
8. EASEMENTS AND OTHER BURDENS §14-527 (C)(7)

A Boundary Survey that shows the site and surrounding parcels is provided in Section 15 of this Report. The following existing easements, public rights of way or other burdens have been identified:

- **MaineDOT Right of Way (ROW)** – The State of Maine owns the 50-foot wide rail-trail-corridor located between tax lots 1 and 3 and tax lot 2 of the Project Site, as shown on the Boundary Survey provided in Section 15 of this Report.
- **MaineDOT Crossing Rights** – The MaineDOT has granted 50-foot wide pedestrian access points across the trail, rail line, and MaineDOT Right of Way to preserve access to the water, as shown on the Boundary Survey provided in Section 15 of this Report; these crossing rights may be relocated/redefined with MaineDOT approval.
- **City Right of Way (ROW) on Fore Street** – There is a City ROW on Fore Street where the proposed development has designed an access stairway into the site. An easement will be required at the top of the Public Access Easement area. The public access easement traverses an area of significant grade change from the existing Fore Street grade to the historic core area of site. The Fore Street ROW is significantly wider in the area of the public access easement, resulting in limited land area on 58 Fore Street property at the top of the proposed stairs. As such, the stairway within this area is proposed to encroach within the Fore Street Right-of-Way, requiring an easement or maintenance agreement to be granted to the 58 Fore Street property to construct and maintain stairs within the City ROW. This concept has been reviewed with City staff and the City staff have been supportive of this approach.
- **Public Access Easement** – There is a proposed public access easement located further to the west of the view corridors (described below). CPB2 LLC has agreed to provide the City with a fifty-foot wide public access easement across the 58 Fore Street property from Fore Street to the waterfront edge of the Project Site. The proposed location of the 50'-wide easement is on and over a portion of the footprint of former Building 1 and extending from Fore Street to the southerly boundary of the property. The description is intended to be general in nature and the final configuration can be determined by CPB2 LLCs discretion with approval of the Planning Board and Corporation Counsel.
- **Retaining Wall** – An access easement to the City of Portland is provided for the 4-foot tall, approximately 353-foot long wall located along Fore Street, as shown on the Boundary Survey provided in Section 15 of this Report.
- **Utilities** – The State of Maine and the Canadian National Railway Company have conveyed perpetual easements to the Portland Water District for utilities located along the southern side of the Site, as shown on the Boundary Survey provided in Section 15 of this Report. The 30-foot wide Canadian National Railway Company easement is associated with the PWD 33-inch diameter sewer force main, and the 50-foot wide State of Maine easement is associated with water and sewer utilities.
- **View Corridors** – The B6 Building Height Overlay & Building Envelope map dated effective on July 1, 2015 requires four individual 50-foot view corridors at Kellogg, Waterville, St. Lawrence and Atlantic Streets be maintained. Within the defined view corridors, no building is allowed above the corresponding Fore Street elevation.