

No. 20902

Rose G. Vitello, et al

vs.

Nunzio Corsino, et al

State of Connecticut
Superior Court
New London County
February 18, 1953

Certified Copy of
J U D G M E N T .

STATE OF CONNECTICUT

ROSE G. VITELLO, ARCHIE CHOOLGIAN,
and ELIZABETH CHOOLGIAN, of Wethersfield,
JOSEPHINE KLOSS, JOSEPH T. FERONY and
NICK VIAFIADDES, of Old Lyme, HARRY E.
TATOIAN, of Thompsonville, ERNEST
LABONTE, of Springfield, Massachusetts,
JOHN MANCINI, ROSE PERROTTO, and PAOLO
SILVESTRA, of New Britain, JOSEPH D.
MANCINI and KATHERINE MANCINI, of
Newport, Rhode Island, FRANCES CHATKIN,
PALMER BATTALINE, ANN MARIE MASCALO,
JOHN R. BATTALINE and ROCCO MASCOLO,
of West Hartford, JAMES CULTERA,
PHILIP TESTA, FRANK RUSSO, SANTO
SBRIGLIO, MARY DINARDI, NICK ZACCO,
ANTONIO LOGUIDICE, MARY D'AGATA,
JENNIE LOMBARDO, MICHELE BONAINTO,
VITO PIACENTE, DOMINIC LAPENTA,
CARMEN LAPENTA and SANTIINA VINCI, of
Hartford, AVIDIS TATOIAN, of Enfield,
ELIZABETH SCAGLIATTI and ALBERT
SCAGLIATTI, of Kensington.

SUPERIOR COURT
NEW LONDON COUNTY
FEBRUARY 18, 1953

No. 20902 VS

NUNZIO CORSINO, of the Town of Old
Lyme, County of New London and
State of Connecticut, and THE MIAMI
BEACH ASSOCIATION

PRESENT HON. THOMAS E. TROLAND, JUDGE

This action by writ and complaint dated July 14, 1952
claiming (1) a mandatory injunction requiring the defendants to
remove from Long Island Avenue all obstructions to free entry and
egress thereon; (2) an injunction restraining the defendants
from interfering with the rights of the plaintiffs to free entry
and egress and to free and unimpeded use and enjoyment of said
Long Island Avenue along its entire length and width from now
henceforth; and (3) ten thousand (10,000) dollars, came to this
Court on the first Tuesday of August, 1952, and thence to
February 4, 1953 when John R. Battaline, Ann Marie Mascalò,
Elizabeth Choolgian, Avidis Tatoian, Vito Placente and Nick
Viafiades, having moved to intervene as plaintiffs, were ordered
to be added as party plaintiffs in this action; and thence to

February 4, 1953 when plaintiffs' amendment to the complaint dated February 2, 1953 amending Paragraphs 1, 2 and 3 of the First Count and adding Paragraph 2A thereto was allowed; and thence to February 10, 1953 when plaintiffs' amendment dated February 9, 1953 to the writ and complaint was allowed; and thence to February 17, 1953 when plaintiffs' amendment to the complaint dated February 17, 1953 was allowed; and thence to the present time when the parties appeared and were at issue to the Court as on file.

The Court, having heard the parties, finds the issues upon the First Count for the plaintiffs enumerated therein, and also finds the issues for all of the plaintiffs upon the Third Count, and at the request of the plaintiffs specially sets forth the facts found as follows:

That Harry J. Hilliard, formerly of the Town of Old Lyme, was the owner of the land now known and designated as Swan Avenue, Hartford Avenue, Portland Avenue, and Pond Road, and the adjacent streets and the land abutting on those thoroughfares, except for land east of Swan Avenue, and that during his lifetime he developed this land laying it out in the roads and streets mentioned, and with building lots adjacent thereto; and that in selling these lots he created certain private rights pertaining to the land sold and the use of the strip of beach running westerly from Hartford Avenue, so-called, and known as Long Island Avenue, and that in addition to that during his lifetime and prior to the year 1941 he dedicated for public use the strip of land known as Long Island Avenue, and that said Long Island Avenue is bounded as follows:

NORTHERLY by the southerly line of lots designated as the "B" Lots on a map dated October 9, 1908, Perry T. W. Hale, Engineer, filed by the said Harry J. Hilliard in the Town Clerk's Office of the Town of Old Lyme;

EASTERLY by the west line extended to the line of the mean flood tide of Long Island Avenue of a public highway known as Hartford Avenue in said Town of Old Lyme;

SOUTHERLY by the line of the mean flood tide of Long Island Sound; and

WESTERLY by the west line extended to the mean flood tide of Long Island Sound of Lot designated as "B-1" on a map filed by the said Harry J. Hilliard dated October 9, 1906, Perry T. W. Hale, Engineer, in the said Town of Old Lyme,

and that this dedication for such use by the said Harry J. Hilliard was accepted by the unorganized public and has been continuously used and enjoyed by the public down to the date of the beginning of this action.

As a conclusion of law from these facts, the Court finds the issues on the Third Count for all of the plaintiffs.

With respect to the Second Count, the plaintiffs drop their claims thereto.

WHEREUPON, it is adjudged that the defendants and their servants and agents be, and they are hereby enjoined, each, under a penalty of Five Thousand (5,000) Dollars, from maintaining and establishing after the 29th day of May, 1953 a steel and wire fence across said Long Island Avenue from the intersection of Long Island Avenue with the west line of Hartford Avenue in said Town of Old Lyme; and it is further adjudged that the defendants and their servants and agents be, and they are hereby ordered, each, under the aforesaid penalty, to remove from the said Long Island Avenue the said steel and wire fence which they have erected, within a reasonable time, the same to be completed on or before the 29th day of May, 1953; and it is further adjudged that the defendants and their servants and agents be, and they are hereby enjoined, each, under the aforesaid penalty, from interfering with the rights of the plaintiffs and the unorganized public to free entry and egress, and to free and unimpeded use and enjoyment of said Long Island Avenue along its entire length and width, from now

henceforth, and that the plaintiffs recover from the defendants
the costs of judgment fee and file, taxed at \$.

TROLAND, Judge.

SUPERIOR COURT

County of New London

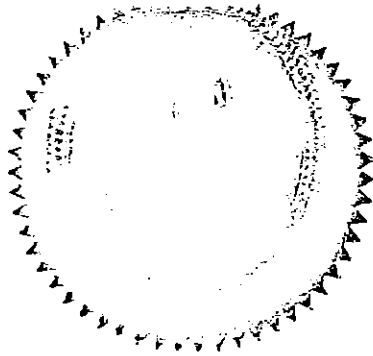
State of Connecticut

OFFICE OF THE CLERK

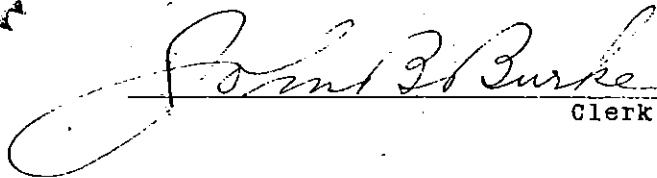
ss.

Norwich

I, John B. Burke, Clerk of said Court,
do hereby certify that the within and foregoing is a true copy
of the original judgment in the within named cause, as on file
and of record appears.



IN TESTIMONY WHEREOF I have hereunto
set my hand and affixed the Seal of
said Court at Norwich in said County
this 12th day of May, 1953.


Clerk.