

Affidavit  
Of  
**Donald R. Richards, P.L.S**

UPON OATH, I, Donald Richards, based on my own personal knowledge and based upon information which I believe to be true, state as follows:

1.) I am a resident of Rockport, Maine residing at 56 Kimberly Drive, Rockport, Maine 04856. I am a licensed land surveyor (P.L.S. 1209) in the State of Maine. I have testified frequently as an expert in Maine Courts on survey, access and boundary disputes. I am competent to testify to the matters set forth in this affidavit. The statements set forth in this affidavit are made upon my own personal knowledge of the matters asserted herein and are based on my review of the title records at the Waldo County Registry of Deeds and other materials including maps, prior surveys and tax records and my experience as a licensed surveyor under the statutory requirement that a surveyor in the course of their work shall apply the special knowledge of the rules of evidence and boundary laws.<sup>1</sup> All recorded document references are to the Waldo County Registry of Deeds unless otherwise stated.

2.) I have had opportunity to review deeds and materials pertaining to the ownership limits of the various properties at the Little River neighborhood in Belfast and Northport with particular attention to the ownership interests of Jeffrey R. Mabee and Judith B. Grace described in a deed from Heather O. Smith to Jeffrey R. Mabee and Judith B. Grace dated May 15, 1991 as recorded in Book 1221, Page 347 of the Waldo County Registry of Deeds. See Exhibit 1.

3.) Based upon my examination of the title to the Mabee/Grace property, Mabee & Grace own what is shown as Lot 38 on the attached portion of Belfast Tax Map 29, attached as Exhibit 2 to this affidavit.

4.) The City of Belfast now owns the former Eckrote property shown as Lot 36 on the attached portion of Belfast Tax Map 29, attached as Exhibit 2 to this affidavit.

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<sup>1</sup> M.R.S. Title 32: Chapter 121: PROFESSIONAL LAND SURVEYORS

**§13901. Definitions**

**6. Practice of land surveying.** "Practice of land surveying" means any service or work involving the application of special knowledge of the rules of evidence and boundary laws, principles of mathematics and the related physical and applied sciences for measuring and locating lines, angles, elevations, natural and man-made features in the air, on the surface of the earth, within underground workings and on the beds of bodies of water. This service or work shall be for the purposes of determining areas and volumes, for the monumenting of property boundaries and for the platting and layout of lands and subdivisions of land, including topography, alignment and grades of streets and for the preparation and perpetuation of maps, record plats, field note records and property descriptions that represent these surveys. (Emphasis Added)

5.) In the course of my research and participation in the trial of *Mabee & Grace v. Nordic Aquafarms, Inc* (WALSC-RE-19-018) it has become apparent that the proper boundary location of the Belfast City line as it crosses the intertidal zone at the mouth of the Little River is a critical issue in the various disputes that are pending. In the course of my surveying and consultation as an expert witness for Jeffrey R. Mabee, Judith B. Grace, and the Friends of the Harriet L. Hartley Conservation Area, I have had opportunity to review that boundary location and present the following facts, research and opinions.

- a. The deed from the Waldo Heirs to Moses Barnet and about 34 others, dated August 29, 1769 as recorded in the Lincoln County Registry of Deeds where I found it at Book 9, Page 49 was the earliest pertinent conveyance which brought the first settlers to this area with the intention of creating a settlement. The first boundaries of the "town of Belfast" were established in the "Acts and Resolves of the Province of Massachusetts Bay", Province Laws, Chapter 3 which proceedings were recorded in the Hancock County Registry of Deeds, Volume 1, "Towns" page 13.
- b. The Belfast town, now city, boundaries were revised into the configuration we have today, when on June 16, 1813 the Commonwealth of Massachusetts, by an action of the General Court, passed, "An Act To Establish The Boundaries Of The Town Of Belfast In The County Of Hancock" See Exhibit 3.
- c. Those boundaries were described as follows:  
"Beginning at the northerly corner of lot numbered fifty four, in the fourth division of lots in said town, at a marked hemlock tree; thence running south by the town of Prospect one mile, one quarter, and twenty one rods to Halfway Creek; thence following the course of the channel of said Halfway Creek, to a ledge of rocks projecting from the side of Prospect, at the tide waters of Belfast Bay; thence running south into said Bay, until said course intersects a line running due east from the mouth of Little river; thence running west, to the said mouth of Little River; thence by the town of Northport up said Little River, following the course of its ancient channel, which includes the Island

in said River within the town of Belfast, to a marked yellow Birch Tree, standing on the West bank of said River and at the southeasterly corner of lot numbered one hundred and two, in the third division of lots said town of Belfast; thence by the town of Northport running south sixty eight degrees west, three miles, one quarter, and four rods, to a marked yellow Birch Tree, at the southwesterly corner of lot number one, in the fourth division of lots, in said town of Belfast, and commonly known by the name of Chadwick's Corner; thence running north twenty two degrees west, by the unincorporated Plantation of Green, four miles, three quarters, and fifty two rods, to a marked maple tree, at the northwesterly corner of lot number twenty six, in the fourth division of lots in said town of Belfast, thence by unincorporated lands, running north sixty eight degrees East, Eight miles, one quarter, and fifteen rods, to the Hemlock Tree first mentioned: provided however, that nothing contained in this act shall be so construed as to affect the claims of individuals to the right of soil within said boundaries \_”

6.) The location on the face of the earth of the boundaries of the City of Belfast, are relevant to the new dispute between private property owners Mabee and Grace and the City of Belfast. The language from the 1813 statute that establishes Belfast's municipal boundaries, that are at issue is relevant in resolving the dispute relating to the city's efforts to use eminent domain to take the portion of Mabee/Grace's intertidal land on which Lot 36 (formerly owned by the Eckrotes and now owned by the City of Belfast) fronts, for the benefit of Nordic Aquafarms, Inc., pertains to the location of the City's boundary in Penobscot Bay. Those boundaries are described in the 1813 Act as, “thence running south into said Bay, until said course intersects a line running due east from the mouth of Little river; thence running west, to the said mouth of Little River”.

7.) In placing this call in the 1813 statute, there is a significant disparity between where I locate that call on the face of the earth and where James Dorksy, P.L.S. – the surveyor being used by Nordic and the City – places this boundary on the face of the earth. Exhibit 4 shows the location of the city line as surveyed by myself on the James Dorsky plan to allow comparison of the locations. Exhibit 5 shows the different locations of the city boundary as surveyed by both surveyors superposed onto an aerial photograph of the Little River properties and the Bay.

8.) There seems to be no disagreement between Surveyor Dorsky and me, that the bearings in the town line description were magnetic in 1813 and could be determined by reference to various bearings noted in the description.

9.) Both surveyors seem to hold that nothing else to the contrary the courses of, "running south into said Bay" and "thence running west, to the said mouth..." are calls for due south and due west respectively.

10.) The point at issue, and in dispute between the surveys presented by Surveyor Dorsky and me is where, "the mouth of Little River" is located.

11.) The survey that I have prepared shows the location of the mouth at the terminus of the banks of the Little River at its junction with Penobscot Bay at the normal high water line.

12.) In contrast, the survey that Mr. Dorsky has prepared for Nordic Aquafarms, now being used by the City of Belfast, shows the Belfast municipal boundary line well out into Penobscot Bay when the tide is at its' normally high level.

13.) The basis for the disparity in where Mr. Dorsky and I locate the Belfast boundary in Penobscot Bay, is that we disagree there the mouth of the Little River is located on the face of the earth.

14.) It is my professional opinion that the resolution of the question of the proper location of the mouth of the Little River on the face of the earth can be found in a resort to standard dictionary definitions and to technical treatises and court cases which address this specific question of where the mouth of any tidally influenced river or brook that flows into a sea or bay is located on the face of the earth.

15.) The Miriam Webster online dictionary defines river mouth as, "the place where the river enters the ocean." This simple definition indicates that there are two distinct geographic entities, "the river" and "the ocean" and where the one enters the other is the mouth.

11.) Black's Law Dictionary (fifth ed. 1979) defines a "River" as: "A natural stream of water, of greater volume than a creek or rivulet, flowing in a more or less permanent bed or channel between defined banks or walls with a current which may either be continuous in one direction or affected by the ebb and flow of the tide."

16.) This definition agrees with scholarly government treatises such as "*Sea and Shore Boundaries*"<sup>2</sup> where it says:

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<sup>2</sup> *Shore and Sea Boundaries*, Vol. 3, Page 311; by Michael W. Reed, Published by the U.S. Government Printing Office (Washington 2000) for U.S. Department of Commerce, National Oceanic and Atmospheric Administration and U.S. Department of the Interior.

"Resolving these controversies begins with the definition of 'river.' There have been many. Commonly accepted elements include: fresh water, naturally flowing from a region of higher elevation to a region of lower elevation, which is contained between parallel or nearly parallel banks."<sup>3</sup>

It should be noted that some rivers are affected by the ebb and the flow of the tide but they are still considered inland waters.

17.) The U.S. Supreme Court has acknowledged that inland waters include, "Any river or stream flowing directly into the sea, landward of a straight line across its mouth."<sup>4</sup> The straight line referred to is typically run from the end of the river banks or the "headlands" across the river mouth.

18.) The definition and limits of a *river* as distinguished from the waters of a *bay* are analyzed and articulated well in the case of *Williams Fishing Co. v. Savidge*, 152 Wash. 165 (1929), which holds as follows:

Let us inquire first what is a river. Bouvier's Law Dictionary, vol. 3, p. 2968, defines a river as follows:

"River. A natural stream of water flowing betwixt banks or walls in a bed of considerable depth and width, being so called whether its current sets always one way or flows and reflows with the tide. Woolrych, Wat. 40; *State v. Gilmanton*, 14 N.H. 467.

"A body of flowing water; a running stream of no specific dimensions, larger than a brook or rivulet, and pent on either side by walls or banks. *Board of Comm'rs v. Castetter*, 7 Ind. App. 309, 33 N.E. 986, reh'g overruled, 7 Ind. App. 318, 34 N.E. 687."

To the same effect is *Howard v. Ingersoll*, 54 U.S. 380, 14 L. Ed. 189, and 34 Cyc. 1792.

If a river is necessarily "pent on either side by walls or banks," then when it ceases to be so pent in it must likewise cease to be a river. ....

.... As an aid to the solution of the question, the natural headlands on either bank of the river should be considered--at least their location would be helpful in determining where the stream ceased to be pent in by banks ...."

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<sup>3</sup> *Shore and Sea Boundaries*, Vol. 3, Page 311; by Michael W. Reed, Published by the U.S. Government Printing Office (Washington 2000) for U.S. Department of Commerce, National Oceanic and Atmospheric Administration and U.S. Department of the Interior.

<sup>4</sup> *United States v. California*, 382 U.S. 448 \*; 86 S. Ct. 607 (1966).

19.) The larger body of water at the mouth of the river, being in this matter Penobscot Bay, must be distinguished from the river, here the Little River.

20.) It is imperative in locating the mouth of a river that it be placed in a location where the lesser waterbody ceases to be confined or "pent in" within well-defined banks – and that estuaries adjacent to where the waterbody ceased to be "pent in" are not included as part of the "river." The ruling in *United States v. California, supra*, importantly held that: "An estuary of a river is treated in the same way as a bay." See also, *Shore and Sea Boundaries*, "A river mouth is typically an indentation in the coast line not a protrusion. Estuaries are not typically treated as part of a river and are legally treated as part of the bay".<sup>5</sup>

21.) That "the Bay" does not intrude into the inland but is distinct from the river is clearly explained in the U. S. Supreme Court Case, *Knight v. United Land Assn.*, where the court gave the example: "in the measurement of a body of water like Long Island sound, when the Connecticut river is met the line of survey does not follow up that river to Hartford because the tide is felt at that place, but it crosses the mouth of the river from headland to headland."<sup>6</sup>

22.) "The river must have banks required for the riverine character. Once the river reaches the sea it no longer has banks and the cove or bay starts at that point which typically is at the line of the high tide and the salt water of the larger body. The river includes no part of the open waters of the bay and the bay forms no part of the river. They can be clearly distinguished. "From time immemorial river waters have been understood to be inland waters", (*Shore and Sea Boundaries*, Vol. 3, Page 310; by Michael W. Reed)<sup>7</sup>. Reed explains further: "In sum, rivers are fresh inland waters. A river is a flowing water course that is contained by roughly parallel banks. The mouth of a river is located where it enters another body of water, that is, where its riverine character ends".<sup>8</sup>

23.) The concept of drawing a baseline across the headlands of the river banks and along the general line of the sea shore is well recognized in law. This is supported by another qualified expert at the Coast and Geodetic survey, Aaron Shalowitz, when he states: "When a river flows directly into the sea, the waters of the river constitute inland waters up to a line

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<sup>5</sup> *Ibid.*, pp. 311-312.

<sup>6</sup> *Knight v United Land Assn.*, 12 S.Ct.258; 142 U.S. 161 (1891)

<sup>7</sup> *Shore and Sea Boundaries*, Vol. 3, Page 310; by Michael W. Reed, Published by the U.S. Government Printing Office (Washington 2000) for U.S. Department of Commerce, National Oceanic and Atmospheric Administration and U.S. Department of the Interior.

<sup>8</sup> *Ibid.* at Vol. 3, p.318.

following the general direction of the coast drawn across the mouth of the river, whatever its width".<sup>9</sup>

24.) The U.S. Supreme Court spoke of this "universal rule" to locate the mouth of a river, "that where water of a larger dimension is intersected by a water of a smaller dimension the line of measurement of the first crosses the latter at the points of junction, from headland to headland. The existence of tide-lands in the intersecting water in no respect affects the result."<sup>10</sup>

25.) The Court in that case went on to state: "Not only has this rule in the measurements of waters prevailed on the continent of Europe from the time of the Roman empire, but it has always been accepted as controlling in England and in the United States, and never been, that I am aware, questioned except in the present case."<sup>11</sup>

26.) The location of the mouth of the Little River located by myself and surveyor James Dorsky are at substantial odds. My survey location places the mouth at the center of a baseline drawn between the headlands of the river at the terminus of the Little River where the banks of the river end, where the river waters cease to be "pent in" and on a line following the general direction of the coastline drawn across the mouth of the river. This location is supported by the authorities cited above.

27.) The Dorsky survey location shown on his most recent survey plan places the mouth of the Little River well out into Penobscot Bay in the outer limits of the estuary of the river which as noted above is no part of the river. Where Mr. Dorsky places the mouth of the Little River, it is not confined or "pent in" within well-defined banks but it includes the adjacent estuaries which are not considered part of the river.

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<sup>9</sup> Sea and Shore Boundaries, With Special Reference To The Interpretation And Use Of Coast And Geodetic Survey Data, Volume 2, Pg. 371; by Aaron L. Shalowitz, LL.M., (Washington 1964). Published by the U.S. Government Printing Office (Washington 1964) for U.S. Department of Commerce and the Coast and Geodetic Survey.

Shalowitz is also quoted more extensively in *Dahl v. Clackamas County*, 243 Ore. 152 (1966) where the court wrote:

"The source of the water flowing in the area is not the test to determine river boundaries. The most authoritative text found states:

"The problem of defining the actual limits of a body of water tributary to a larger body is not always a simple one. The solution lies in finding the exact place where the tributary waterway merges into the principal waterway. In the absence of established criteria regarding the limits of a specific body of water, a basic consideration is the physical configuration of the tributary waterway at its terminus. The headland principle is based on this consideration and has been applied internationally for ascertaining the limits of inland waters." - Shalowitz, *Shore and Sea Boundaries*, at 63 (Pub 10-1, U.S. Dept of Commerce 1962).

The headland principle was stated to be the law by Mr. Justice Field in his concurring opinion in *Knight v. United States Land Association*, 142 U.S. 161, 12 S Ct 258, 35 L ed 974, 990 (1891). The issue in that case was the boundary between the bay and a river which entered the bay. It was said that the boundary line was a line drawn from headland to headland of the river, i.e., a line based upon the physical configuration at the mouth of the river."

<sup>10</sup> *Knight v United Land Assn.*, 12 S.Ct.258; 142 U.S. 161 (1891).

<sup>11</sup> *Ibid.*

28.) While the term, “the mouth of the river” is sometimes used in common parlance to refer to the general area around the junction of the river and the bay, it certainly must be supposed that when the term is used in a description such as that of the town line of Belfast described in the 1813 statute that established this municipal boundary, that more than a generalized area is intended and that a specific point on the face of the earth was described. If the line was not at a definite point on the face of the earth it would be difficult for municipalities and governmental agencies to regulate their waters for fishing (such as the digging of shellfish), boat mooring, the permitting of wharfs and piers, the regulation of natural resources (such as oil drilling and salmon fishing) and code enforcement and law enforcement within the uncertain or shifting limits of the municipality would be impeded.

29.) The Gartley & Dorsky plan/drawing that is attached to the City of Belfast’s notice of condemnation served on Jeffrey Mabee and Judith Grace, Friends and the property owners of Lots 35, 34, 33, 32 and 31, shows that the City is condemning property that is clearly located outside the municipal boundaries of the City of Belfast. I show the location of the “Belfast City Line” superposed on the Gartley & Dorsky plan/drawing (identified as “Exhibit 1” by the City) that is attached hereto as Exhibit 6.

30.) The proper location of the Belfast city line running westerly from Penobscot Bay into the proper location of the mouth of Little River would seriously contradict the documentation and the basis for the permitting and eminent domain proceedings of the City of Belfast. It is hard to understand the jurisdictional basis for Belfast taking land located outside its boundary – as established in 1813 by statute -- for the purpose of granting Nordic Aquafarms the right to undertake commercial and industrial development in the intertidal zone. Whether or not this intertidal land is owned by Mabee and Grace, a portion of the intertidal land the City of Belfast has voted to condemn is outside the statutory boundaries of the City of Belfast.

31.) To be clear, by relying on the Dorsky boundary line, that erroneously locates the mouth of the Little River well into Penobscot Bay, the City of Belfast is attempting to take land that is outside the statutorily defined boundaries of the City of Belfast since 1813.



Dated: August 19, 2021



Donald R Richards, P.L.S.

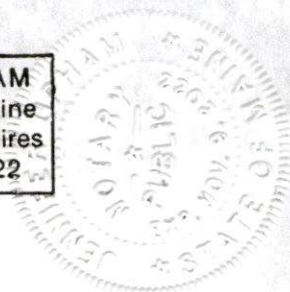
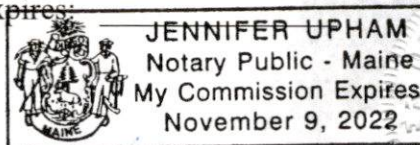
STATE OF MAINE

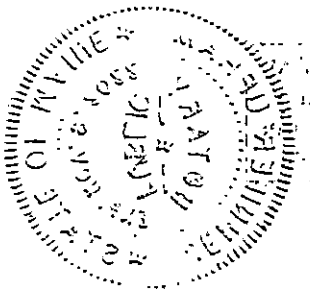
COUNTY OF KNOX

On the 19<sup>th</sup> day of August 2021, then personally appeared the above-named, Donald R. Richards, who swore that the foregoing statements by him are true, based upon personal knowledge, information and belief and based upon information that he believes to be true.

  
Notary Public/Attorney at Law

My commission expires:





1952  
JUN 20  
10 30 AM

NOTES / REPORT

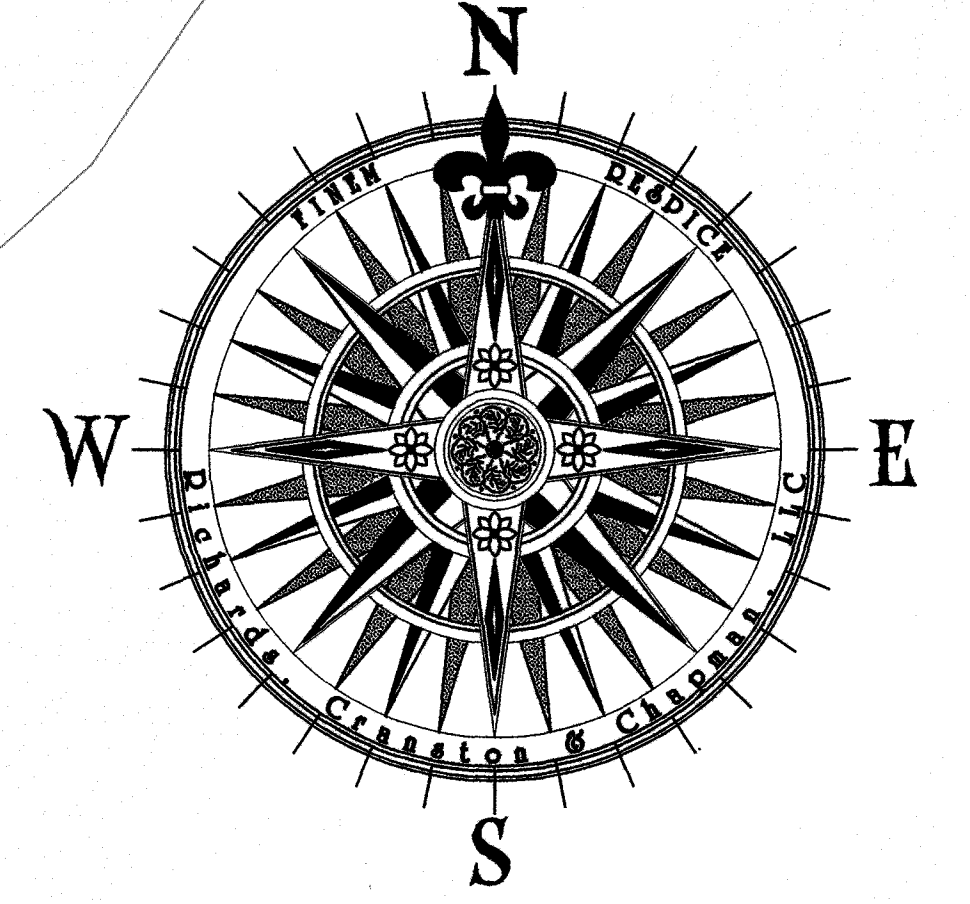
This plan pertains to a perimeter boundary survey of the tract shown and is for the clients use only. Unauthorized use by other parties (without the review and update by the surveyors) shall be at their own risk. This plan is intended to depict property boundaries only and may not reflect important site factors or conditions, zoning restrictions or conditions, unwritten or unrecorded title rights, or compliance with covenants or governmental regulations, unless otherwise noted. All references to recording information are citations to the Waldo County Registry Of Deeds unless otherwise noted. This plan should be considered in conjunction with a comprehensive title abstract and review by legal counsel.

Reference is made to a separate survey report for a full explanation of this survey and plan.

Tie line Point B to Point C: N 61°11'E - 732.8'  
Distance along high water from Point C to Point D: 1185' +/-  
Distance along high water from the southeasterly end of the line through Points A and B to Point C: 760' +/-

Belfast Water District  
1092 - 145  
474 - 322

Magnetic North  
August 2012



DOC # 70

STATE OF MAINE  
WALDO COUNTY, ss, REGISTRY OF DEEDS  
Received October 8, 2019  
at 12 h. 08 m. P. M., and Recorded  
in Plan Book 24, Page 34  
Attest: Julie Howard, Deputy REGISTER

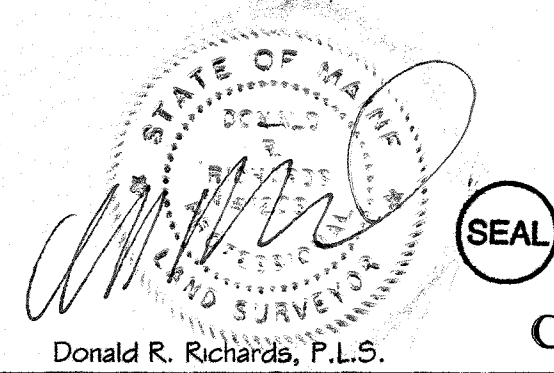
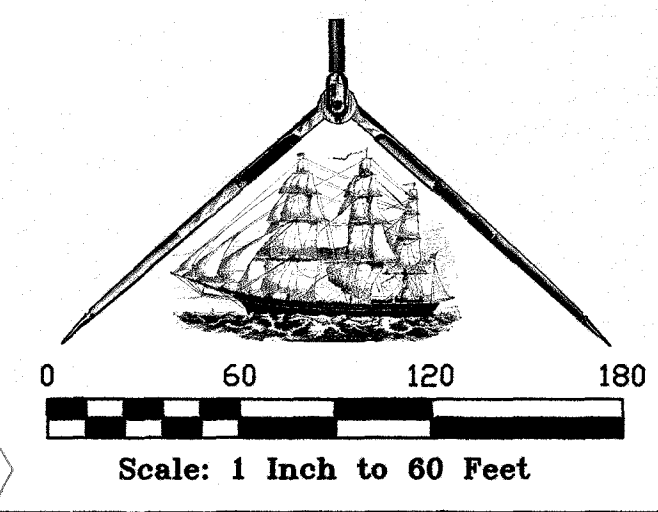
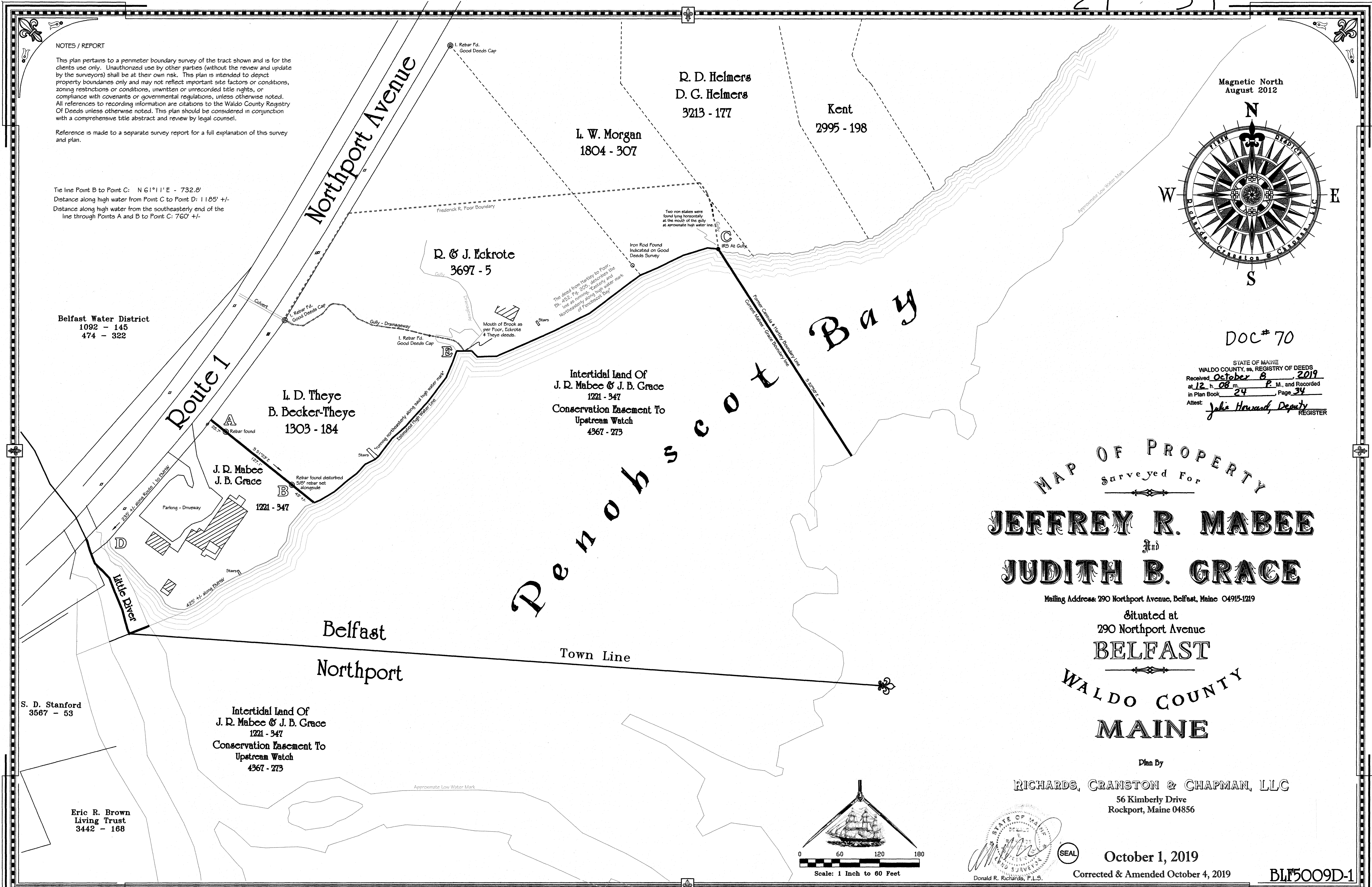
MAP OF PROPERTY  
Surveyed For  
**JEFFREY R. MABEE**  
And  
**JUDITH B. GRACE**  
Mailing Address: 290 Northport Avenue, Belfast, Maine 04915-1219  
Sited at  
290 Northport Avenue  
**BELFAST**  
WALDO COUNTY  
**MAINE**

Plan By  
**RICHARDS, CRANSTON & CHAPMAN, LLC**  
56 Kimberly Drive  
Rockport, Maine 04856

October 1, 2019

Corrected & Amended October 4, 2019

BLF5009D-1



# Exhibit 1

04115

## WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, THAT I, HEATHER O. SMITH of Belfast in the County of Waldo and State of Maine, whose mailing address is 178 Northport Avenue, Belfast, Maine 04915,

in consideration of one dollar and other valuable considerations,

paid by JEFFREY R. MABEE and JUDITH B. GRACE, both of Belfast in the County of Waldo and State of Maine, whose mailing address is R. F. D. #1, Box 1321, Belfast, Maine 04915,

the receipt whereof I do hereby acknowledge, do hereby GIVE, GRANT, BARGAIN, SELL, AND CONVEY, unto Jeffrey R. Mabee and Judith B. Grace as joint tenants and not as tenants in common, their heirs and assigns forever,

a certain lot or parcel of land together with the buildings thereon situated in Belfast in the County of Waldo and State of Maine, bounded and described in a warranty deed from Winston C. Ferris to Andrew J. Gay and Judith Gay dated August 26, 1970, and recorded in the Waldo County Registry of Deeds in Book 684, Page 688, as follows, to wit:

"Northerly by land of Fred R. Poor; Easterly by Penobscot Bay; Southerly by Little River and Westerly by the Atlantic Highway, so-called.

EXCEPTING therefrom, however, a certain lot or parcel of land conveyed to John Joseph Grady et ux by Ernest J. Bell and Marjorie N. Bell by deed dated May 18, 1964 and recorded in the Waldo County Registry of Deeds in Book 621 at Page 288, bounded and described as follows, to wit: Commencing at a point on the southeasterly right of way line of U. S. #1 at a concrete culvert; thence southwesterly along said right of way line, one hundred eighty-seven (187) feet to a point six (6) feet, more or less, northwesterly of an iron pin; thence South 48°20' east one hundred thirty-eight (138) feet, more or less, to an iron pin and continuing on the same course thirty-nine (39) feet, more or less, to the high water mark of Penobscot Bay; thence turning and running northeasterly along said high water mark three hundred thirty-three (333) feet, more or less, to an iron pipe; thence turning and running generally northwesterly and following the gully that marks the line between land of Ernest J. Bell and Marjorie N. Bell, and the land of Fred R. Poor, to the point of beginning.

Together with all our right, title and interest in and to that portion of the premises which lies between high and low water mark, commonly designated as the flats.

It is meant and intended to describe and convey the same premises conveyed to me by Evelyn Flanders Robinson and Continental Illinois National Bank and Trust Company of Chicago, executors u/w/o Snelling S. Robinson, by deed dated March 19, 1970, recorded in Waldo County Registry of Deeds, Book 680, Page 688."

It is meant and intended to describe and convey the same premises conveyed to Christopher S. Smith and Heather O. Smith from Andrew J. Gay and Judith Gay by warranty deed dated November 1, 1983, and recorded in the Waldo County Registry of Deeds in Book 817, Page 291.

For further title reference, see deed from Christopher S. Smith to Heather O. Smith dated December 11, 1984, and recorded in the Waldo County Registry of Deeds in Book 833, Page 153, on December 12, 1984.

TO HAVE AND TO HOLD the aforegranted and bargained premises with all the privileges and appurtenances thereof to the said Jeffrey R. Mabee and Judith B. Grace as joint tenants and not as tenants in common, their heirs and assigns forever.

BK1221 PG348

AND I do COVENANT with the said Grantees, their heirs and assigns, that I am lawfully seized in fee of the premises; that they are free of all encumbrances; that I have good right to sell and convey the same to the said Grantees to hold as aforesaid; and that I and my heirs shall and will WARRANT and DEFEND the same to the said Grantees, their heirs and assigns forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, I, the said Heather O. Smith, have hereunto set my hand and seal this fifteenth day of May in the year of our Lord one thousand nine hundred and ninety-one.

SIGNED, SEALED, AND DELIVERED  
IN PRESENCE OF

*[Signature]*

*Heather O. Smith*  
Heather O. Smith



STATE OF MAINE  
WALDO, SS.

May 31, 1991

Personally appeared the above named Heather O. Smith and acknowledged the above instrument to be her free act and deed.

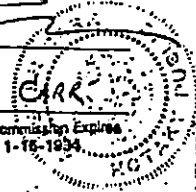
Before me,

*[Signature]*

Notary Public.

Notary Public: Please Print Name:  
CFH/Smith  
FCM/cfh

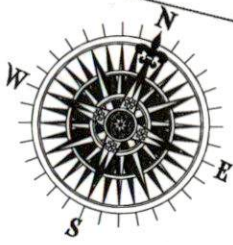
A. PETER



RECEIVED WALDO SS.  
1991 JUN -7 PH 1:47

ATTEST: *Deloris Page*  
REGISTER OF DEEDS

# Exhibit 2



This sketch is based on Page 29 of the Belfast Tax Maps and is annotated to show the relative position of the various properties situated northeast of Little River on Penobscot Bay.

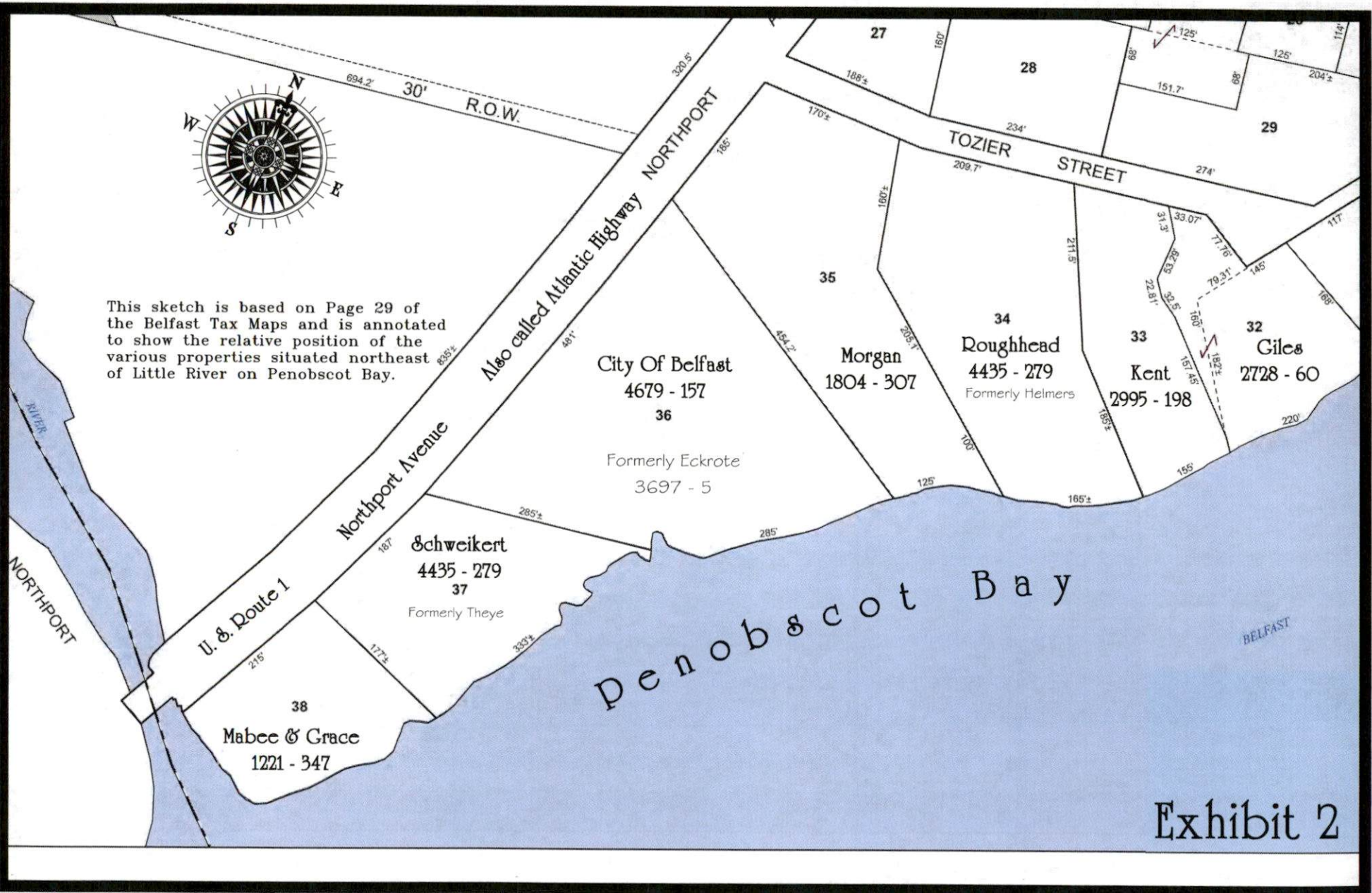


Exhibit 2



# Exhibit 3



**The Commonwealth of Massachusetts**  
William Francis Galvin, Secretary of the Commonwealth

Date: September 4, 2019

Acts of 1813 Chapter 53

A True Copy Witnessed Under the  
Great Seal of the Commonwealth of Massachusetts



*William Francis Galvin*

William Francis Galvin  
Secretary of the Commonwealth

Approved for the King  
June 16 1813

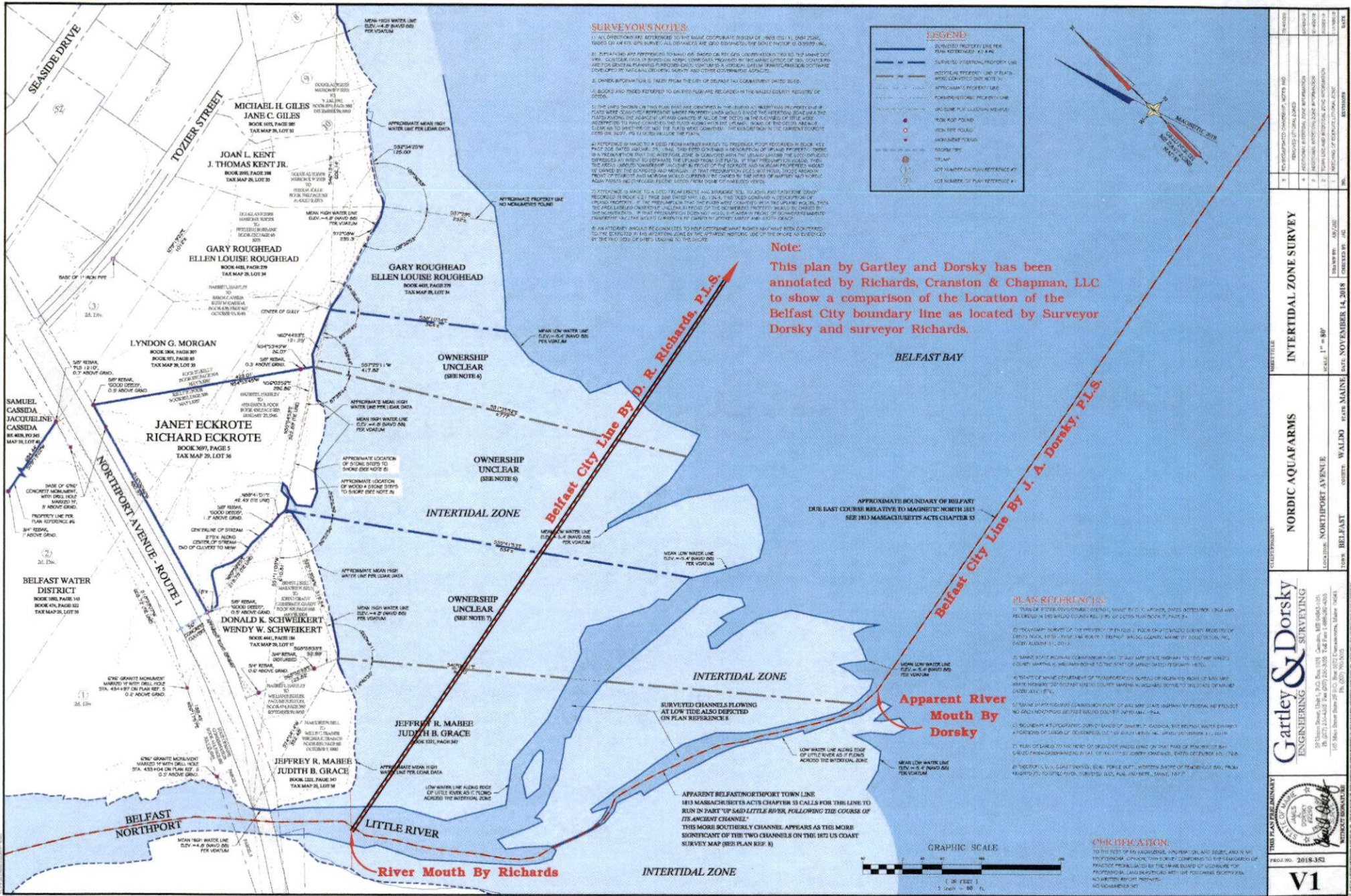
This bill have had two several readings before the House  
in Senate June 16 1813

in the House of Representatives June 16 1813. The bill having had three readings  
of which it stands in the right of vote, without any amendments.  
that nothing contained in this act shall be so construed as to affect the claims  
and fifteen rods, to the Steamlock Office just mentioned: provided however  
bands, measuring north by eight degrees East, eight miles, one quarter,  
of north declension of lots in said town of Westport; hence by unaltered  
measuring line, at the northwesterly corner of lot numbered twenty six, in the  
town of Westport, four miles, three quarters, and fifty two rods, to a corner  
said town of Westport, and commonly known by the name of Steamlock corner  
at the northwesterly corner of lot numbered one, in the town of Westport, in  
West, three miles, one quarter, and four rods, to a corner in following order,  
of Westport; thence by the town of Westport, measuring north thirty eight degrees  
of lot numbered one hundred and two, in the town of Westport, and at the  
East, standing on the West bank of said River, and at the northwesterly corner  
that stand in said River within the town of Westport, to a marked system  
up said said River, following the course of its ancient channel, which includes  
running West, to the said mouth of said River; thence by the town of Westport;  
course, intersects a line running West from the mouth of said River; thence  
at the town of Westport, thence running West into said River, and into  
channel of said River, to a corner of lot numbered one, in the town of Westport,  
quarter, and half, one pole, to Halfway Creek; thence following the course of the  
marked Steamlock town; thence running South by the town of Westport, one mile, one  
course of lot numbered fifty seven, in the town of Westport, and at the town, at a  
of Westport, and they are hereby established as before; comparing with  
openable, and by the authority of the same, that the boundary line of the said town  
the it enacted by the Senate and House of Representatives in Congress assembled

of Westport.  
do not to establish the boundaries of the town of Westport, in the County

In the year of our Lord, one thousand eight hundred and  
thirteen

# Exhibit 4



NO.	DESCRIPTION	DATE
1	PREPARED BY SURVEYOR	11/14/18
2	REVISIONS	
3	REVISIONS	
4	REVISIONS	
5	REVISIONS	
6	REVISIONS	
7	REVISIONS	
8	REVISIONS	
9	REVISIONS	
10	REVISIONS	

**INTERSTITIAL ZONE SURVEY**

SCALE: 1" = 80'

DATE: NOVEMBER 14, 2018

CONDUCTED BY: JAD

**NORDIC AQUAFARMS**

COURT: WALDO COUNTY, BELFAST

LOOKING: NORTHPORT AVENUE

FILE NO.: 2018-352

**Gartley & Dorsky**  
ENGINEERING & SURVEYING

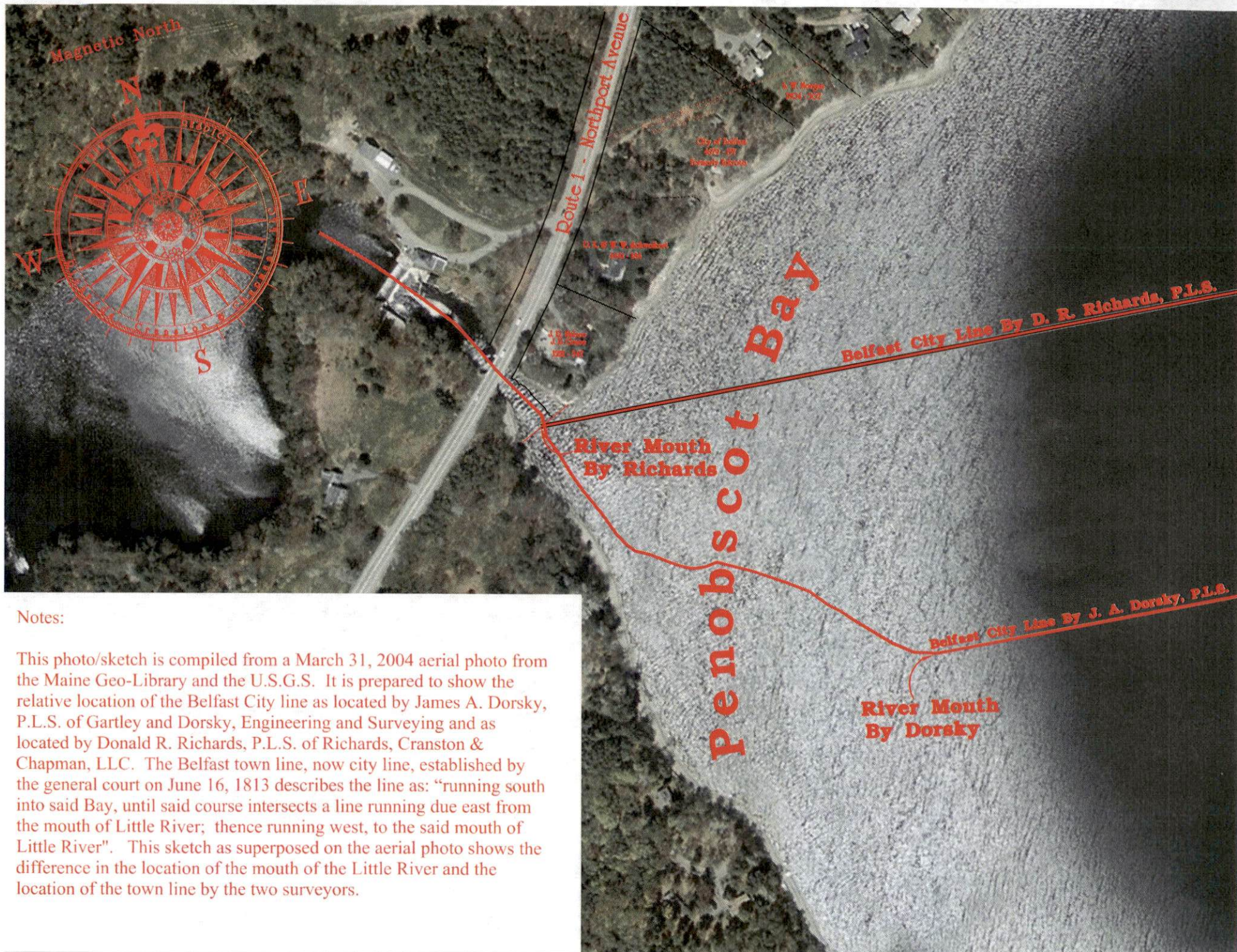
100 Main Street, Belfast, ME 04910  
100 Main Street, Belfast, ME 04910  
100 Main Street, Belfast, ME 04910

**VI**

2018-352

NOVEMBER 14, 2018

# Exhibit 5

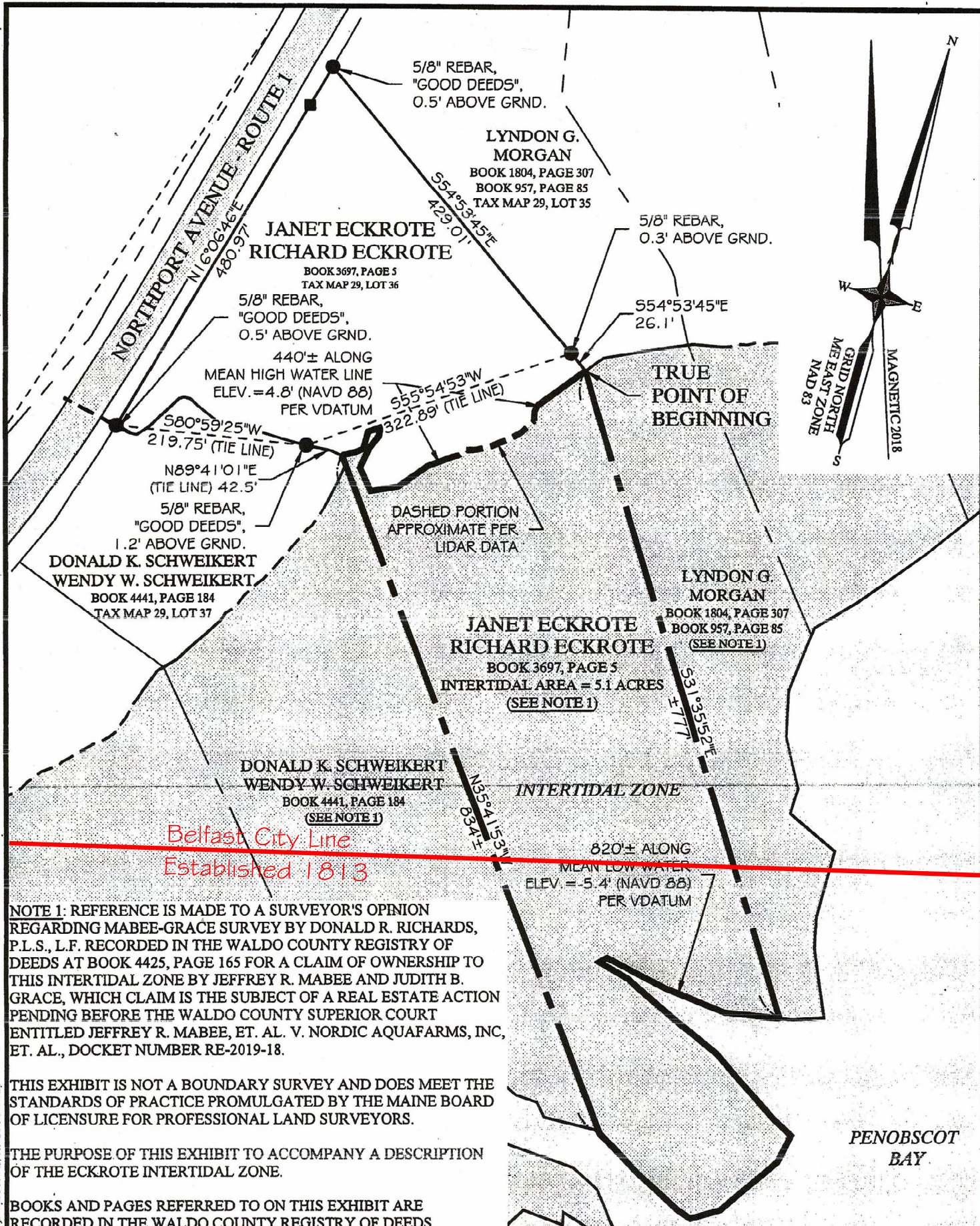


Notes:

This photo/sketch is compiled from a March 31, 2004 aerial photo from the Maine Geo-Library and the U.S.G.S. It is prepared to show the relative location of the Belfast City line as located by James A. Dorsky, P.L.S. of Gartley and Dorsky, Engineering and Surveying and as located by Donald R. Richards, P.L.S. of Richards, Cranston & Chapman, LLC. The Belfast town line, now city line, established by the general court on June 16, 1813 describes the line as: "running south into said Bay, until said course intersects a line running due east from the mouth of Little River; thence running west, to the said mouth of Little River". This sketch as superposed on the aerial photo shows the difference in the location of the mouth of the Little River and the location of the town line by the two surveyors.

# Exhibit 6





NOTE 1: REFERENCE IS MADE TO A SURVEYOR'S OPINION REGARDING MABEE-GRACE SURVEY BY DONALD R. RICHARDS, P.L.S., L.F. RECORDED IN THE WALDO COUNTY REGISTRY OF DEEDS AT BOOK 4425, PAGE 165 FOR A CLAIM OF OWNERSHIP TO THIS INTERTIDAL ZONE BY JEFFREY R. MABEE AND JUDITH B. GRACE, WHICH CLAIM IS THE SUBJECT OF A REAL ESTATE ACTION PENDING BEFORE THE WALDO COUNTY SUPERIOR COURT ENTITLED JEFFREY R. MABEE, ET. AL. V. NORDIC AQUAFARMS, INC, ET. AL., DOCKET NUMBER RE-2019-18.

THIS EXHIBIT IS NOT A BOUNDARY SURVEY AND DOES MEET THE STANDARDS OF PRACTICE PROMULGATED BY THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS.

THE PURPOSE OF THIS EXHIBIT TO ACCOMPANY A DESCRIPTION OF THE ECKROTE INTERTIDAL ZONE.

BOOKS AND PAGES REFERRED TO ON THIS EXHIBIT ARE RECORDED IN THE WALDO COUNTY REGISTRY OF DEEDS.

*Belfast City Line  
Established 1813*

**Gartley & Dorsky**  
ENGINEERING & SURVEYING

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165 Main Street Suite 2D P.O. Box 1072 Damascus, Maine 04543  
Ph. (207) 790-5005

**EXHIBIT 1**  
BELFAST, WALDO COUNTY, MAINE

JUNE 29, 2021

PROJ. NO. 18-352

SCALE: 1" = 150'

File: 18-352-001.dwg Plot: 18-352-001-1.dwg Date: 6/29/21 10:00 AM