

40-C-26

75 York St.

Renovations

~~75 York St.~~

~~all~~

City of Portland Site Plan Application

If you or the property owner owe real estate taxes, personal property taxes or user charges on any property within the City of Portland, payment arrangements must be made before permit applications can be received by the Inspections Dept.

Address of Construction: 75 YORK STREET, PORTLAND		Zone: B-3
Total Square Footage of Proposed Structure EXIST: 7,680 SF NEW: 450 SF		Square Footage of Lot 11,738 S.F.
Tax Assessor's Chart, Block & Lot Chart# 40 Block# C Lot# 26		Property owner, mailing address: 75 YORK STREET, L.L.C. 910 SCOTT SIMONS ARCHITECTS 15 FRANKLIN STREET, PORTLAND
Telephone: 772-4656		
Consultant/Agent, mailing address, phone & contact person SAME	Applicant name, mailing address, telephone #/Fax#/Pager#: SAME	Project name: 75 YORK STREET RENOVATIONS & ADDITION
Proposed Development (check all that apply) <input type="checkbox"/> New Building <input checked="" type="checkbox"/> Building Addition <input type="checkbox"/> Change of Use <input type="checkbox"/> Residential <input type="checkbox"/> Office <input type="checkbox"/> Retail <input type="checkbox"/> Manufacturing <input type="checkbox"/> Warehouse/Distribution <input type="checkbox"/> Parking lot <input type="checkbox"/> Subdivision, amount of lots _____ \$25.00 per lot \$ _____ <input type="checkbox"/> Site Location of Development \$3,000, except for residential lots which are then \$200 per lot _____ <input type="checkbox"/> Traffic Movement \$1,000 <input type="checkbox"/> Stormwater Quality \$250.00 <input type="checkbox"/> Other _____ <input type="checkbox"/> After the fact review - Major project \$1,500.00 <input type="checkbox"/> After the fact review - Minor project \$1,200.00		
Major Development _____ \$500.00 Minor Development <input checked="" type="checkbox"/> \$400.00 Plan Amendments: <input type="checkbox"/> Board review \$200.00 <input type="checkbox"/> Staff review \$100.00		
Who billing will be sent to: 75 YORK STREET, LLC 40 SCOTT SIMONS ARCHITECTS Mailing address: 15 FRANKLIN STREET State and Zip: PORTLAND, ME 04101 Contact person: SCOTT SIMONS Phone: 772-4656		

Submittals shall include (9) separate folded packets of the following:


- a. copy of application
- b. cover letter stating the nature of the project
- c. site plan containing the information found in the attached sample plans check list

Amendment to Plans: Amendment applications should include 6 separate packets of the above (a, b, and c)

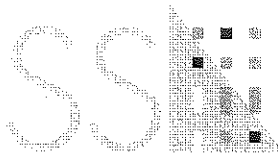
ALL PLANS MUST BE FOLDED NEATLY AND IN PACKET FORM

Section 14-522 of the Zoning Ordinance outlines the process, copies are available at the counter at .50 per page (8.5 x11) you may also visit the web site: ci.portland.me.us chapter 14

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: 	Date: 05.12.03
---	-----------------------

This application is for site review ONLY, a building Permit application and associated fees will be required prior to construction.



Scott Simons Architects

15 Franklin St. Art
Portland, ME 04101-4169

(207) 772-4656
(207) 828-4656 FAX
scott@simonsarchitects.com

MEMORANDUM

Date: May 12, 2003
Project name/number: 75 York Street, LLC, SSA #02034.00
Re: Building Permit Narrative
From: Scott Simons
To: City of Portland Planning Department
Cc: Paul Becker, Jobfile 3.1

NARRATIVE

75 York Street LLC is proposing to renovate the existing building at 75 York Street, Portland, ME to provide professional office spaces for Scott Simons Architects and Becker Structural Engineers. The renovations do not require a change of use. We did not think they required a Site Plan Application, appearing to fall within the City's "Exemption" requirements. However, we have been advised that we are required to file a "Minor Site Development" Application, and are including the documents required on the City of Portland Site Plan Checklist.

A narrative of the key elements of the renovations are as follows:

1. Site Development

- a. Existing parking lot to remain. Shim and topcoat with 1" bituminous paving
Paint striping for parking spaces as per City standards.
- b. Remove approx. 550 SF of existing paving, to create landscaped area at
northwest corner of site. Remove 80 SF concrete slab along north edge of
existing building
- c. Install new concrete retaining wall along western edge of property,
as shown on the site plan. Height varies with height of adjacent property.
Remove existing sloped rip-rap in same area. Existing guardrail along property line
to remain.
- d. Install landscaping, dumpster screen, etc, as shown on the site plan
- e. Install street trees and rugosa along the edge of the property where it abuts the City
sidewalk, as shown on the site plan.
- f. Install a new timber guardrail along the eastern edge of the existing parking lot, as
shown and detailed on the site plan

2. Renovations to the Existing Building

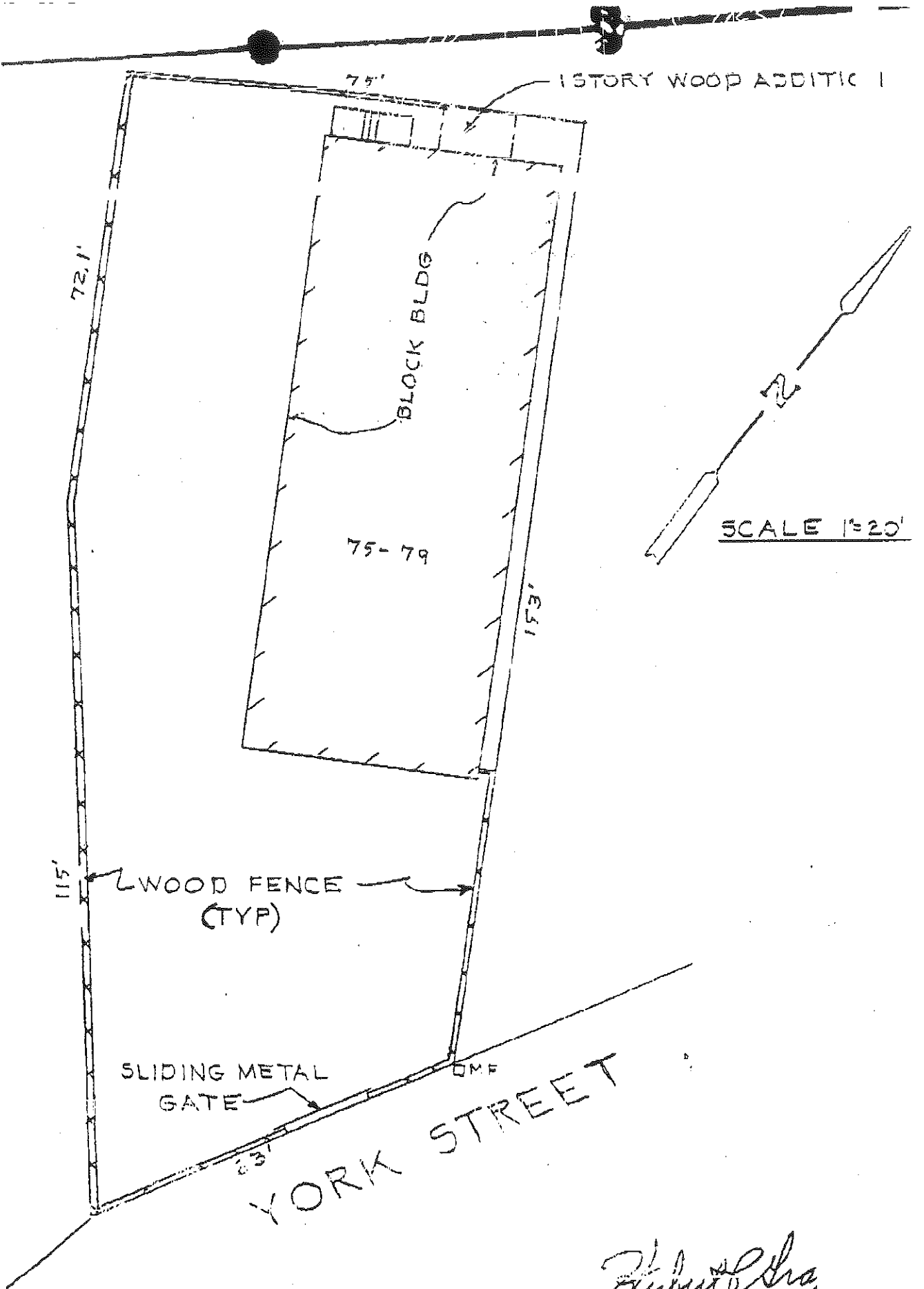
The existing two-story, 7,680 SF concrete block (CMU) bearing wall and wood frame building will be completely renovated, including:

1. structural reinforcing of the wood floor and roof framing, to bring the building up to
current structural codes and standards
2. new exterior aluminum frame windows and steel doors
3. new EPDM roofing and rigid roof insulation
4. repairs and repainting of existing wood soffits and fascias

5. repointing and repainting of existing CMU walls
6. new interior drywall partitions, electrical power and lighting, wood shelving, carpet and VCT flooring, acoustical tile ceilings on the ground floor (open ceilings to wood structure above on the first floor), etc.

3. Addition to the Existing Building

2. the existing 80 SF, one-story wood frame addition will be removed
3. a new 450 SF, one story wood frame addition will be built on an existing concrete slab and foundation, with exterior finishes as indicated on the elevations, and interior finishes the same as the renovated space, as noted above.



Handwritten signature

WARRANTY DEED

Know all Men by these Presents,

That Eat First, LLC, a limited liability company organized and existing under the laws of the State of Maine, and having a place of business at 53 Deer Hill Avenue, Westbrook, Maine 04092, for consideration paid, grant to:

75 York Street LLC

a limited liability company, organized and existing under the laws of the State of Maine and having a place of business in the City of Portland, in the County of Cumberland, and State of Maine, whose mailing address is: C/O Scott Simons, Architects, 15 Franklin Street, Portland, Maine 04101, with warranty covenants, the land in Portland, County of Cumberland, and State of Maine, described as follows:

A certain lot or parcel of land, together with any buildings and improvements thereon, situated in the City of Portland, County of Cumberland, and State of Maine as set forth in Exhibit A attached hereto and made a part hereof.

In Witness Whereof, the said Eat First, LLC, has caused this instrument to be executed by Eric A. Taylor, its Member thereunto duly authorized this 3rd day of the month of February, 2003.

MAINE REAL ESTATE TAX PAID

Signed, Sealed and Delivered in presence of

[Handwritten signature]

Eat First, LLC

By: [Handwritten signature] Eric A. Taylor Its: Member

State of Maine, County of Cumberland ss.

February 3, 2003

Then personally appeared the above named Eric A. Taylor, Member of said Eat First, LLC and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Eat First, LLC.

Before me,

[Handwritten signature]

Attorney at Law/Notary Public

Donnelly S. Douglas

Printed Name

Donnelly S. Douglas Attorney At Law

EXHIBIT A

A certain lot or parcel of land, with the buildings thereon, situated on the northwesterly side of York Street in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning on York Street at the southerly corner of land formerly of J. B. Brown, being about two hundred and seventy (270) feet southwesterly from the westerly corner of York and Maple Streets;

Thence running northwesterly by said Brown land about one hundred and ffity-three (153) feet to land formerly owned by W. P. I. Baker;

Thence southwesterly by line of said Baker land and land formerly owned by J. Simonton, seventy-five (75) feet, more or less, to land owned by the heirs of J. K. King;

Thence southeast by line of said J. K. King land sixty-five (65) feet, more or less, to a stake;

Thence southeast by south and by line of said King heirs and by line of land formerly owned by Katherine Cleary one hundred and fifteen (115) feet, more or less, to York Street;

Thence northeast along the line of said York Street sixty-three (63) feet, more or less, to the point of beginning.

Containing 11,738 square feet, more or less.

Being the same premises conveyed to Eat First, LLC by warranty deed from Eric A. Taylor and Mary Jo Taylor dated March 8, 1999 and recorded in the Cumberland County Registry of Deeds in Book 14624, Page 92.

Received
Recorded Register of Deeds
Feb 04, 2003 02:46:15P
Cumberland County
John B. O'Brien



Incorporated 1866 • Member FDIC
www.norwaysavingsbank.com

November 27, 2002 (Revised 12/19/02)

COPY

Mr. Paul B. Becker, P.E., Becker Structural Engineers, Inc.
Mr. Scott R. Simons, Scott Simons Architects
19 Commercial Street
Portland, ME 04101-4701

Re: 75 York Street, Portland, Maine

Dear Paul and Scott:

This letter, when properly signed and accepted, will constitute an agreement between Norway Savings Bank (the "Bank") which agrees to lend, and an entity to be determined prior to closing (the "Borrower") who agrees to borrow in accordance with the following terms and conditions:

- BORROWER:** LLC to be determined prior to closing, satisfactory to Bank.
- LOAN AMOUNT AND TYPE:** \$720,000.00 commercial mortgage; however, advances shall not exceed the lesser of 80% of project cost or "*as complete*" appraised value.
- PURPOSE:** Finance acquisition and renovation of 75 York Street, Portland, Maine.
- TIMING OF REPAYMENT:** Six-month renovation phase with interest billed monthly. Upon completion of renovation phase, principal and interest billed monthly based on a fifteen-year amortization schedule.
- MATURITY:** Up to fifteen years and six months from the date of closing.
- INTEREST RATE:** Wall Street Journal Prime as it may vary; however, for the initial five years and six months the interest rate shall neither fall below 4.25% nor rise above 8.5%. Thereafter, Wall Street Journal Prime as it may vary through loan maturity. *Wall Street Journal Prime is 4.25% currently.*
- COMMITMENT FEE:** Not Applicable
- GUARANTORS:** Unlimited, joint and several personal guarantees of Paul B. Becker and Scott R. Simons for the first 2 years, after which the personal guarantees will be subject to the following covenant. If the debt service coverage

ratio exceeds 1.2:1 (as defined below) then the personal guarantees will not apply. If, however, the debt service coverage ratio falls below 1.2:1 then the personal guarantees will be in full force and effect.

COLLATERAL: Valid first mortgage on 75 York Street, Portland, Maine, a first assignment of leases and rents emanating therefrom, and a first security interest in any fixtures related thereto.

**PREPAYMENT
PENALTY:**

The Borrower may, **without penalty**, remit accelerated principal payments or satisfy a mortgage in cash resulting from the sale of the underlying property; **however**, the following prepayment penalties are due the Bank if a loan is refinanced during the initial five years: 5% of the principal balance during the first year, 4% during the second year, 3% during the third year, 2% during the fourth year, and 1% during the fifth year. Despite the above, borrowers may convert to the "then current" fixed rate option being offered by Bank without experiencing a prepayment penalty.

ENVIRONMENTAL

INSPECTION: *Prior to closing*, the Borrower shall provide Bank with a Phase 1 Environmental Audit to determine if any further environmental investigation is warranted at Bank's sole discretion.

INSURANCE: Borrower shall maintain such insurance in form and amount as deemed acceptable to Bank.

**FINANCIAL
REPORTING:**

Borrower and Guarantors shall submit a detailed rent roll, federal income tax returns, and other financial information in scope and frequency acceptable to Bank, but annually at a minimum.

**OTHER
CONDITIONS:**

Borrower shall maintain a minimum debt service coverage ratio of 1:1 as tested on an annual basis. The debt service coverage ratio shall be defined as net income after taxes **plus** depreciation, amortization, and interest expense **less** dividends and distributions to shareholders **divided by** the CPLTD of the prior period plus interest expense.

Prior to closing, Borrower shall evidence **either** (1) leases with Becker Structural Engineers, Inc. and Scott Simons Architects with a minimum duration of five years at \$11.00 PSF and satisfactory to Bank in all other respects **or** (2) the willingness of Becker Structural Engineers, Inc. and Scott Simons Architects to provide their corporate guarantees at closing.

Prior to closing, Bank shall engage an independent real estate appraiser to

conduct an "as complete" commercial real estate appraisal of 75 York Street, Portland, Maine in order to confirm a maximum loan-to-value ratio of eighty percent (80%).

Prior to closing, the Borrower shall provide to the Bank a mortgagee's Title Insurance Policy, with the Survey Exception deleted, on the proposed mortgaged property and satisfactory to the Bank in all other respects.

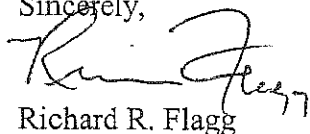
All costs incurred by the Bank in conjunction with preparing to close the subject loan are the sole responsibility of the Borrower and/or Guarantors whether or not the subject loan closes capped at \$5,000. If, however, the Bank deems it necessary to employ counsel to create/review any changes requested by Borrowers (or their counsel) to internally prepared loan documentation those costs will be borne by the Borrowers.

Primary operating deposit account(s) of the Borrower shall be maintained with the Bank with the various deposit/loan accounts of the guarantors to be moved at their discretion.

Other terms and conditions as may be deemed necessary by the Bank and/or its legal counsel.

If the above terms and conditions are acceptable to you, please indicate your approval by signing below and returning the original letter to me. This commitment shall expire on December 20, 2002 unless previously accepted by the Borrower. If accepted by the Borrower, the associated loan must close no later than January 31, 2003 unless extended, in writing, by the Bank.

Sincerely,



Richard R. Flagg
Vice President

SEEN AND AGREED:

Borrower: _____

By: _____
Its: _____

_____ Date

Becker & Simons

11/27/02

Page 4 of 4

Guarantors:

Paul B. Becker, Individually

Date

Scott R. Simons, Individually

Date

From: Sarah Hopkins
To: "scott@simonsarchitects.com"@Portland.gwgwia
Date: Wed, May 21, 2003 9:18 AM
Subject: Re: 75 York Street

Go for it!

I'm sorry we couldn't approve the exemption. We all wanted to, but the improvements really surpassed the intent of the exemption. If it's any consolation, you can go up to 10,000sq ft as a minor review!

-Sarah

>>> Scott Simons <scott@simonsarchitects.com> 10/23 5:38 PM >>>

Dear Sarah and Jay,

Thanks for checking in with me today about 75 York Street.

One thing we changed to try to avoid having to go for Minor Site Plan Review was the size of our addition on the northwest corner of the existing building. It was originally designed as a 600 SF addition, the same size as the existing foundation that is there. When we thought we could get the exemption, we reduced the size to 450 SF (had to be less than 500 SF). Now that we are having a Minor Site Plan Review, do you think it would be OK to request the slightly larger footprint? It makes more sense from a structural and weather tightness point of view (the foundation is already there and would just stick ou if we only built 450 SF). In addition, we are removing an 80 SF addition from the north side of the building, so the total additional building would only be 520 SF.

Let me know what you think.

Thank you, Scott Simons

CC: Jay Reynolds

From: Marge Schmuckal
To: Jay Reynolds
Date: Tue, May 20, 2003 2:14 PM
Subject: 75 York Street

Jay,

This project is located within the B-3 business zone (not within the Historic District). Setbacks, lot coverage, use, and parking are ok. I have actually signed off on their building permit. It is I who brought this project to the attention of the planners thru a site plan exemption request which was rejected for a full out review. Zoning is O.K.

Marge Schmuckal
Zoning Administratro
5/20/03

CC: Sarah Hopkins

From: Jay Reynolds
To: "scott@simonsarchitects.com"@Portland.gwgwia
Date: Wed, Jun 4, 2003 11:57 AM
Subject: Re: RE: Fwd: 75 York Street

Hi Scott,
I'm going to draft up the approval letter with a couple conditions.
You're required to submit a Cost estimate and performance guarantee (to cover site improvements, Curb, Sidewalk, and Landscaping) and an inspection fee (\$300.00).
Attached are some sample forms to assist.
Please call if you have any questions.
Thanks.
Jay

Jay Reynolds
Development Review Coordinator
City of Portland
Planning and Development
(207) 874-8632

>>> Scott Simons <scott@simonsarchitects.com> 11/07 10:02 AM >>>
Reply to: RE: Fwd: 75 York Street

Hi Jay,
Just wanted to make sure you got the revised site plans yesterday for 75 York Street. Steve, from my office, worked out the details of the curbing and sidewalk directly with Tony Lombardo.
Please let me know if everything is in order. We are anxious to get started.
Thank you,
Scott Simons

Jay Reynolds wrote:

>Scott,
>Public Works comments just received. Please address. Thanks.
>Jay
>
>Jay Reynolds
>Development Review Coordinator
>City of Portland
>Planning and Development
>(207) 874-8632
>
>Date: Fri, 30 May 2003 10:38:30 -0400
>From: "Anthony Lombardo" <AWL@ci.portland.me.us>
>To: JAYJR@ci.portland.me.us
>Subject: 75 York Street
>Mime-Version: 1.0
>Content-Type: text/plain; charset=US-ASCII
>Content-Transfer-Encoding: quoted-printable
>Content-Disposition: inline
>
>Jay,
>I will have to use e-mail to provide review comments. I am having =
>difficulty accessing "urban insight".
>
>75 York Street
>1. The submitted plan sheet, S1-"Site Plan", is quite deficient in =

>delineating between proposed site improvements and existing conditions, =
>particularly within the York Street right of way.
>2. The plan specifies a 24 feet wide radial entrance. I am to assume this =
>must be proposed. The existing entrance is approximately 40+ feet wide. =
>In order to create this new entrance, the applicant must install radial =
>granite curbing within the right of way. In addition, new brick sidewalk =
>must be created to match into the existing brick sidewalk along the =
>frontage.
>3. The existing brick sidewalk along the property frontage is partially =
>covered with pavement. Public Works is requesting the applicant remove =
>the pavement covering the existing and rebuild the brick sidewalk as =
>necessary. Further, the reveal on the existing granite curb, along the =
>site frontage of York Street, is only 2 inches. Public Works is requesting=
> the applicant reset the granite curb along the entire frontage of York =
>Street to the appropriate reveal depth of 7 inches. The reset curb will =
>need to appropriately match into the new curbing at the modified site =
>entrance.
>4. The applicant is advised to contact Carol Merritt regarding the permits =
>and associated fees required for working within the public right of way.
>5. The applicant is required to submit a "Standard Boundary Plan" as part =
>of the development application.
>6. Public Works requests the applicant submit a CADD.dwg file to Jon =
>Giles, GIS Coordinator at Public Works, upon receipt of development =
>approval.
>
>
>
>RFC822 header
>-----
>
> Received: from CI.PORTLAND.ME.US by [192.168.1.254]
> with SMTP (QuickMail Pro Server for Mac 2.0.1); 30-May-2003 10:53:42 -0400
> Received: from Portland-Message_Server by ci.portland.me.us
> with Novell_GroupWise; Fri, 30 May 2003 10:49:24 -0400
> Message-Id: <sed73734.007@ci.portland.me.us>
> X-Mailer: Novell GroupWise 5.2
> Date: Fri, 30 May 2003 10:48:45 -0400
> From: "Jay Reynolds" <JAYJR@ci.portland.me.us>
> To: scott@simonsarchitects.com
> Subject: Fwd: 75 York Street
> Mime-Version: 1.0
> Content-Type: multipart/mixed; boundary="=_8AD56E64.8DEC8009"
>

From: Jay Reynolds
To: Sarah Hopkins
Date: Wed, Jun 4, 2003 8:50 AM
Subject: HILTON GARDEN OCCUPANCY

The Hotel is looking for their occupancy permit. Here's the problem. Their site is still quite a construction zone. I wouldn't recommend sending pedestrians/cars through this area at this time.

The following, in my opinion, should be done prior to issuance of a (temporary) Occupancy permit:

1. Make site 'accessible and usable', i.e.,
 - A. open back up Franklin arterial lane.
 - B. make sidewalks and site usable so there are no safety hazards.
 - C. entrance area is still under construction. needs completion.
 - D. parking areas must be usable. currently, they are amidst construction and using it as staging area for materials.

Please forward this information along to any parties.

Thank you for your help.

Jay

CC: Mike Nugent

From: Anthony Lombardo
To: Jay Reynolds
Date: Fri, May 30, 2003 10:38 AM
Subject: 75 York Street

Jay,

I will have to use e-mail to provide review comments. I am having difficulty accessing "urban insight".

75 York Street

1. The submitted plan sheet, S1-"Site Plan", is quite deficient in delineating between proposed site improvements and existing conditions, particularly within the York Street right of way.
2. The plan specifies a 24 feet wide radial entrance. I am to assume this must be proposed. The existing entrance is approximately 40+ feet wide. In order to create this new entrance, the applicant must install radial granite curbing within the right of way. In addition, new brick sidewalk must be created to match into the existing brick sidewalk along the frontage.
3. The existing brick sidewalk along the property frontage is partially covered with pavement. Public Works is requesting the applicant remove the pavement covering the existing and rebuild the brick sidewalk as necessary. Further, the reveal on the existing granite curb, along the site frontage of York Street, is only 2 inches. Public Works is requesting the applicant reset the granite curb along the entire frontage of York Street to the appropriate reveal depth of 7 inches. The reset curb will need to appropriately match into the new curbing at the modified site entrance.
4. The applicant is advised to contact Carol Merritt regarding the permits and associated fees required for working within the public right of way.
5. The applicant is required to submit a "Standard Boundary Plan" as part of the development application.
6. Public Works requests the applicant submit a CADD.dwg file to Jon Giles, GIS Coordinator at Public Works, upon receipt of development approval.

*FILED
JAN 1*



DEPARTMENT OF PLANNING AND DEVELOPMENT

June 24, 2003

75 YORK STREET LLC
15 FRANKLIN ST
PORTLAND , ME 04101

CBL: 040 C026001
Located at 75 York St

Mail

Dear 75 York Street Llc ,

STOP WORK ORDER

An evaluation of the above-referenced property on 06/24/2003 revealed that the property fails to comply with Section 111.3 of the 1999 BOCA Building Code of the City of Portland. Section 111.3 states that "All work shall conform to the approved application and the approved construction documents for which the permit has been issued and any approved amendments to the approved application or the approved construction documents".

This is a STOP WORK ORDER pursuant to Section 111.3 of the 1999 BOCA Building Code. All construction activity at the above referenced property must STOP immediately.

Construction may begin after the amendment to your building permit application has been issued and this order has been lifted.

Failure to comply will result in this office referring the matter to the City of Portland Corporation Counsel for legal action and possible civil penalties, as provided for in Section 1-15 of the Code and in Title 30-A M.R.S.A. SS 4452. This constitutes an appealable decision pursuant to Section 1-16. (2) Of the City of Portland Code of Ordinances. Please feel free to contact me if you wish to discuss the matter or have any questions.

Sincerely,

Mike Nugent @ (207) 874-8700
Inspection Service Manager

*FAXED TO SCOTT SIMOND
6/24/03
STEVE FRASIER
BY PHONE
ON 6/23/03
AW*

NOTE**This Stop Work Order is limited to the proposed building addition, as it appears that it may encroach on the abutting property. no work can commence on this until this issue is resolved. All other elements of the project may commence.

BACK GUARDRAIL DETAIL

-0"

1 TYPICAL TREE PLANTING DETAIL
SCALE 3/4" = 1'-0"

FATIGUING NORMALLY DO NOT DAMAGE CROWN OR ROOT SAME RELATION (C ABOVE) TO FINISH PREVIOUSLY CAT

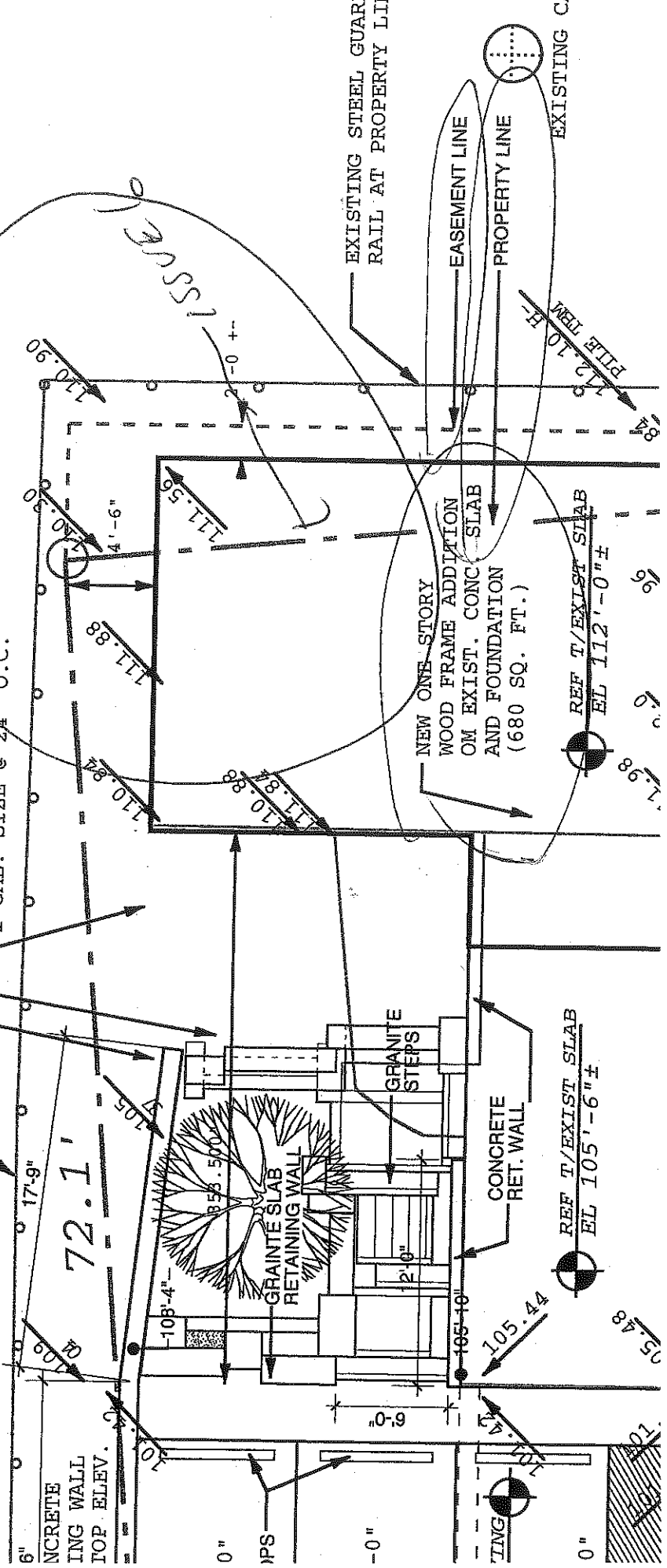
REMOVE BITUMINOUS PAVING AND REGRADE:
INSTALL 3 NEW SPOT ELEVATIONS

EXISTING STEEL GUARD RAIL APPROX 8'-0" FROM PROPERTY LINE

REMOVE EXIST. BITUMINOUS PAVING:
INSTALL NEW LANDSCAPING AS SHOWN

1 3/4" CALIPER CORNELLIAN CHERRY DOGWOOD

WINTER CREEPER THROUGHOUT
1 GAL. SIZE @ 24" O.C.



with the City of Portland

Developer's Tax Identification Number: _____

Developer's Name and Mailing Address: 75 YORK ST., LLC

% BECKER STRUCTURAL ENGINEERS

19 COMMERCIAL STREET, PORTLAND 04101

City Account Number: ¹ _____

Treasurer's Report of Receipts Number: ¹ 45899

Project Job Number: ¹ _____
(from Site Plan Application form)

Application of 75 YORK ST, LLC [Applicant] for RENOVATIONS AND ADDITIONS [Insert street/Project Name] at 75 YORK ST, PORTLAND [Address], Portland, Maine.

The City of Portland (hereinafter the "City") will hold the sum of \$ _____ [amount of performance guarantee] on behalf of _____ [Applicant] in a non-interest bearing account established with the City. This account shall represent the estimated cost of installing SITE IMPROVEMENTS [insert: subdivision and/ or site improvements (as applicable)] as depicted on the subdivision/site plan, approved on _____ [date] as required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §§46 through 65. It is intended to satisfy the Applicant's obligation, under Portland Code of Ordinances Chapter 14 §§501, 502 and 525, to post a performance guarantee for the above referenced development.

The City, through its Director of Planning and Development and in his sole discretion, may draw against this Escrow Account in the event that:

1. the Developer has failed to satisfactorily complete by _____ [date: within two years] the work on the improvements contained within the _____ [insert: subdivision and/ or site improvements (as applicable)] approval, dated _____ [insert date]; or
2. the Developer has failed to deliver to the City a deed containing the metes and bounds description of any streets, easements or other improvements required to be deeded to the City; or
3. the Developer has failed to post the ten percent (10%) Defect Guarantee required by Portland Code of Ordinances Chapter 14 §§501 and 525; or
4. the Developer has failed to notify the City for inspections in conjunction with the

The Director of Planning and Development may draw on this guarantee, at his option, either thirty days prior to the expiration date contained herein, or s/he may draw against this escrow for a period not to exceed ninety (90) days after the expiration of this commitment; provided that the Applicant will give the City written notice, by certified mail (restricted delivery to Duane Kline, Director of Finance, City of Portland, 389 Congress Street, Room 110, Portland, Maine) of the expiration of this escrow within sixty (60) days prior thereto. Otherwise, drafts may be submitted by the City of Portland no later than ninety (90) days following such notice, whenever given.

After all underground work has been completed and inspected to the satisfaction of the Department of Public Works and Planning, including but not limited to sanitary sewers, storm drains, catch basins, manholes, electrical conduits, and other required improvements constructed chiefly below grade, the City of Portland Director of Planning and Development or its Director of Finance as provided in Chapter 14 §501 of the Portland Code of Ordinances, may authorize the City to reduce the available amount of the escrowed money by a specified amount.

This Esrow will automatically expire upon the earlier of:

1. the written notification from Portland's Director of Planning and Development that said work contained within the SITE IMPROVEMENTS [insert: subdivision and/ or site improvements as applicable] approval and as required by Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §46 through 65 has been completed in accordance with the City of Portland's specifications; or
2. the expiration date of _____ [date may not fall between October 30 and April 15] or any automatically extended date as specified herein.

Seen and Agreed to: [Applicant]

By: J. M. Romm for 75 YORR ST., LLC

Attach **Letter of Approval and Estimated Cost of Improvements** to this form.

Distribution

1. This information will be completed by Planning Staff.
2. The account number can be obtained by calling Paul Colpitts, ext. 8665.
3. The Agreement will be executed with one original and one copy.
4. The original and copy, each signed by the Developer, will be delivered to the Finance Office, together with a copy of the Report of Receipts form.
5. The Director of Finance will sign the copies, retain the original for their files and deliver the other signed copy to the Planning Office.