engraved in 1938 by the artist Thomas Nason and on file with the Old Lyme Historical Society shows Tantummaheag Road running from Neck Road to the Connecticut River and located southerly of Tantummaheag Brook.

These are not definitive locations of the road known as Tantummaheag Road but are evidence of acceptance and acknowledgement of the approximate location of the Road by the general public.

In this case, the maps cited above are evidence that the cartographers identified recognized and acknowledged a road running from Neck Road to the Cove and currently known as Tantummaheag Road on various maps over the 19th, 20th and 21st century.

Further, once dedicated and accepted, a public highway continues in existence until it is "extinguished by direct action through governmental agencies, in which case it is said to be discontinued; or by nonuser by the public for a long period of time with the intention to abandon, in which case it is said to be abandoned."

<u>Greist v. Amrhyn</u>, 80 Conn. 280, 285, 68 A. 521 (1907)" <u>Doolittle v. Town of Preston</u>, 499 A.2d 1164, 5 Conn.App. 448 (Conn. App. 1985). Abandonment requires a long period of non-user with an intent on the part of the benefitted party to abandon their rights. I found neither any record of a discontinuance of Tantummaheag Road nor any finding of abandonment in the maps and land records I reviewed.

In connection with my review of a draft dated 7/7/2021 by George Frampton entitled "The History of Tantummaheag Landing" which was provided to me, I found it informative and useful in my research, but I did not reach the same conclusions as Mr. Frampton from my research thus far.

Specifically, I do disagree with his conclusion on page 8 of his treatise that "there was no indication in any devise or deed (or other known evidence) of any Town Ownership of a road or landing in or through the Lord-Hancox-Noyes-Hall-Gray-Binney Wilson conveyances; the land was described as a single tract, and conveyed in fee simple with encumbrances or carve outs". In fact, each and every one of those conveyances describes the parcel that eventually became the basis for the Darista/Frampton property today as bounded Northerly by a highway. And the only highway that fits with the other bounding calls is for the highway to be Tantummaheag Road.

It may be that Mr. Frampton was attempting to point out that the deeds in question did not specifically state that the fee to Tantummaheag Road was vested in the Town of Old Lyme, but, equally, the statement in his treatise cannot be taken as proof that Frampton/Darista or their predecessors in title owned the fee to Tantummaheag Road. While it is true that "(t)he law in this state is clear that the taking of a highway creates no interest in fee, the presumption being that the

Line of the trades of the Line of the supplied the Commission of the section of the holds Care Basin Saine or the late of the same of the contract of the 医全球性肠炎 医经验检验 医多种性神经炎症 talah saker da 1866 dalah 1966 da s ार्कत होते हैं के क्षेत्र में केंग्रान का नाम नाम होता. जो अनुके क्षेत्रकी किये हैं के होता किये The lateral labels of the first party of the second second lateral labels and labels (labels labels). The lateral labels are the lateral labels and the lateral labels are the lateral labels and lateral labels are the lateralateral labels are the lateral labels are the lateral labels are t ig or other mathematical appropries The common of the second secon Busines proma in the land on the of medicable by early seem is a la a la completa de la completa d Horse seek Defenda par liber lettera i distanci i despeti The increase with the time of the time e la Santa de Paris de Caralla de in an inter the company of the contract of the , mare especially of the first of the first of the control of the A Propinsi Salaharan (Agel Salah 2000 (1900) (1900) (1900) (1900) (1900) (1900) (1900) (1900) (1900) (1900) (1900) (1900) (1900) (1900) (1900) The fire got to be been also from the other early of the best state of h has Ballus hate. "Li erak i keri 444 L 2 15.53 र कि.च. हो है। एक्क्रिकेट बार ए हैं क्रिके o angara ambang dagalah dan daga dalah Kili 了一个一种是1度和医别数的1次,并没 - Persentation Contains of the ्रा सम्बद्धाः स्थापना । विकास कार्याम् । स्थापना स्थापना स्थापना । स्थापना स्था g sagesigest verkeltigen in the colline sages

The section of the se

elejtek reti egekere bili bili ele ere,

्रभावे के हैं। इस्तर है है के अपने

landowners whose lands abut the highway continue to be owners of the fee of the land to the center of the highway, <u>Ventres v. Farmington</u>, 192 Conn. 663, 668-69 n. 3, 473 A.2d 1216 (1984)...," <u>Ruggiero v. Town of East Hartford</u>, 477 A.2d 668, 2 Conn.App. 89 (Conn. App. 1984), it is equally true that my research thus far has not yielded a conveyance of the fee to Tantummaheag Road from any of the abutters to the Town or to any of the owners abutting Tantummaheag Road. However, even if Mr. Frampton's claim to a fee ownership in that portion of Tantummaheag Road, where it abuts his property, is found to be accurate, that ownership is subject to the public's right to pass and repass over Tantummaheag Road to access the Connecticut River.

Similarly, I disagree with his conclusion that Tantummaheag Road was abandoned as of "the beginning of the nineteenth century" (Page 8/9). As previously stated, highways are abandoned by a long period of non-use, coupled with an intent to abandon. "A highway may be extinguished by direct action through governmental agencies, in which case it is said to be discontinued; or by nonuser by the public for a long period of time with the intention to abandon, in which case it is said to be abandoned. The length of time which such non-user must continue on the part [113 Conn. 46] of the public, before the highway can be presumed to be abandoned, has not been determined in this state by statute or judicial decision. It must be a long time." [154 A. 241] Greist v. Amrhyn, 80 Conn. 280, 285, 68 A. 521, 523, Appeal of Phillips, 154 A. 238, 113 Conn. 40 (Conn. 1931)". The depiction of Tantummaheag Road on the Beers Atlas of 1868 and the fact that the State of Connecticut includes Tantummaheag Road on its 1958 list of locally-maintained roads, as part of its mission of overseeing a variety of federal and state-funded improvements on townowned roadways, discredits Mr. Frampton's claims of abandonment.

Turning to Mr. Frampton's dismissal of the work of Surveyor Daboll in the 1931 location of the Town Landing. I find the mapping done by Surveyor Daboll, rather than arbitrary, to be the best evidence of the location of the area laid out as the Town Landing. A surveyor's job is to attempt to walk in the footsteps of the earlier surveyor and, when that is impossible, to attempt to construe the language of the original grant by the best evidence available. Here, Daboll was careful to reconstruct the location of the original grant by the distances available in the 1701 layout and, as Daboll states, "The line shown, while in a way arbitrary, takes into consideration all the available evidence, i.e. the distances and fixed points in the description, the general condition of the shore, and apparent line of occupation." My interpretation of his statement is that this is consistent with what surveyor's do, use their professional judgment to interpret the best available evidence, and attempt to recreate the original layout. While artificial monuments are generally accorded more credibility than courses and distances, when the monuments are lost or uncertain, the surveyor should chose the courses and/or distances that represent the best evidence of the original grant. I reach this conclusion partly based on my own experience working for a professional engineer and land surveyor and partly

granding by the second of g man i si si si pingga kan pina kansi And provide the contract of th Bartista (1966) क्षेत्रक । अधिकारि एक्ष्रियो हिन्दु । अस्ति । अस्ति । अस्ति । Balanda होत्री के प्राथमिक हो अपूर्ण के कहा अन्य करा है। जा किया का का का कहा का वार्ष करे हैं के अन्य के प्राप्त के ही ार्योक्तर हो क्षेत्र कर किस्ति हो। ये विकास कर के किस्ति के अपने के किस के किस के किस के किस के किस के किस के and the second of the second o e de Deservicionada de Selbo Gibbo do la Vieno ्राहेक्टो के लग अनुसंदर्भ में जिल्हा प्रश्नेक राजा । जो राजा जो के कहार अने के <mark>बहु के के बाद के हों हुई हुई ह</mark> 在我的我们的是不是不是 Deliver of Applications in the Report III. a satisficação de la comprehencia de la comprehenci a thaise where it of the term in a commence there is en de la lace de lace de la lace de lace de lace de lace de la lace de la lace de la lace de la lace de lace de lace de lace de lace de la lace de la ora nieko in ned kaana nijijikaa jihka 工产资化的 医二种血管 医基种动物 经 and Paris, proping the control of the สมาสตรงสาด เป็น 6 ค.ศ. กระทา (ค.ศ. 95) (มี. 化氯酚 的复数电流放射器 化氯甲基酚二氯甲基酚二氯 · Professor on a telephone to the second of e System, in the particle of the second and bound of the first state of markets. 医溶物物 医乳囊肠管周围 医切开 医多种 人类的 ligaratur, bil jažije ir bala ir selika and the complete back the property ene la grandintalisa i escara mesa, - ค.ศ. ค.ศ. การ มูส์ ผู้สุดครั้ง (เดยกับตร ค.ศ.ศ.ศ.

from my experience as a title examiner reviewing the monuments used in the original layout, i.e. "a grate Chestnut stump", "a small rock with a heap of stones upon it", or a "great whit(e) oak scar(red) tree with the tope broken off", are not sufficiently specific or permanent markers to survive the passage of over 300 years.

Finally, the Lyme Town Land Book Volume 2, Folio 118 makes it clear that the charge to the committee appointed by the Town was to "lay out a good suffisient high waye Downe to the Coave"....."with a good open Wattering and a Landing place at the Coave at the mouth of Tantum heges Brook." The consistent and continuous use by the predecessors of Darista/Frampton and other abutters to call for Tantummaheag Road as a monument and boundary call, the fact that it is the sole means for most to reach their properties adjacent to such road, and the intent of the Town of Lyme to provide a landing place at the mouth of Tantummaheag Brook for access by its citizens to the Cove, make it entirely reasonable that the Daboll layout, which honored the call for the existing highway, and which took into account the deed call and lines of occupation, is an accurate depiction of the approximate location of Tantummaheag Road at this intersection with Lord's Cove.

Very truly yours,

Elton B. Harvey, III

Encl

APPENDIX

Curriculum Vitae



ELTON B. HARVEY, III, ESQUIRE 441 Clark Avenue, Bristol, Conn. 06010 (860) 997-7918 (C) - (860) 521-0000(W) (860) 521-2000 (Fax)

eharvey@isaaclawllc.com

EMPLOYMENT:

Of Counsel Isaac Law Offices LLC 270 Farmington Avenue Suite 345 Farmington, Conn. 06032 January 2015 to Present

Attorney at Law
Baillie & Hershman P.C. Law Offices
433 South Main Street
Suite 218 West
West Hartford, Conn. 06110
March 2012 to January 2015

Attorney at Law
Harvey Law Associates
433 South Main Street
Suite 218 West
West Hartford, Conn. 06110
January 1995 to March 2012

The Silver of Si

wall in west that he was the control of the control

Attorney at Law
Osborne & Harvey
3 Melrose Drive
Farmington, Conn. 06032
January 1990 to January 1995

Attorney at Law
Osborne, Rosenthal & Harvey
301 West Main Street
Avon, Conn. 06001
January 1988 to January 1990

Assistant Vice President and State Counsel
American Title Insurance Company
100 Constitution Plaza
Hartford, Conn. 06103
January, 1987 to January, 1988

Assistant Vice President and State Counsel SAFECO Title Insurance Company 100 Constitution Plaza Hartford, Conn. 06103 July, 1983 to January, 1987

Title Operations Officer

Connecticut Attorneys Title Insurance Company
Rocky Hill, Conn.
January, 1980 to July, 1983

President
E.B.Harvey Title Service
Meriden, Conn.
January, 1975 to January, 1980

EDUCATION:

JURIS DOCTOR, Feb. 1986, Western New England College School of Law, Springfield, Mass.
Admitted to Conn. Bar - May 8, 1986

MASTER OF ARTS, Jan.1977, Community Psychology,
University of New Haven, West Haven, Conn.

BACHELOR OF ARTS, Jun. 1969, English, University of Conn.,
Storrs, Conn.

가 되고 아무렇게 살살았다고 것 e and brook at · 智慧·美丽·克克·哈尔·克克·美丽·尔克·克 rii oo laan ka karaka ka si s or a subject for the re-THE SECRETARY OF THE PROPERTY BUT หาวาน สูงเลง สังสุดและสังหาวานสารสุดที่ได้ หาวานสิทธิสุดที่ได้ to the lateral Commence of o describinations de la Color . 网络马德语克朗姆 1、其外的1974年的海绵交换的1978 De far son word and the fall place The cast of the state of the same of the same 6. 1871 中国数据的图像中国数据 · 克勒特特 and, and fighter that it e sale dan Mi ting a transmission of the state of the second a mili superiore e disperi ્રકુલ અનુભવાને તેના કર્યો દિશાયના પ્રતિકૃતિ કરિકેટ કર્યાત્ર મામણા તેના સ્ટેક્સ જેવાનું કે પ્રસ્થાન કરિકેટ

PROFESSIONAL AFFILIATIONS AND HONORS:

•	Fellow, American College of Mortgage Attorneys (ACMA)	2013-Present
•	Recognized New England SUPER LAWYER™	2010-2022
•	Martindale Hubbell Peer Review Rated AV Preeminent	
•	Citizen of the Law Award, Connecticut Bar Association	2013
•	Instructor, Naugatuck Valley Community College	2011- 2014
	o Short Sales and Foreclosures	
•	Instructor, Manchester Community College	2007 – 2018
	o Real Estate Law	
	o Short Sales and Foreclosures	
	o Buying Foreclosed Property	
	 Basic Title Searching 	
•	Instructor, Connecticut Association of Realtors	2010 – 2016
	o Short Sales and Foreclosures	
•	Instructor, National Association of Realtors	2016
	o Short Sales	
•	Lecturer, Hartford Graduate Center – Hartford, Conn.	
	o Land Survey Law	1984-1993
•	Lecturer, Scanlon Seminars –	
	o Ct. Condominium Law	1987
•	Lecturer, National Business Institute,	
	o Conn. Boundary Law	1991-1992; 2004
•	Connecticut Bar Association	1986-Present
	 Executive Committee, Real Property 	1994-Present
	 Secretary, Executive Committee 	2009-2011
	 Vice Chair, Executive Committee 	2011- 2013
	 Chair, Executive Committee 	2013- 2015
	 Emeritus Member, Executive Committee 	2015-Present
	 Residential Specialization Subcommittee 	2004-2022
	 Standardized Residential Contract 	
	Subcommittee	2010-2022
	 Speaker, CBA Annual Meeting 	2013-Present
•	CCLCE/CBA Mock Trial Competition	2003-2013
•	Member, State of Connecticut Board of Examiners	
	Of Professional Engineers and Land Surveyors	1982-1992
•	Speaker, Connecticut Association of Land Surveyors	2016-2017
		2019
•	Connecticut Mortgage Bankers Association	
	 Closing and Compliance Committee 	2008-2016
	 Affordable Housing Committee 	2008-2015
	 Moderator: CMBA CFPB Panel 	2013

			Programs and all the
			The London State of
	r f	u sa kaj trak	
	•		
1			
•			
•			
	, * · * · .		and the company the second
		the state of the s	
		÷ 🤾	
भारतहरू अस्ति			
	in the state of	opin seegipaliyedin	
FIRE PARTY AND THE PARTY AND T			
· · · · · · · · · · · · · · · · · · ·			
til en som til er til er flete kalle som. Sektorer		र पुरुष्ट्रियः, भूतकाम् हे	
esta en la companya de la companya d La companya de la co			l .

PUBLICATIONS:

"Selling Property During The Sub-prime Mortgage Crisis: A Resource Guide" April 2008, REALSTORY, Greater Hartford Association of Realtors.

"Debt Forgiveness Tax Relief: Is It On Life Support", July 2012, The Commercial Record.

"Settlement Agent Vetting: Panacea or Puffery?, February 25, 2013 Banker & Tradesman and April 2013, The Commercial Record.

"Abandoned & Discontinued Highways in Connecticut", March 2016, Connecticut Association of Land Surveyors Newsletter.

	4.00			tigang terlepada sakan pertabah
		4		
		1 Table 1 Tabl		
	A was to be the site of the court of the state of		e gerak bilani apadi di	
			•	
	•			
		•		
			•	
			A STATE OF THE STA	
			*	
			•	
		•		
	•		* *	
2 10 10 10				
	$(\mathcal{A}_{i,j}, \mathcal{A}_{i,j}, A$			
•				
		•		
				the control of the co