

**City of Portland, Maine - Building or Use Permit Application**

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

<b>PERMIT ISSUED</b>	
Permit No: 02-0682	Issue Date: 18 7/02
CBL: 032 P004001	

<b>Location of Construction:</b> 6 City Ctr	<b>Owner Name:</b> City Center Properties Llc	<b>Owner Address:</b> 6 City Center St PORTLAND	<b>Phone:</b> 207-761-0195
<b>Business Name:</b> n/a	<b>Contractor Name:</b> n/a	<b>Contractor Address:</b> n/a Portland	<b>Phone:</b>
<b>Lessee/Buyer's Name:</b> n/a	<b>Phone:</b> n/a	<b>Permit Type:</b> Change of Use - Commercial	<b>Zone:</b> B-3

<b>Past Use:</b> Commercial; Vacant / Office Space	<b>Proposed Use:</b> Commercial / Change of Use from Office Space to Book Store and Day Care Center	<b>Permit Fee:</b> \$180.00	<b>Cost of Work:</b> \$0.00	<b>CEO District:</b> 1
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<b>Proposed Project Description:</b> Change of Use office space to Book Store and Day Care Center <i>retail in front</i>	<b>FIRE DEPT:</b> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	<b>INSPECTION:</b> Use Group: 0 Type: 3 7/17/02
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<b>Signature:</b> <i>[Signature]</i>	<b>Signature:</b> <i>[Signature]</i>
<b>PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)</b> <i>retail use</i>	
<b>Action:</b> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied	
<b>Signature:</b> <i>[Signature]</i>	<b>Date:</b> 7/3/02

<b>Permit Taken By:</b> gg	<b>Date Applied For:</b> 06/21/2002	<b>Zoning Approval</b>
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<ol style="list-style-type: none"> <li>This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.</li> <li>Building permits do not include plumbing, septic or electrical work.</li> <li>Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..</li> </ol>	<b>Special Zone or Reviews</b> <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan <input type="checkbox"/> Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> <i>with conditions</i> Date: <i>7/3/02</i>	<b>Zoning Appeal</b> <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date:	<b>Historic Preservation</b> <input type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied <i>Separate permits required for any exterior work</i> Date:
	<i>Separate permits required for New Signage</i>		

**CERTIFICATION**

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

\_\_\_\_\_  
SIGNATURE OF APPLICANT ADDRESS DATE PHONE

\_\_\_\_\_  
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE DATE PHONE

Application ID Number: 2-0682

Delete Save Close

Department: Building

Status: Approved with Conditions

Reviewer: Mike Nugent

Comments:

Approval Date: 07/17/2002

Given On Date: 07/10/2002

OK to Issue Permit Name: Mike Nugent Date: 07/17/2002 Date 2:

Conditions Section: Add New Condition From Add New Condition Delete Condition

Occupancy load cannot exceed 12 children per the Fire Department and State Fire marshal

Create Date: 06/24/2002 By: gg Update Date: 07/17/2002 By: mjn

# DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK CITY OF PORTLAND

## BUILDING DEPARTMENT

# PERMIT

Permit Number: 020682

Please Read Application And Notes, If Any, Attached

This is to certify that City Center Properties Llc / n  
has permission to Change of Use office space to book store and daycare center  
AT 6 City Ctr 032 P004001

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Notification of inspection must be given and written permission procured before this building or part thereof is altered or closed-in. **48 HOUR NOTICE IS REQUIRED.**

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

### OTHER REQUIRED APPROVALS

Fire Dept. MM.S  
Health Dept. \_\_\_\_\_  
Appeal Board \_\_\_\_\_  
Other \_\_\_\_\_  
Department Name

*[Signature]*  
Director - Building & Inspection Services  
7/17/02

**PENALTY FOR REMOVING THIS CARD**

2-0682

Building

Approved with Conditions

Mike Nugent



07/17/2002

07/10/2002



Mike Nugent

07/17/2002

Occupancy load cannot exceed 12 children per the Fire Department and State Fire marshal

06/24/2002

gg

07/17/2002

mjn

Application ID Number: 2-0682

Department: Zoning

Status: Approved with Conditions

Reviewer: Marge Schmuckal

Comments: 6 City Center

Approval Date: 07/03/2002

Check Out Date: 06/27/2002

DT as Issue Permit Name: Marge Schmuckal Date: 07/03/2002

This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.

Separate permits shall be required for any new signage.

This property is located within the Pedestrian Activities District (PAD) which limits the first floor uses to retail like uses.

Create Date: 06/24/2002 By: jgg Update Date: 07/03/2002 By: mes

# All Purpose Building Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Location/Address of Construction: <u>8 CITY CENTER</u>		
Total Square Footage of Proposed Structure <u>3100 SF</u>	Square Footage of Lot <u>8,014 ± SF</u>	
Tax Assessor's Chart, Block & Lot Chart# <u>32</u> Block# <u>P</u> Lot# <u>4</u>	Owner: <u>CITY CENTER PROPERTIES LLC</u>	Telephone: <u>761-0195</u>
Lessee/Buyer's Name (if Applicable) <u>BOOKS FOR KIDS</u> <u>PURPLE CRAYON</u>	Applicant name, address & telephone: <u>MARK BIRMINGHAM</u> <u>761-0195</u>	Cost Of Work: \$ <u>NO STRUCTURE</u> Fee: \$ <u>30 - COFO</u>
Current use: <u>UNKNOWN office space</u>		
If the location is currently vacant, what was prior use: <u>UNKNOWN</u>		
Approximately how long has it been vacant: <u>PRIOR TO NEW TENANT, OVER 1 YEAR VACANT</u>		
Proposed use: <u>BOOK STORE + DAY CARE CENTER</u>		
Project description: <u>COFO \$75 EACH</u>		
Contractor's name, address & telephone:		
Who should we contact when the permit is ready: <u>MARK BIRMINGHAM</u>		
Mailing address: <u>6 CITY CENTER SUITE 201</u> <u>PORTLAND, ME 04101</u>		
We will contact you by phone when the permit is ready. You must come in and pick up the permit and review the requirements before starting any work, with a Plan Reviewer. A stop work order will be issued and a \$100.00 fee if any work starts before the permit is picked up. PHONE: <u>761-0195</u>		

total 190-

COFO \$75 ea

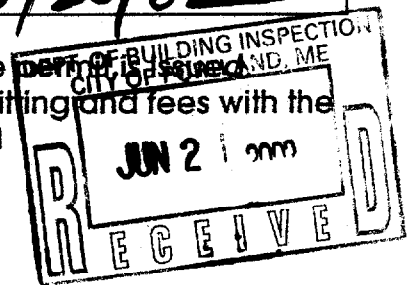
cell

IF THE REQUIRED INFORMATION IS NOT INCLUDED IN THE SUBMISSIONS THE PERMIT WILL BE AUTOMATICALLY DENIED AT THE DISCRETION OF THE BUILDING/PLANNING DEPARTMENT, WE MAY REQUIRE ADDITIONAL INFORMATION IN ORDER TO APPROVE THIS PERMIT.

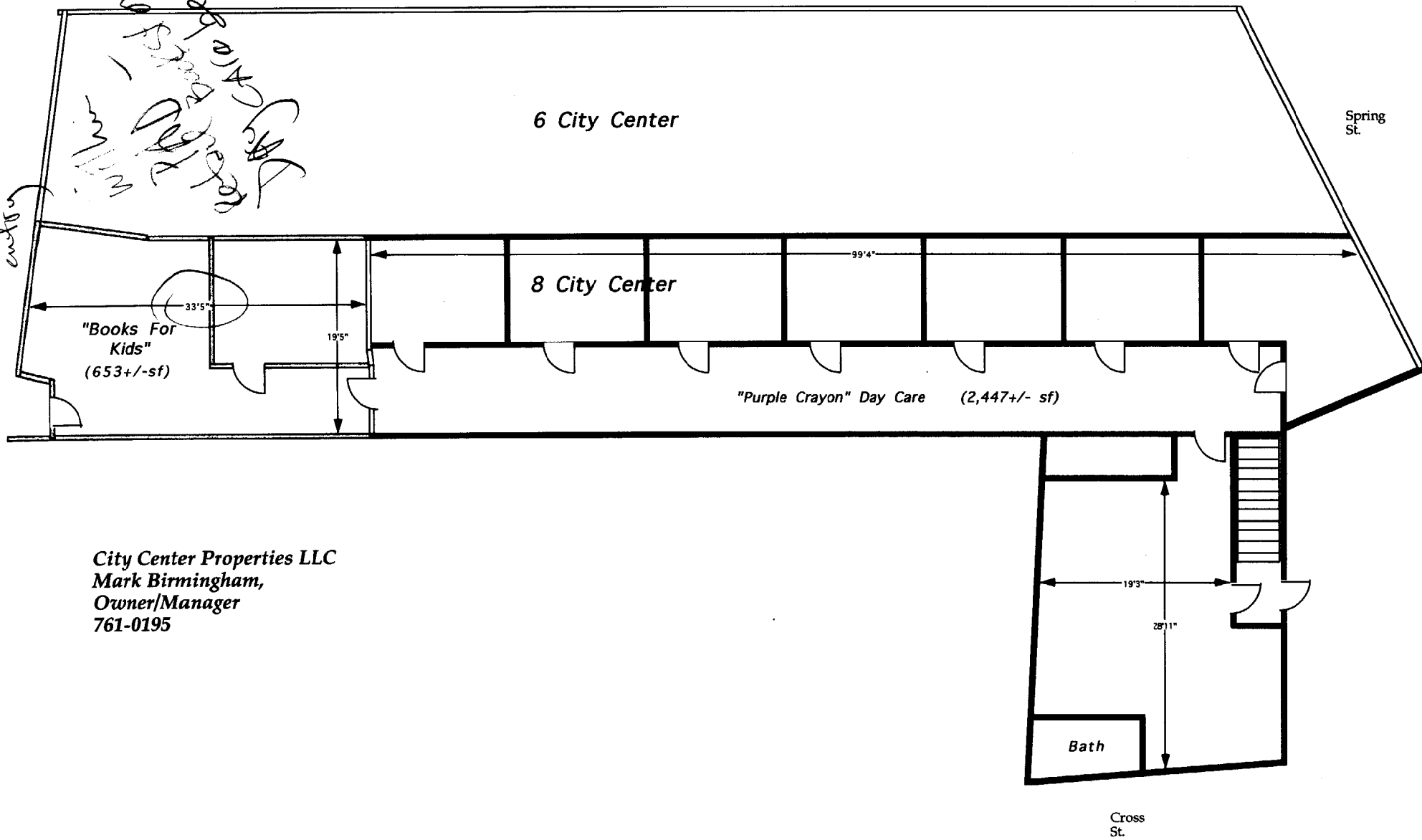
I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature of applicant: <u>Mark Birmingham</u>	Date: <u>6/20/02</u>
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This is NOT a permit, you may not commence ANY work until the permit is issued. If you are in a Historic District you may be subject to additional permitting and fees with the Planning Department on the 4th floor of City Hall



# 8 City Center Floorplan



**City Center Properties LLC**  
**Mark Birmingham,**  
**Owner/Manager**  
**761-0195**

# City Center Properties, LLC

6 City Center, Suite 201 • Portland, ME • 04101  
207 761-0195 voice • 207 761-0196 fax  
mbirms@maine.rr.com

June 20, 2002

Ms. Marge Shmuckal  
Code Enforcement, Rm 315  
389 Congress St.  
Portland, ME 04101

**RE: Application for 8 CITY CENTER CHANGE OF USE**

Dear Marge,

Enclosed is an application for change of use for the premises at 8 City Center, Portland. There will be no construction necessary for the change in use. Also enclosed are:

1. Floorplan showing dimensions of each area and use to scale
2. Copy of deed
3. Plot Plan, showing building footprint and surrounding streets, parking lots.

This applicaton is solely for the purpose of permitting a change of use from existing to that of a day care facility and children's bookstore. The 653 square foot bookstore will be located in the front of the 3100 square foot space, at the 8 City Center entrance. The rear of the space will be used for the daycare of 12 - 20 children between one to three years of age. Business names are "Books For Kids" and "The Purple Crayon", respectively.

Sincerely,



Mark Birmingham  
Manager



16520/6  
12<sup>th</sup>

SHORT FORM WARRANTY DEED

SIX CITY CENTER ASSOCIATES, a Maine General Partnership with a place of business at Portland, Maine, FOR CONSIDERATION PAID, grants to CITY CENTER PROPERTIES, LLC, a Maine limited liability company with a mailing address of 89 Auburn Street, #1173, Portland, Maine 04103, with WARRANTY COVENANTS, certain real property, together with any improvements thereon, located at Portland, Cumberland County, Maine and more particularly described on Exhibit A attached hereto and made a part hereof.

Being the same premises conveyed to the grantor herein by deed from Wilmar Associates dated December 19, 1986 and recorded in the Cumberland County Registry of Deeds in Book 7544, Page 182.

IN WITNESS WHEREOF, SIX CITY CENTER ASSOCIATES has caused this instrument to be executed by Laurence H. Leavitt, its General Partner thereunto duly authorized, this 12<sup>th</sup> day of July, 2001.

WITNESS:

SIX CITY CENTER ASSOCIATES

Timothy H. Norton  
Name:

By: Laurence H. Leavitt  
Name:  
Its General Partner

State of Maine  
County of Cumberland, ss.

July 12, 2001

PERSONALLY APPEARED the above-named Laurence H. Leavitt, General Partner, of SIX CITY CENTER ASSOCIATES as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said General Partnership.

Before me,

Timothy H. Norton  
Name: Timothy H. Norton  
Notary Public/Attorney at Law

## EXHIBIT A

A certain lot or parcel of land with the buildings thereon located in the City of Portland, Cumberland County, Maine situated on the Southerly side of Middle Street, numbered 236 to 240 on said Middle Street and the Easterly side of Cross Street, numbered 89 to 93 on said Cross Street in said Portland and extending from said Middle Street to land now or formerly known as the "Thaxter Block" so-called, on said Cross Street now stands, together with all rights of way, all drainage rights and all other rights of Grantor in the said premises and appurtenant thereto; said lot hereby being conveyed being the lot shown on a Plan made by E.C. Jordan in the year 1874, and recorded in the Cumberland County Registry of Deeds in Plan Book 3, Page 56, to which reference is hereby made and covers the lot on said Middle Street marked H.J. Libby & Co., on said Plan, and having frontage on said Middle Street according to said Plan of forty-two and 64/100 (42.64) feet, and also the lot included within lines drawn from the points on said Plan marked respectively "A", "B", "C", "D", "E", "F", "G", "H", and "I"; said lot having frontage on Cross Street of sixty-seven and 32/100 (67.32) feet according to said Plan; the whole containing about eight thousand five hundred seventy-two (8,572) square feet; a strip ten (10) feet in width from said Cross Street parallel with the line between the points marked "F" and "G" on said Plan, being included in a passageway established in the rear of said street in conjunction with the heirs of St. John Smith and the former owners of the adjoining store, for the use in common of the owners of the properties for the benefit of which the said passageway was established as more particularly described in a deed from James H. Smith et al. to Harrison J. Libby et al., dated July 10, 1882 and recorded in said Cumberland County Registry of Deeds in Book 491, Page 111.

ALSO CONVEYING all rights retained by Harry Matluck and Jack Vinick in their deed to Storage Realty Co. dated September 8, 1975 and recorded in said Registry of Deeds in Book 3739, Page 268.

EXCEPTING the premises described in a deed from Harry Matluck and Jack Vinick to the City of Portland dated June 30, 1972 and recorded in said Registry of Deeds in Book 3262, Page 171, adjacent to the Spring Street Extension, so-called.

### THE PREMISES HEREIN CONVEYED IS SUBJECT TO:

1. Rights conveyed by Harry Matluck and Jack Vinick to Storage Realty Corp. by deed dated September 8, 1975 and recorded in said Registry of Deeds in Book 3739, Page 268.
2. Rights of others in a passageway adjacent to the rear of the block of buildings fronting on Middle Street as excepted on a deed from Richard G. Morse to Wilmar Associates dated May 4, 1981 and recorded in said Registry of Deeds in Book 4477, Page 76.
3. Memorandum of Lease by and between Six City Center Associates as landlord and Ritz Camera Centers, Inc., f/k/a Perfecta Maine, Inc., as Tenant dated April 14, 1994 and recorded in said Registry of Deeds in Book 11489, Page 89.

4. Memorandum of Lease by and between Six City Center Associates as landlord and diversity, Inc. as Tenant dated July 28, 1995 and recorded in said Registry of Deeds in Book 12035, Page 1.
5. Cable Television Installation Agreement between Public Cable d/b/a Time Warner Cable of Maine and Six City Center Associates dated September 14, 1998 and September 23, 1998 and recorded January 3, 2001 in said Registry of Deeds in Book 15936, Page 262.

**MAINE REVENUE SERVICES**

Property Tax Division  
P.O. Box 9106  
Augusta, Maine 04332



FILE BOTH COPIES  
OF THIS FORM WITH  
COUNTY REGISTRY OF DEEDS  
DO NOT DETACH!

**PLEASE READ INSTRUCTIONS ON REVERSE BEFORE COMPLETING DECLARATION**

**REAL ESTATE TRANSFER TAX DECLARATION TITLE 36, M.R.S.A., SECTIONS 4641 through 4641-N**

1. MUNICIPALITY OR TOWNSHIP Portland	COUNTY Cumberland	BOOK (REGISTRY)	PAGE USE ONLY
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GRANTEE (BUYER)

2. IDENTITY: NAME(S) (LAST, FIRST, INITIAL) AND SOCIAL SECURITY NUMBER(S) OR CORPORATE NAME(S) AND FEDERAL IDENTIFICATION NUMBER(S)  
City Center Properties, LLC ▶ 034 | 38 | 0260

3. NUMBER AND STREET 89 Auburn Street #1173	CITY OR TOWN Portland	STATE AND ZIP CODE ME 04103
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GRANTOR (SELLER)

4. IDENTITY: NAME(S) (LAST, FIRST, INITIAL) AND SOCIAL SECURITY NUMBER(S) OR CORPORATE NAME(S) AND FEDERAL IDENTIFICATION NUMBER(S)  
Six City Center Associates ▶ 01 | 040 | 0231

5. NUMBER AND STREET 6 City Center	CITY OR TOWN Portland	STATE AND ZIP CODE ME 04101
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<b>PROPERTY</b>	6. TAX MAP & LOT NUMBER (Required) Map 32 Block P Lot 4	<p><b>Warning to Buyer!</b> If the property is classified as Farmland, Open Space, or Tree Growth, a substantial financial penalty could be triggered by development, subdivision, partition, or change in use of the property.</p> <input type="checkbox"/> Applicable <input checked="" type="checkbox"/> Not Applicable
	<input type="checkbox"/> MUNICIPALITY DOES NOT HAVE TAX MAPS (Please describe property)	
	7. DATE OF TRANSFER    MO.    DAY    YR. (Use numerals)    ▶    7    12    01	

**CONSIDERATION**

8. Consideration meaning total amount or price paid, or required to be paid, for real property valued in money, whether received in money or otherwise and shall include the amount of any mortgage, liens or encumbrances thereon. If a gift or nominal consideration only is paid, consideration is based on the value of the property. Value is the estimated price the property would bring in the open market. (Tax will be collected at the registry when the deed is recorded. The tax rate is \$2.20 per \$500, or fractional part thereof, of consideration or value. The tax is equally divided between the buyer and the seller.) If exempt, complete line 9

FULL VALUE	▶ \$ 2,074,521 .00	TAXABLE CONSIDERATION	\$ 2,074,521 .00
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**EXEMPTION**

9. EXPLAIN BASIS FOR EXEMPTION (Complete only if transfer is claimed to be fully or partially exempt pursuant to M.R.S.A. 36 §4641-C)

**SPECIAL CIRCUMSTANCES**

10. Were there special circumstances in the transfer which suggest that the price of the property was either more or less than its fair market value. (Such as the fact that transfer was a forced sale, foreclosure, intercorporate sale, exchange, or transfer tax was based on estimate value.) PLEASE EXPLAIN.

YES  
 NO

**INCOME TAX WITHHELD**

11.  Buyer(s) certify that they have withheld Maine income tax from the purchase price as required by § 5250-A and will remit to Maine Revenue Services within 30 days after date of transfer.

Buyer(s) not required to withhold Maine income tax because:

- seller has qualified as a Maine resident,
- a waiver has been received from the State Tax Assessor,
- consideration for the property is less than \$50,000,
- foreclosure sale: exempt per 36 MRSA §5250-A, sub§ 3-A

**OATH**

12. Aware of penalties as set forth by Title 36, Section 4641-K, we hereby swear or affirm that we have each examined this return and to the best of our knowledge and belief, it is true, correct, and complete.

GRANTEE(S) or AUTHORIZED AGENT City Center Properties, LLC <i>Mark Birmingham</i>	DATE 7/12/01	GRANTOR(S) or AUTHORIZED AGENT Six City Center Associates <i>[Signature]</i>	DATE 7/12/01
By: Mark Birmingham Its Manager		By: <i>[Signature]</i> Its General Partner	

**PREPARER**

13. Name and address of person or firm preparing this form  
Bernstein, Shur, Sawyer & Nelson  
100 Middle Street, Portland, ME 04101

Zoning Division  
Marge Schmuckal  
Zoning Administrator

CF MAC  
F.Y.I



Department of Urban Development  
Lee Urban, Director

## CITY OF PORTLAND

June 13, 2002

City Center Properties LLC  
6 City Center Suite 201  
Portland, ME 04101

ADT Security Services  
15 Pleasant Hill Rd  
Scarborough, ME 04074

RE: 8 City Center – permit application for 1<sup>st</sup> floor – B-3 zone with a Pedestrian Activities District (PAD) Overlay Zone - 032-P-004

Dear Sir/Madam,

I am in receipt of an application permit for the installation of a fire alarm system including smoke detectors and pull stations at 8 City Center, first floor. The use given on the application for this space is a day care. This is a new use for which this office does not have a use permit issued.

Before this office can issue this present application for the alarm system, we would need a change of use permit. Please note that this building is located within a B-3 zone with A Pedestrian Activities District (PAD) Overlay Zone. The PAD district restricts the first floor uses. Your application would need to be reviewed for compliance with this ordinance.

Please note that on June 5, 2002, I contacted your office and left a voice message that briefly detailed this same information. I have not received a call, nor an application at this time. Your current application for the alarm can not be issued and is on hold until the use can be approved.

Please feel free to call me if you have any questions regarding this matter.

Very truly yours,

Marge Schmuckal  
Zoning Administrator

# BUILDING PERMIT INSPECTION PROCEDURES

Please call 874-8703 or 874-8693 to schedule your inspections as agreed upon

Permits expire in 6 months, if the project is not started or ceases for 6 months.

The Owner or their designee is required to notify the inspections office for the following inspections and provide adequate notice. Notice must be called in 48-72 hours in advance in order to schedule an inspection:

By initializing at each inspection time, you are agreeing that you understand the inspection procedure and additional fees from a "Stop Work Order" and "Stop Work Order Release" will be incurred if the procedure is not followed as stated below.

     **Pre-construction Meeting:** Must be scheduled with your inspection team upon receipt of this permit. Jay Reynolds, Development Review Coordinator at 874-8632 must also be contacted at this time, before any site work begins on any project other than single family additions or alterations.

N/A **Footing/Building Location Inspection:** Prior to pouring concrete

N/A **Re-Bar Schedule Inspection:** Prior to pouring concrete

N/A **Foundation Inspection:** Prior to placing ANY backfill

Call **Framing/Rough Plumbing/Electrical:** Prior to any insulating or drywalling

Call **Final Certificate of Occupancy:** Prior to any occupancy of the structure or use. NOTE: There is a \$75.00 fee per inspection at this point.

Certificate of Occupancy is not required for certain projects. Your inspector can advise you if your project requires a Certificate of Occupancy. All projects DO require a final inspection

     **If any of the inspections do not occur, the project cannot go on to the next phase, REGARDLESS OF THE NOTICE OR CIRCUMSTANCES.**

     **CERIFICATE OF OCCUPANICES MUST BE ISSUED AND PAID FOR, BEFORE THE SPACE MAY BE OCCUPIED**

*Muh B...*  
Signature of applicant/designee

7/19/02  
Date

*Tracy...*  
Signature of Inspections Official

7/19/02  
Date

CBL: 032 P004 Building Permit #: 020680