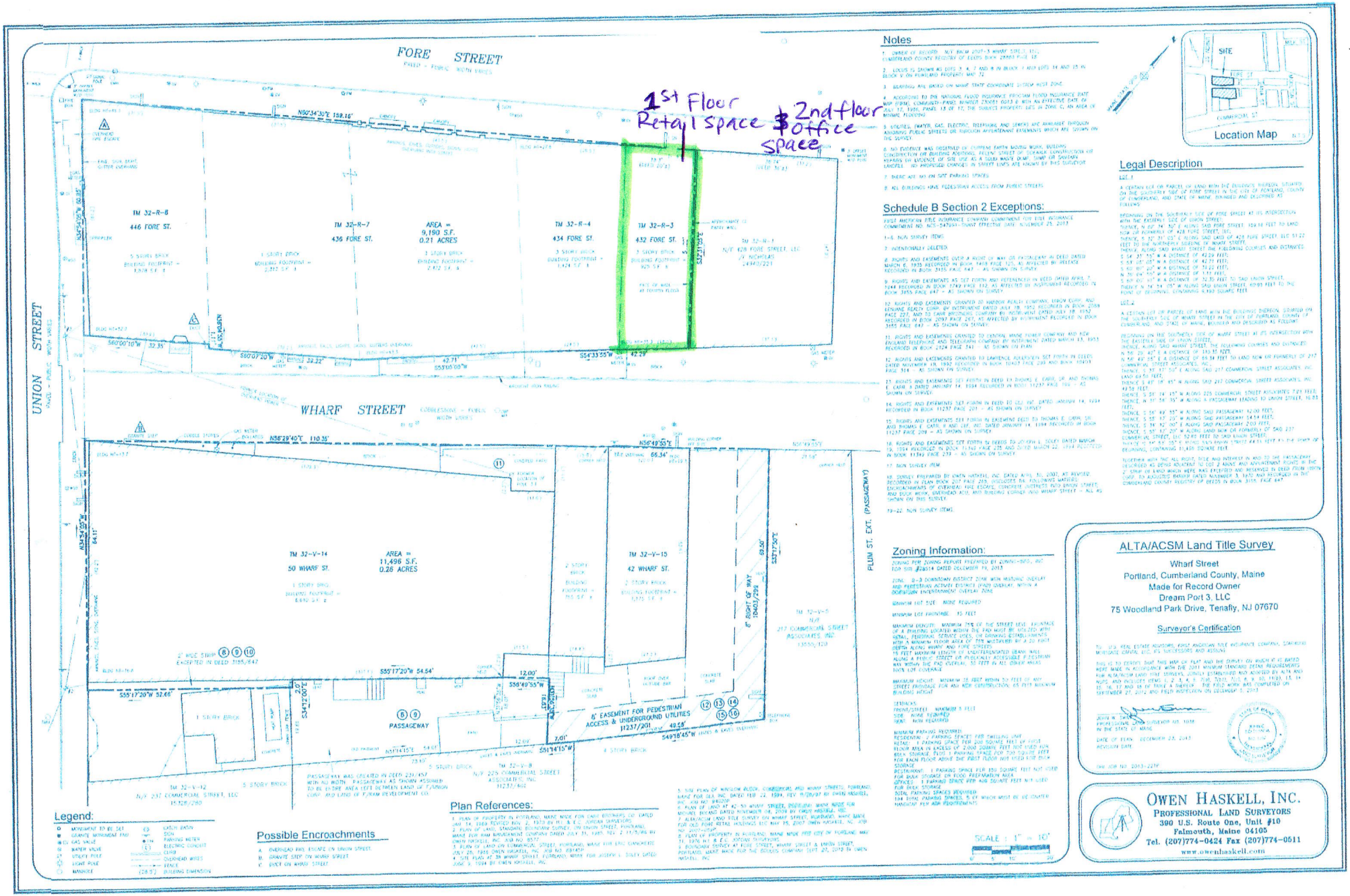

Notes

1. OWNER OF RECORD: N/F BALM 2007-3 WHARF STREET, LLC; CUMBERLAND COUNTY REGISTRY OF DEEDS BOOK 28663 PAGE 18
2. LOCUS IS SHOWN AS LOTS 3, 4, 7 AND 8 IN BLOCK F AND LOTS 14 AND 15 IN BLOCK V ON PORTLAND PROPERTY MAP 32
3. BEARINGS ARE BASED ON MAINE STATE COORDINATE SYSTEM WEST ZONE
4. ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP (FIRM), COMMUNITY-PANEL NUMBER 230051 0013 E, WITH AN EFFECTIVE DATE OF JULY 17, 1986, PANEL 13 OF 17, THE SUBJECT PROPERTY LIES IN ZONE C, AN AREA OF MINIMAL FLOODING
5. UTILITIES (WATER, GAS, ELECTRIC, TELEPHONE AND SEWER) ARE AVAILABLE THROUGH ADJOINING PUBLIC STREETS OR THROUGH APPURTENANT EASEMENTS WHICH ARE SHOWN ON THIS SURVEY
6. NO EVIDENCE WAS OBSERVED OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS, RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS OR EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL. NO PROPOSED CHANGES IN STREET LINES ARE KNOWN BY THIS SURVEYOR
7. THERE ARE NO ON-SITE PARKING SPACES
8. ALL BUILDINGS HAVE PEDESTRIAN ACCESS FROM PUBLIC STREETS

Schedule B Section 2 Exceptions:

FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE COMMITMENT NO. NCS-547091-THAT EFFECTIVE DATE: NOVEMBER 25, 2013

1-6. NON SURVEY ITEMS

7. INTENTIONALLY DELETED

8. RIGHTS AND EASEMENTS OVER A RIGHT OF WAY OR PASSAGEWAY AS DEED DATED MARCH 6, 1935 RECORDED IN BOOK 3155 PAGE 647 - AS SHOWN ON SURVEY

9. RIGHTS AND EASEMENTS AS SET FORTH AND REFERENCED IN DEED DATED APRIL 7, 1944 RECORDED IN BOOK 3749 PAGE 132 AS AFFECTED BY RELEASE RECORDED IN BOOK 3155 PAGE 647 - AS SHOWN ON SURVEY

10. RIGHTS AND EASEMENTS GRANTED TO HARBOR REALTY COMPANY, UNION DAIRY AND ICELAND REALTY CORP. BY INSTRUMENT DATED JULY 19, 1952 RECORDED IN BOOK 2068 PAGE 227, AND TO EARP BROTHERS COMPANY BY INSTRUMENT DATED JULY 19, 1952 RECORDED IN BOOK 2097 PAGE 247, AS AFFECTED BY INSTRUMENT RECORDED IN BOOK 3155 PAGE 647 - AS SHOWN ON SURVEY

11. RIGHTS AND EASEMENTS GRANTED TO CENTRAL MAINE POWER COMPANY AND NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY BY INSTRUMENT DATED MARCH 13, 1953 RECORDED IN BOOK 2124 PAGE 341

12. RIGHTS AND EASEMENTS GRANTED TO LAWRENCE ADELPHON SET FORTH IN DEEDS DATED NOVEMBER 19, 1992 RECORDED IN BOOK 10457 PAGE 293 AND BOOK 10457 PAGE 314 - AS SHOWN ON SURVEY

13. RIGHTS AND EASEMENTS SET FORTH IN DEED TO THOMAS E. CARR, SR. AND THOMAS E. CARR II DATED JANUARY 14, 1994 RECORDED IN BOOK 11237 PAGE 192 - AS SHOWN ON SURVEY

14. RIGHTS AND EASEMENTS SET FORTH IN DEED TO CEL INC. DATED JANUARY 14, 1994 RECORDED IN BOOK 11237 PAGE 201 - AS SHOWN ON SURVEY

15. RIGHTS AND EASEMENTS SET FORTH IN EASEMENT DEED TO THOMAS E. CARR, SR. AND THOMAS E. CARR, II AND CEL, INC. DATED JANUARY 14, 1994 RECORDED IN BOOK 11237 PAGE 209 - AS SHOWN ON SURVEY

16. RIGHTS AND EASEMENTS SET FORTH IN DEED TO JOSEPH L. SCULLY DATED MARCH 15, 1994 RECORDED IN BOOK 11362 PAGE 235 AND DATED MARCH 22, 1994 RECORDED IN BOOK 11369 PAGE 239 - AS SHOWN ON SURVEY

17. NON SURVEY ITEM

18. SURVEY PREPARED BY OWEN HASKELL, INC. DATED APRIL 30, 2007, AS REVISED RECORDED IN PLAN BOOK 207 PAGE 269, DISCLOSES THE FOLLOWING MATTERS: ENCROACHMENTS OF OVERHEAD FIRE ESCAPE, CONCRETE, INTERESTS INTO UNION STREET, AND DOCK WORK, OVERHEAD ACES, AND BUILDING CORNER INTO WHARF STREET - ALL AS SHOWN ON THIS SURVEY.

19-22. NON SURVEY ITEMS

Zoning Information:

ZONING PER ZONING REPORT PREPARED BY ZONING-INFO, INC FOR SITE #28614 DATED DECEMBER 19, 2013

ZONE: B-3 DOWNTOWN DISTRICT ZONE WITH HISTORIC OVERLAY AND PEDESTRIAN ACTIVITY DISTRICT (PAD) OVERLAY, WITHIN A DOMESTIC ENTERTAINMENT OVERLAY ZONE

MINIMUM LOT SIZE: NONE REQUIRED

MINIMUM LOT FRONTAGE: 10 FEET

MAXIMUM DENSITY: MAXIMUM 75% OF THE STREET LEVEL FOOTAGE OF A BUILDING LOCATED WITHIN THE PAD MUST BE UTILIZED WITH RETAIL, PERSONAL SERVICE USES, OR DRINKING ESTABLISHMENTS WITH A MINIMUM FLOOR AREA OF 750 MEASURED BY A 20 FOOT DEPTH ALONG WHARF AND FORE STREETS.
15 FEET MAXIMUM LENGTH OF UNDIFFERENTIATED GRADE WALL ALONG A PUBLIC STREET OR PUBLICALLY ACCESSIBLE PEDESTRIAN WAY WITHIN THE PAD OVERALL, 30 FEET IN ALL OTHER AREAS
100% LOT COVERAGE

MAXIMUM HEIGHT: MINIMUM 35 FEET WITHIN 30 FEET OF HOT STREET FRONTAGE FOR ANY NEW CONSTRUCTION, 65 FEET MAXIMUM BUILDING HEIGHT

SETBACKS:
FRONT/STREET: MAXIMUM 5 FEET
SIDE: NONE REQUIRED
REAR: NONE REQUIRED

MINIMUM PARKING REQUIRED:
RESIDENTIAL: 2 PARKING SPACES PER DWELLING UNIT
RETAIL: 1 PARKING SPACE PER 300 SQUARE FEET OF FIRST FLOOR AREA IN EXCESS OF 2,000 SQUARE FEET NOT USED FOR BULK STORAGE, PLUS 1 PARKING SPACE PER 750 SQUARE FEET FOR EACH FLOOR ABOVE THE FIRST FLOOR NOT USED FOR BULK STORAGE
RESTAURANT: 1 PARKING SPACE PER 150 SQUARE FEET NOT USED FOR BULK STORAGE OR FOOD PREPARATION AREA
OFFICES: 1 PARKING SPACE PER 400 SQUARE FEET NOT USED FOR BULK STORAGE
TOTAL PARKING SPACES REQUIRED
194 TOTAL PARKING SPACES, 5 OF WHICH MUST BE DESIGNED HANDICAP PER ADA REQUIREMENTS

Legal Description

LOT 1

A CERTAIN LOT OR PARCEL OF LAND WITH THE BUILDINGS THEREON, SITUATED ON THE SOUTHERLY SIDE OF FORE STREET IN THE CITY OF PORTLAND, COUNTY OF CUMBERLAND, AND STATE OF MAINE, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING ON THE SOUTHERLY SIDE OF FORE STREET AT ITS INTERSECTION WITH THE EASTERLY SIDE OF UNION STREET;
THENCE, N 60° 34' 30" E ALONG SAID FORE STREET, 159.16 FEET TO LAND NOW OR FORMERLY OF 428 FORE STREET, LLC;
THENCE, S 32° 21' 03" E ALONG SAID LAND OF 428 FORE STREET, 31.5 FEET TO THE NORTHERLY SIDELINE OF WHARF STREET;
THENCE, ALONG SAID WHARF STREET THE FOLLOWING COURSES AND DISTANCES:
S 54° 33' 55" W A DISTANCE OF 42.29 FEET;
S 55° 17' 20" W A DISTANCE OF 42.72 FEET;
S 60° 07' 20" W A DISTANCE OF 39.22 FEET;
N 56° 04' 50" W A DISTANCE OF 0.35 FEET;
S 60° 00' 10" W A DISTANCE OF 32.35 FEET TO SAID UNION STREET;
THENCE N 34° 54' 05" W ALONG SAID UNION STREET, 60.85 FEET TO THE POINT OF BEGINNING, CONTAINING 4,340 SQUARE FEET.

LOT 2

A CERTAIN LOT OR PARCEL OF LAND WITH THE BUILDINGS THEREON, SITUATED ON THE SOUTHERLY SIDE OF WHARF STREET IN THE CITY OF PORTLAND, COUNTY OF CUMBERLAND, AND STATE OF MAINE, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING ON THE SOUTHERLY SIDE OF WHARF STREET AT ITS INTERSECTION WITH THE EASTERLY SIDE OF UNION STREET;
THENCE, ALONG SAID WHARF STREET THE FOLLOWING COURSES AND DISTANCES:
N 56° 29' 40" E A DISTANCE OF 110.35 FEET;
N 56° 49' 55" E A DISTANCE OF 64.34 FEET TO LAND NOW OR FORMERLY OF 217 COMMERCIAL STREET ASSOCIATES, INC.;
THENCE, S 32° 17' 53" E ALONG SAID 217 COMMERCIAL STREET ASSOCIATES, INC. LAND 69.30 FEET;
THENCE S 49° 18' 45" W ALONG SAID 217 COMMERCIAL STREET ASSOCIATES, INC. 49.58 FEET;
THENCE, S 51° 14' 15" W ALONG 225 COMMERCIAL STREET ASSOCIATES 7.01 FEET;
THENCE, N 31° 56' 35" W ALONG A PASSAGEWAY LEADING TO UNION STREET, 16.83 FEET;
THENCE, S 56° 49' 55" W ALONG SAID PASSAGEWAY 12.00 FEET;
THENCE, S 55° 17' 20" W ALONG SAID PASSAGEWAY 54.54 FEET;
THENCE, S 34° 12' 00" E ALONG SAID PASSAGEWAY 21.0 FEET;
THENCE S 55° 17' 20" W ALONG LAND NOW OR FORMERLY OF SAID 237 COMMERCIAL STREET, LLC 52.66 FEET TO SAID UNION STREET;
THENCE N 34° 54' 05" W ALONG SAID UNION STREET 44.74 FEET TO THE POINT OF BEGINNING, CONTAINING 11,496 SQUARE FEET.

TOGETHER WITH THE ALL RIGHT, TITLE AND INTEREST IN AND TO THE PASSAGEWAY DESCRIBED AS BEING ADJACENT TO LOT 2 ABOVE AND APPURTENANT RIGHTS IN THE 2' STRIP OF LAND WHICH WERE NOT EXCEPTED AND RESERVED IN DEED FROM UNION CORP. TO ACOUSTIC BARKER DATED NOVEMBER 3, 1970 AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 3155, PAGE 647.

ALTA/ACSM Land Title Survey

Wharf Street
Portland, Cumberland County, Maine
Made for Record Owner
Dream Port 3, LLC
75 Woodland Park Drive, Tenafly, NJ 07670

Surveyor's Certification

TO: U.S. REAL ESTATE ADVISORS, FIRST AMERICAN TITLE INSURANCE COMPANY, STANDARD MORTGAGE CAPITAL LLC, ITS SUCCESSORS AND ASSIGNS:

THIS IS TO CERTIFY THAT THIS MAP OF PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6, 7(a), 7(b)(1), 7(c), 8, 9, 10, 11(b), 13, 14, 15, 16, 17, AND 18 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON SEPTEMBER 27, 2013, AND FIELD INSPECTION ON DECEMBER 5, 2013

DATE OF PLAT: DECEMBER 23, 2013
REVISION DATE:

THIS JOB NO. 2013-221F

SCALE: 1" = 10'

Legend:

- MONUMENT TO BE SET
- GRANITE MONUMENT FND
- GAS VALVE
- WATER VALVE
- UTILITY POLE
- LIGHT POLE
- MANHOLE
- CATCH BASIN
- SIGN
- PARKING METER
- ELECTRIC CONCRETE
- CURB
- OVERHEAD WIRES
- FENCE
- (28.5') BUILDING DIMENSION

Possible Encroachments

A. OVERHEAD FIRE ESCAPE ON UNION STREET.
B. GRANITE STEP ON WHARF STREET
C. DOCK ON WHARF STREET

Plan References:

1. PLAN OF PROPERTY IN PORTLAND, MAINE MADE FOR EARP BROTHERS, CO. DATED JAN 14, 1969 REVISED NOV. 2, 1970 BY H.L. & E.C. JORDAN SURVEYORS.
2. PLAN OF LAND, STANDARD BOUNDARY SURVEY, ON UNION STREET, PORTLAND, MAINE FOR RAM MANAGEMENT COMPANY DATED JULY 31, 1985, REV. 2 11/5/86 BY OWEN HASKELL, INC. JOB NO. 8527.
3. PLAN OF LAND ON COMMERCIAL STREET, PORTLAND, MAINE FOR ERIC CONCRETE DATED JULY 26, 1995 OWEN HASKELL, INC. JOB NO. 8754-B
4. SITE PLAN AT 39 WHARF STREET, PORTLAND, MAINE FOR JOSEPH L. SCULLY DATED JUNE 9, 1994 BY OWEN HASKELL, INC.
5. SITE PLAN OF WINDSOR BLOCK, COMMERCIAL AND WHARF STREETS, PORTLAND, MAINE FOR GEL INC. DATED FEB 22, 1999, REV 11/29/07 BY OWEN HASKELL, INC. JOB NO. 9942-08
6. PLAN OF LAND AT 42-50 WHARF STREET, PORTLAND, MAINE MADE FOR MICHAEL BOLAND DATED NOVEMBER 14, 2006 BY OWEN HASKELL, INC.
7. ALTA/ACSM LAND TITLE SURVEY 204 WHARF STREET, PORTLAND, MAINE MADE FOR OLD PORT RETAIL HOLDINGS LLC MAY 15, 2007 OWEN HASKELL, INC. JOB NO. 2007-079F
8. PLAN OF PROPERTY IN PORTLAND, MAINE MADE FOR CITY OF PORTLAND MAY 11, 1976 H.L. & E.C. JORDAN SURVEYORS.
9. BOUNDARY SURVEY 47 FORE STREET, WHARF STREET & UNION STREET, PORTLAND, MAINE MADE FOR THE BOARDS COMPANY SEPT 27, 2012 BY OWEN HASKELL, INC.

OWEN HASKELL, INC.
PROFESSIONAL LAND SURVEYORS
390 U.S. Route One, Unit #10
Falmouth, Maine 04105
Tel. (207)774-0424 Fax (207)774-0511
www.owenhaskell.com