

**SCHEDULE B, SECTION II ITEMS**

- 7 TITLE TO AND RIGHTS OF THE PUBLIC AND OTHERS ENTITLED THERETO IN AND TO THOSE PORTIONS OF THE INSURED PREMISES LYING WITHIN THE BOUNDS OF PATTON COURT (FORMERLY KNOWN AS FOX COURT), THE PUBLIC WAY. (NO PORTION OF PATTON COURT, THE PUBLIC WAY, FALLS WITHIN THE PREMISES SHOWN ON THIS PLAN.)
- 8 RIGHTS AND EASEMENTS FOR DRAINAGE ACROSS A LOT LYING SOUTHERLY OF MIDDLE STREET AND EASTERLY OF PLUM STREET DESCRIBED IN DEED FROM ELIZA T. MITCHELL ET AL TO JAMES MARRETT ET AL DATED DECEMBER 30, 1868 AND RECORDED IN CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 365, PAGE 493 (THIS ITEM IS NOT SHOWN HEREON, IT IS NOT KNOWN WHETHER THIS EASEMENT AFFECTS THE LOCUS PROPERTY DUE TO THE DIFFICULTY OF PLACING THE EASEMENT WITHIN THE SUBJECT PROPERTY.)
- 9 RIGHTS AND EASEMENTS GRANTED BY C.M. RICE PAPER COMPANY TO NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY AND CENTRAL MAINE POWER COMPANY BY INSTRUMENT ACKNOWLEDGED MAY 25, 1951, RECORDED IN BOOK 2048, PAGE 224 (POLE REMOVED NOT SHOWN).
- 10 RIGHTS AND EASEMENTS GRANTED BY CANAL NATIONAL BANK TO NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY AND CENTRAL MAINE POWER COMPANY BY INSTRUMENT DATED SEPTEMBER 13, 1968, AND RECORDED IN BOOK 3073, PAGE 232 (POLE REMOVED NOT SHOWN).
- 11 SEWER RIGHTS RESERVED BY THE CITY OF PORTLAND IN ITS ORDER OF DISCONTINUANCE DATED APRIL 3, 1972 AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 3231, PAGE 337. (SEE PLAN FOR LOCATION)
- 12 RIGHTS, EASEMENTS, RESTRICTIONS, COVENANTS AND CONDITIONS SET FORTH IN DEED FROM THE CITY OF PORTLAND TO CANAL NATIONAL BANK DATED OCTOBER 30, 1972, AND RECORDED IN BOOK 3321, PAGE 218. (DOES NOT AFFECT LOCUS PARCEL)
- NOTE: THE FINAL POLICIES WILL INSURE THAT THERE ARE NO CURRENT VIOLATIONS OF SAID RESTRICTIONS.
- 13 COVENANTS, CONDITIONS, RESTRICTIONS, AND OTHER AGREEMENTS SET FORTH IN QUITCLAIM DEED WITH COVENANT AND LEASE TERMINATION AGREEMENT BY AND BETWEEN THE CITY OF PORTLAND AND OCTOBER CORPORATION DATED MARCH 8, 2002 AND RECORDED IN BOOK 17401, PAGE 146. (NOT A SURVEY MATTER)
- 14 SUCH STATE OF FACTS INCLUDING NOTES AS DEPICTED ON A PLAN ENTITLED ALTA/ACSM LAND TITLE SURVEY, PREPARED FOR COW PLAZA 1 LLC BY NORTHEAST CIVIL SOLUTIONS DATED NOVEMBER 30, 2009. (SHOWN ON SAID PLAN)
- 15 SUCH STATE OF FACTS INCLUDING NOTES AS DEPICTED ON A PLAN ENTITLED ALTA/ACSM LAND TITLE SURVEY, PREPARED FOR COW PLAZA GARAGE LLC BY NORTHEAST CIVIL SOLUTIONS DATED NOVEMBER 30, 2009. (SHOWN ON SAID PLAN)
- 16 TERMS AND PROVISIONS SET FORTH IN CROSS EASEMENT AGREEMENT BY AND AMONG COW PLAZA 1 LLC, COW PLAZA 2 LLC, COW PLAZA 3 LLC AND COW PLAZA GARAGE LLC. (TO BE RECORDED)
- 17 TERMS AND PROVISIONS SET FORTH IN THE INSTRUMENTS CREATING THE LEASEHOLD INTERESTS DESCRIBED AS PARCEL 3 ON EXHIBIT A TO BE INSURED IN THE FINAL POLICIES, INCLUDING THE TERMS AND PROVISIONS OF FIRST RESTATED AGREEMENT BY AND BETWEEN VERRILL AND DANA, LLP AND OCTOBER CORPORATION DATED NOVEMBER 8, 2001 AND THE RECORDED DOCUMENTS REFERENCED THEREIN, INCLUDING THOSE RECORDED IN THE SAID REGISTRY OF DEEDS IN BOOK 3753, PAGE 325 AND BOOK 4570, PAGE 50 TO THE EXTENT APPLICABLE. (NOT A SURVEY MATTER)
- 18 RIGHTS OF COW PLAZA 1 LLC, COW PLAZA 2 LLC AND COW PLAZA 3 LLC UNDER PARKING LEASES TO BE RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS. (TO BE RECORDED)

**GENERAL NOTES**

- GN-1 THE BASIS OF BEARING FOR THIS SURVEY IS FROM THE PLAN REFERENCED IN NOTE 4.g. BELOW.
- GN-2 DEED AND PLAN BOOK REFERENCES ARE TO THE CUMBERLAND COUNTY REGISTRY OF DEEDS (CCRD).
- GN-3 RECORD OWNERSHIP OF THE PARCEL SURVEYED CAN BE FOUND IN THE DEED FROM OCTOBER CORPORATION TO GRE CONGRESS CANAL LLC, DATED AUGUST 24, 2006 AND RECORDED IN BOOK 24299, PAGE 51 CUMBERLAND COUNTY REGISTRY OF DEEDS.
- GN-4 REFERENCE IS MADE TO THE FOLLOWING PLANS:
  - a. "ALTA/ACSM LAND TITLE SURVEY OF THREE CANAL PLAZA," BY OWEN HASKELL, INC. DATED MARCH 20, 1996. (NOT RECORDED).
  - b. "ALTA/ACSM LAND TITLE SURVEY ON MIDDLE STREET & EXCHANGE STREET, PORTLAND, MAINE," BY OWEN HASKELL, INC. DATED MARCH 26, 1999. (NOT RECORDED).
  - c. "PLAN OF THREE CANAL PLAZA MADE FOR PLAZA REALTY CO.," BY H.I. & E.C. JORDAN, DATED DECEMBER 8, 1980 AND RECORDED IN PLAN BOOK 129, PAGE 68 (CCRD).
  - d. "PLAN OF CANAL PLAZA MADE FOR CANAL NATIONAL BANK PLAZA REALTY TRUST," BY H.I. & E.C. JORDAN, DATED AUGUST 1972 AND RECORDED IN PLAN BOOK 109, PAGE 8 (CCRD).
  - e. "CITY OF PORTLAND DEPARTMENT OF PUBLIC WORKS GENERAL PLAN STA. 37+75 TO STA. 42+50," BY FAY, SPOFFORD & THORNDIKE, INC. DATED SEPTEMBER, 1971. REVISED NOVEMBER 23, 1973. (NOT RECORDED).
  - f. "PLAN OF PROPERTY IN PORTLAND, MAINE MADE FOR CITY OF PORTLAND, MAINE," BY H.I. & E.C. JORDAN, DATED MAY 22, 1979 (NOT RECORDED).
  - g. "SITE GRADING & UTILITIES PLAN FOR CANAL PLAZA," BY FREEMAN FRENCH FREEMAN ARCHITECTS, DATED MAY 15, 1972. (NOT RECORDED).
  - h. "ALTA/ACSM LAND TITLE SURVEY ON SPRING-MIDDLE ARTERIAL, EXCHANGE STREET, FORE STREET, AND UNION STREET IN THE CITY OF PORTLAND CUMBERLAND COUNTY MAINE" DATED NOVEMBER 10, 1999, REVISED SEPTEMBER 6, 2000, BY DESLAURIERS & ASSOCIATES, INC.
  - i. "ALTA/ACSM LAND TITLE SURVEY ON SPRING-MIDDLE ARTERIAL, EXCHANGE STREET, FORE STREET, AND UNION STREET IN THE CITY OF PORTLAND CUMBERLAND COUNTY MAINE" DATED JANUARY 8, 2007, BY NORTHEAST CIVIL SOLUTIONS.
- GN-5 THE SUBJECT PARCEL IS IDENTIFIED ON THE CITY OF PORTLAND ASSESSOR'S MAP 32, BLOCK 1, PARCEL 41.
- GN-6 EXCEPTIONS TO THE STATE OF MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS STANDARDS ARE AS FOLLOWS: MONUMENTS WERE NOT SET.
- GN-7 THE BOUNDARY SHOWN HEREON WERE TAKEN FROM THE PLANS REFERENCED IN THE GENERAL NOTES ABOVE, ROTATED INTO EXISTING MONUMENTATION WITH A BEST FIT SCENARIO.
- GN-8 UTILITIES SHOWN HEREON WERE TAKEN FROM THE PLANS REFERENCED IN GENERAL NOTES 4.a., 4.b., 4.g., AND 4.h. ABOVE AND WERE FIELD VERIFIED.
- GN-9 FOX COURT LATER CHANGED TO PATTON COURT WAS ORIGINALLY LAID OUT ON AUGUST 29, 1828 (VOL. 1 PAGE 96). THE WIDTH OF PATTON COURT IS 11.5 FEET WIDE FOR THE FIRST 60 FEET THE NEXT 205 FEET± OF PATTON COURT IS 23 FEET WIDE. THE FINAL 30 FEET WAS LAID OUT AT 30 FEET WIDE. THIS LAYOUT IS SHOWN ON A PLAN BY P.P.W. FOR PATTON COURT DATED DECEMBER 13, 1939 ON FILE AS PLAN 598/9. SUBSEQUENT TO THIS LAYOUT THERE WERE TWO SEPARATE DISCONTINUANCES BY THE CITY. THE FIRST WAS THE MOST NORTHWESTERLY 26 FEET OF PATTON COURT (30 FEET WIDE) WHICH WAS DISCONTINUED IN 1958 (VOL. 2 PAGE 286). THE SECOND WAS A 6.5 FEET BY 7 FEET± AREA NORTHERLY OF WHERE THE WIDTH CHANGED FROM 23 FEET TO 30 FEET WIDE WHICH WAS DISCONTINUED IN 1981 (VOL. 2 PAGE 390). THE 1928 LAYOUT CALLS FOR THE PRIVATE STREETS OR WAYS (FOX COURT AND FOX ALLEY) LAID OUT FOR THE USE OF THE INHABITANTS OF PORTLAND WHICH, PER PORTLAND PUBLIC WORKS, IS LISTED AS AN ACCEPTED PUBLIC STREET.

**LEGAL DESCRIPTION**

A CERTAIN LOT OR PARCEL OF LAND, WITH THE BUILDINGS AND OTHER IMPROVEMENTS THEREON, SITUATED IN THE BLOCK BOUNDED BY THE NORTHEASTERLY SIDE OF UNION STREET, THE NORTHWESTERLY SIDE OF FORE STREET, THE SOUTHWESTERLY SIDE OF EXCHANGE STREET AND THE SOUTHEASTERLY SIDE OF THE SPRING-MIDDLE STREET ARTERIAL AND MIDDLE STREET IN THE CITY OF PORTLAND, COUNTY OF CUMBERLAND AND STATE OF MAINE, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

STARTING AT THE ORIGINAL INTERSECTION OF THE NORTHWESTERLY RIGHT-OF-WAY LINE OF FORE STREET WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF UNION STREET;

THENCE N 61° 16' 30" E ALONG THE ORIGINAL NORTHWESTERLY RIGHT-OF-WAY LINE OF FORE STREET 19.63 FEET TO A POINT OF CURVATURE AND THE CURRENT RIGHT-OF-WAY LINE OF SAID FORE STREET;

THENCE N 61° 16' 30" E ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF FORE STREET 92.37 FEET TO A POINT;

THENCE N 60° 18' 00" E ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF FORE STREET 64.32 FEET TO A POINT;

THENCE N 57° 15' 00" E ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF FORE STREET 9.20 FEET TO A POINT. SAID POINT BEING AN EASTERLY CORNER OF LAND N/F OF GRE CONGRESS CANAL LLC (1 CANAL PLAZA) AS RECORDED IN DEED BOOK 24299, PAGE 51 CCRD, ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE N 30° 03' 30" W BY THE NORTHEASTERLY LINE OF SAID GRE (1 CANAL PLAZA) 220.46 FEET TO POINT.

THENCE N 58° 56' 30" E ALONG THE SOUTHEASTERLY LINE OF SAID GRE (1 CANAL PLAZA) 181.00 FEET TO A POINT. SAID POINT BEING ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF PATTON COURT;

THENCE S 37° 00' 30" E ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF PATTON COURT 151.31 FEET TO A POINT;

THENCE N 56° 19' 30" E ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID PATTON COURT 11.50 FEET TO A POINT;

THENCE S 37° 00' 30" E ALONG SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID PATTON COURT 59.99 FEET TO A POINT. SAID POINT BEING ON SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF FORE STREET;

THENCE S 56° 52' 00" W ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF FORE STREET 11.51 FEET TO A POINT;

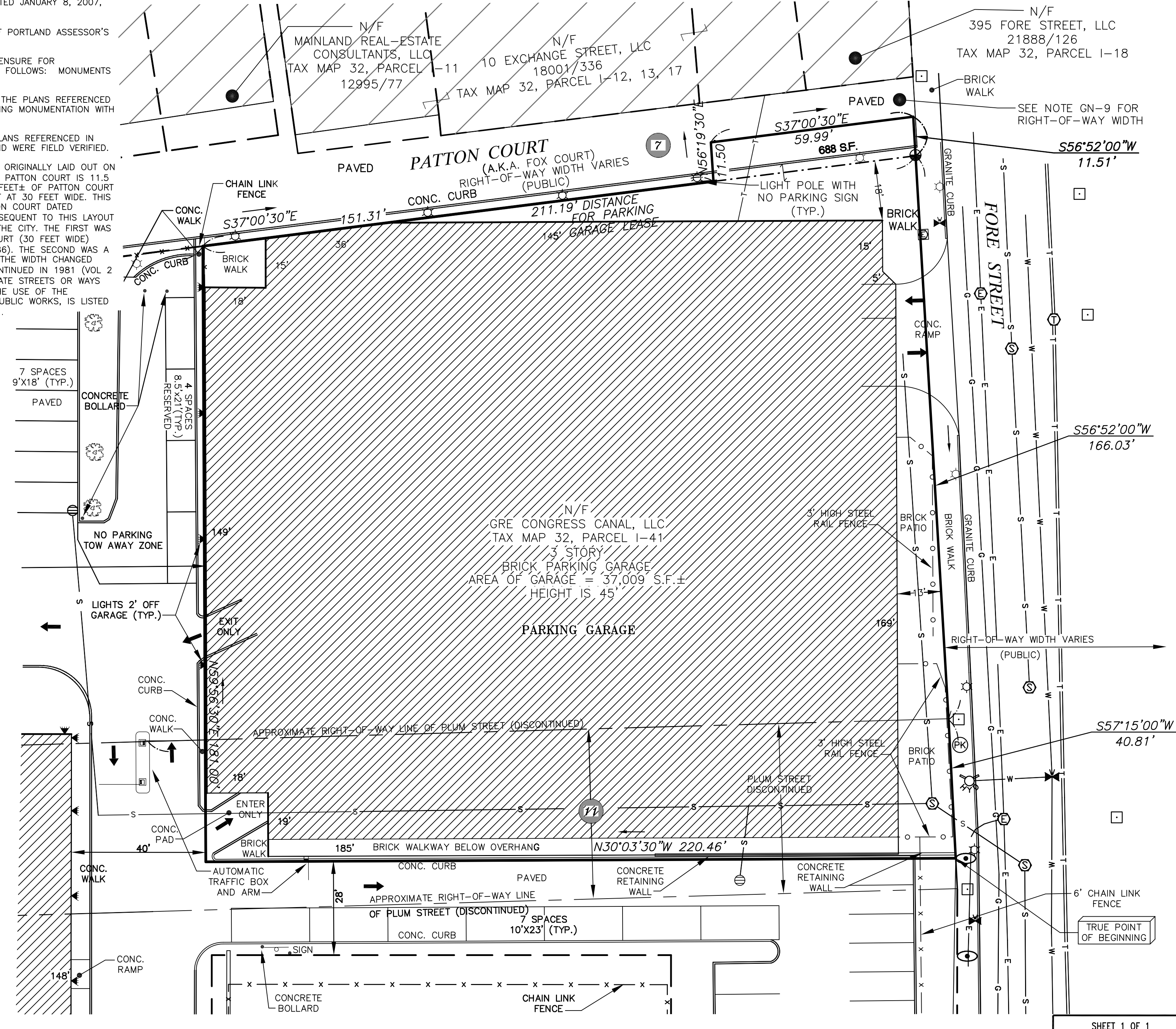
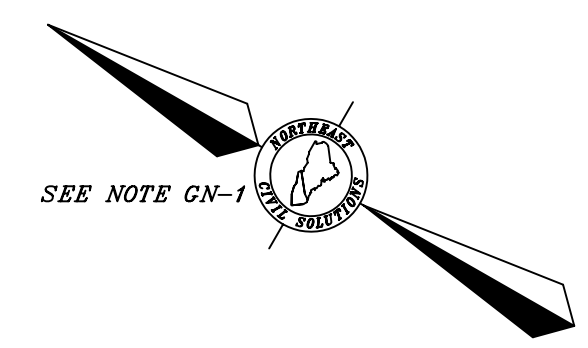
THENCE CONTINUING S 56° 52' 00" W ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF FORE STREET 166.03 FEET TO A POINT;

THENCE S 57° 15' 00" W ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF FORE STREET 40.81 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 42,452 SF OR 0.97ACRES.

MEANING AND INTENDING TO DESCRIBE A PORTION OF LANDS CONVEYED FROM THE OCTOBER CORPORATION TO GRE CONGRESS CANAL, LLC, DATED AUGUST 24, 2006 AND RECORDED IN BOOK 24299, PAGE 51 CCRD.

FLOOD NOTE: By graphic plotting only, this property is in Zone(s) of the Flood Insurance Rate Map, Community Panel No. 230051-00136, which bears an effective date of December 8, 1998 and is not in a Special Flood Hazard Area.



**GARAGE PARCEL**  
42,452 S.F. ±  
0.97 ACRES

**LEGEND**

- FOUND #5 REBAR WITH CAP
- IRON PIPE FOUND (SIZE AS NOTED)
- GRANITE MONUMENT FOUND (6" X 6")
- PK NAIL FOUND
- DRILL HOLE FOUND
- CATCH BASIN, ROUND
- MANHOLE, SEWER
- MANHOLE, ELECTRIC
- MANHOLE, TELEPHONE
- WATER VALVE
- FIRE HYDRANT
- STREET SIGN
- BANK SIGN
- BUILDING MOUNTED LIGHT
- LIGHT POLE
- TRAFFIC FLOW DIRECTION
- SCHEDULE B ITEM
- BOUNDARY LINE
- ABUTTER OR RIGHT-OF-WAY LINE
- PAINTED PARKING STRIPES
- OVERHEAD UTILITY LINES
- UNDERGROUND ELECTRIC (APPROXIMATE)
- UNDERGROUND SEWER LINE (APPROXIMATE)
- UNDERGROUND GAS LINE (APPROXIMATE)
- UNDERGROUND WATER LINE (APPROXIMATE)
- UNDERGROUND TELEPHONE LINE (APPROXIMATE)
- EASEMENT LINE OR LEASE LINE
- NOW OR FORMERLY OWNED BY ASSESSOR'S MAP, BLOCK AND LOT DEED BOOK AND PAGE
- EXISTING DECIDUOUS TREE

**ZONING DATA**

THE FOLLOWING ZONING DATA WAS OBTAINED FROM MARGE SCHMUCKLE, ZONING ADMINISTRATOR FOR THE CITY OF PORTLAND. CITY OFFICES ARE LOCATED AT 385 CONGRESS STREET, PORTLAND, MAINE 04101. PHONE (207) 874-8695.

ZONING CLASSIFICATION: THE PROPERTY IS ZONED B3, DOWNTOWN BUSINESS ZONE.

MINIMUM BUILDING HEIGHT: NO NEW CONSTRUCTION OF ANY BUILDING SHALL BE LESS THAN THIRTY-FIVE (35) FEET IN HEIGHT WITHIN FIFTY (50) FEET OF ANY STREET FRONTAGE, EXCEPT FOR PARKING ATTENDANT BOOTHS OR BANK REMOTE TELLER FACILITIES.

MAXIMUM BUILDING HEIGHT: 125 FEET. FOOTPRINT AREA OF BUILDING ABOVE 125' TO BE LESS THAN 25% OF SITE AREA

MINIMUM LOT SIZE: NONE

MINIMUM STREET FRONTAGE: FIFTEEN (15) FEET

SETBACK REQUIREMENTS: NONE

PARKING REQUIREMENTS: THE PARKING REQUIREMENTS FOR THIS SITE WERE SET BY THE CITY OF PORTLAND'S PLANNING BOARD.

**CERTIFICATION**

To: Cow Plaza Garage LLC, Androskoggin Bank and First American Title Insurance Company and their successors and assigns as their interests may appear.

This is to certify that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA, and NSPS in 2005, and includes Items 2, 3, 4, 6, 7(b)(1), 8, 9, 10, 11(a) and 14 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Maine, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.

By	Date	Change
PROJECT: 29696.1	DRAWING NAME: 29696-1.DWG	
DATE: NOVEMBER 30, 2009	SCALE: 1"=20'	
FIELD BY: NCS/MJB	DRAWN BY: ADA	
Drawing Name and Location: <b>ALTA/ACSM LAND TITLE SURVEY</b> CANAL PLAZA PARKING GARAGE, PORTLAND, MAINE		
Owner: <b>GRE CONGRESS CANAL, LLC</b> C/O GUGGENHEIM REAL ESTATE LLC, 4 COPLEY PLACE, BOSTON, MA. 02116		
Prepared For: <b>COW PLAZA GARAGE LLC</b> 100 COMMERCIAL STREET, PORTLAND, MAINE		

**NCS** SURVEYING ENGINEERING LAND PLANNING  
**Northeast Civil Solutions**  
INCORPORATED

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800.882.2227 800.882.2227

0 20 40 80'

**STAMP AND SIGNATURE**

M. JOHANN BUJSMAN  
PROFESSIONAL LAND SURVEYOR  
MAINE P.L.S. No. 1314

DATE

IF THIS PLAN DOES NOT CONTAIN AN EMBOSSED SEAL, IT IS NOT AN ORIGINAL AND MAY BE VOID.