

PUBLIC PEDESTRIAN EASEMENT

Maine Health, d/b/a Maine Medical Center, a Maine nonprofit corporation with a principal place of business located at 22 Bramhall Street, Portland, Maine, 04102 FOR CONSIDERATION PAID, grants to the **City of Portland**, a body politic and corporate of the State of Maine with a mailing address of 389 Congress Street, Portland, Maine 04101, subject to the restrictions and limitations set forth herein, a 2,051 square foot +/- public easement for non-exclusive public pedestrian passage along such walkway ("Pedestrian Access"), as described on Attachment A, attached hereto and made a part hereof (the "Easement Area").

The public easement granted herein shall include an "ADA" compliant sidewalk for pedestrian access along St. John Street in Portland, Maine. Notwithstanding the foregoing, wheelchairs and emergency vehicles as well as snow removal equipment are to be permitted in accordance with applicable federal and/or state laws regulating accessibility for such devices, vehicles or equipment. Maintenance, repair and snow removal responsibilities within the Easement Area shall belong solely to the Grantor, its heirs, successors and assigns; however, Grantee shall have the right, but not the obligation, to maintain or repair the Easement Area, or to remove snow therefrom, when Grantee, in its sole discretion, deems such maintenance, repair or snow removal necessary to ensure public safety and Grantor has failed to perform the same within a reasonable time after notice from Grantee. The Easement Area shall be ungated and allow 24/7 public access.

Grantor agrees not to use or permit any use, condition or state of disrepair that would be contrary to or otherwise unreasonably interfere with the use of the Easement Area in the manner contemplated or required herein.

This easement deed is given on the following additional terms and conditions limiting or affecting the easement rights granted and created hereunder:

The Easement Area is and shall remain private property, and Grantor hereby expressly reserves and retains for itself and for any subsequent owner of the Easement Area, all rights of ownership to the extent the exercise thereof does not unreasonably limit or unreasonably interfere with the use of the Easement Area by pedestrians; such rights include, without limitation, (i) the right to adopt reasonable rules and regulations governing the use of the Easement Area, (ii) the right to use, or to grant to others the right to use, the surface and subsurface of and air space above the Easement Area for any use or purpose (including, without limitation, the right to install, inspect, operate, maintain, repair, replace and remove electric lines, gas lines, underground fuel tanks, telecommunication lines (such as telephone, cable and internet lines), water lines, storm sewers, sanitary sewers, catch basins, manholes, clean-outs, curbing, driveways, light pole bases, lighting fixtures, signs, and the like, and (iii) the right to make changes, alterations and/or improvements to the Easement Area from time to time.

Nothing herein contained shall be deemed to be a gift or dedication of the fee interest in the Easement Area or any portion thereof to Grantee or to the general public.

This easement is given for recreational use and the Grantor and Grantee claim the rights and protections against liability in accordance with Title 14 MRS §159-A to the maximum extent permitted by law.

TO HAVE AND TO HOLD the aforegranted and bargained public access easement, with all privileges and appurtenances thereof, to the Grantee, its successors and assigns, to its and their use and behoof, forever.

IN WITNESS WHEREOF, the said **Maine Medical Center** has caused this instrument to be signed in its corporate name by Lugene Inzana, its Chief Financial Officer, duly authorized, this 10 day of July, 2020.

October

WITNESS:

Maine Medical Center

By: *Lugene G. Inzana*
Name: Lugene Inzana
Its: Chief Financial Officer

Print Name:

State of Maine
County of Cumberland, ss.

October July 10, 2020

PERSONALLY APPEARED the above-named Lugene Inzana, Chief Financial Officer of **Maine Medical Center** and acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said **Maine Medical Center**.

Before me,

Penelope St Louis
Name: *Penelope St Louis*
~~Notary Public~~ / Attorney at Law *7352*
Notary Commission Expires:

EXHIBIT A
Sidewalk Easement Description

A certain lot or parcel of land situated on the westerly sideline of St. John Street in the City of Portland, County of Cumberland, and State of Maine, further described as follows:

Beginning on the westerly sideline of St. John Street at the common corner of land now or formerly of the Fraternal Order of Eagles Aerie No 565 (deed book 9214, page 114) and land now or formerly of Maine Medical Center (deed book 34951, page 231);

Thence, S82°23'43"W along land of said Fraternal Order of Eagles Aerie No 565 a distance of 0.42 feet;

Thence, the following courses and distances through land of the grantor:

N82°16'20"W a distance of 9.76 feet;

N07°36'32"W a distance of 200.81 feet;

N33°37'44"E a distance of 14.41 feet;

N07°36'31"W a distance of 18.27 feet to land now or formerly of Patricia P. Chase (deed book 9635, page 132);

Thence, N82°23'43"E along land of said Chase 0.35 feet to the westerly sideline of said St. John Street;

Thence, S07°36'17"E along the westerly sideline of said St. John Street 232.50 feet to the point of beginning.

Containing 2,051 square feet, more or less.

Reference is made to a plan entitled: "Proposed Lot Division Plan, 184 St. John Street, Portland, Maine made for Maine Medical Center," dated June 14, 2018 by Owen Haskell, Inc.