

Order 131-20/21
Passage: 9-0 on 11/16/2020

Effective 11/26/2020

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER ACCEPTING A PORTION OF THOMPSONS POINT ROAD
AS A CITY WAY**

ORDERED, that pursuant to 23 M.R.S. § 3025, a portion of Thompsons Point Road is hereby accepted as a city way and the deed for said road and the fee title conveyed therein according to the deed and descriptions attached to this Order are hereby approved and accepted, substantially in the form attached hereto as Exhibit A.

GOVERNOR'S DEED

The **STATE OF MAINE**, acting by and through its Governor, on recommendation of the Commissioner of the **DEPARTMENT OF TRANSPORTATION**, ("Grantor"), having a mailing address of 16 State House Station, Augusta, ME 04333-0016, for consideration paid, pursuant to 23 M.R.S. Section 61, as amended, releases to the **CITY OF PORTLAND**, a body politic and corporate organized and existed under the laws of the State of Maine, having a mailing address of 389 Congress Street, Portland, ME 04101("Grantee"), all Grantor's right, title and interest in and to four certain parcels of land in the City of Portland, Cumberland County, Maine, as shown on a plan entitled "Road Conveyance Plan, Thompson's Point Road, Portland, Cumberland County, Former Sewall Street Extension, Parts I & II," dated October, 2019, D.O.T File No. 3-593A, Sheet 1 of 1, on file at the Augusta office of MaineDOT and to be recorded in the Cumberland County Registry of Deeds (the "Plan"), and as described in the following deeds from Forefront Partners 1, LP to the State of Maine and recorded in the Cumberland County Registry of Deeds: dated June 27, 2013, recorded in Book 30781, Page 288; dated August 27, 2013, recorded in Book 31019, Page 306; and dated November 4, 2015, recorded in Book 32803, Page 199; and in a deed from the Northern New England Passenger Rail Authority to the State of Maine dated August 27, 2013, and recorded in Book 31019, Page 306 (the "Premises") . The Premises is more particularly described on the attached **Exhibit A, Legal Description**.

MEANING AND INTENDING to convey the property described in said deeds from Forefront Partners 1, LP and by virtue of any other instrument of conveyance or by operation of statute.

SUBJECT TO the covenants and restrictions set forth in a document entitled "Covenant of Use" dated April 12, 2017, recorded in the Cumberland County Registry of Deeds in Book 34013, Page 229 as follows:

1. At no time shall the Premises be used in violation of the nondiscrimination requirements set forth in 13 C.F.R. §302.20; and
2. At no time shall the Premises be used for inherently religious activity prohibited by applicable federal law.

FURTHER SUBJECT TO the restrictive covenant, as required under the terms of a financial assistance award from the United States Economic Development Administration, United States Department of Commerce, EDA Project No. 01-01-14202 (the "EDA Grant"), that the Premises shall not be used for any purpose other than the authorized purpose of the EDA Grant, which is as a Recreational and Commercial Complex. This covenant shall run with the Premises and remain in effect for a period of not less than twenty (20) years from April 12, 2017.

THIS CONVEYANCE IS ALSO MADE subject to all above-ground and underground utility easements and installations, if any, located on the Premises, including but not limited to those shown on the Plan and those rights which any utility enjoys over the

above-described premises for maintenance, location or relocation of poles or other installations.

GRANTOR MAKES NO REPRESENTATIONS or warranties with respect to the above-described premises. The representations and warranties so excluded encompass, but are not limited to, those pertaining to: land use and environmental matters; fitness of the premises or any portion thereof for any particular purpose; water quality or quantity; the condition or quality of the soil; inchoate or unrecorded liens; or the existence, status, or condition of access to, or public utilities serving the premises. Any subsequent use of, improvement to, or construction on the premises is subject to all applicable laws, regulations, ordinances, and permitting requirements.

[SIGNATURE ON FOLLOWING PAGE]

IN WITNESS WHEREOF, I, Janet T. Mills, Governor of the State of Maine, caused the name and great seal of the State of Maine to be hereto affixed this 25th day of February, in the year two thousand twenty.

STATE OF MAINE



By: [Signature], Governor
Janet T. Mills

Affixed by: [Signature]
Secretary of State

STATE OF MAINE
County of Kennebec

Date February 25, 2020

Personally appeared before me the above-named Janet T. Mills, Governor of the State of Maine and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of the State of Maine.

[Signature]
Notary Public/Attorney at Law
Print Name: SARAH LANGHAUSER
Bar No. 380

EXHIBIT A
Legal Description
State of Maine to City of Portland – Department of Transportation

PARCEL ONE

A certain lot or parcel of land with the buildings thereon, if any, located southerly of land of the Northern New England Passenger Rail Authority (NNEPRA) and westerly of the westerly sideline of a Railroad Crossing Access Easement over land formerly of Thompson's Point, Inc., now State of Maine, acting by and through its Department of Transportation, in the City of Portland, County of Cumberland, State of Maine, bounded and described as follows:

Beginning at a point on the southerly sideline of land of said NNEPRA as described in a deed from Portland Terminal Company to said NNEPRA dated August 30, 2010, and recorded in the Cumberland County Registry of Deeds in Book 28039, Page 68, said land being depicted as Parcel "D" on the plan referenced in Schedule A to said deed, said point of beginning being (i) the northwesterly corner of a Railroad Crossing Access Easement as described in said NNEPRA's Notice of Condemnation dated February 2, 2010, and recorded in said Registry in Book 27577, Page 53; (ii) the northwesterly corner of land of the State of Maine, acting by and through its Department of Transportation (MaineDOT), as described in a deed from Forefront Partners I, LP to said MaineDOT dated June 27, 2013, and recorded in said Registry in Book 30781, Page 288; (iii) the northeasterly corner of land described as Parcel "C" in said Notice of Condemnation; and (iv) about Thirty-Seven feet (37') westerly from and as measured along a line normal to the Sewall Street Extension Baseline at about station 62+82;

Thence, southerly, by and along the westerly sideline of said Railroad Crossing Access Easement, the westerly sideline of said land of said MaineDOT, and the easterly sideline of said Parcel "C", a distance of about Forty-Two feet (42') to a point, said point being the southeasterly corner of Parcel "C" and Thirty-One feet (31') westerly from and measured along a line normal to said Baseline at about station 62+44;

Thence westerly, by and along said land of said MaineDOT and the southerly sideline of said Parcel "C", a distance of about Nine feet (9') to a point, said point being Forty feet (40') westerly from and measured along a line normal to said Baseline at about station 62+46;

Thence northerly along a nontangential curve to the right with a radius of Four Hundred and 00/100 feet (400.00), a distance of about Forty feet (40') to a point in the southerly sideline of land of said NNEPRA as described in said deed from Portland Terminal Company recorded in said Registry in Book 28039, Page 68, said point being on the northerly sideline of said Parcel "C" and Forty feet (40') westerly from and measured along a line normal to said Baseline at about station 62+82

Thence easterly, by and along the southerly sideline of said NNEPRA described in said deed from Portland Terminal Company recorded in said Registry in Book 28039, Page 68, and northerly sideline of said Parcel "C", a distance of about Three feet (3') to the point of beginning.

The above-described Parcel contains about 245 square feet.

The above-described Parcel is a portion of the land described as Parcel "C" in said Notice of Condemnation recorded in said Registry in Book 27577, Page 53.

SUBJECT TO the exceptions stated in said Notice of Condemnation recorded in said Registry in Book 27577, Page 53.

MEANING AND INTENDING TO CONVEY the same premises described as Parcel No. 1 – West of Sewall Street Extension in a Quitclaim Deed with Covenant from Northern New England Passenger Rail Authority to the State of Maine, by and through its Department of Transportation, dated August 27, 2013 and recorded in the Cumberland County Registry of Deeds in Book 31019, Page 306.

PARCEL TWO

A parcel of land with the buildings thereon, if any, located southerly of land of the Northern New England Passenger Rail Authority (NNEPRA) and easterly of the easterly sideline of a Railroad Crossing Access Easement over land formerly of Thompson's Point, Inc., now State of Maine, acting by and through its Department of Transportation, in the City of Portland, County of Cumberland, State of Maine, bounded and described as follows:

Beginning at a point on the southerly sideline of land of said NNEPRA as described in a deed from Portland Terminal Company to said NNEPRA dated August 30, 2010, and recorded in the Cumberland County Registry of Deeds in Book 28039, Page 68, said land being depicted as Parcel "D" on the plan referenced in Schedule A to said deed, said point of beginning being: (i) the northeasterly corner of a Railroad Crossing Access Easement in said NNEPRA's Notice of Condemnation dated February 2, 2010, and recorded in said Registry in Book 27577, Page 53; (ii) the northeasterly corner of land of the State of Maine, acting by and through its Department of Transportation (MaineDOT) as described in a deed from Forefront Partners I, LP, to said State of Maine dated June 27, 2013, and recorded in said Registry in Book 30781, Page 288; (iii) the northwesterly corner of land of said NNEPRA as described in a deed from Suburban Propane, L.P. to said NNEPRA dated August 9, 2001, and recorded in said Registry in Book 16619, Page 291; and (iv) about Fifteen feet (15') easterly from and measured along a line normal to the Sewall Street Extension Baseline at about station 62+77;

Thence easterly, by and along the southerly sideline of said NNEPRA as described in said deed from Portland Terminal Company recorded in said Registry in Book 28039, Page 68, and the northerly sideline of said NNEPRA as described in said deed from Suburban Propane, L.P. recorded in said Registry in Book 16619, Page 291, a distance of about Nineteen feet (19') to a point, said point being Thirty-Three feet (33') easterly from and measured along a line normal to said Baseline at about station 62+75;

Thence southerly along a non-tangential curve to the left with a radius of Three Hundred and Twenty-Seven and 00/100 feet (327.00') a distance of about One Hundred Thirty feet (130') to a point on the easterly sideline of said land of said MaineDOT, said point being on the westerly sideline of land described as Parcel "B" in said Notice of Condemnation and Thirty-Three feet (33') easterly from and measured along a line normal to the said Baseline at about station 61+32;

Thence northerly along a non-tangential curve to the right with a radius of Three Hundred Seventeen and 50/100 feet (317.50'), by and along the easterly sideline of said land of said MaineDOT and the westerly sideline of said Parcel "B", a distance of about Ninety-Eight feet (98') to a point, said point being about Twenty feet (20') easterly as measured along a line normal to said Baseline at about station 62+34;

Thence northerly, by and along the easterly sideline of said Railroad Crossing Access Easement, the easterly sideline of said land of said MaineDOT, and the westerly sideline of said NNEPRA as described in said deed from Suburban Propane, L.P. recorded in said Registry in Book 16619, Page 291, a distance of about Forty-Two feet (42') to the point of beginning.

The above-described parcel contains about 1,220 square feet.

The above-described parcel consists of (i) a portion of the land described in said deed from Suburban Propane, L.P. recorded in said Registry in Book 16619, Page 291; and (ii) a portion of the land described as Parcel "B" in said Notice of Condemnation recorded in said Registry in Book 27577, Page 53.

SUBJECT TO (i) all rights, privileges, and easements reserved or otherwise referenced in said deed from Suburban Propane, L.P. recorded in said Registry in Book 16619, Page 291; and (ii) the exceptions stated in said Notice of Condemnation recorded in said Registry in Book 27577, Page 53.

RESERVING TO said Northern New England Passenger Rail Authority the following easement right over the above-described **PARCELS ONE and TWO**:

A permanent Railroad Crossing Access Easement for all purposes necessary to permit the installation, operation and maintenance of railroad tracks, signals, signage, and any other necessary installations related to the operation, safety and structural integrity of a railroad crossing across the above-described parcels of real estate to access other adjacent lands of said NNEPRA by vehicle and by foot. Said easement is recorded in the Cumberland County Registry of Deeds in Book 27577, Page 53.

MEANING AND INTENDING TO CONVEY the same premises described as Parcel No. 2 – East of Sewall Street Extension in a Quitclaim Deed with Covenant from Northern New England Passenger Rail Authority to the State of Maine, by and through its Department of Transportation, dated August 27, 2013 and recorded in the Cumberland County Registry of Deeds in Book 31019, Page 306.

PARCEL THREE

A certain parcel of land with the buildings thereon, if any, located southerly of land now or formerly of the Northern New England Passenger Rail Authority (NNEPRA) over land now or formerly of Thompson's Point Inc., in the City of Portland, County of Cumberland, State of Maine, bounded and described as follows:

Beginning at a point on the southerly sideline of land now or formerly of NNEPRA as described in a deed recorded in the Cumberland County Registry of Deeds in Book 28039, Page 68 as Parcel "D" and a point on the northerly sideline of land now or formerly of Thompson's Point Inc. as described in a Condemnation recorded in said Registry in Book 6579, Page 30 and the northeasterly corner of a Railroad Crossing Access Easement as described in said Registry in Book 27577, Page 53 and the northwesterly corner of land now or formerly of NNEPRA as described in a deed recorded in said Registry in Book 16619, Page 291, said point being Fifteen feet (15') easterly from and measured along a line normal to the Sewall Street Extension Baseline at station 62+77;

Thence southerly adjoining the westerly sideline of said NNEPRA a distance of Forty-Two feet (42') to a point, said point being Twenty feet (20') easterly from and measured along a line normal to said baseline at station 62+34;

Thence southerly along a non-tangential curve to the left adjoining the westerly sideline of said NNEPRA a distance of Ninety-Eight feet (98') to a point, said point being Thirty-Three and 00/100 feet (33.00') easterly from and measured along a line normal to said baseline at station 61+32;

Thence westerly along a line measured along and normal to said baseline a distance of Thirty-Three and 00/100 feet (33.00') to a point, said point being station 61+32;

Thence southerly along a non-tangential curve to the left which is also the centerline of said baseline with a radius of Three Hundred Sixty and 00/100 feet (360.00') a distance of Seven feet (7') to a point at station 61+25.00;

Thence westerly along a line measured along and normal to said baseline a distance of Forty and 00/100 (40.00') to a point, said point being at station 61+25.00;

Thence northerly along a non-tangential curve to the right with a radius of Four Hundred and 00/100 feet (400.00') a distance of One Hundred Thirty-Four feet (134') to the southerly sideline of said NNEPRA as described in a Condemnation recorded in said Registry in Book 27577, Page 53 as Parcel "C" to a point, said point being Forty and 00/100 feet (40') westerly from and measured along a line normal to said baseline at station 62+46;

Thence easterly adjoining the southerly sideline of said NNEPRA a distance of Nine feet (9') to the southeasterly corner of said Parcel "C" to a point, said point being about Thirty-One feet (31') westerly from and measured along a line normal to said baseline at station 62+44;

Thence northerly adjoining the easterly sideline of Parcel "C" of said NNEPRA a distance of Forty-Two Feet (42') to the northeasterly corner of Parcel "C" and the southerly sideline of said NNEPRA as described in a deed recorded in said Registry in Book 28039, Page 68 as Parcel "D" to a point, said point being Thirty-Seven feet (37') westerly from and measured along a line normal to said baseline at station 62+82;

Thence easterly adjoining the southerly sideline of Parcel "D" of said NNEPRA a distance of Fifty-Two feet (52') to the point of beginning.

The above-described parcel contains about 0.22 acre.

MEANING AND INTENDING TO CONVEY the same premises described in a deed from Forefront Partners I, LP to the State of Maine dated June 27, 2013 and recorded in the Cumberland County Registry of Deeds in Book 30781, Page 288.

PARCEL FOUR

A certain parcel of land located southerly of land now or formerly of State of Maine—Department of Transportation, westerly of but not adjacent to land now or formerly of Northern New England Passenger Rail Authority and over land now or formerly of Forefront Partners I, LP, in the City of Portland, County of Cumberland, State of Maine bounded and described as follows:

Beginning at a point on the southwesterly corner of land now of formerly of State of Maine – Department of Transportation as described in a quitclaim deed recorded in the Cumberland County Registry of Deeds in Book 30781, Page 288, said point being Forty and 00/100 feet (40.00') westerly from a line normal to the R/W Baseline at Station 61+25.00;

Thence easterly along a line normal to the R/W Baseline, adjoining the southerly sideline of land now or formerly of said State of Maine a distance of Forty feet (40') to a point. Said point being on said R/W Baseline at Station 61+25.00;

Thence northerly adjoining the easterly sideline of land now or formerly of said State of Maine along a non-tangential curve to the right on said R/W Baseline, having a radius Three Hundred Sixty and 00/100 feet (360.00') a distance of Seven feet (7') more or less to a point;

Thence easterly adjoining the southerly sideline of land now or formerly said State of Maine a distance of Twenty feet (20') more or less to a point, said point being about Twenty feet (20') easterly of a line normal to said R/W Baseline at about Station 61+32, said point also being Thirty feet (30') easterly of a line normal to the Const. Baseline at about station 61+32;

Thence southerly along a curve to the left with a radius of Three Hundred Thirty and 00/100 feet (330.00') and being Thirty feet (30') easterly from and concentric with the Const. Baseline a distance of Two Hundred Fourteen feet (214') more or less to a point, said point being Thirty feet (30') easterly from a line normal to the Const. Baseline at PC Station 58+97.95;

Thence Southwesterly along a line normal to the Const. Baseline a distance of Sixty feet (60') to a point;

Thence Northerly along a curve to the right with a radius of Three Hundred Ninety and 00/100 feet (390.00') and being Thirty feet (30') westerly from and concentric with the Const. Baseline a distance of Two Hundred Forty-Seven and 50/100 feet (247.50') to a point on the westerly sideline of land now and formerly of said State of Maine, said point being Thirty feet (30') westerly from a line normal to the Const. Baseline at Station 61+26.41, said point also being Forty feet (40') westerly from a line normal to said R/W Baseline at Station 61+30.52;

Thence southerly along a non-tangential curve to the left adjoining the westerly sideline of land now or formerly of said State of Maine with a radius of Three Hundred Ninety and 00/100 feet (390.00') a distance of Six and 11/100 feet (6.11') to the point of beginning.

The above described parcel contains about 0.31 acres.

MEANING AND INTENDING TO CONVEY the same premises described in a deed from Forefront Partners I, LP to the State of Maine dated November 4, 2013 and recorded in the Cumberland County Registry of Deeds in Book 32803, Page 199.

PARCELS ONE, TWO AND THREE are subject to the following:

- 1) Railroad Crossing Easement in favor of Northern New England Passenger Rail Authority, Cumberland County Registry of Deeds, Book 27577, Page 53;
- 2) 25' wide Easement in favor of Portland Water District for water and sewer, Cumberland County Registry of Deeds, Book 3820, Page 348, modified by Book 16794, Page 291;

- 3) Overhead utility easement in favor of Northern New England Passenger Rail Authority, Cumberland County Registry of Deeds Book 16667, Page 204.

PARCELS TWO, THREE AND FOUR are subject to the following:

- 1) Underground utility easement (for water and sewer lines, electrical conduits) in favor of Northern New England Passenger Rail Authority, Cumberland County Registry of Deeds Book 16607, Page 204.

PARCEL THREE is subject to the following:

- 1) Such rights of others, as they may exist, to operate and maintain a 4-inch gas main, as described in an instrument from Mecaw Industries to Portland Gas Light Company dated May 9, 1962, recorded in the Cumberland County Registry of Deeds, Book 2673, Page 44.

PARCELS THREE AND FOUR are subject to the following:

- 1) 20' wide water and sewage pipe easement in favor of Portland Water District Easement, Cumberland County Registry of Deeds Book 4010, Page 159;
- 2) 20' wide Stormwater Overflow Sewer easement in favor of the City of Portland Easement, Cumberland County Registry of Deeds Book 3702, Page 229, as modified by Book 16794, Page 291;
- 3) 30' Right of Way in Common, Cumberland County Registry of Deeds Book 2146, Page 304;
- 4) CMP/NET Easement, Cumberland County Registry of Deeds Book 2525, Page 212 & Book 9153, Page 247; and
- 5) Easement to Portland Water District for water, sewer and storm water, Cumberland County Registry of Deeds Book 32763, Page 266.



18RETTD

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MAINE REAL ESTATE
TRANSFER TAX DECLARATION

Form RETTD

Do not use red ink.

1. County **Cumberland**



2. Municipality **Portland**

3. GRANTEE/PURCHASER

3a. Last name, first name, MI; or business name

City of Portland

3c. Last name, first name, MI; or business name

3b. Federal ID

3d. Federal ID

3e. Mailing address after purchasing this property

389 Congress St.

3f. Municipality

Portland

3g. State 3h. ZIP Code

ME 04101

BOOK/PAGE - REGISTRY USE ONLY

4. GRANTOR/SELLER

4a. Last name, first name, MI; or business name

State of Maine

4c. Last name, first name, MI; or Business name

Department of Transportation

4b. Federal ID

16000001

4d. Federal ID

4e. Mailing address

16 State House Station

4f. Municipality

Augusta

4g. State 4h. ZIP Code

ME 04333

5. PROPERTY

5a. Map
201

Block
A

Lot
008

Sub-lot

Check any that apply

No maps exist
Multiple parcels

Portion of parcel
 Not applicable

5b. Type of property - enter the code number that best describes the property being sold (see instructions).

5d. Acreage (see instructions)

5c. Physical location

Thompson's Point Rd Extension

6. TRANSFER TAX

6a. Purchase price (If the transfer is a gift, enter "0")..... 6a.

\$ 0 .00

6b. Fair market value (Enter a value only if you entered "0" or a nominal value on line 6a) 6b.

.00

6c. Exemption claim - Check the box if either grantor or grantee is claiming exemption from transfer tax and enter explanation below.

Grantor and Grantee are exempt from tax as government agencies under 36 MRS Section 4641-C.

7. DATE OF TRANSFER (MM-DD-YYYY)

8. CLASSIFIED. WARNING TO BUYER - If the property is classified as farmland, open space, tree growth, or working waterfront, a substantial financial penalty may be triggered by development, subdivision, partition, or change in use.

CLASSIFIED

9. SPECIAL CIRCUMSTANCES. Were there any special circumstances with the transfer that suggest the price paid was either more or less than its fair market value? If yes, check the box and enter explanation below.

Transfer is made pursuant to an agreement between Grantor and Grantee.

10. INCOME TAX WITHHELD. The buyer is not required to withhold Maine income tax because:

- Seller has qualified as a Maine resident
- A waiver has been received from the State Tax Assessor
- Consideration for the property is less than \$50,000
- The transfer is a foreclosure sale

11. OATH. Aware of penalties as set forth in 36 M.R.S. § 4641-K, I declare that I have reviewed this return with the Grantor(s) and Grantee(s) and to the best of my knowledge and belief the information contained herein is true, correct and complete. Declaration of preparer is based on information provided by Grantor(s) and Grantee(s) and of which preparer has any knowledge.

PREPARER. Name of preparer: Amy E. Hughes

Phone number: (207) 624-3056

Mailing address: 16 State House Station
Augusta, ME 04333

Email address: amy.hughes@maine.gov

Fax number: 207-624-3021