

CONSTRUCTION AND LANDSCAPE SUPPORT EASEMENT
Harborview Flats Condominium, 127 York Street, Portland, Maine

KNOW ALL PERSONS BY THESE PRESENTS THAT **Harborview Flats Condominium Association**, a Maine nonprofit corporation (“**Grantor**”), in consideration of One Dollar (\$1.00) and other valuable consideration paid by **133 York, LLC**, a Maine limited liability company (“**Grantee**”), the receipt whereof is hereby acknowledged, DOES HEREBY GIVE GRANT, BARGAIN, SELL AND CONVEY unto the Grantee, its successors and assigns, certain easement rights being more particularly described as follows:

1. **Burdened Parcel:** The Burdened Parcel is that property owned by Grantor, located at 127 York Street, Portland, Maine and further described in that certain Declaration of Condominium recorded in the Cumberland County Registry of Deeds in Book 28822, Page 1.
2. **Benefited Parcel:** The Benefited Parcel is that property owned by Grantee, located at 133 York Street, Portland, Maine and further described in a deed to Grantee recorded in said Registry in Book 30855, Page 70.
3. **Easement Area.** The Easement Area is that portion of the Burdened Parcel and fence thereon near the common boundary of the Burdened Parcel and the Benefited Parcel that is the minimum amount of land necessary to perform the Easement Rights described below. The approximate location of the easement area is shown on Exhibit A attached hereto.
4. **Easement Rights:**
 - a. Grantee has the right to access the Easement Area to perform the following work and by accepting this Construction Easement agrees to perform such work. Grantee shall construct and supplement Grantor’s existing fence in the location of the Privacy Fence shown on Exhibit A. The additional fencing shall be of the same style and materials as the existing fence. After construction of the additional fencing, the fence shall become property of Grantor and Grantee shall have no obligations to maintain, repair or replace the fence except as otherwise set forth herein.
 - b. Shrubs and vines planted on Grantee’s property may use and attach to the Privacy Fence for support and to facilitate vertical growth of the plants. Grantee shall repair any damage caused to Grantor’s fence by any such use.
5. Grantee hereby agrees to indemnify, defend and hold harmless Grantor from and against any and all claim, suit, demand, damage, loss, cost, or expense of any nature including, without limitation, reasonable attorney’s fees, arising as a result of Grantee’s use or enjoyment of the easement granted hereunder, including as a result of personal injury (including death) or property damage, arising as a result of use by Grantee, its agents, employees, contractors or other designees, of the Construction Easement.
6. The easement, rights and privileges granted herein are exclusive and the Grantor covenants that it will not convey any other conflicting easement or conflicting rights within the Easement Area covered by this grant.
7. This Agreement is intended to be governed by and construed under the laws of the State of Maine.
8. This Agreement is intended to be binding upon and inure to the benefit of the parties hereto, their heirs, legal representative, successors, and assigns.

9. This Agreement constitutes the entire agreement between the parties and may not be modified or amended unless in writing signed by the parties hereto.

IN WITNESS WHEREOF, the undersigned _____, the authorized President of Harborview Flats Condominium Association, hereby set his/her hand and seal this ____ day of _____ 20____.

Signed, Sealed and Delivered
In the Presence of:

Harborview Flats Condominium Association

Witness

By:
Its President

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

_____, 20____

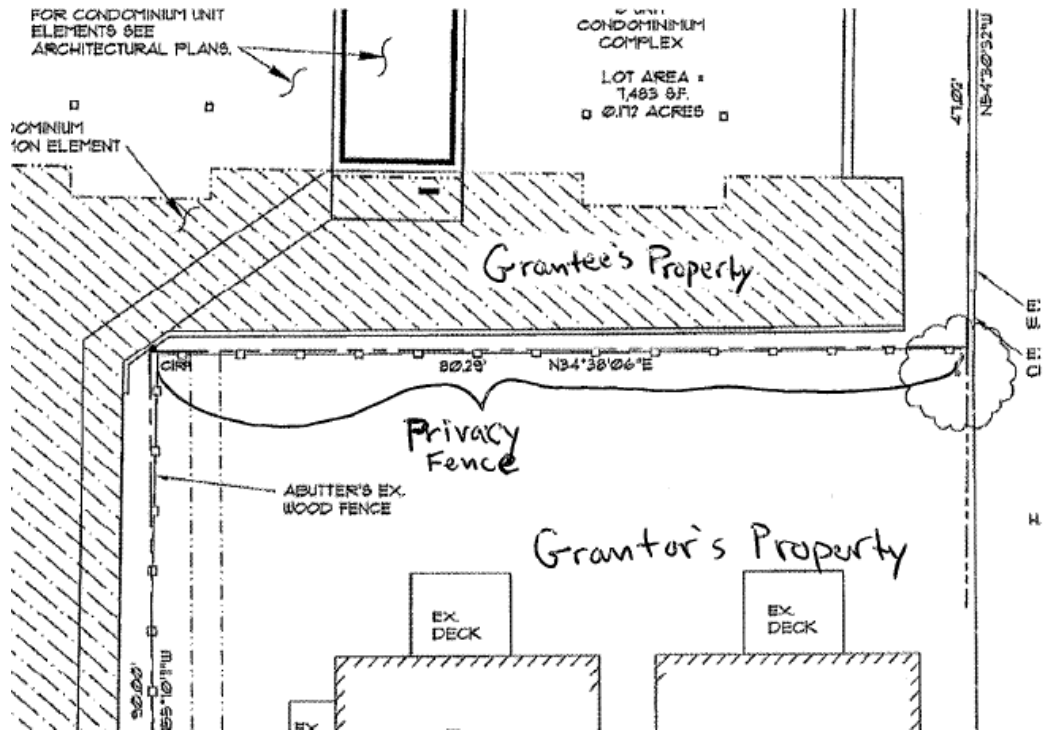
Personally appeared the above named _____, the President of said Harborview Flats Condominium Association, and acknowledged the foregoing instrument to be his/her free act and deed.

Before me,

Notary Public/Attorney at Law
Printed Name:
My Commission Expires:

Exhibit A

Easement Area is the area on Grantor's property and immediately adjacent to the Privacy Fence.



Property Locus:

