



DOING THE  
MOST GOOD

TERRITORIAL PROPERTY DEPARTMENT

Territorial Headquarters  
440 West Nyack Road  
P.O. Box C-635  
West Nyack, NY 10994-1739  
Tel: 845.620.7200 Fax: 845.620.7754  
www.salvationarmy-usaeast.org

December 12, 2016

Was Ron BERNARD  
~~Major Darren Mudge~~  
Property Secretary  
ARC Command

Re : **PORTLAND, MAINE (PORTLAND ARC)**  
**88 PREBLE STREET**  
**DINING ROOM PROJECT – EASEMENT (BB01)**

Dear Major ~~Mudge~~ BERNARD

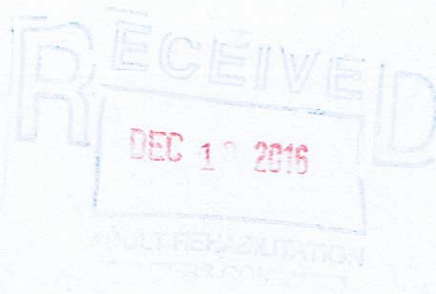
We return herewith the easement agreement relating to the above-captioned property transaction which was received at this office on December 9, 2016. As requested it has been duly executed.

If you need further assistance regarding this matter please do not hesitate to contact us.  
Thank you.

Sincerely yours

Ian FitzCharles  
Legal Section Director  
Property Department

enc :



**SIDEWALK EASEMENT  
TO THE  
CITY OF PORTLAND**

KNOW ALL PERSONS BY THESE PRESENTS that THE SALVATION ARMY, a New York corporation with a mailing address of 440 West Nyack Road, West Nyack, New York 10994, (hereinafter, "GRANTOR), for one dollar and other good and valuable consideration paid by the CITY OF PORTLAND, a body politic and corporate with a mailing address of 389 Congress Street, Portland, Maine 04101 (hereinafter "GRANTEE"), does hereby grant to the said CITY OF PORTLAND the perpetual easement and rights described below on the land described below.

The purpose of said easement is to grant GRANTEE the right, but not the obligation, to construct, maintain, repair and replace a sidewalk in, on, under and over the portions of that certain parcel of land of the Grantor as described in Exhibit A, attached hereto and made a part hereof (the "Easement Area") and as depicted on Exhibit B attached hereto and made a part hereof, said sidewalk to be used by the public for pedestrian, bicycle and similar non-motorized (other than wheelchair and emergency vehicles and snow removal equipment, which shall be permitted) pedestrian recreational uses, subject, however, to such rules or ordinances that Grantee may adopt from time to time in the interests of public safety. Notwithstanding anything to the contrary in this easement, it shall be the responsibility of the GRANTOR, and not the GRANTEE, to remove snow and ice from said sidewalk and to otherwise comply with all laws, rules, regulations, and ordinances governing the removal of snow and ice.

GRANTOR further covenants and agrees for itself, its successors and assigns, that the land that lies in the Easement Area shall, except for the construction, maintenance, repair, or replacement of the sidewalk and any appurtenances by GRANTEE, its successors and assigns, as provided and permitted herein, be maintained as a sidewalk for the uses set forth and described herein and GRANTOR shall not use or permit any use that would be contrary to such condition.

To have and to hold the said Easement and all rights granted hereunder to the said GRANTEE and its successors and assigns forever.

IN WITNESS WHEREOF, GRANTOR has caused this instrument to be executed by

JORGE E. DIAZ, its Assistant Secretary, Property, hereunto duly authorized, as of the 12<sup>th</sup> day of December, 2016.

WITNESS:

THE SALVATION ARMY,  
a New York corporation

[Signature]  
IAN FITZCHARLES

By: [Signature]  
Its: **JORGE E. DIAZ**  
Printed Name: **ASSISTANT SECRETARY - PROPERTY**

STATE OF ~~MAINE~~ NEW YORK  
COUNTY OF ~~CLIMBERLAND, SS.~~ ROCKLAND

December 12<sup>th</sup>, 2016

Personally appeared the above named Jorge E. Diaz, in his/her capacity as Assistant Secretary, Property of The Salvation Army, who acknowledged the foregoing instrument to be his/her free act and deed in his/her capacity and the free act and deed of The Salvation Army.

Before me,

[Signature]  
Name:

Notary Public / Attorney at law

My Commission Expires: \_\_\_\_\_

**JANET L. HARGADON**  
Notary Public - State of New York  
NO. 01HA6157756  
Qualified in Rockland County  
My Commission Expires 12/11/2018

EXHIBIT A

Metes and Bounds Description

**Sidewalk Easement along Lancaster Street and Preble Street  
From The Salvation Army to City of Portland**

A certain lot or parcel of land situated along the southerly side of Lancaster Street and the southwesterly side of Preble Street in the City of Portland, County of Cumberland, and State of Maine, more particularly bounded and described as follows:

Beginning at the westerly corner of land of The Salvation Army, at the intersection of the southerly sideline of Lancaster Street and the easterly sideline of Alder Street, at a 5/8" rebar with cap marked 2433, to be set;

Thence N 72° 42' 52" E along the southerly sideline of said Lancaster Street, a distance of One Hundred Ten and fifty-five hundredths (110.55) feet to a 5/8" rebar with cap marked 2433, to be set at the intersection of the southerly sideline of Lancaster Street and the southwesterly sideline of Preble Street;

Thence S 42° 31' 32" E along the southwesterly sideline of said Preble Street, a distance of Thirty-Six and seventy-five hundredths (36.75) feet to a point;

Thence S 47° 28' 28" W through land of the The Salvation Army, a distance of One and zero hundredths (1.00) feet to a point;

Thence N 42° 31' 32" W through land of the The Salvation Army, a distance of Thirty-Six and twelve hundredths (36.12) feet to a point;

Thence S 72° 42' 52" W through land of the The Salvation Army, a distance of One Hundred Nine and eighty-two hundredths (109.82) feet to a point at the easterly sideline of Alder Street;

Thence N 22°32'53" W along the easterly sideline of said Alder Street a distance of One and zero hundredths (1.00) feet to the point of beginning.

The above described parcel contains 146 square feet.

All bearings noted are referenced to grid north per plan entitled: "Partial Boundary Survey of Land of The Salvation Army" prepared by Jones Associates Inc. dated July 6, 2016, Revised October 6, 2016.

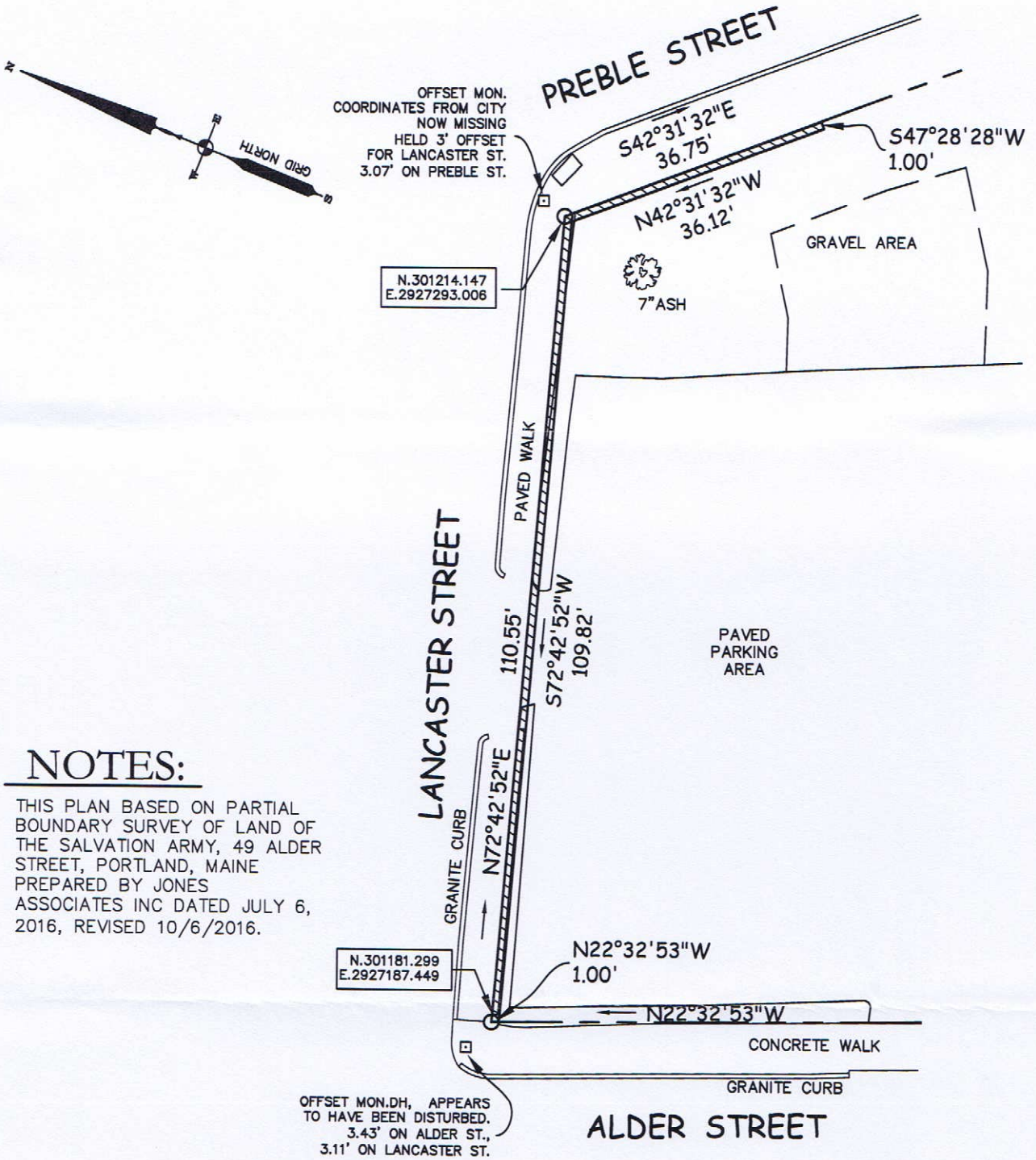
Meaning and intending to convey an easement upon a portion of the premises conveyed to The Salvation Army by Warranty Deed from Evan P. Vamvakias (A.K.A. Evangelos D. Vamvakias) by a deed dated March 29, 1962, recorded in the Cumberland County Registry of Deeds in Book 2663, Page 494; and by deed from Thomas Cardente dated November 3, 1975 recorded in said Registry of Deeds in Book 3794, Page 117; and by deed from Bayside I, LLC dated September 9, 2010, recorded in said Registry of Deeds in Book 28063, Page 194.

EXHIBIT B

Plan depicting easement area

[*See attached sheet*]

5



### NOTES:

THIS PLAN BASED ON PARTIAL BOUNDARY SURVEY OF LAND OF THE SALVATION ARMY, 49 ALDER STREET, PORTLAND, MAINE PREPARED BY JONES ASSOCIATES INC DATED JULY 6, 2016, REVISED 10/6/2016.

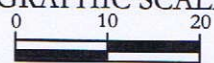
### EXHIBIT B

SKETCH PLAN OF SIDEWALK EASEMENT TO THE CITY OF PORTLAND LANCASTER STREET & PREBLE STREET PORTLAND, MAINE

PROJ. #: 15-085PD

PREPARED FOR:  
SALVATION ARMY  
297 CUMBERLAND AVE  
PORTLAND, ME 04104

GRAPHIC SCALE



1 inch = 20 ft.

PLAN DATE:  
OCTOBER 6, 2016