

GILMAN L. MOULTON PARK

Property and Facilities Inventory

This document is one of a series of staff reports to document important information about properties owned and utilized by the Town of York. It is an attempt to compile and make available relevant information about properties to ensure the institutional knowledge is not lost over time.



November 20, 2020

GILMAN L. MOULTON PARK

Location: 393 York Street in York Harbor.



Property Name: The name of the Park was established before Town acquisition. In the Annual Report of the York Harbor Village Corporation dated April 1, 1974, there is a contract for maintenance of, "the Park at York Harbor, known as Gilman-Moulton Park...." The bronze plaque in the Park calls out the full name as being Gilman L. Moulton Park. It is commonly referred to simply as Moulton Park.

Gilman Moulton was born in York in 1875, and throughout his life was actively involved in business and civic roles in York. He was the General Manager of the Marshall House and the Emerson House, resorts in York Harbor. He was York's first school Superintendent. At various times he was the Town Treasurer, Town Moderator, Secretary of the York Harbor Village Corporation, Trustee of the York Water District, Trustee of the York Library, Chair of the Board of Trustees of York Hospital, and was involved through various other organizations. He passed away in 1953. (*This information was taken from the Town's Historic Marker.*) The bronze plaque in the park indicates he gave 55 years of public service to our community.

Property Acquisition: The Town of York acquired this property upon termination of the York Harbor Village Corporation. In Section 2 of the legislation that repealed the

Village Corporation (S.P. 468 – L.D. 1563), it is established that ownership of all property of the Village Corporation was transferred to the Town as of October 1, 1975.

The York Harbor Village Corporation purchased this property. There was a vote of the Village Corporation on September 11, 1937, to accept contributions and purchase the property with the intention of creating a park. One week later, this land was sold by Charles H. Stewart of Portsmouth, New Hampshire, to the Village Corporation on September 18, 1937, for \$5,200. The deed notes that the purchase was, "donated in part by certain individuals for the common purpose of beautifying and perpetuating the same as a park for the betterment of York Harbor and the Town of York."

Deed References:

- Book 899, Pages 18-21 (1937 deed)

Deed Restrictions: The 1937 deed notes this land shall be, "improved and perpetually maintained as and for park purposes charged with the condition and restriction that the said premises shall not be used for athletic games or for the parking of vehicles..."

Provisions were also made to allow for unspecified road improvements, perhaps widenings, to York Street and Clark Lane.

Survey and Monumentation: There is no known modern survey of this property. The existence of any survey monumentation is also unknown.

A boundary survey for this property would be helpful because it is not clear whether or not the island within Clark is part of the Park or not.

Relationship to Bond Funds: There are no bond-funded projects associated with this property.

Land Use Permits & Approvals: There are no permits or approvals for this property.

Other Information:

- *MS4 Area.* The property is located within the census-designated urbanized area and is therefore potentially subject to Municipal Separate Storm Sewer System (MS4) requirements of the Clean Water Act.

Property Deed

Acquisition by York Harbor Village Corporation - 1937

Know all Men by these Presents,

That I, CHARLES H. STEWART, of Portsmouth, in the County of Rockingham,
State of New Hampshire, _____

in consideration of Five thousand two hundred dollars (\$5,200.) _____

paid by YORK HARBOR VILLAGE CORPORATION, a municipal Corporation, created
and existing under the laws of the State of Maine, _____

the receipt whereof I do hereby acknowledge, do hereby remise,
release, bargain, sell and convey, and forever quit-claim unto the said
York Harbor Village Corporation, its Successors -Heirs and Assigns forever,

A certain lot or parcel of land, with the buildings thereon, situate in said
York Harbor Village Corporation in the town of York in the County of York and State
of Maine, bounded and described as follows: Beginning on the highway which leads
from York Village to York Harbor at the junction of Clark Lane, so called, and
thence running northwesterly by said highway twenty-two (22) rods eleven (11) links,
more or less, to land of Elizabeth B. Bliss; thence southwesterly, southeasterly and
southwesterly by said Bliss land to lands formerly of W. J. Simpson, now of Margaret
H. Outerbridge and Fannie M. Simpson; thence south forty-eight degrees (48°) east
three hundred seven and one-half (307½) feet, more or less, to Clark Lane above
mentioned; thence north forty-five degrees (45°) east two hundred twenty-four
(224) feet, more or less, to the first named highway, and place of beginning.

Meaning and intending to convey the same premises conveyed to Hepsie S. Howard
by two deeds of record, viz: John C. Young, et al., to said Hepsie S. Howard dated
March 12, 1697, recorded in York County Registry of Deeds, Book 487, Page 100, a
plan of same recorded in Plan Book 3, Page 60, and Josiah Chase to said Howard dated
November 8, 1902, recorded in said Registry in Book 524, Page 417, and a plan re-
corded in Plan Book 5, Page 49; and being the same premises which Susan Howard
Pickering acquired by descent from said Hepsie S. Howard and which upon her decease
were sold at public auction to the Grantor, and by him conveyed by deed of even
date of this deed by Arthur Winslow in his capacity as Executor under the will of
said Pickering, and by virtue of the authority therein given; to all of which re-
cords, reference is hereby made for further description.

The purchase price for the above described premises having been contributed and

donated in part by certain individuals for the common purpose of beautifying and perpetuating the same as a park for the betterment of York Harbor and the Town of York; and said York Harbor Village Corporation at a legal meeting of its inhabitants held September 11, 1937, having voted to accept the proposition and accompanying contributions made to said meeting, and to take a suitable deed of said premises to be by said Corporation held, improved and perpetually maintained as and for park purposes charged with the condition and restriction that the said premises shall not be used for athletic games or for the parking of vehicles; now, therefore, the same are declared and accepted to be so held. Under the terms of the donors' proposition and its acceptance by the Grantee, a certain agreed portion of said premises abutting and along the State Highway and Clark Lane, as agreed by the Assessors of said Village Corporation and the State Highway Commission and the Municipal officers of the Town of York, respectively, may be set off, laid out, and appropriated for highway uses, as provided by statute, without claim for damages for the real estate so taken.



To have and to hold the same, together with all the privileges appurtenances thereunto belonging to it, the said York Harbor Village Corporation, its Successors and Assigns forever, charged with trust and restrictions hereinbefore set forth,

~~Heirs and Assigns forever.~~

And I do ~~REINDEEM~~ with the said Grantee, its ~~Heirs~~ Successors and Assigns, that I will warrant and further defend the premises to it, the said Grantee, its ~~Heirs~~ Successors and Assigns forever, against the lawful claims and demands of all persons claiming by, through or under me.

In witness whereof, the said Charles H. Stewart, (single man)

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—wife-----of-the-said-

described premises have hereunto set my hand and seal this
thirteenth day of September, in the year of our Lord
one thousand nine hundred and thirty-seven.

Signed, Sealed and Delivered

in presence of

Frank D. Marshall

Charles H. Stewart

State of Maine,

WORK

September 18, 1937

Personally appeared the above named —— Charles H. Stewart,
and acknowledged the above instrument to be his free act and
deed.

Before me

Justice of the Peace
NOTARY PUBLIC

State Law That Terminated the York Harbor Village Corporation

STATE OF MAINE

APPROVED

MAY 27'75

BY GOVERNOR

CHAPTER

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P & S LAW

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

S. P. 468 — L. D. 1563

AN ACT Repealing the York Harbor Village Corporation.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the York Harbor Village Corporation, under the provisions of its charter as set forth in the private and special laws of 1901, chapter 481, section 4, as repealed and replaced by the private and special laws of 1951, chapter 30, can no longer continue to preserve the high standards and qualities of the York Harbor Village Corporation because of the lack of funding to do so; and

Whereas, for this reason, the said York Harbor Village Corporation can no longer provide the necessary services for its citizens; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. P&SL 1901, c. 481, as last amended by P&SL 1951, c. 30, is repealed. Subject to the provisions of section 7 of this Act, chapter 481 of the private and special laws of 1901, as amended, entitled "An Act to Incorporate the York Harbor Village Corporation," is repealed.

Sec. 2. Rights, etc. of the York Harbor Village Corporation vested in the Town of York. Upon the acceptance of this Act as provided in section 7 hereof, all real and personal property, or any interests therein, then owned by the York Harbor Village Corporation, together with all accounts receivable, choses in action and all other rights and benefits that may be either then due and payable to, or would accrue to, or for the benefit of said York Harbor Village Corporation but for this Act, shall be and become the property of the Town of York without the payment of any consideration; said town being hereby vested with all rights and powers of holding, disposing of or enforcing of such rights so acquired. All litigation pending in any court involving the York Harbor Village Corporation shall not abate and shall be prosecuted or defended, as the case may be, by the Town of York and said Town of York shall, in all instances, be held to be the successor in interest to said York Harbor Village Corporation.

Sec. 3. Contracts, etc. to be assumed by the Town of York. Upon the acceptance of this Act as provided in section 7 hereof, all contracts, obligations and liabilities of said York Harbor Village Corporation, incurred prior to the acceptance of this Act, shall be assumed and performed by the Town of York. The term "liabilities" shall include the maintenance and snow plowing of all roads and ways customarily maintained and plowed by said Village Corporation as of the date of the acceptance of this legislation by the voters of the Town of York.

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Sec. 4. Existing ordinances to remain in force. Upon the acceptance of this Act as provided in section 7 hereof, all valid ordinances then in force in the York Harbor Village Corporation, including the zoning bylaws, the building code and those relating to traffic and parking control, to the bathing beaches and to public health and safety, shall become valid and enforceable ordinances within the Town of York. All building permits, variances, special permits and other licenses issued or granted by the York Harbor Village Corporation prior to the acceptance of this legislation by the voters of the Town of York shall remain in full force and effect in accordance with their terms when issued or granted.

Sec. 5. Existing facilities to be maintained. Upon and after the acceptance of this Act as provided in section 7 hereof, the Town of York shall maintain all street lights and signs, fire hydrants, corporation-owned sewer system, traffic signals and signs, public beaches, public walks, including fisherman's walk, so called, and public parks as they exist at the time of such acceptance or as they may be from time to time improved.

Sec. 6. Authority; documents. The assessors of York Harbor are authorized and empowered to execute any and all such documents, including but not limited to, instruments of conveyance and assignments, as may be necessary to carry this Act into effect and their authority to so act shall extend until such date as their terms would have expired but for the passage and acceptance of this Act.

Sec. 7. Referendum; effective date; certificate to Secretary of State. In view of the emergency cited in the preamble, this Act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the Town of York at a special meeting thereof held on or before September 1, 1975, providing that the warrant calling such meeting contains an appropriate article for that purpose. Said meeting shall be called and conducted according to the law governing annual and special meetings of said town except voting on the article relating to this action shall be accomplished by written ballot to be prepared for said meeting by the town clerk. Said town clerk shall prepare proper ballots upon which this action will be reduced to the following question:

"Shall 'An Act Repealing the York Harbor Village Corporation,' as jointly agreed to by the municipal boards of York and York Harbor and as passed by the 107th Legislature, be accepted?" Qualified voters of said town shall record by a cross or check mark placed in the box next to the words "Yes" or "No" their opinion of the same.

This Act will take effect for all purposes hereof on October 1, 1975, if accepted by the inhabitants of the Town of York by a majority of the legal voters present and voting at said meeting.

The result of the vote taken at the meeting above specified shall be declared in open meeting by the municipal officers of said town and a certificate of the result of the voting shall be filed by the clerk of said town with the Secretary of State.

IN HOUSE OF REPRESENTATIVES, 1975

Read twice and passed to be enacted.

Speaker

IN SENATE, 1975

Read twice and passed to be enacted.

President

Approved 1975

Governor