

w/o # 35881

**LEGAL DESCRIPTION**

**EXHIBIT A**

A CERTAIN LOT OR PARCEL OF LAND WITH THE BUILDINGS THEREON SITUATED AT THE CORNER OF MARSTON STREET AND PARK AVENUE IN THE CITY OF PORTLAND, COUNTY OF CUMBERLAND AND STATE OF MAINE, AND BEING BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT MARKED BY AN IRON PIN ON THE EASTERLY SIDE OF MARSTON STREET AT THE NORTHWESTERLY CORNER OF LAND NOW OR FORMERLY OF BARBARA BLACK WHICH POINT IS SEVENTY (70) FEET NORTHEASTERLY FROM AN IRON AT THE CORNER OF MARSTON AND CHERRY STREET; THENCE NORTH 21° 40' 30" EAST ALONG THE EASTERLY SIDE OF MARSTON STREET SIXTY-SIX AND TWENTY-FOUR HUNDREDTHS (66.24) FEET TO AN IRON; THENCE NORTH 2° 48' WEST FIFTY AND THIRTEEN HUNDREDTHS (50.13) FEET ALONG SAID MARSTON STREET TO AN IRON; THENCE NORTHERLY ALONG THE EASTERLY SIDELINE OF MARSTON STREET NORTH 00° 00' 30" TWO HUNDRED AND EIGHTY-ONE AND EIGHTY-SEVEN HUNDREDTHS (281.87) FEET TO AN IRON AT THE CORNER OF MARSTON STREET AND PARK AVENUE; THENCE SOUTH 89° 51' 30" EAST ALONG THE SOUTHERLY SIDELINE OF PARK AVENUE TWO HUNDRED AND FORTY-NINE AND SEVENTY-NINE HUNDREDTHS (249.79) FEET TO AN IRON, SAID IRON BEING TWENTY (20) FEET WESTERLY FROM THE CENTER LINE OF THE WEST BRANCH MAIN LINE TRACK OF THE PORTLAND TERMINAL COMPANY AS IT NOW EXISTS, AND WESTERLY FOUR (4.00) FEET FROM THE WESTERLY FACE OF A ROW OF CONCRETE UTILITY POLES ALONG SAID TRACK; THENCE SOUTH 13° 20' 30" EAST ALONG LAND NOW OR FORMERLY OF THE PORTLAND TERMINAL COMPANY BY THE LINE WHICH IS WESTERLY FOUR (4.00) FEET FROM THE WESTERLY FACE OF SAID ROW OF CONCRETE UTILITY POLES A DISTANCE OF TWO HUNDRED AND FIFTY-FOUR AND NINETY-EIGHT HUNDREDTHS (254.98) FEET TO AN IRON ROD; THENCE NORTH 89° 51' 30" WEST ALONG LAND OF GEORGE M. HUTCHINS A DISTANCE OF ONE HUNDRED AND SIXTY-SIX AND THREE HUNDREDTHS (166.03) FEET TO AN IRON ROD; THENCE SOUTH 21° 40' 30" WEST ALONG LAND OF GEORGE M. HUTCHINS A DISTANCE OF NINETY-SEVEN AND NINETY-EIGHT HUNDREDTHS (97.98) FEET TO AN IRON PIPE AT THE NORTHWESTERLY CORNER OF LAND NOW OR FORMERLY OF FELIX AND NANCY Y. ATENZA; THENCE SOUTH 21° 40' 30" WEST ALONG SAID MORGAN LAND TWENTY-ONE (21) FEET TO AN IRON AT THE NORTHEASTERLY CORNER OF SAID BLACK LAND; THENCE NORTH 68° 19' 30" WEST SAID MORGAN LAND FIFTY (50) FEET TO AN IRON AT THE NORTHWESTERLY CORNER OF SAID MORGAN LAND; THENCE SOUTH 21° 40' 30" WEST ALONG SAID MORGAN LAND TWENTY-ONE (21) FEET TO AN IRON AT THE NORTHEASTERLY CORNER OF SAID BLACK LAND; THENCE NORTH 68° 19' 30" WEST FIFTY (50) FEET ALONG BLACK LAND TO AN IRON PIN AT THE POINT BEGINNING AND CONTAINING 87,425 SQUARE FEET OR 2.01 ACRES, MORE OR LESS.

THIS LEGAL DESCRIPTION DESCRIBES THE SAME PROPERTY AS INSURED IN TITLE COMMITMENT U.S. NO. 20892-P DATED AUGUST 16 1999 BY LAWYERS TITLE INSURANCE CORPORATION

**NOTES:**

- OWNER OF RECORD TELAHC PROPERTIES, L.P. CHALET DRIVE, WILTON N.H. 03086 BOOK 11,338 PAGE 54 C.O.R.D.
- LOCUS IS SHOWN AS LOT 3, BLOCK A, ON THE CITY OF PORTLAND'S ASSESSORS MAP NO. 65
- BEARINGS ARE BASED ON MARKERS FOUND AS SHOWN IN PLAN REFERENCE 1
- THE WESTERLY SIDELINE OF MARSTON STREET IS SHOWN APPROXIMATELY
- THE DISCONTINUED PORTION OF BURNHAM STREET IS SHOWN SCHEMATICALLY PER PLAN REFERENCE 4
- THE PARCEL'S FRONTAGE ON MARSTON STREET IS SUBJECT TO 'CONTROL OF ACCESS' PER PLAN REFERENCE 3. THE LIMITS SHOWN ARE APPROXIMATE REF 3360/232 6434/315. ACCESS IS THEREFORE LIMITED TO THE AREA SHOWN
- PARCEL IS LOCATED IN 9-2 LONE WITH THE FOLLOWING CURRENT DIMENSIONAL REQUIREMENTS:  
STREET FRONTAGE 50  
AREA 10,000 SQUARE FEET  
FRONT SETBACK NONE M.U. HEIGHT 4 STORIES (45)  
SIDE SETBACK 10 FT  
REAR SETBACK 20 FT  
1 PARKING SPACE FOR EACH FOUR (4) GUEST ROOMS (HOTELS)  
1 PARKING SPACE FOR EACH SLEEPING ROOM (HOTELS)  
MAXIMUM IMPERVIOUS SURFACE RATIO 80%  
PER A PHONE CONVERSATION WITH AN EMPLOYEE ON SITE THERE ARE 105 ROOMS AVAILABLE FOR "RENT" SINCE THERE ARE 124 REGULAR PARKING SPACES AVAILABLE, IT IS PRESUMED THAT THE CURRENT PARKING REQUIREMENTS ARE MET
- ALL FIELD MEASUREMENTS MATCHED RECORD DIMENSIONS WITHIN THE PRECISION REQUIREMENTS OF ALTA/ACSM SPECIFICATIONS
- THIS PARCEL HAS THE FOLLOWING NUMBER OF DELINEATED PARKING SPACES: REGULAR 124 HANDICAP 3
- THE SUBJECT PARCEL IS LOCATED BY SCALING METHODS WITHIN ZONE "C" (AREAS OF MINIMUM FLOODING) AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR THE CITY OF PORTLAND MAINE COMMUNITY PANEL NO. 230051 0013 B DATED JULY 1 1986
- REFERENCE IS MADE TO LAWYERS TITLE INSURANCE CORPORATION TITLE COMMITMENT CASE NO. 20892-P DATED AUGUST 16 1999
- THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

**PLAN REFERENCES**

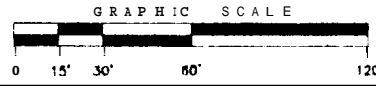
- PLAN OF PROPERTY IN PORTLAND, MAINE MADE FOR GREATER PORTLAND COUNCIL OF GOVERNMENTS PORTLAND BALE STATION SITE (DATE 7-9-1974 BY H. V. F. C. JORDAN - SURVEYORS)
- PLAN OF LAND IN PORTLAND, MAINE FOR HUTCHINS TRANSPORTATION CO. DATED 4-19-84 REVISED 2-25-95 BY OWEN HASKELL, INC.
- MAINE STATE HIGHWAY COMMISSION RIGHT OF WAY MAP STATE HIGHWAY 295 PORTLAND CUMBERLAND COUNTY (DATE MAY 1967 SHEET NO. 3-185) FILED IN PLAN BOOK 142 PAGE 10
- CITY OF PORTLAND, MAINE DEPARTMENT OF PUBLIC WORKS BURNHAM STREET (DATE 6-18-47) FILED AS PLAN 629/5
- ALTA/ACSM LAND TITLE SURVEY ON PARK AVENUE AND MARSTON STREET, PORTLAND, MAINE, FROM CHALET SUSSE INTERNATIONAL, INC. (DATE 12-21-93) BY OWEN HASKELL, INC.

**STATEMENT OF ENCROACHMENTS:**

- (A) SATELLITE DISH WITHIN EASEMENT
- (B) FENCE ONTO N/E HUTCHINS
- (C) FENCE ONTO MARSTON ST
- (D) UTILITY POLE/POLE ANCHOR INTO LOCUS
- (E) SIGN WITHIN LIMITS OF MARSTON ST
- (F) CUR ANCHORS ONTO LOCUS
- (G) BRIDGE ABUTMENT ONTO LOCUS
- (H) WOODEN PLANTED ONTO MARSTON ST
- (I) BUILDING WITHIN SETBACK
- (J) BUILDING WITHIN SETBACKS
- (K) CLIMBING ONTO N/E HUTCHINS

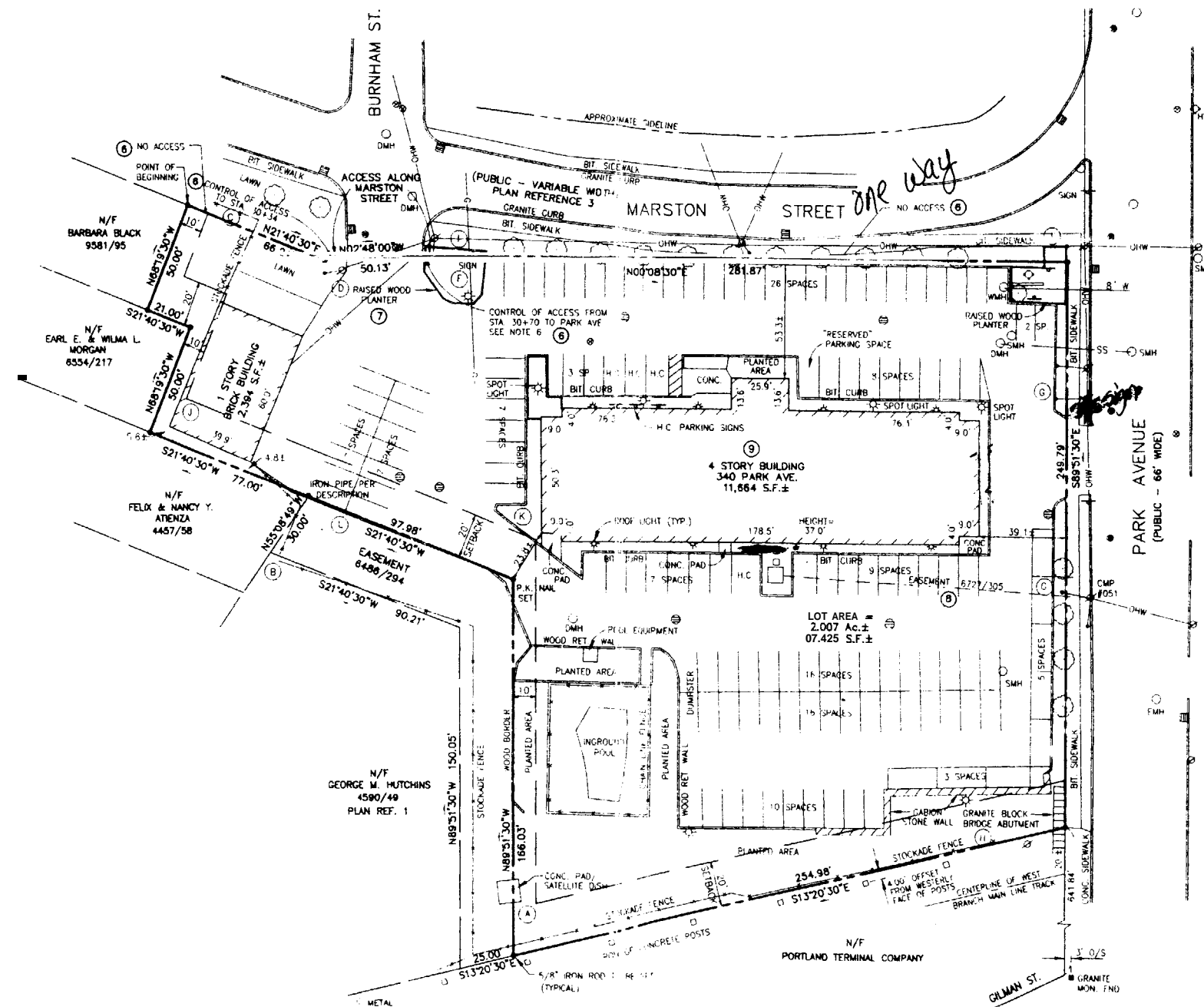
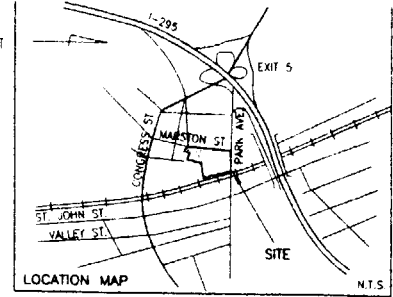
**NOTES CORRESPONDING TO SCHEDULE B SECTION 2**

- ACCESS RIGHTS ALONG MARSTON STREET BOOK 3360 PAGE 232 AND BOOK 6434 PAGE 315. THIS ITEM IS PLOTTED HEREIN AND DOES AFFECT THE SUBJECT PROPERTY.
- RIGHTS OF OTHERS IN THE DISCONTINUED PORTION OF BURNHAM STREET. THIS ITEM IS PLOTTED HEREIN AND DOES AFFECT THE SUBJECT PROPERTY.
- RIGHTS AND EASEMENTS GRANTED TO CENTRAL MAINE POWER COMPANY BOOK 6721 PAGE 305. THIS ITEM IS PLOTTED HEREON AND DOES AFFECT THE SUBJECT PROPERTY.
- RIGHTS OF HOTEL GUESTS AND HOTEL MANAGERS. THIS ITEM IS NOT PLOTTED HEREON AND APPEARS TO AFFECT THE 4 STORY BUILDING AS SHOWN.



**LEGEND:**

- 5/8" IRON ROD TO BE SET
- GAS VALVE
- WATER VALVE
- HYDRANT
- UTILITY POLE
- LIGHT POLE
- MANHOLE
- BIORH BASIN
- DECIDUOUS TREE
- FENCE CURB
- OVERHEAD WIRES
- GAS LINE
- ELECTRIC MANHOLE
- DRAIN MANHOLE
- SEWER MANHOLE
- VOW OR FORMERLY



**CERTIFICATION**

THIS CERTIFICATION IS MADE TO OLYMPUS REAL ESTATE CORPORATION AND/OR ASSIGNEE, NOMURA ASSET CAPITAL CORPORATION AND/OR ASSIGNEE, AND TO LAWYERS TITLE INSURANCE CORPORATION FOR USE WITH GF NO. 550783-J

I HEREBY CERTIFY THAT THE SURVEY, JOB NO. 99217 P ENTITLED, ALTA/ACSM LAND TITLE SURVEY ON PARK AVENUE AND MARSTON STREET PORTLAND, MAINE FOR TELAHC PROPERTIES, L.P. WAS ACTUALLY MADE UPON THE GROUND BY ME OR UNDER MY SUPERVISION, AND THAT IT AND THE INFORMATION, COURSES AND DISTANCES SHOWN THEREON AND IN THE LEGAL DESCRIPTION ARE CORRECT, THAT THE TITLE LINES AND LINES OF ACTUAL POSSESSION ARE THE SAME EXCEPT AS NOTED, THAT THE SIZE, LOCATION AND TYPE OF BUILDINGS, IMPROVEMENTS, HIGHWAYS, STREETS, ROADS, RAILROADS, RIVERS, CREEKS OR OTHER WATER COURSES, FENCES, EASEMENTS, AND RIGHTS-OF-WAY ON, ADJACENT TO, OR OTHERWISE AFFECTING THE PROPERTY ARE AS SHOWN AND ALL BUILDINGS AND IMPROVEMENTS LOCATED ON THE PROPERTY ARE WITHIN THE BOUNDARY LINES AND APPLICABLE SETBACK LINES OF THE PROPERTY. THE UNDERSIGNED HAS NO ACTUAL KNOWLEDGE, WITHOUT HAVING ANY DUTY TO INVESTIGATE SAME, OF ANY VIOLATIONS OF ZONING ORDINANCES, BUILDING CODES, RESTRICTIONS, COVENANTS, OR OTHER RULES AND REGULATIONS WITH REFERENCE TO THE LOCATION OF SAID BUILDINGS AND IMPROVEMENTS; THAT THERE ARE VISIBLE AND APPARENT EASEMENTS AFFECTING THIS PROPERTY, OTHER THAN THOSE SHOWN AND DEPICTED THEREON; THAT THERE ARE NO ENCROACHMENTS AFFECTING THIS PROPERTY OTHER THAN AS SHOWN; THAT ANY KNOWN DISCHARGE INTO STREAMS, RIVERS OR OTHER CONVEYANCE SYSTEM IS SHOWN ON THE SURVEY; THAT THE PARCEL DESCRIBED THEREON DOES NOT LIE WITHIN FLOOD HAZARD AREAS IN ACCORDANCE WITH ANY MAPS ENTITLED: "FLOOD INSURANCE RATE MAP," "FLOOD HAZARD FLOODWAY BOUNDARY MAP," "FLOOD HAZARD BOUNDARY MAP," OR "FLOOD BOUNDARY AND FLOODWAY MAP" PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY OR A FLOOD HAZARD BOUNDARY MAP PUBLISHED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. THE PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONING DESIGNATION OF ZONE C BY THE "RETIRARY" OF HOUSING AND URBAN DEVELOPMENT ON FLOOD INSURANCE MAP NO. 0013B WITH A DATE OF IDENTIFICATION OF JULY 17, 1986 FOR COMMUNITY NUMBER 230051 IN CUMBERLAND COUNTY, STATE OF MAINE, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH THE PROPERTY IS SITUATED. THE LOCATION AND NUMBER OF PARKING SPACES (INCLUDING THOSE DESIGNATED AS HANDICAPPED SPACES) SHOWN THEREON IS CORRECT AND THE NUMBER OF PARKING SPACES LOCATED ON THE PROPERTY IS 127, 3 OF WHICH ARE DESIGNATED AS HANDICAPPED SPACES, AND THAT THE PROPERTY HAS DIRECT ACCESS TO PARK AVENUE AND MARSTON STREET, A PUBLIC ROAD.

THIS SURVEY IS WAS MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY THE AMERICAN LAND TITLE ASSOCIATION AND THE NATIONAL CONFERENCE OF REGISTERED PROFESSIONAL SURVEYORS AND ENGINEERS.

DEFINED THEREIN, INCLUDES ITEMS 1, 2, 3, 4, 6, 7a, 7c, 8, 9, 10, 11 AND 13 OF TABLE A.

WILLIAM C. SHIPPEN  
REGISTERED PROFESSIONAL SURVEYOR  
NO. 2118



DATE 12-1-99

REV. 12-01-99	AREA IN DESCRIPTION
REV. 10-26-99	CLIENT'S COMMENTS
<b>ALTA/ACSM LAND TITLE SURVEY</b>	
ON 340 PARK AVENUE, PORTLAND, MAINE	
MADE FOR <b>TELAHC PROPERTIES, L.P.</b> CHALET DRIVE, WILTON, NEW HAMPSHIRE 03086	
<b>OWEN HASKELL, INC.</b> 16 CASCO ST., PORTLAND, ME 04101 (207) 774-0424 PROFESSIONAL LAND SURVEYORS	
Drawn By: WCS	Date: SEPT 28, 1999
Trace By: JLW	Job No.: 39217P
Check By: WCS	Scale: 1" = 30'
Book No.:	Drawg. No.:

REV FINAL 2/8/00 - ME-19