

Order 73-15/16

Passage: 8-0 (Mavodones absent) on 10/5/2015

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 10/15/2015

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

ORDER ACCEPTING PEDESTRIAN EASEMENT
FOR PUBLIC SIDEWALK AT 89 ANDERSON STREET

ORDERED, that the attached pedestrian easement from Redfern Bayside, LLC for a public sidewalk at 89 Anderson Street is hereby accepted in substantially the form attached hereto.

SIDEWALK EASEMENT
TO THE
CITY OF PORTLAND

KNOW ALL PERSONS BY THESE PRESENTS that Redfern Bayside, LLC, a Maine limited liability company with a mailing address of PO Box 8816, Portland, ME 04112 (hereinafter, "GRANTOR), for one dollar and other good and valuable consideration paid by the CITY OF PORTLAND, a body politic and corporate with a mailing address of 389 Congress Street, Portland, Maine 04101 (hereinafter "GRANTEE"), does hereby grant to the said CITY OF PORTLAND the perpetual easement and rights described below on the land described below.

The purpose of said easement is to grant GRANTEE the right, but not the obligation, to construct, maintain, repair and replace a sidewalk in, on, under and over the portions of that certain parcel of land of the Grantor that is identified as the description entitled "Pedestrian Easement" attached hereto as Exhibit A and made a part hereof, and as more particularly described in Exhibit B, attached hereto and made a part hereof (the "Easement Area"), said sidewalk to be used by the public for pedestrian, bicycle and similar non-motorized (other than wheelchair and emergency vehicles and snow removal equipment, which shall be permitted) pedestrian recreational uses, subject, however, to such rules or ordinances that GRANTEE may adopt from time to time in the interests of public safety. Notwithstanding anything to the contrary in this easement, it shall be the responsibility of GRANTOR, and not GRANTEE, to remove snow and ice from said sidewalk within the Easement Area and to otherwise comply with all laws, rules, regulations, and ordinances governing the removal of snow and ice within the Easement Area.

GRANTOR further covenants and agrees for itself, its successors and assigns, that the land that lies in the Easement Area shall, except for the construction, maintenance, repair, or

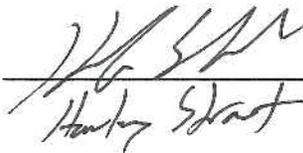
replacement of the sidewalk and any appurtenances by GRANTEE, its successors and assigns, shall, as provided and permitted herein, be maintained as a sidewalk for the uses set forth and described herein and GRANTOR shall not use the Easement Area or permit any use of the Easement Area that would be contrary to such condition.

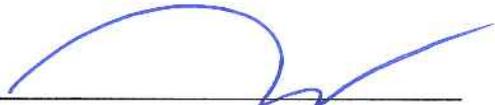
To have and to hold the said Easement and all rights granted hereunder to the said Grantee and its successors and assigns forever.

IN WITNESS WHEREOF, GRANTOR has caused this instrument to be executed by Jonathan Culley its Manager thereunto duly authorized as of the 3rd day of September, 2015.

WITNESS:

Redfern Bayside, LLC, a Maine limited liability company



By: 

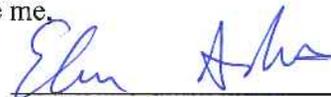
Its Manager
Print Name: Jonathan Culley

STATE OF MAINE
COUNTY OF CUMBERLAND, SS.

September 3, 2015

Personally appeared the above named Jonathan Culley, in his capacity as Manager of Redfern Bayside, LLC, who acknowledged the foregoing instrument to be his free act and deed in his capacity and the free act and deed of Redfern Bayside, LLC.

Before me,



Name: Eben Adams
~~Notary Public~~ Attorney at law

My Commission Expires: _____

EXHIBIT A

{Nadeau Land Survey "Pedestrian Easement" dated 8/18/15}

Nadeau Land Surveys

Professional Land Surveyors
Certified Floodplain Managers

EXHIBIT A

"Pedestrian Easement" (2141510D2R2)

A certain lot or parcel of land, situated on the southeasterly sideline of Fox Street and northeasterly sideline of Anderson Street, in the City of Portland, County of Cumberland, and State of Maine, being a pedestrian easement as shown on a plan entitled "*Subdivision Plat, East Bayside Lofts, Redfern Bayside, LLC, Portland, Maine*", dated August 11, 2015 by Acorn Engineering, Inc., Portland, Maine. Said pedestrian easement shall be bounded on the northwest by the apparent southeasterly sideline of Fox Street, on the southwest by the apparent northeasterly sideline of Anderson Street, on the southeast by the northwesterly face of the building as constructed on the Locus Parcel depicted on said plan, and on the northeast by the southwesterly face of the building as constructed on the Locus Parcel depicted on said plan, being more particularly bounded and described as follows:

Beginning on the apparent southeasterly sideline of Fox Street at the northerly corner of the herein described parcel at a #5 steel rebar with survey cap #2124 to be set at the northerly corner of land described in a deed from Perigee, LLC to Redfern Bayside, LLC, dated July 2, 2015 and recorded at the Cumberland County Registry of Deeds (CCRD) in Book 32404, Page 148, and the westerly corner of land described in a deed from Richard S. Harris, Jr. and Peggyann E. Harris to Greenleaf Apartments, LLC, dated December 31, 2007 and recorded in CCRD Book 25722, Page 156, 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 S41°44'46"E along said land of Greenleaf Apartments, LLC, a distance of sixty-eight hundredths (0.68') feet;

Thence the following courses through land of the herein grantor along the face of the proposed building as depicted on said subdivision plan:

S48°25'55"W a distance of one hundred six and eighty-one hundredths (106.81') feet;

N41°34'05"W a distance of twenty-six hundredths (0.26') feet;

S48°25'56"W a distance of forty-five and ten hundredths (45.10') feet;

S03°25'25"W a distance of nine and fifty-two hundredths (9.52') feet;

S41°34'05"W a distance of fifty-one and fifty-two hundredths (51.52') feet;

S48°25'55"W a distance of thirty-three hundredths (0.33') feet to the apparent northeasterly sideline of Anderson Street per Anderson Street Monuments as depicted on said Nadeau Land Surveys plan;

Thence N41°34'05"W along said northeasterly sideline of Anderson Street, a distance of fifty-nine and forty-two hundredths (59.42') feet to a #5 steel rebar with survey cap #2124 or MagNail with survey washer #2124 to be set at the apparent intersection with said southeasterly sideline of Fox Street;

Thence N48°42'11"E along said southeasterly sideline of Fox Street, a distance of one hundred fifty-eight and ninety-seven hundredths (158.97') feet to the point of beginning.

Total area of the herein described parcel equals 196 square feet. The bearings in this description are based on Grid North, MSPC NAD83, 1802 (West Zone).

Meaning and intending to describe a pedestrian easement being a portion of land described in a deed from Perigee, LLC to Redfern Bayside, LLC, dated July 2, 2015 and recorded at the Cumberland County Registry of Deeds in Book 32404, Page 148, which parcel is depicted on a "*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.

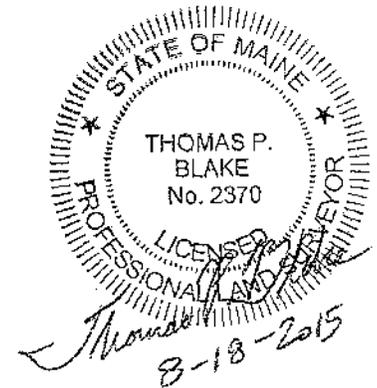


EXHIBIT B

[Ped. Easement Plan, by Acorn Engineering dated 8/25/15]

PERMIT PLAN
NOT FOR
CONSTRUCTION

LAND N/F GREENLEAF
APARTMENTS LLC
BOOK 25722, PAGE 156

N: 303635.63
E: 2929345.21

Fox Street

Everett Street

Anderson Street

S41°44'46"E
0.68'

N48°42'11"E
158.97'
(TOTAL)

S48°25'55"W
106.81'

N41°34'05"W
0.26'

S48°25'56"W
45.10'

S03°25'25"W
9.52'

S41°34'05"E
51.52'

SIDEWALK EASEMENT

N: 303530.72
E: 2929225.78

N41°34'05"W
59.42'

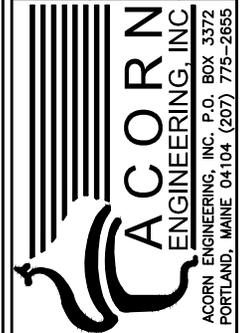
S48°25'55"W
0.33'

ISSUED FOR	BY DATE
PED. EASEMENT	WHS 8/25/15
REVISION	REV DATE

DRAWING NAME:
EX. B: PED. EASEMENT PLAN

PROJECT NAME:
EAST BAYSIDE LOFTS

CLIENT:
REDFERN BAYSIDE, LLC.
P.O. BOX 8816 PORTLAND, ME 04104



FILE:	1053_CIVIL
DATE:	8/25/15
JN:	1053
SCALE:	1"=30'
DESIGN BY:	MAG
DRAWN BY:	MAG
CHECKED BY:	WHS

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM ACORN ENGINEERING, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO ACORN ENGINEERING, INC.

DRAWING NO.
EXB