

Order 27-15/16

Passage: 9-0 on 7/20/2015

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

Effective 7/30/2015

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER GRANTING REVOCABLE LICENSE TO
REDFERN BAYSIDE, LLC**

ORDERED that a revocable license agreement from the City to Redfern Bayside, LLC to allow a grease trap at a proposed building at 89 Anderson Street is hereby granted in substantially the form attached hereto as Attachment 1; and

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

REVOCABLE LICENSE FOR INSTALLATION and MAINTENANCE OF EXTERNAL GREASE TRAP

This revocable license is granted by the City of Portland "CITY" to Redfern Bayside, LLC hereinafter "OWNER" for the OWNER'S installation of the following external grease trap on property owned by the City in the vicinity of 89 Anderson Street, Portland, Maine, as more particularly shown on Exhibit A attached hereto (hereinafter the "Property"). The installation and maintenance of the external grease trap shall be governed by the terms of this License Agreement.

1. The external grease trap shall be installed in/on the Property as shown on Exhibit A attached hereto.
2. OWNER is hereby permitted to occupy the Property for the placement of an external grease trap, and shall be responsible for the proper installation and proper maintenance of said external grease trap.
3. In the event of damage to the external grease trap and/or the Property, OWNER shall promptly repair/restore the same. Prior to such repair/restoration, OWNER shall notify the City (in writing and by telephone) at least forty-eight hours before it will plans to repair/restore the external grease trap and shall work with City staff on the closure of various City streets in the vicinity of the Property in order to conduct such repair/restoration.
4. OWNER shall procure and maintain liability insurance in an amount of not less than Four Hundred Thousand Dollars (\$400,000) combined single limit (or the amount stated in the Maine Tort Claims Act as the same may be amended from time to time), covering claims for bodily injury, death and property damage occurring on, in or in the vicinity of the area covered by this License Agreement, arising out of the presence in and use by the OWNER of the area covered by this License Agreement and shall name the CITY as an additional insured with respect to such coverage.
5. OWNER, by execution of this License Agreement, hereby agrees to assume responsibility for any and all claims and/or damage to persons or property arising out of or in any way related to its entry upon the Property pursuant to this License, and does hereby forever waive, release, relinquish, remise and discharge the CITY, its agents, employees, successors, agents and assigns from any and all losses, costs or expenses (including reasonable attorneys' fees), damages, demands, liabilities, claims, actions, causes of action, suits, or judgments (collectively, "Claims") whatsoever of every name and nature, in law and in equity, including without limitation those related in any manner to any accident or injury to, or death of, any person, or any damage to property occurring on, in or in the vicinity of the area covered by this License Agreement, arising out of the presence in and use by the OWNER of the area covered by this License Agreement.
6. This License may be revoked upon one (1) month written notice from the CITY to the OWNER and shall automatically terminate in the event that the building at 89 Anderson Street is destroyed, removed and/or otherwise ceases to exist on the site.

CITY OF PORTLAND

Date _____

Jon P. Jennings
City Manager

REDFERN BAYSIDE, LLC

Print Name: _____

STATE OF MAINE
CUMBERLAND, ss.

Dated: _____

Personally appeared the above-named Jon P. Jennings, and gave oath that the foregoing statements made by him are true to the best of his knowledge, information and belief, and where based upon information and belief, he believes the same to be true.

Before me,

Notary Public/Attorney-at-Law

STATE OF MAINE
CUMBERLAND, ss.

Dated: _____

Personally appeared the above-named _____ and gave oath that the foregoing statements made by him/her are true to the best of his/her knowledge, information and belief, and where based upon information and belief, he/she believes the same to be true.

Before me,

Notary Public/Attorney-at-Law

Nadeau Land Surveys

Professional Land Surveyors
Certified Floodplain Managers

Proposed Description For An Easement Deed

City Of Portland

To

(2141510DR1)

Revocable License For Installation And Maintenance Of External Grease Trap

A certain lot or parcel of land, situated on the southeasterly sideline of Fox Street, in the City of Portland, County of Cumberland, and State of Maine, being more particularly bounded and described as follows:

Beginning on the apparent southeasterly sideline of Fox Street at the easterly corner of the herein described parcel, being $S48^{\circ}42'11''W$ along said southeasterly sideline of Fox Street, a distance of one hundred one and seventy-two hundredths (101.72') feet from a #5 steel rebar with survey cap #2124 to be set at the northerly corner of land described in a deed from Patrick J. Lee and Sharon A. Lee to Perigee, LLC, dated January 11, 2007 and recorded at the Cumberland County Registry of Deeds in Book 24750, Page 45, as depicted on a plan entitled, "*Plan Depicting The Results Of A Boundary, Topographic & Existing Conditions Survey Made For Redfern Properties, LLC, Southeasterly Sideline Of Fox Street, Northeasterly Sideline Of Anderson Street, & Northwesterly Sideline Of Everett Street, Portland, Maine*", dated July 21, 2014, last revised March 30, 2015, by Nadeau Land Surveys, Portland, Maine;

Thence $N41^{\circ}17'49''W$ through land of the herein grantor, a distance of eight and fifty hundredths (8.50') feet to the northerly corner of the herein described parcel;

Thence $S48^{\circ}42'11''W$ continuing through land of the herein grantor, a distance of eighteen and no hundredths (18.00') feet to the westerly corner of the herein described parcel;

Thence $S41^{\circ}17'49''E$ continuing through land of the herein grantor, a distance of eight and fifty hundredths (8.50') feet to the southerly corner of the herein described parcel on said southeasterly sideline of Fox Street, being $N48^{\circ}42'11''E$ along said southeasterly sideline of Fox Street, a distance of thirty-nine and twenty-four hundredths (39.24') feet from a #5 steel rebar with survey cap #2124 to be set at the apparent westerly corner of said land of Perigee, LLC per Anderson Street Monuments as depicted on said plan;

Thence $N48^{\circ}42'11''E$ along said southeasterly sideline of Fox Street, a distance of eighteen and no hundredths (18.00') feet to the point of beginning.

Total area of the herein described parcel equals 153 square feet. The bearings in this description are based on Grid North, MSPC NAD83, 1802 (West Zone).

Meaning and intending to describe a portion of the Fox Street right of way to be used for a Revocable License For Installation And Maintenance Of External Grease Trap.

For additional information, reference is made to a preliminary plan entitled "*Subdivision Plat, East Bayside Lofts, Redfern Bayside, LLC, Portland, Maine*", by Acorn Engineering, Inc., Portland, Maine.

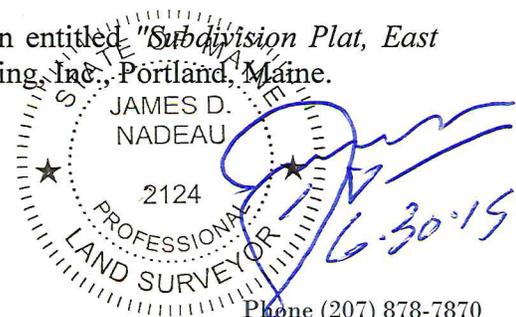


Exhibit Sketch: Proposed Revocable License For Installation And Maintenance Of External Grease Trap

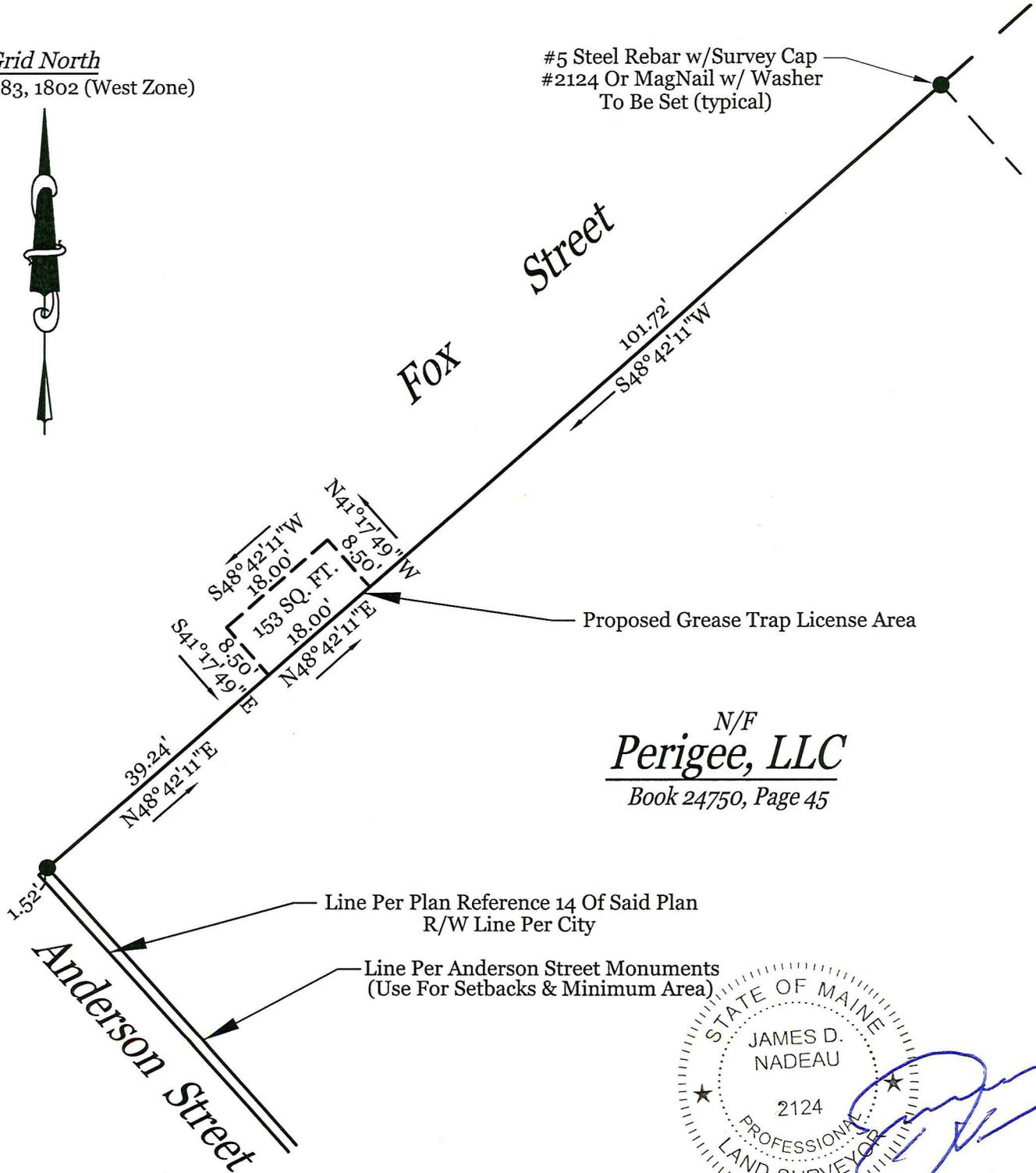
City of Portland to _____
Southeasterly Sideline of Fox Street, Portland, Maine
1" = 20' June 23, 2015, Revised June 29, 2015 Job #2141510R1

Boundary lines based on a plan entitled "Plan Depicting The Results Of A Boundary, Topographic & Existing Conditions Survey Made For Redfern Properties, LLC, Southeasterly Sideline Of Fox Street, Northeasterly Sideline Of Anderson Street, & Northwestern Sideline Of Everett Street, Portland, Maine", dated July 21, 2014, last revised March 30, 2015, by Nadeau Land Surveys, Portland, Maine.

Grid North
MSPC NAD83, 1802 (West Zone)



#5 Steel Rebar w/Survey Cap
#2124 Or MagNail w/ Washer
To Be Set (typical)



Proposed Grease Trap License Area

N/F
Perigee, LLC
Book 24750, Page 45

Line Per Plan Reference 14 Of Said Plan
R/W Line Per City

Line Per Anderson Street Monuments
(Use For Setbacks & Minimum Area)

