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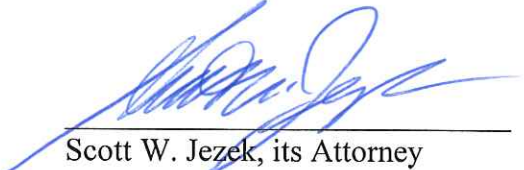


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TIME LINE / CHRONOLOGY

- 2017 - 705 Washington Avenue, LLC (hereinafter "705") takes title to 1391 Riverside Avenue in the same configuration as it existed in 1956 per the Town's Assessor's aerial map of that year.
- 2007 - Thompson acquires its property. The Applicant's claim is that the town acquired its property already subject to the easement for ingress and egress.
- 1973 - Thompson adopts its zoning regulations which would require any permitted construction to be signed off in advance that it is in compliance with those regulations. The town's building department reflects no permits relative to the present issue demonstrating clearly that the garage which is served by the driveway across the town property was already. Similarly, the house on the Applicant's property was also in existence which precludes access to the garage other than across the town's property.
- 1956 - The town's 1956 Assessor's map for these properties, a copy of which is already submitted, is an aerial photograph. It is significant in several respects. First, it illustrates the boundary lines for the town's and Applicant's properties are identical then to what they are today. Second, and most important, the map readily depicts the garage and driveway *in situ* in 1956 exactly as it is today.

Thus, when you measure the requisite fifteen year holding period necessary to establish an easement by prescription, as the Applicant claims here, it is most likely the commencement date was even to 1956. It is not necessary to trace further back as it is clear and unrefuted that whether you start in 1956 or in 1973 when Thompson adopted its zoning and building regulations, that decades had lapsed during which the garage was accessed by the driveway at issue. So when the town of Thompson took ownership in 2007, its property was already subject to the prescriptive easement.



Scott W. Jezeck, its Attorney
705 Washington Avenue, LLC