

Order 160-13/14  
Passage: 8-1 (Brennan)

Effective 3/13/14

MICHAEL F. BRENNAN (MAYOR)  
KEVIN J. DONOGHUE (1)  
DAVID A. MARSHALL (2)  
EDWARD J. SUSLOVIC (3)  
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND**  
IN THE CITY COUNCIL

JOHN R. COYNE (5)  
JILL C. DUSON (A/L)  
JON HINCK (A/L)  
NICHOLAS M. MAVODONES (A/L)

**ORDER GRANTING A SEWER UTILITY EASEMENT TO  
BROOKLAWN MEMORIAL PARK**

**ORDERED,** that an easement is hereby granted to Brooklawn Memorial Park, in substantially the form attached hereto as Attachment 1, for a pumped sewer line utility easement; and

**BE IT FURTHER ORDERED,** that the City Council hereby authorizes the City Manager to execute said documents and any other related documents necessary or convenient to carry out the intent of said documents.

## Attachment 1

### PUMPED SEWER LINE UTILITY EASEMENT

**KNOW ALL PERSONS BY THESE PRESENTS**, that the **City of Portland**, a municipality of the State of Maine with a place of business in Portland, Maine (“Grantor”), for consideration paid, receipt whereof is hereby acknowledged, grants to the **Brooklawn Memorial Park**, a corporation formed under the laws of the State of Maine with a place of business in Portland, Maine (“Grantee”), and its successors and/or assigns, easements described as follows:

1) The right perpetually to enter and use:

A) the area, approximately 15 feet by 1850 feet and described in Exhibit A hereto and shown on Exhibit B hereto, for purposes only of a pumped sewer line, between the access easement area granted in another instrument of even or near date, which access easement area is between the roadway owned by the Grantor known as Jetport Boulevard in South Portland and Portland, in the County of Cumberland and State of Maine, and the land of the Grantee described in Exhibit C;

B) AND ALSO, for the same purposes, the area which is 15 feet in width, running in said access easement area, from Jetport Boulevard and said land of the Grantee described in Exhibit C, along the said the westerly boundary of said access easement area.

Without limiting the generality of the forgoing, this right of access shall include, within the area described in Exhibit A, the right to place an underground pumped sewer line or pipe, and appurtenant structures and appliances, at the Grantees expense and subject to applicable City ordinances and regulations and good utility practices and rules; and the right to repair, maintain and improve any and all such utilities within the Easement Area in the future.

The property benefited by the easements and rights granted herein is the property described in Exhibit C, which, it has been represented to Grantor, will soon be, or has been, conveyed to Jetport State Building, LLC, and the above easement and rights shall be perpetual and shall run with the said property described in Exhibit C.

This easement is non-exclusive, that is, the Grantor and its assigns may use the premises burdened by this easement for other purposes, provided such use does not unreasonably interfere with Grantee’s rights herein conveyed, and this reservation does not create any right to share in any way in the use of the pumped sewer line Grantee is expected to install or cause to be installed.

**IN WITNESS WHEREOF**, the **City of Portland** has caused this easement deed to be executed by Mark H. Rees, its City Manager, this \_\_\_\_ day of \_\_\_\_\_, 2014.

WITNESS:

**CITY OF PORTLAND**

\_\_\_\_\_

\_\_\_\_\_

Mark H. Rees, City Manager

STATE OF MAINE  
CUMBERLAND, ss.

\_\_\_\_\_, 2014

Personally appeared the above-named Mark H. Rees, City Manager of the City of Portland and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of the City of Portland.

Before me,

\_\_\_\_\_  
Notary Public/Attorney-at-Law

Print Name

## EXHIBIT A

### Pumped Sewer Line Utility Easement over land of City of Portland

A certain lot or parcel of land crossing land of the City of Portland on the northerly side of Jetport Boulevard in the City of South Portland, County of Cumberland and State of Maine described as follows:

Commencing at the southwesterly corner of land now or formerly of Brooklawn Memorial Park on the northerly line of land of the City of Portland, thence, S 84°38'06" E along land of said City of Portland 276.95 feet to the point of beginning;

Thence, S 05°21'54" W across land of said City of Portland 57.00 feet;

Thence, N 84°37'18" W across land of said City of Portland 1716.78 feet;

Thence, N 54°42'24" W across land of said City of Portland 154.65 feet;

Thence, S 35°17'36" W across land of said City of Portland 15.00 feet;

Thence, S 54°42'24" E across land of said City of Portland 158.67 feet;

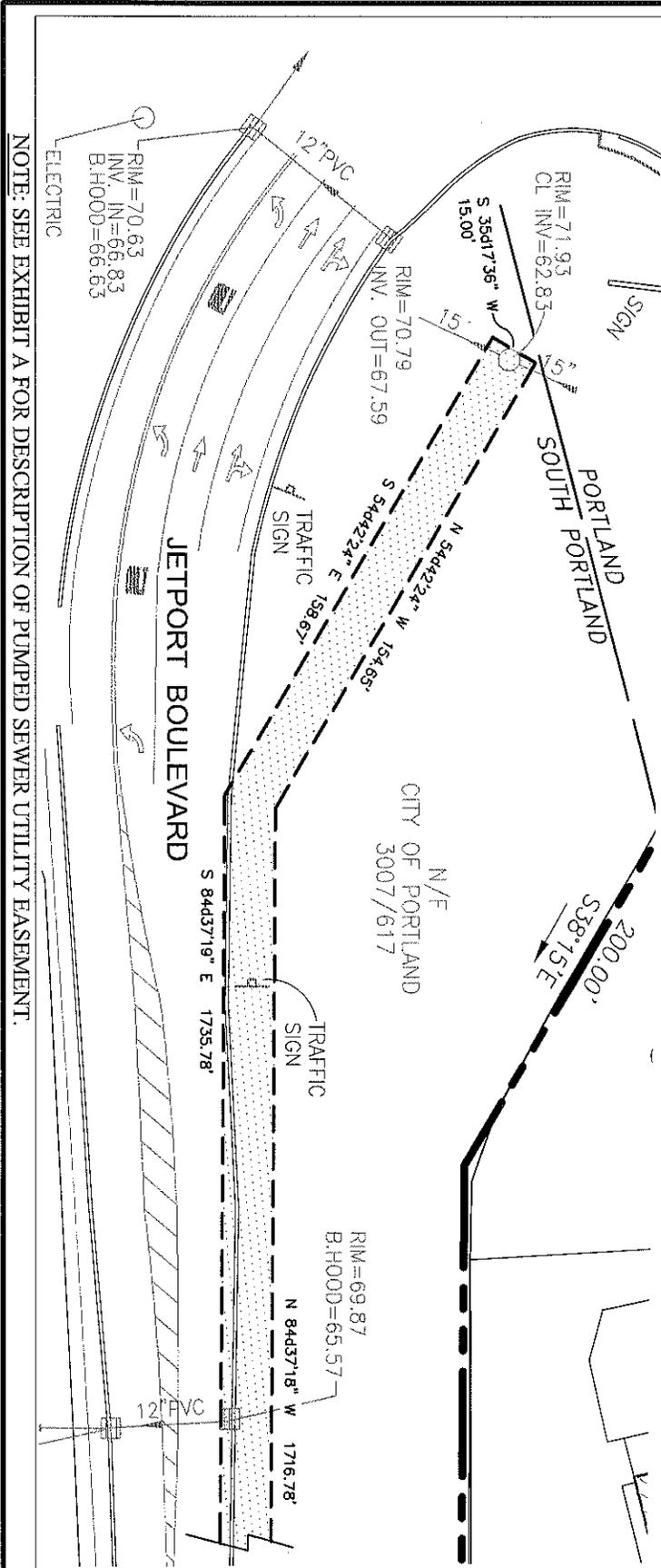
Thence, S 84°37'19" E across land of said City of Portland 1735.78 feet;

Thence, N 05°21'54" E across land of said City of Portland 72.00 feet to land now or formerly of said Brooklawn Memorial Park;

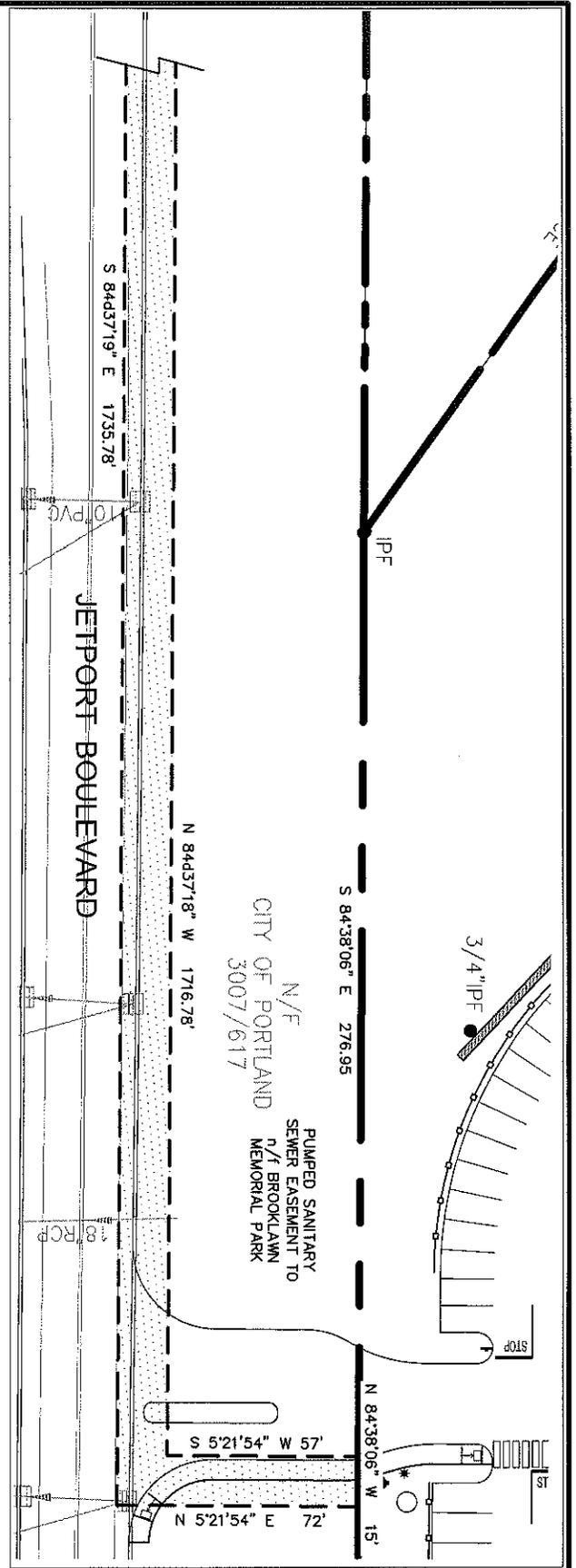
Thence, N 84°38'06" W along land of said Brooklawn Memorial Park 15.00 feet to the point of beginning containing 29,211 square feet.

The above described parcel of land is a portion of the land described in deed book 3007 page 617.

Basis of bearings: Maine State Plane Coordinate System West Zone NAD 83.



NOTE: SEE EXHIBIT A FOR DESCRIPTION OF PUMPED SEWER UTILITY EASEMENT.



<p>Title: PUMPED SEWER UTILITY EASEMENT to N/F BROOKLAWN MEMORIAL PARK</p>		<p>EXHIBIT <b>B</b></p>	
<p>Revision Date: Feb. 6, 2014</p>			<p>Scale: 1" = 50'</p>
<p>Project: 151 JETPORT BOULEVARD, SOUTH PORTLAND, MAINE</p>			

Exhibit C

A certain lot or parcel of land situated on the northerly side of Jetport Boulevard in the City of South Portland, County of Cumberland and State of Maine bounded and described as follows:

Beginning at a point at the southwesterly corner of land now or formerly of Brooklawn Memorial Park on the northerly line of land of the City of Portland and the easterly line of land now or formerly Transport Leasing Corp.;

Thence, N 49°06'43" W along land of said Transport Leasing Corp. 548.17 feet to the Town Line between the City of Portland and the City of South Portland;

Thence, N 80°39'49" E along said Town Line across land of the grantor 219.20 feet;

Thence, S 67°40'31" E across land of the grantor 113.66 feet;

Thence, S 84°37'11" E across land of the grantor 57.67 feet;

Thence, N 68°14'45" E across land of the grantor 47.79 feet;

Thence, N 29°23'16" E across land of the grantor 37.44 feet;

Thence, N 14°16'20" E across land of the grantor 38.00 feet to said Town Line;

Thence, N 80°39'49" E across land of the grantor, along the Town Line 544.02 feet;

Thence, S 23°52'58" E across land of the grantor 537.21 feet to land now or formerly of the City of Portland;

Thence, S 50°24'38" W along land of said City of Portland 107.15 feet;

Thence, southwesterly along land of said City of Portland, along a curve to the right, having a radius of 316.00 feet, an arc length of 42.85 feet;

Thence, N 84°38'06" W along land of said City of Portland 676.51 feet to the point of beginning containing 9.93 acres.

The above described parcel of land is a portion of the land described in Book 1472, Pages 91 & 127, Book 2381, Page 222 and Book 1548, Page 124 .

Basis of bearings: Maine State Plane Coordinate System, West Zone NAD 83.