

GARY JORDAN et al.

v.

TOWN OF ST. ALBANS

Submitted on Briefs July 18, 2006  
Decided August 3, 2006

Panel: SAUFLEY, C.J., and DANA, ALEXANDER, CALKINS, LEVY, and  
SILVER, JJ.

## MEMORANDUM OF DECISION

Gary Jordan and Grace Jordan appeal from a judgment of the Superior Court (Somerset County, *Jabar, J.*) affirming, on the Jordans' M.R. Civ. P. 80B appeal, the taking of property by the Town of St. Albans to resolve a title dispute relating to the location and maintenance of a town way pursuant to 23 M.R.S. § 3023 (2005). Contrary to the Jordans' contentions, the Superior Court did not err in its determination that the highway purpose of the taking was a public purpose or its invocation of section 3023 to resolve the Jordans' challenge to the Town's use and maintenance of the right-of-way. Further, where a title dispute existed, the Town

did not have to demonstrate an immediate intention to alter or expand the right-of-way to obtain relief pursuant to section 3023. The Superior Court also did not err in concluding that the description of the way prepared pursuant to 23 M.R.S. § 3022 (2005) sufficiently described the property interests at issue.

The entry is:

Judgment affirmed.

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