

Order 162-13/14
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 AN ACCESS 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 access with curb cut rights to Jetport Boulevard; 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

ACCESS EASEMENT WITH CURB CUT RIGHTS

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 the area, approximately 100 feet by 72 feet and described in Exhibit A hereto and shown on Exhibit B hereto, for purposes of access between the roadway owned by the Grantor known as Jetport Boulevard located in South Portland and Portland, in the County of Cumberland and State of Maine, and the land of the Grantee described in Exhibit C. Without limiting the generality of the forgoing, this right of access shall include, within the area described in Exhibit A, permanent, unrestricted two-way vehicular and pedestrian access to and from the Jetport Boulevard; the right to install a curb cut, access road, center strip, sidewalks, paving, drainage, curbing, signage, bus waiting shelters, and any other reasonable improvements, including but not limited to those shown on the Plan which is Exhibit B; and the right to repair, maintain and improve the Easement Area in the future; this easement and right is not exclusive, and in particular, but not by way of limitation, the Grantor retains the right to place or extend utilities of any and all types, in or near Jetport Boulevard, within the area described in Exhibit A, or to grant such utility rights to others.

2) The right perpetually to enter and use Jetport Boulevard in South Portland and Portland, in the County of Cumberland and State of Maine, together with others which may include the general public, for purposes of access between the areas described in Exhibits A and C and all public ways to which said Jetport Boulevard connects.

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 easements and rights shall be perpetual and shall run with the said property described in Exhibit C.

The establishment of the curb cut right granted herein is subject to applicable traffic safety requirements and regulatory restrictions, including, without limitation, those resulting from any site development review by the Portland Planning Board.

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

Access 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 209.95 feet to the point of beginning;

Thence, S 05°21'54" W across land of said City of Portland 72.00 feet;

Thence, S 84°38'06" E across land of said City of Portland 100.00 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 100.00 feet to the point of beginning containing 7,200 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.

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.