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B-1 zone

012-6-001

July 18, 2016

City of Portland
Attn: Ann Machado
389 Congress Street
Portland, ME 04101

012-6-001, 002, 003

3008

RECEIVED

JUL 19 2016

Dept. of Building Inspections
City of Portland Maine

entered 7/20
pa

012-6-009

012-6-020

Re: 155 and 143R Washington Avenue

Dear Ms. Machado:

The purpose of this letter is to seek a determination of two issues with regard to the above-captioned properties, which are adjacent to each other. My client, Akasha 155, LLC, owns both properties, which it purchased at separate times. I have enclosed the vesting deeds. Our understanding is that both properties are conforming in the B-1 Zone, and as such, they would not "merge" based on the fact that they recently came into common ownership. Can you advise us if we are correct in the conclusion that the properties have not merged?

Second, my client plans to divide 155 Washington Avenue into two parcels. I have enclosed a survey showing the proposed division. We are aware that an existing building on the parcel that is non-conforming in that it does not meet the rear setback. Our understanding is that, because the proposed division will not make the lot more non-conforming or create a new type of non-conformance, the division is acceptable. Again, can you advise us if we are correct?

I am happy to discuss by phone if you need further clarification or information.

Sincerely,

Patrick D. Thornton

Akasha 155 LLC

ams -
155 Wash

cc: Asher Woodworth

145 Wash -

012-6-008

(R) 143 Wash 012-6-020

012-6-003

p.thornton@BGT-Law.com

145 Washington
143 rear Washington

WARRANTY DEED
(Maine Statutory Short Form)

KNOW ALL PERSONS BY THESE PRESENTS, that, Maureen M. Fenton, with a mailing address of 143R Washington Avenue, Portland, Maine, grants to Akasha 155, LLC, a Maine limited liability company whose mailing address is 120 Chadwick Street, Portland, County of Cumberland and State of Maine, with warranty covenants, a certain lot or parcel of land, with any buildings thereon, situated at 143R and 145 Washington Avenue, City of Portland, County of Cumberland and State of Maine, as more fully described in Exhibit A attached hereto.

See Exhibit A

Meaning and intending to describe premises conveyed in a Deed from the United States of America, a corporate sovereign, to Maureen M. Fenton dated August 15, 2003 and recorded in the Cumberland County Registry of Deeds in Book 20151, Page 66.

Witness my hand and seal this ^{16th} 15th day of October, 2015.



Witness


Maureen M. Fenton

STATE OF MAINE
COUNTY OF CUMBERLAND

¹⁶
October 15, 2015

Then personally appeared the above-named, Maureen M. Fenton and acknowledged the foregoing to be her free act and deed in her said capacity.

Before me,

Notary Public/Attorney at Law

PATRICK D. THORNTON
MAINE ATTORNEY AT LAW

MAINE REAL ESTATE TAX PAID

EXHIBIT A

Two certain lots or parcel of land, with the buildings thereon, situated in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Parcel 1: 12-6-009

Beginning on the easterly line of Washington Avenue at a point one hundred nine (109) feet from Walnut Street; thence running northerly by said Washington Avenue thirty-two (32) feet and from these two last named bounds, extending easterly from Washington Avenue at right angles and holding the width of thirty-two (32) feet a distance of one hundred thirty (130) feet, more or less, to line of Lynch Street, it being the northerly part of a lot of land formerly owned by I. R. Lunt and shown on a Plan recorded in the Cumberland County Registry of Deeds, Plan Book 2, Page 53, and being the same premises conveyed to Nora Davin by Michael McCoy, by deed dated November 30, 1906 and being the same premises conveyed by Nora Davin to John F. Proctor by mortgage deed dated November 30, 1906, and recorded in said registry of deeds in Book 794, Page 230, which mortgage and note the said John F. Proctor assigned, transferred and conveyed to the said Israel Luce during his lifetime and was foreclosed by his Executor and the right of redemption has expired.

Parcel 2: 12-6-030

Situated in the rear of number 143 Washington Avenue in said Portland and beginning at a point in the northerly side line of the lot of land conveyed to the Exchange Real Estate Company by Mary C. Bemis by deed dated November 25, 1925, and recorded in the Cumberland County Registry of Deeds, Book 1218, Page 420, which said point is thirty-five (35) feet, more or less, northeasterly from the easterly side line of Washington Avenue and one hundred nine (109) feet from the intersection of the easterly side line of Washington Avenue with the northerly side line of Walnut Street; thence northeasterly ninety-six and twenty-five one hundredths (96.25) feet to appoint; thence southeasterly thirty-two (32) feet, more or less, to a point; thence southwesterly ninety-eight and forty-six one hundredths feet (98.46) feet to a point; thence northwesterly clearing the West side of the building in the rear of number 143 Washington Avenue by six (6) inches, thirty-five (35) feet, more or less, to the point of beginning. Also hereby conveying a right to pass and repossess over a strip of land about ten (10) feet wide on the northerly side of adjoining premises to and from Washington Avenue.

Received
Recorded Register of Deeds
Oct 19, 2015 10:31:52A
Cumberland County
Nancy A. Lane

155 Washington Ave

WARRANTY DEED

KNOW ALL BY THESE PRESENTS, that I, Wendy Morse Baldwin of Portland, County of Cumberland and State of Maine, in consideration of One and No/100 Dollars (\$1.00) and other valuable consideration paid by Akasha 155, LLC whose mailing address is 120 Chadwick Street, Portland, Maine 04102 the receipt whereof we do hereby acknowledge, do hereby GIVE, GRANT, BARGAIN, SELL AND CONVEY, WITH WARRANTY COVENANTS unto the said Akasha 155, LLC, its successors and assigns forever, the following described premises, commonly known as 155 Washington Avenue, Portland, Maine:

See Schedule A attached hereto and made a part hereof.

Meaning and intending to convey and hereby conveying the same premises set forth in deed from Wilfred A. Ferrante to Wendy Morse Baldwin dated August 23, 2002 and recorded in the Cumberland County Registry of Deeds in Book 18058, Page 101.

003
002/act.
001

009
020

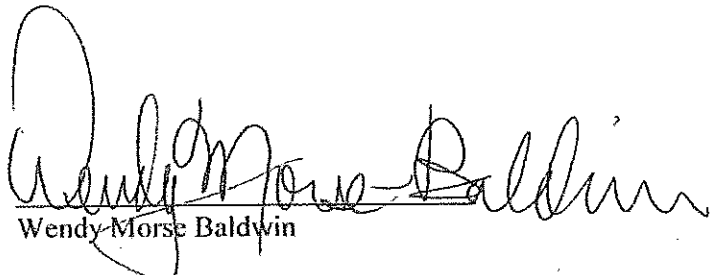
TO HAVE AND TO HOLD the same, together with all the privileges and appurtenances thereunto belonging to the said Akasha 155, LLC, its successors and assigns forever. I do covenant with the said Grantees, its successors and assigns, that I am lawfully seized in fee of the premises, free of all encumbrances and that we do have good right to sell and convey the same to the said Grantees to hold as aforesaid; and that I and my successors shall and will warrant and defend the same to the said Grantees, its successors and assigns, forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, I, the said Wendy Morse Baldwin have caused these presents to be signed this 11th day of March, 2015.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF



Witness




Wendy Morse Baldwin

STATE OF MAINE
COUNTY OF CUMBERLAND

March 11, 2015

Then personally appeared the above-named Wendy Morse Baldwin and acknowledged the foregoing instrument to be her free act and deed before me,



Notary Public/Attorney at Law
print name _____
my comm. exp. _____

PATRICK D. THORNTON
MAINE ATTORNEY AT LAW

MAINE REAL ESTATE TAX PAID

EXHIBIT A

Parcel 1 rear lot, 12-6-02B

A certain lot or parcel of land with the buildings thereon, situated in the City of Portland, County of Cumberland, State of Maine, and bounded and described as follows:

Beginning at a point on the southerly side of Upper Cove Street, so-called, a proposed street leading from Washington Avenue to a proposed street known as Poplar Street (now a part of Sheridan Street), which point is one hundred twenty-two (122) feet easterly from the easterly line of Washington Avenue; thence westerly along Upper Cove Street running towards Washington Avenue, thirty-eight (38) feet, more or less, to a stake, and from these two points running southerly in parallel lines at right angles with said Upper Cove Street seventy (70) feet, being the same premises conveyed to Thompson-Johnson Company by deed dated January 1, 1918, to William Findley and recorded in Cumberland County Registry of Deeds, Book 1002, Page 459, to which deed as there recorded reference is to be had for a more particular description of said premises.

Meaning and intending to convey the same premises conveyed to Ferrante's Landscape Service, Inc. by deed of Wilfred Ferrante dated March 5, 1974 and recorded in the Cumberland County Registry of Deeds in Book 3517, Page 201.

Parcel 2 12-6-002 108

A certain lot or parcel of land situated at 149-151 Washington Avenue on the northerly side and beginning one hundred forty-one (141) feet from the northwesterly corner of Walnut Street to an iron hub; thence northerly along Washington Avenue sixty-eight (68) feet to an iron hub to land now or formerly of James; thence making an angle of ninety degrees (90°) in a northeasterly direction a distance of eighty (80) feet to an iron and being the most northeasterly corner of lot; thence making an angle of ninety degrees (90°) in a southeasterly direction a distance of thirty-four and five tenths (34.5) feet to an iron hub; thence in a northeasterly direction forty-seven (47) feet to an iron; thence southeasterly thirty-three and fifty-two hundredths (33.52) feet to an iron hub and to land of Proctor Estate; thence southwesterly along the Proctor line one hundred twenty-nine and six hundredths (129.06) feet to the point of beginning. Being two (2) lots of land containing 7,048 square feet.

A plan of said lots is shown on plan of property of W.S. Baxter, Esq, prepared by Anderson Bonnell & Co. dated July 1886, and recorded in said Registry of Deeds in Plan Book 2, Page 54.

Meaning and intending to convey the same premises conveyed to Ferrante's Landscape Service, Inc. by deed of Randy Lee Head dated November 5, 1974 and recorded in said Registry of Deeds at Book 3632, Page 264.

Parcel 3 12-6-01

A certain lot or parcel of land situated in Portland, County of Cumberland and State of Maine, on the easterly side of Washington Avenue and bounded and described as follows, viz:

Beginning on the southwesterly corner of a passageway leading from Washington Avenue to proposed Poplar Street as shown on Anson's or Assessor's Plan No. 12; thence southerly by east line of Washington Avenue 34½' feet to land of James Brodin; thence easterly by said Brodin's land 80 feet to land of John Murray; thence westerly by land of said Murray 34½' feet to said proposed way; thence; westerly by said proposed way 80 feet to the point of beginning.

Meaning and intending to convey the same premises conveyed to Ferrante's Landscape Service, Inc. by deed of Rita Albano and Alberto Albano dated December 17, 1974 and recorded in said Registry of Deeds at Book 3619, Page 104.

Received
Recorded Register of Deeds
Mar 31, 2015 09:16:51A
Cumberland County
Nancy A. Lane