

89 Anderson – Summary of Easements

There is an existing easement, originally granted to New England Telephone and Telegraph in September 1991. The successor to New England Telephone and Telegraph is Fairpoint Communications. The easement, located adjacent to Everett Street and measuring 7.65' (from Everett St.) by 12.5' wide, grants Fairpoint the "right and easement to place and maintain underground electrical and communication cables, conduits, cabinets, and appurtenances along with a pad-type foundation" within the easement. Fairpoint currently maintains a communications cabinet within the easement which is fed by underground wires, cables, or conduits. A copy of the executed easement is attached.

Redfern Properties has consulted with our counsel, Eben Adams of Pierce Atwood related to this easement. Attorney Adams has reviewed the easement and offered advice related to the proposed 89 Anderson building design.

As 'fee owner' of 89 Anderson, Redfern will obtain all rights not granted to the easement holder. Accordingly, Redfern will have sufficient title, right and interest to construct a building around and above the easement area, so long as Redfern does not unreasonably interfere with the current use of the easement area by Fairpoint.

Redfern intends to engage with Fairpoint to discuss potential screening of the communications cabinet, to make the property more visually appealing.

EASEMENT DEED

For and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations to us paid by New England Telephone and Telegraph Company, a corporation duly organized under the laws of the State of New York, whose address is 185 Franklin Street, Boston, Massachusetts, 02107, the receipt of which is hereby acknowledged, we, Patrick J. and Sharon A. Lee, of Yarmouth, Maine, hereby grant unto said Company, its successors and assigns, the right and easement to place and maintain underground electrical and communication cables, conduits, cabinets and appurtenances along with a pad-type foundation upon a certain lot of land located on the northerly side of Everett Street and easterly of Anderson Street, so called, in the City of Portland, Cumberland County, Maine, and bounded and described as follows: Beginning at an iron pipe set on the northerly right-of-way line of Everett Street and located N 62-56-00 E, 7.05 feet from an iron pipe set at the intersection of the northerly right-of-way line of Everett Street with the easterly right-of-way line of Anderson Street; thence, N 27-04-00 W, through land of the Grantors, 8.00 feet to an iron pipe set; thence, N 62-56-00 E, through land of the Grantors, 12.50 feet to an iron pipe set; thence, S 27-04-00 E, through land of the Grantors, 8.00 feet to an iron pipe set on the northerly right-of-way line of said Everett Street; thence, S 62-56-00 W, along the northerly right-of-way line of said Everett Street, 12.50 feet to the point of beginning. The above described easement contains 100 square feet, more or less. Bearings are based on observed magnetic north August, 1991. All iron pipes set are No. 5 rebar, capped "OEST 1021." The right to cut trees, trim brush, and grade said easement area is also granted with permission to enter upon our property for the above purposes. Said easement further described as a portion of Lot #1-1 of Map #12, as identified by the Assessor's Map for the City of Portland, County of Cumberland, and State of Maine, and a portion of land owned by Patrick J. and Sharon A. Lee, as described in Book 8401, Page 332, of the Cumberland County Registry of Deeds.

New England Telephone Company agrees to the following:

- 1) Assume any and all taxes associated with this terminal;
- 2) Indemnify and save harmless the Grantors, their successors and assigns from any and all claim costs and liability arising from use of said premises;
- 3) Landscape said easement area in accordance with Grantors' wishes;
- 4) Upon termination of New England Telephone Company use of said easement area, all rights herein granted shall revert to the owner of record, and said easement area shall be restored as nearly as possible to its condition at the time of the signing of the easement deed.

