

SUPREME COURT OF RHODE ISLAND

Sakonnet Point Marina Association, Inc. v. Bluff Head Corp. et al. v. Harbor Point Properties, Inc.

798 A.2d 439 (R.I. 2002) · No. No. 2001-136-Appeal · Decided June 4, 2002

SUMMARY

The Supreme Court of Rhode Island affirmed summary judgment and specific performance enforcing a parking easement benefiting a marina. The court held that the deed burdened lot 434-2 because the grantor did not own lot 434-1, and that the reference to lot 434-1 was legally ineffective to eliminate the easement on lot 434-2. The court also upheld the court-approved parking plan after the servient owner failed to propose a compliant plan providing 21 spaces.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Lederberg, J.; Williams, C.J.; Bourcier, J.; Flanders, J.; Goldberg, J.
JURISDICTION	Rhode Island
DECIDED	June 4, 2002
DOCKET	No. 2001-136-Appeal
DISPOSITION	affirmed
PROCEDURAL POSTURE	Bluff Head appealed from a Superior Court summary judgment granting Harbor Point a declaratory judgment and Sakonnet Point specific performance of a parking easement, as well as subsequent injunctive relief implementing a parking plan.
STANDARD OF REVIEW	Summary judgment is reviewed de novo, applying the same standard as the motion justice. The evidence is viewed in the light most favorable to the nonmoving party, and judgment is affirmed when no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law. The grant of specific performance is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published Rhode Island Supreme Court opinion; precedential.
PARTIES	Bluff Head Corporation, Philemon T. Marvell, M.D. v. Sakonnet Point Marina Association, Inc., Harbor Point Properties, Inc.

TOPICS

easements

deeds

specific performance remedy

summary judgment

real estate

PRACTICE AREAS

real property

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civil procedure

QUESTIONS PRESENTED

1. Whether the deed created an enforceable parking easement on lot 434-2 despite language stating that the easement could be located on lot 434-1, which the grantor did not own.
2. Whether construing the deed to impose the easement on lot 434-2 constituted reformation rather than construction of the deed.
3. Whether the Superior Court abused its discretion by ordering specific performance and approving a court-appointed engineer's parking plan after Bluff Head failed to submit a suitable plan.
4. Whether summary judgment was proper because no genuine issue of material fact existed.

HOLDINGS

1. The deed imposed the parking easement on lot 434-2. An easement cannot be reserved over property the reserving party does not own; therefore, the reference to lot 434-1 was a nullity and did not relieve lot 434-2 of the easement.
2. Interpreting the deed to place the easement on lot 434-2 was construction, not reformation.
3. The Superior Court properly ordered specific performance and did not abuse its discretion by approving a court-appointed engineer's plan requiring 21 parking spaces on lot 434-2.
4. Summary judgment was proper because no genuine issue of material fact existed and the appellees were entitled to judgment as a matter of law.

KEY QUOTATIONS

"It is a basic tenet of the law of real property that an easement cannot be reserved by deed over property that the reserving party does not own." (442)

"In a case such as this one, a court must 'look to the circumstances attending the transaction, the situation of the parties, and the state of the thing granted,' and in case of doubt, must adopt the interpretation most favorable to the grantee." (443)

"Rather, the term 'or Lot 434-1' merely expanded Bluff Head's discretion to select '[t]he exact location of said parking easement' if it had already acquired or should in the future obtain an interest in lot No. 434-1." (443)

"Consequently, when Bluff Head failed to provide an alternative proposal for twenty-one spaces within the dimension of 'not less than 5,400 square feet,' the motion justice was forced to cut the Gordian knot by approving the plan submitted, under the court's direction, by an independent, court-appointed engineer." (444)

FACTUAL BACKGROUND

In 1992, HCM Restaurant, Inc. conveyed lot 434-2 to Bluff Head by quitclaim deed while reserving a parking easement for the benefit of patrons of HCM's adjacent marina. The deed stated that the easement could be located on the conveyed premises or lot 434-1, but HCM did not own lot 434-1 when it conveyed lot 434-2. Sakonnet Point later acquired the marina and sued after Bluff Head repeatedly refused to provide access and parking. Bluff Head ultimately failed to designate a suitable plan providing the deed's required 21 parking spaces within at least 5,400 square feet, leading the court to approve an independent engineer's plan.

PROCEDURAL HISTORY

Sakonnet Point sued to enforce a parking easement reserved in a 1992 quitclaim deed, asserting claims for specific performance, injunctive relief, and trespass and ejectment. Harbor Point, owner of the adjacent lot referenced in the deed, intervened and sought a declaration that the deed could not create an easement over that lot. The parties filed cross-motions for summary judgment; the Superior Court ruled for Sakonnet Point and Harbor Point, ordered Bluff Head to provide 21 parking spaces on lot 434-2, and approved an engineer's parking plan after Bluff Head failed to submit a suitable plan. Bluff Head appealed after final judgment was entered under Rule 54(b).

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The appeal was denied and dismissed, and the judgment was affirmed; the papers were returned to the Superior Court.

CASES CITED

- Nonnenmacher v. City of Warwick, 722 A.2d 1199, 1202 (R.I. 1998)
- McKinnon v. Rhode Island Hospital Trust National Bank, 713 A.2d 245, 247 (R.I. 1998)
- Rotelli v. Catanzaro, 686 A.2d 91, 93 (R.I. 1996)
- Kusiak v. Ucci, 53 R.I. 36, 163 A. 226, 226 (1932)
- Wood v. City of East Providence, 504 A.2d 441, 443 (R.I. 1986)
- Lapre v. Flanders, 465 A.2d 214, 216 (R.I. 1983)
- First Baptist Society v. Wetherell, 34 R.I. 155, 157-58, 82 A. 1061, 1062 (1912)
- Reniere v. Gerlach, 752 A.2d 480, 483 (R.I. 2000)
- Jakober v. E. M. Loew's Capitol Theatre, Inc., 107 R.I. 104, 114, 265 A.2d 429, 435 (1970)
- Citrone v. SNJ Associates, 682 A.2d 92, 95 (R.I. 1996)
- DeBartolo v. DiBattista, 117 R.I. 349, 353, 367 A.2d 701, 703 (1976)
- St. Lawrence v. Reed, 74 R.I. 353, 357, 60 A.2d 734, 736 (1948)
- McConnell v. Golden, 104 R.I. 657, 663, 247 A.2d 909, 912 (1968)

- Tichman v. Straffin, 54 R.I. 356, 358, 173 A. 78, 79 (1934)

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