

A Few Days of Rail Trail Property Research

– Ryan Conner, Swampscott resident

I'm not a real estate lawyer, but I know for every property I bought, I have received a copy of the deed and plan. These documents define what I bought, how many square feet I own, and where I can build a fence along my boundary. They are the basic foundation for a real estate transaction (along with the money). This should be the case with you as well.

With all of the recent discussion about who owns what around the proposed rail trail I took it upon myself to review public assessment information and the recorded deeds and plans to many properties abutting the railroad/utility corridor. This research has convinced me of the following:

No abutter could have believed at the time they purchased their property that they were buying, and therefore owned, any part of the railroad / utility corridor land.

Why? Here is the short answer:

- Deeds to abutting properties do not include any reference to ownership of the former railroad / utility corridor land.
- Recorded plans referenced in the deeds to abutters clearly show the lots abutting – but not including – the former railroad / utility corridor land.
- Town Assessor records for each and every lot abutting the railroad/utility corridor reference the deed into each owner and show each lot as abutting – but not including – the former railroad/utility corridor land.
- No abutter has paid real estate taxes on the railroad/utility corridor land for the past 50+ years. Every single abutter, has allowed the utility company to pay all real estate taxes on the land. No abutter has ever pursued a claim of ownership of the railroad/utility corridor land.

For those of you interested in more detail, below is the long answer together with copies of deeds, assessor records and recorded plans showing exactly what I found.

I have checked the online source for Swampscott property data to help determine where the property lines are according to the public records. The website is <http://swampscott.patriotproperties.com/default.asp>. Patriot Properties is the host of the Town of Swampscott property data. All deeds for all properties in Swampscott are inputted into this comprehensive database. Here you can enter a name or address of any property to get the public history of ownership.

I encourage anyone who is interested to insert their own property address or any of the rail trail abutter properties addresses; it is all public information, just click on the link above.

Below I have included screenshots of 5 different locations on the rail trail where you can see for yourself what the public records show as the extents of the property. All of the addresses that I have checked show the railroad/utility corridor **outside** of the abutter's property. In the screenshots (and online) the property is identified by a bluish line, the road is white and you can see the rail trail in tan as not part of the listed property. This is typical for all rail trail abutter properties I have looked at. Again, these are public records. I have blocked out the names of the owners and used red to identify the properties and the utility / rail trail corridor.

To double check the info on the Patriot Properties website I went to the Southern Essex County Registry of Deeds and pulled 2 properties on Morton Road, one on Humphrey, one on Lexington Park and the corresponding recorded plans. Below you will find the deed/mortgage information for these properties where it clearly states that each of these properties is bounded "by the Boston and Maine R.R". This is consistent with how each property is shown on the recorded plan that corresponds with each deed/mortgage. None of these properties are shown as occupying any portion of the railroad/utility corridor according to the Southern Essex District Registry of Deeds, the public source of information for ownership information in Essex County.

Here are properties at 95 Bellevue Rd and 85 Morton Rd:

HOME SEARCH SUMMARY INTERIOR EXTERIOR SALES ABOUT

Printable Record Card | Previous Assessment | Condo Info | Sales | Zoning | Comments | **WebPro**

Card 1 of 1

Location **95 BELLEVUE RD** Property Account Number **0** Parcel ID **31-5A-0**
Old Parcel ID **0210 -**

Owner
Address **95 BELLEVUE RD**

Current Property Mailing Address
City **SWAMPSCOTT**
State **MA**
Zip **01907**
Zoning **A-2**

Current Property Sales Information
Sale Date **5/6/2005**
Sale Price **1**

Legal Reference **453887**
Grantor(Seller) **DARLING JR NELSON J/WILLIAM TR.**

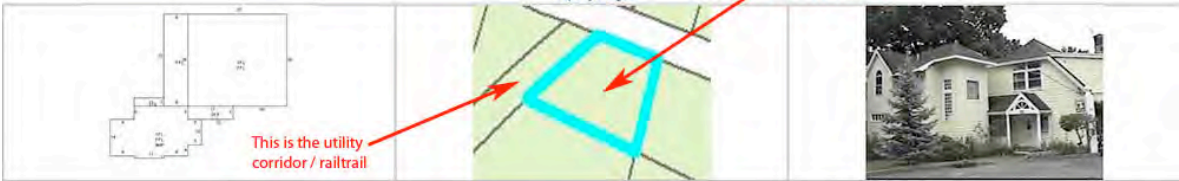
Current Property Assessment
Year **2017**
Land Area **0.252 acres**

Card 1 Value
Building Value **533,200**
Xtra Features Value **1,500**
Land Value **248,100**
Total Value **782,800**

Narrative Description
This property contains **0.252 acres** of land mainly classified as **ONE FAM** with a(n) **OLD STYLE** style building, built about **1920**, having **WOOD SHING** exterior and **ASPHALT** roof cover, with **1** unit(s), **10** total room(s), **5** total bedroom(s), **3** total bath(s), **1** total half bath(s), **0** total 3/4 bath(s).

Legal Description

Property Images



This is the utility corridor / railtrail

This is 95 Bellevue

HOME SEARCH SUMMARY INTERIOR EXTERIOR SALES ABOUT

Printable Record Card | Previous Assessment | Condo Info | Sales | Zoning | Comments | **WebPro**

Card 1 of 1

Location **85 MORTON RD** Property Account Number **0** Parcel ID **28-26-0**
Old Parcel ID **1590 -**

Owner
Address **85 MORTON RD**

Current Property Mailing Address
City **SWAMPSCOTT**
State **MA**
Zip **01907**
Zoning **A-2**

Current Property Sales Information
Sale Date **1/15/2016**
Sale Price **630,000**

Legal Reference **34659-410**
Grantor(Seller) **RYAN WILLIAM D.**

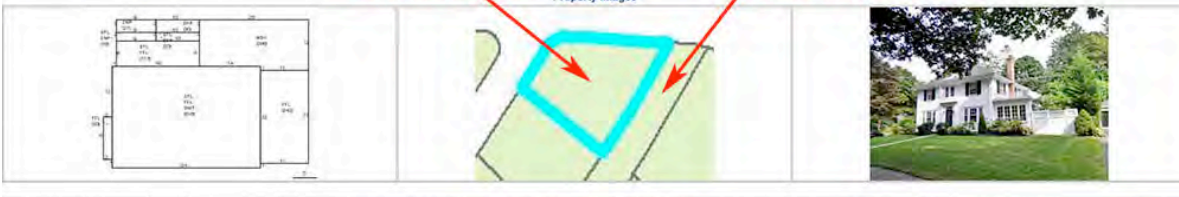
Current Property Assessment
Year **2017**
Land Area **0.211 acres**

Card 1 Value
Building Value **393,000**
Xtra Features Value **6,600**
Land Value **233,400**
Total Value **633,000**

Narrative Description
This property contains **0.211 acres** of land mainly classified as **ONE FAM** with a(n) **COLONIAL** style building, built about **1920**, having **WOOD SHING** exterior and **ASPHALT** roof cover, with **1** unit(s), **8** total room(s), **4** total bedroom(s), **2** total bath(s), **1** total half bath(s), **0** total 3/4 bath(s).

Legal Description

Property Images



This is 85 Morton

This is the utility corridor / rail trail

Here is the 85 Morton Road Deed from 2016. The verbal description, starting with the word 'NORTHWESTERLY' corresponds to the Southern Essex District Registry of Deeds Map below. The property does not occupy the rail trail.

Property Address: 85 Morton Road, Swampscott, MA

RD-8

Mail to:

85 Morton Road
Swampscott, MA 01907

SO. ESSEX #560 Bk: 34659 Pg: 410
01/15/2016 02:21 DEED Pg 1/2

QUITCLAIM DEED

We, _____ being married, of 85 Morton Road,
Swampscott, Massachusetts

for consideration paid, and in full consideration of SIX HUNDRED THIRTY THOUSAND and
00/100 Dollars (U.S. \$630,000.00)

grant to _____ husband and wife as tenants by the entirety,
now of 85 Morton Road, Swampscott, Massachusetts

with *quitclaim covenants* the following property in , Swampscott, Essex County, Massachusetts.

The land in Swampscott, Essex County, Massachusetts with the buildings thereon being lot number
14 as shown on a plan entitled: "Plan of Land belonging to the Phillips Beach Land Company,
Swampscott, Mass., dated January 15, 1920, C.B. Humphrey, Engineer," and recorded with the
Essex South District Registry of Deeds Book of Plans 35, Plan 29 and bounded:

NORTHWESTERLY by Morton Road, forty-five (45) feet;

NORTHWESTERLY but more northerly by a curved line at the junction of Morton Road and
Bradley Avenue, thirty-one and 1/100ths (31.01) feet;

NORTHERLY by Bradley Avenue, ninety-seven and 50/100ths (97.50) feet;

SOUTHEASTERLY by the Boston & Maine R.R., one hundred twenty-three and 16/100ths
(123.16) feet; and

SOUTHWESTERLY by Lot 13 on said plan, one hundred (100) feet.

Said lot containing nine thousand two hundred and ten (9,210) square feet according to said plan

For title see deed recorded at the Essex South District Registry of Deeds in Book 6020, Page 242.

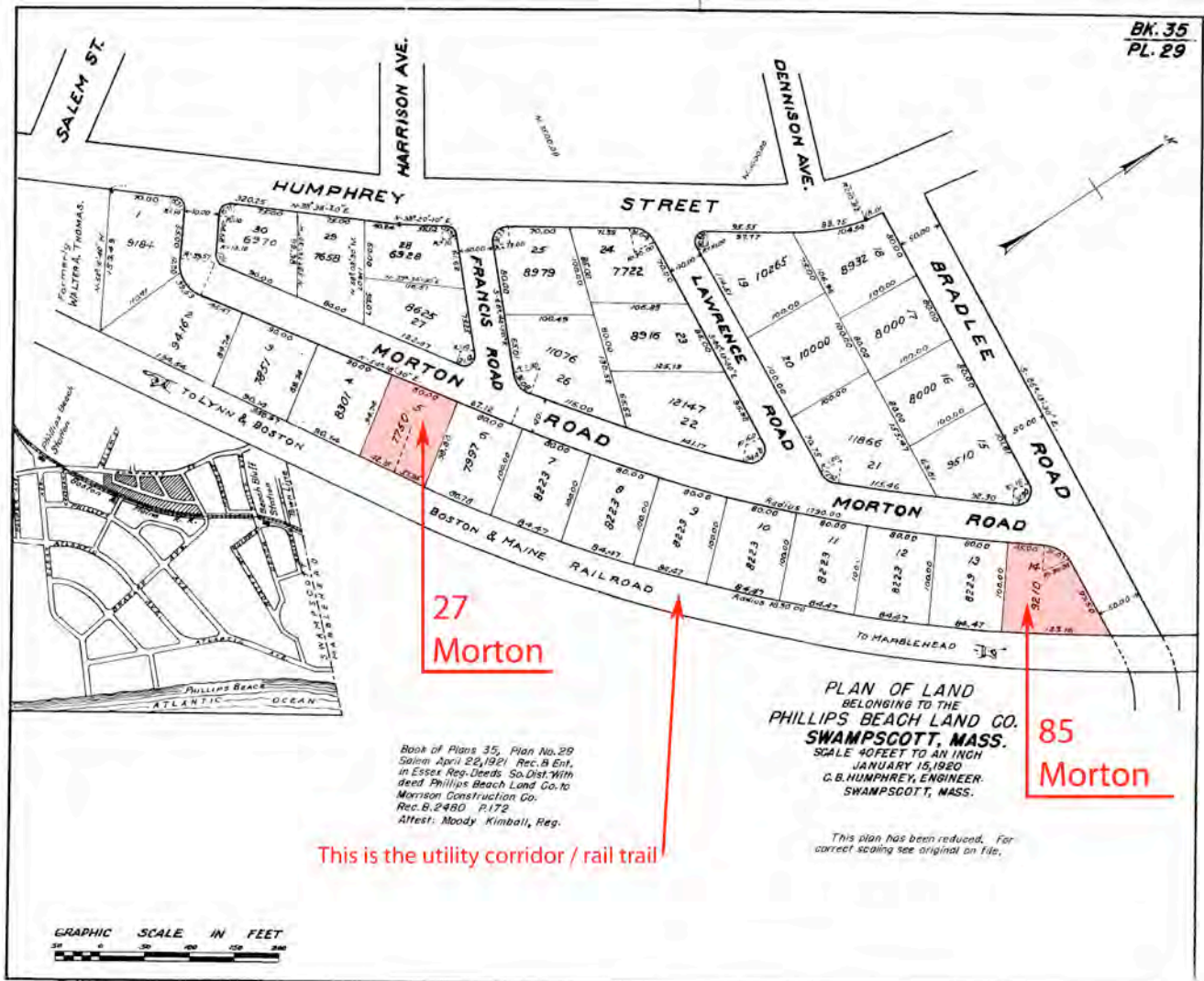
The Grantors hereby waive any and all rights of Homestead in and to the premises conveyed herein
and warrant and represent that there are no persons entitled to any rights of Homestead under G.L.
c. 188 in the premises conveyed by this deed.

MASSACHUSETTS EXCISE TAX
Southern Essex District ROD
Date: 01/15/2016 02:21 PM
ID: 1106644 Doc# 20160115005600
Fee: \$2,872.80
Cons: \$630,000.00

Box 2

Below is the Southern Essex District Registry of Deeds Map of Morton Rd that corresponds to the deed above. (I added the 2 addresses for clarity).

From: Book 35, Page 29:



Here is the 27 Morton Road Deed/mortgage from 2009:

Closing date: March 20, 2009

Borrower(s):

Property Address: 27 Morton Road, Swampscott, MA 01907

Locus in Swampscott, Essex County, Massachusetts.

A parcel of land, together with the buildings thereon in Swampscott, Essex County, Commonwealth of Massachusetts, shown as Lot 5 on a Plan of Land belonging to Phillips Beach Land Co., C.B. Humphrey, Engineer, dated January 15, 1920, recorded with the Essex South District of Deeds in Book of Plans 35, Plan 29 and bounded:

NORTHWEST	by Morton Road, eighty (80) feet;
NORTHEAST	by Lot 6 on said Plan, ninety-eight and 80/100 (98.80) feet;
SOUTHEAST	by land of the Boston & Maine Railroad, on two courses, thirty-seven and 95/100 (37.95) feet and forty-two and 15/100 (42.15) feet respectively;
	and
SOUTHWEST	by Lot 4 on said Plan, ninety-four and 74/100 (94.74) feet.

Containing 7750 square feet according to said Plan.

ref 24787-466

The verbal description above, starting with 'NORTHWEST' corresponds to the map as well. The property does not occupy the rail trail. (SEE MAP ABOVE)

Here is the 933 Humphrey St Deed from 2015:



2015042300011 Bk:33999 Pg:574
04/23/2015 08:25 AM DEED Pg 1/2

MASSACHUSETTS EXCISE TAX
Southern Essex District RCO
Date: 04/23/2015 08:25 AM
ID: 1062269 Doc# 20150423000110
Fee: \$2,088.48 Cons: \$458,000.00

Property Address:
933 Humphrey Street, Swampscott,
Massachusetts 01907

Quitclaim Deed

I, _____, unmarried of 933 Humphrey Street, Swampscott, Massachusetts 01907 in consideration of Four Hundred Fifty-Eight Thousand and 00/100 Dollars (\$458,000.00) grant to _____ Husband & Wife as Tenants by the Entirety of 18 Park Drive, Woburn, Massachusetts 01801

with **QUITCLAIM COVENANTS**

The land in Swampscott, Essex County, with the buildings thereon, bounded and described as follows:

Beginning at a point on the southeasterly side of Humphrey Street, one hundred ninety-six and 50/100 (196.50) feet Northeasterly from land now or formerly of the Boston and Maine Railroad, which point is located on the boundary line between the granted premises and land now or formerly of Arthur M. Wyman; thence running Southeasterly by said Wyman land eighty-six and 20/100 (86.20) feet to land of the Boston & Maine Railroad; thence Northeasterly by land of the said Boston & Maine Railroad, about one hundred eighteen (118) feet to land now or formerly of Walter A. Thomas; thence Northwesterly by said land of Thomas about one hundred twenty-five (125) feet; and thence Southwesterly by Humphrey Street about one hundred nine (109) feet. Be all of said measurements more or less or however otherwise bounded or described.

Grantor hereby releases any and all homestead rights they have, had or may have and there are no other persons entitled to any rights, protection or benefits under the Massachusetts Homestead Act, ch. 188.

Being the same premises conveyed to _____ by Deed from _____ Dated December 17, 1976 and Recorded with the Essex South Registry of Deeds on December 17, 1976 at Book 6308 Page 764. See Death Cert for _____ recorded with said Deeds in Book 15119 at Page 76.

933 Humphrey St
Swampscott, MA 01907




Here is the corresponding plan for 933 Humphrey St from Patriot Properties:

★
WebPro

HOME
SEARCH
SUMMARY
INTERIOR
EXTERIOR
SALES
ABOUT

[Printable Record Card](#) | [Previous Assessment](#) | [Condo Info](#) | [Sales](#) | [Zoning](#) | [Comments](#)

Card 1 of 1

Location 933 HUMPHREY ST	Property Account Number	Parcel ID 29-38-0
Owner	Current Property Mailing Address	Old Parcel ID 1190 -
Address 933 HUMPHREY ST	City SWAMPSCOTT State MA Zip 01907 Zoning A2	
Current Property Sales Information		Legal Reference 33999-574
Sale Date 4/23/2015 Sale Price 458,000	Grantor(Seller) MALONEY THOMAS F.	
Current Property Assessment		
Year 2017	Card 1 Value	
Land Area 0.260 acres	Building Value 288,100	
	Xtra Features Value 6,900	
	Land Value 172,600	
	Total Value 467,600	
Narrative Description		
This property contains 0.260 acres of land mainly classified as ONE FAM with a(n) COLONIAL style building, built about 1900 , having WOOD SHING exterior and ASPHALT roof cover, with 1 unit(s), 7 total room(s), 3 total bedroom(s), 1 total bath(s), 1 total half bath(s), 0 total 3/4 bath(s).		
Legal Description		
Property Images		
		

Again, no abutter property in rail trail.

Here is the 5 Lexington Pk Deed from 2005:

2
125
Cours 5 Lexington Pk Swampscott

QUITCLAIM DEED
5 LEXINGTON PARK
SWAMPSCOTT, MASSACHUSETTS

2005103100496 Bk:25018 Pg:231
10/31/2005 12:04:00 DEED PR 1/2

Brian S. DiRusso and Alyssa A. DiRusso, of Vestavia, Alabama,

for consideration paid of \$

\$420,000.

grant to

* as joint tenants, not tenants in common, of Nahant, Massachusetts,

with QUITCLAIM COVENANTS:

The land, consisting of two parcels, together with the buildings and improvements thereon, situated on 5 Lexington Park, Swampscott, Essex County, Massachusetts, bounded and described as follows:

PARCEL ONE

- SOUTHEAST by Lexington Park, 40 feet;
- SOUTHWEST by Lot 17-B, as shown on a Plan hereinafter referred to, 157.46 feet;
- NORTH by land of the Boston Maine Railroad (Swampscott Branch) 154.45 feet;
- NORTHWEST by Lot 18, as shown on said Plan, 51.50 feet.

Said premises are shown as Lot 17-A on a "Plan of Land owned by Broleo Realty Trust", drawn by O.W. McIntosh, C.E., dated July ~~1941~~ 1941, recorded in the Essex County Registry of Deeds in Book 3264, Page 381.

PARCEL TWO

Also, the land beginning at a point on Lexington Park 12 feet Southeasterly from the Southwesterly corner of Lot 17-C as shown on a plan hereinafter referred to at an iron pin, then running

- NORTHWESTERLY by a portion of Lots 16-A and 17-B, as shown on said Plan, on 2 courses, 14.17 feet and 70.73 feet, respectively to an iron pin; thence turning and running;
- SOUTHEASTERLY by a portion of Lot 17-C, as shown on said Plan, by a dotted line to the Southwesterly corner of Lot 17-C above mentioned; thence turning and running
- SOUTHEASTERLY by Lexington Park, 12 feet to the point of beginning.

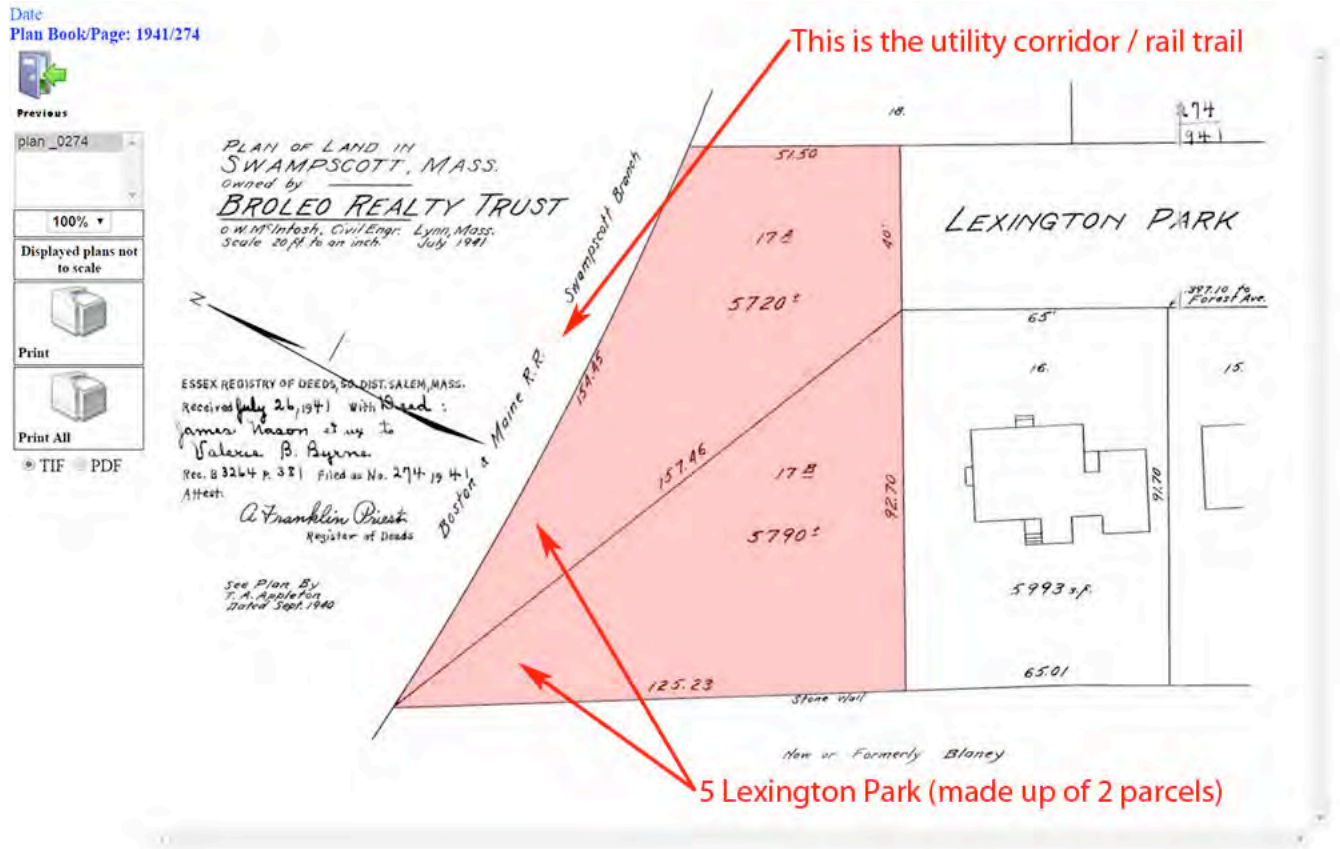
Being a triangular parcel of land shown on a plan recorded in said Registry in Plan Book 104, Plan 69. Said premises are conveyed subject to a sewer easement delineated on said Plan.

For Grantor's title, see Deed recorded with said Registry in Book 17116, Page 459.

1915-20

Here is the corresponding plan for 5 Lexington Park from Southern Essex District Registry of Deeds:

From: Plan book 1941, plan 271:



Again, no abutter property in rail trail.