

DAVID E. BRANN et al.

v.

TOWN OF WATERBORO et al.

Submitted on Briefs October 24, 2005

Decided January 3, 2006

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

#### MEMORANDUM OF DECISION

David E. and Karen Brann appeal a judgment of the Superior Court (York County, *Brennan, J.*) in favor of the Town of Waterboro, following a nonjury trial, on the Branns' complaint seeking a declaratory judgment pursuant to 23 M.R.S.A. § 3028 (1992). Contrary to the Branns' contentions, the court did not err in finding that Bagley Road was not abandoned pursuant to the common law, *see Shadan v. Town of Skowhegan*, 1997 ME 187, ¶ 4, 700 A.2d 245, 247; neither did the court err in finding that Bagley Road was abandoned pursuant to 23 M.R.S.A. § 3028, and that the Town retained a public easement in that road, which included recreational use, *see* 23 M.R.S.A. §§ 3026, 3028 (1992).

The entry is:

Judgment affirmed.

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**Attorneys for plaintiffs:**

John C. Bannon, Esq.  
John B. Shumadine, Esq.  
Murray Plumb & Murray  
P.O. Box 9785  
Portland, ME 04104-5085

**Attorneys for defendants:**

Kenneth M. Cole III, Esq.  
Natalie L. Burns, Esq.  
Jensen Baird Gardner & Henry  
P.O. Box 4510  
Portland, ME 04112-4510  
(for Town of Waterboro, Knox & Kasprzak)

Durward W. Parkinson, Esq.  
Bergen & Parkinson, LLC  
62 Portland Road  
Kennebunk, ME 04043  
(for Gould)