



Jeff Levine
Director, Planning & Urban Development

Ann Machado
Zoning Administrator

CITY OF PORTLAND
ZONING BOARD OF APPEALS
Practical Difficulty Variance Application

Applicant Information:

HP Hood LLC
NAME

349 Park Ave
ADDRESS

Portland, ME 04102

207-772-4600 Dan.Cowles@hphood.com
PHONE # & E-MAIL

owner
APPLICANT'S RIGHT/TITLE/INTEREST
(EG; owner, purchaser, etc)

1-M
CURRENT ZONING DESIGNATION

Subject Property Information:

349 Park Ave.
Portland, ME 04102
PROPERTY ADDRESS

CHART/BLOCK/LOT (CBL)

PROPERTY OWNER (if different)

ADDRESS

PHONE # & E-MAIL

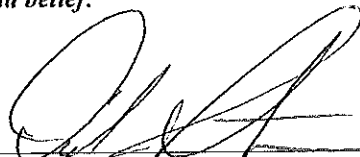
PRACTICAL DIFFICULTY VARIANCE
FROM SECTION 14- 250(f)

EXISTING USE OF PROPERTY:

MILK PROCESSING PLANT

NOTE: If site plan approval is required, attach preliminary or final site plan.

The undersigned hereby makes application for a Practical Difficulty Variance as described above, and certifies that the information supplied herein is true and correct to the best of his OR her knowledge and belief.


SIGNATURE OF APPLICANT

4/08/2016
DATE

The following words have the meanings set forth below:

1. **Dimensional Standards**: Those provisions of the article which relate to lot area, lot coverage, frontage and setback requirements
2. **Practical Difficulty**: A case where strict application of the dimensional standards of the Ordinance to the property for which a variance is sought, would BOTH preclude a use of the property which is permitted in the zone in which it is located AND also result in significant economic injury to the applicant.
3. **Significant Economic Injury**: The value of the property, if the variance were denied, would be substantially lower than its value if the variance were granted. To satisfy this standard, the applicant need not prove that the denial of the variance would mean the practical loss of all beneficial use of the land.

A Practical Difficulty Variance may not be used to grant relief from the provisions of Section 14-449 (Land Use Standards) to increase either volume or floor area, nor to permit the location of a structure, including, but not limited to, single-component manufactured homes, to be situated on a lot in a way which is contrary to the provisions of this article.

The following words have the meanings set forth below:

1. **Dimensional Standards**: Those provisions of the article which relate to lot area, lot coverage, frontage and setback requirements
2. **Practical Difficulty**: A case where strict application of the dimensional standards of the Ordinance to the property for which a variance is sought, would BOTH preclude a use of the property which is permitted in the zone in which it is located AND also result in significant economic injury to the applicant.
3. **Significant Economic Injury**: The value of the property, if the variance were denied, would be substantially lower than its value if the variance were granted. To satisfy this standard, the applicant need not prove that the denial of the variance would mean the practical loss of all beneficial use of the land.

A Practical Difficulty Variance may not be used to grant relief from the provisions of Section 14-449 (Land Use Standards) to increase either volume or floor area, nor to permit the location of a structure, including, but not limited to, single-component manufactured homes, to be situated on a lot in a way which is contrary to the provisions of this article.

Notwithstanding the provisions of subsections 14-473(c)(1) and (2) of this section, the Zoning Board of Appeals (ZBA) may grant a variance from the dimensional standards of this article when strict application of the provisions of the Ordinance would create a practical difficulty, as defined herein, and when all the following conditions are found to exist:

“Practical Difficulty” variance standards pursuant to Portland City Code §14-473(c)(3):

1. The need for the variance is from dimensional standards of the Land Use Zoning Ordinance (lot area, lot coverage, frontage, or setback requirements).

Satisfied _____ NOT Satisfied _____ (deny the appeal)
Reason and supporting facts:

The overall height of the proposed tanks would exceed the regulation in reference to the setback distance.

2. Strict application of the provisions of the ordinance would create a *Practical Difficulty*, meaning it would both (1) preclude a use of the property which is permitted in the zone in which it is located, and also (2) would result in significant economic injury to the applicant. (“*Significant Economic Injury*” means the value of the property, if the variance was denied, would be substantially lower than its value if the variance were granted.) To satisfy this standard, the applicant need not prove that denial of the variance would mean the practical loss of all beneficial use of the land.

Satisfied _____ NOT Satisfied _____ (deny the appeal)
Reason and supporting facts:

The inside of the plant leaves no room for additional tanks.

3. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

Satisfied _____ Not Satisfied _____ (deny the appeal)

Reason and supporting facts:

Property has unique issues and leaves minimal opportunity for the placement of the proposed tanks.

4. The granting of the variance will not produce an undesirable change in the character of the neighborhood and will not have an unreasonably detrimental effect on either the use, or fair market value, of abutting properties.

Satisfied _____ Not Satisfied _____ (deny the appeal)

Reason and supporting facts:

The proposed tanks will sit next to existing tanks and will have limited or minimal impact on the street view.

5. The practical difficulty is not the result of action taken by the applicant or a prior owner.

Satisfied _____ Not Satisfied _____ (deny the appeal)

Reason and supporting facts:

The plant was built as a derry in 1918.

6. No other feasible alternative is available to the applicant, except the variance.

Satisfied _____ Not Satisfied _____ (deny the appeal)

Reason and supporting facts:

The space and location are the determining factors.

7. The granting of a variance will not have an unreasonably adverse effect on the natural environment.

Satisfied _____ Not Satisfied _____ (deny the appeal)

Reason and supporting facts:

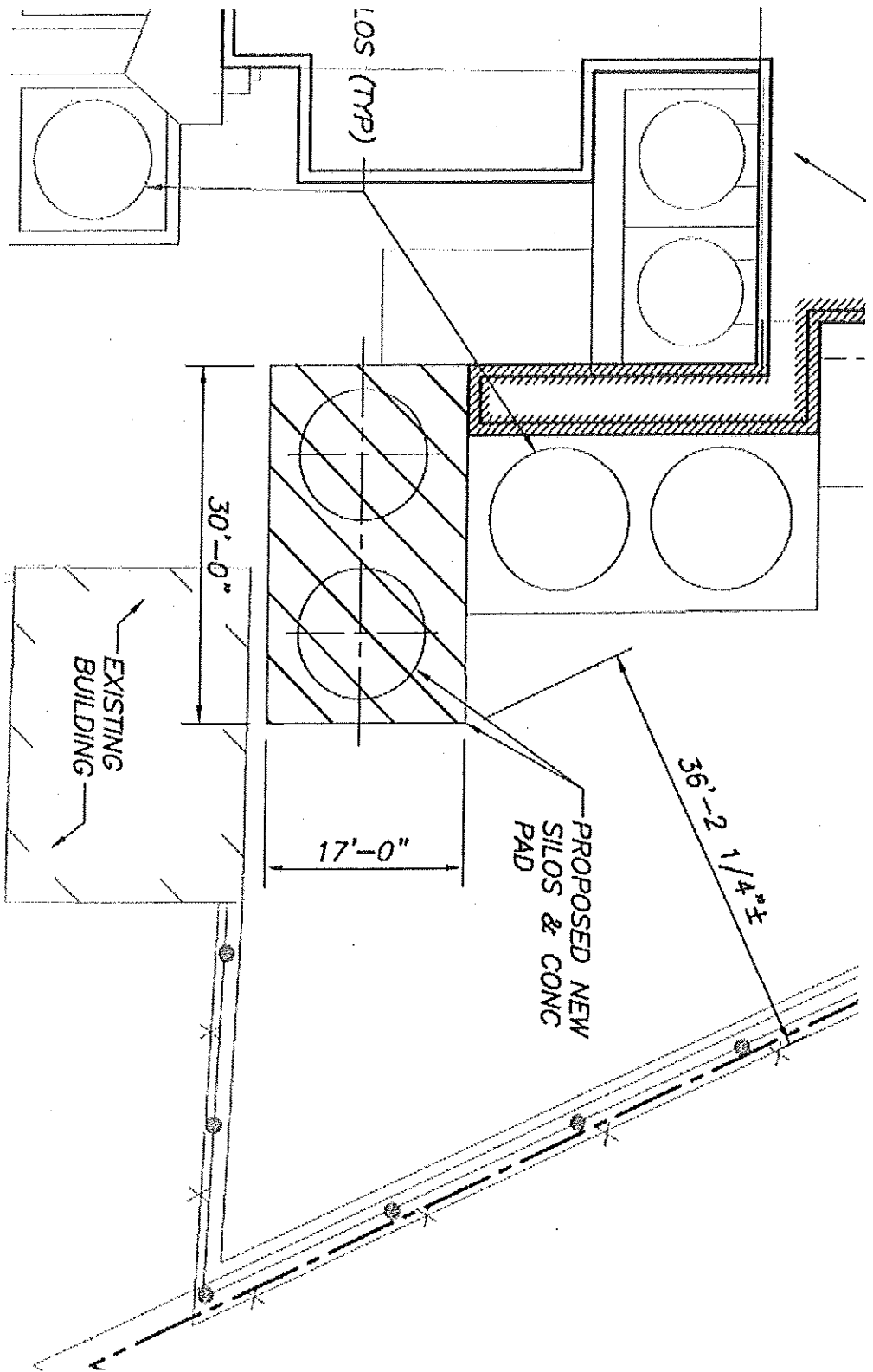
The proposed tanks could be located on an existing black top area.

8. The property is not located, in whole or in part, within a shoreland area, as defined in 38 M.R.S.A. §435, nor within a shoreland zone or flood hazard zone.

Satisfied _____ Not Satisfied _____ (deny the appeal)

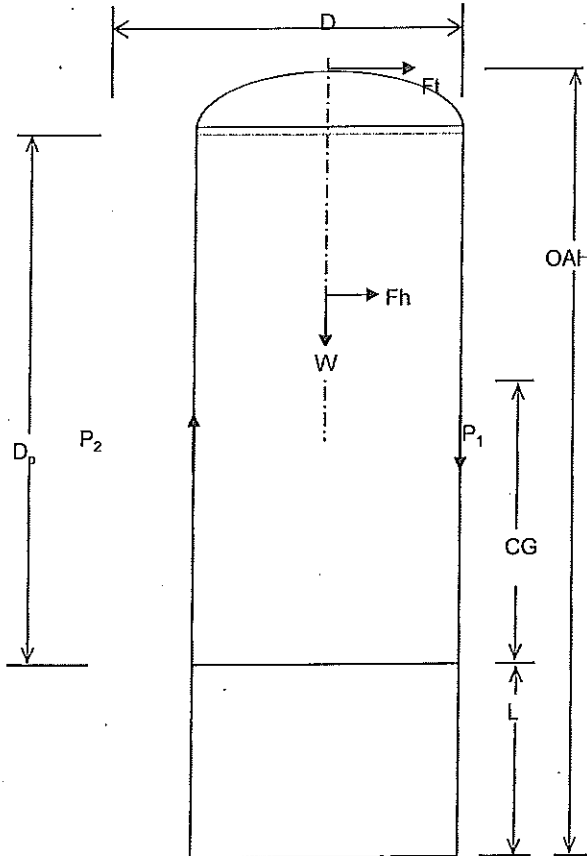
Reason and supporting facts:

Not located in a shore line or flood zone.



Quote/Order #: _____ Date: February 18, 2016
 Customer: HP Hood
 Reference: 20K Silo Product: _____
 Designer: FSK

State:



Liner Diameter (ID) =	120 in
Insul Skin (OD)=	126.5
OD of Base Ring (Db) =	129 in
Height (OAH) =	462 in
C.G. (OAH-L)/2 =	218.5 in
Skirt Height (L) =	25 in
Product Ht (Dp) =	420 in
Empty Weight Lining (Wl) =	18,000 lbs
Empty Weight Total (We) =	18,000 lbs
Capacity (V) =	20,000 gal
Int. or Ext. Pressure (Pr) =	0 psi
Spec Gravity (SG) =	1
Number of Anchors (N) =	7
Size of Anchor Bolts	1"
Yield Strength (Fy) =	30,000 psi
Modulus (E) =	28,000,000 psi
Prod Weight (Wp) =	166,840 lbs
Total Weight (Wt) =	184,840 lbs
Total Weight on Lining (Wz) =	184,840 lbs
Silo Skin Type	Light Sheathing or With Slip Joint
Weight per Foot (w) lb/ft =	5,037.66
Moment of Inertia (Im) in ⁴ =	71,251 = $\pi r^3 t$
Gravitation Const (g) in/sec ² =	386
Fundamental Period (sec)=	0.0068

$$= 1.79 \sqrt{wH^4/EImg}$$

T < .06, Tank is a Rigid Structure

<http://www.zipinfo.com/search/zipcode.htm>
<http://earthquake.usgs.gov/designmaps/us/application.ph>

SEISMIC LOADING INPUT: 2009 INTERNATIONAL BUILDING CODE

USE THE LINK BELOW, ENTER A ZIP CODE, OR COORDINATES FOR SEISMIC VALUES

GET USGS DATA.jar <=CLICK THE LINK Zip Code => 04102

Silo is considered a "Non-Building Structure"

Importance Factor	(I)	1.00
Site Class	Note:(Additional Info. Is needed for Site Class 'F')	D
Spectral Response Acceleration for short periods (5% damped)	\$s	0.317
Spectral Response Acceleration for 1-second periods (5% damped)	\$1	0.077
Design Response Acceleration for short periods (5% damped)	\$Ds	0.327
Design Response Acceleration for 1-second periods (5% damped)	\$D1	0.123
Site Coefficient	(Fa)	1.547
Site Coefficient	(Fv)	2.400
Max. Spectral Response Acceleration for short periods	\$ms	0.490
Max. Spectral Response Acceleration for 1-second periods	\$m1	0.185
Base Shear (Full) =.3SdsIWt	(Vs)	46,066 lbs.
Base Shear (Empty) =.3SdsIW	(Ve)	1,766 lbs.
Base Shear (Full) Lining Only = .3SdsIWz	(Vs)	46,066 lbs.

WIND LOADING INPUT: ASCE /SEI 7-10

EXIST ALCOVE

EXIST ENCLOSURE

ELEV TO MATCH
EXIST ALCOVE
FLOOR

EXIST SILO

EXIST PAD

(-0'-7"±)

DEPRESSED RAMP
SLOPE 1/4" PER FT

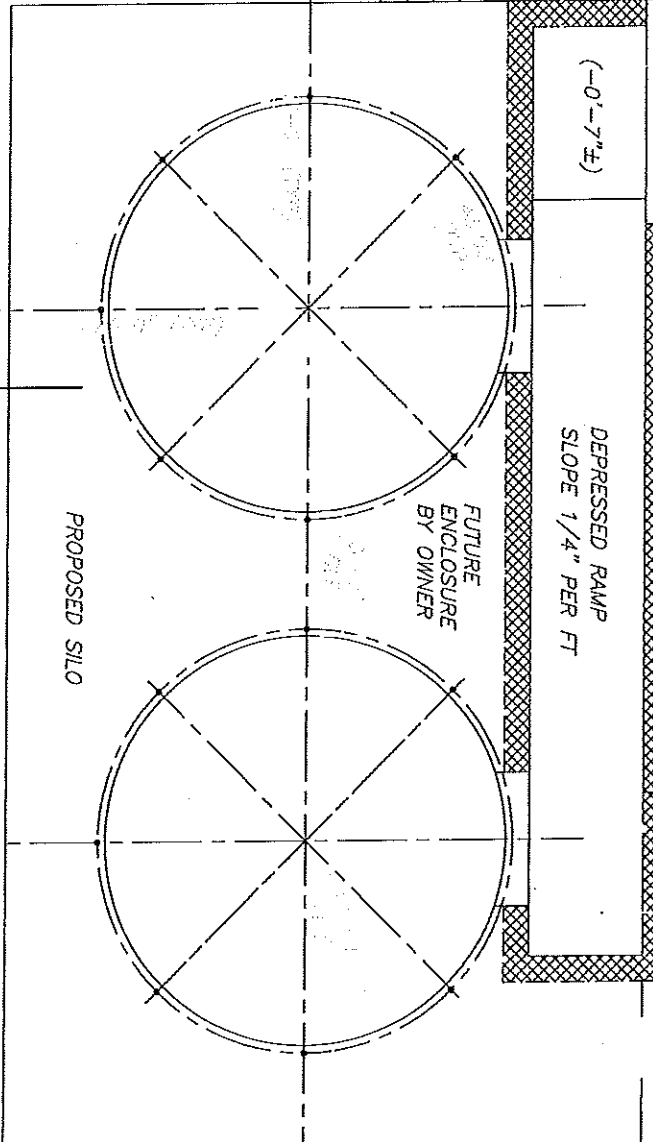
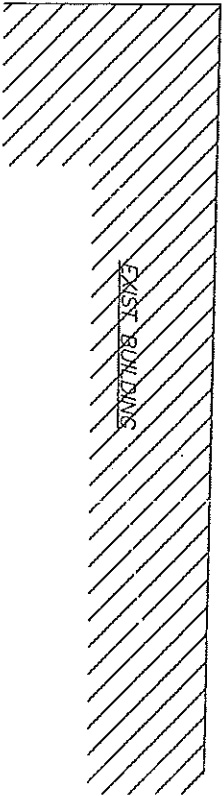
FUTURE
ENCLOSURE
BY OWNER

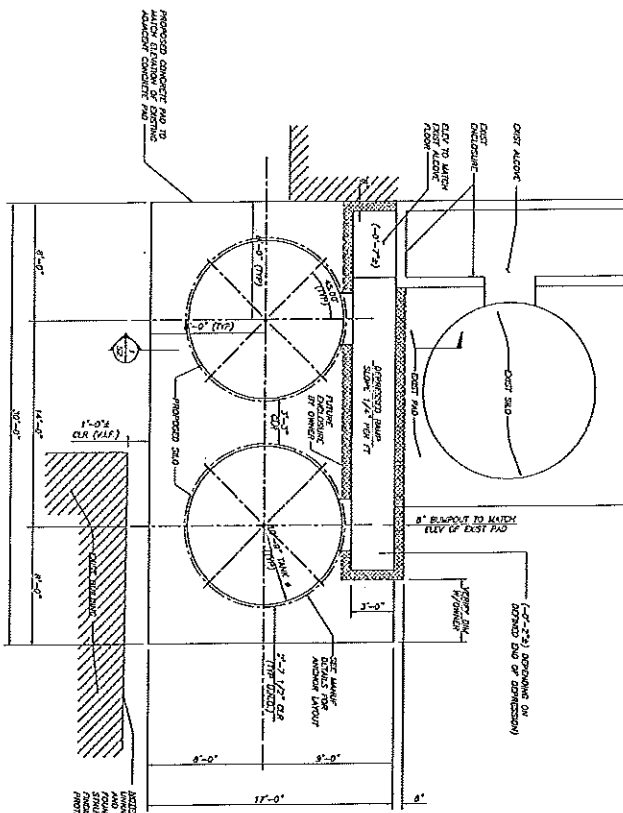
PROPOSED SILO

(-0'-2"±) DEPENDING ON
DEFINED END OF DEPRESSION)

SEE MANUF
DETAILS FOR
ANCHOR LAYOUT

EXIST BUILDINGS



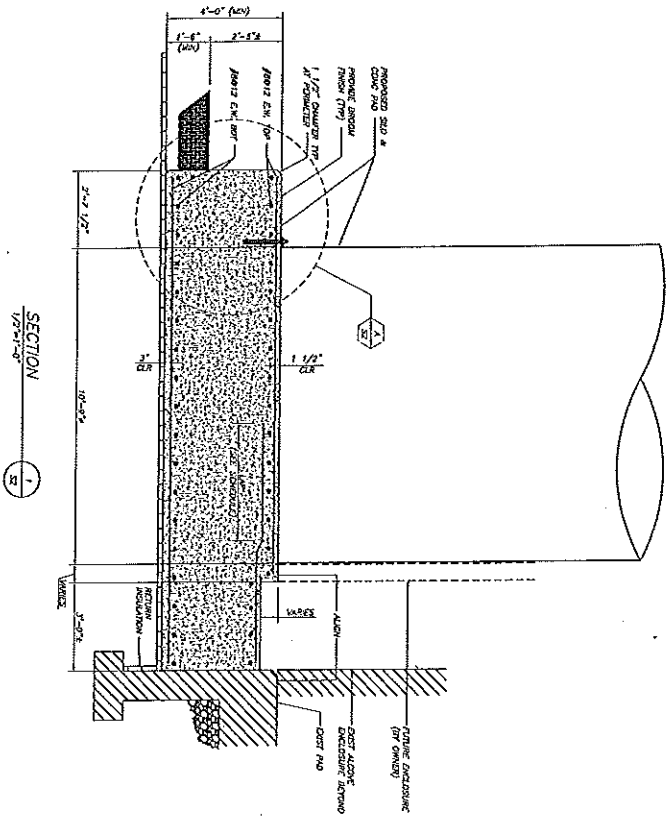


NOTE: DETAILS OF EXISTING FOUNDATIONS AND EXISTING UTILITIES TO BE REMOVED SHALL BE SHOWN BY OTHER DRAWINGS. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. FOUNDATION SHALL BE CONCRETE WITH REINFORCING BARS AND SHALL BE CAST IN PLACE. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

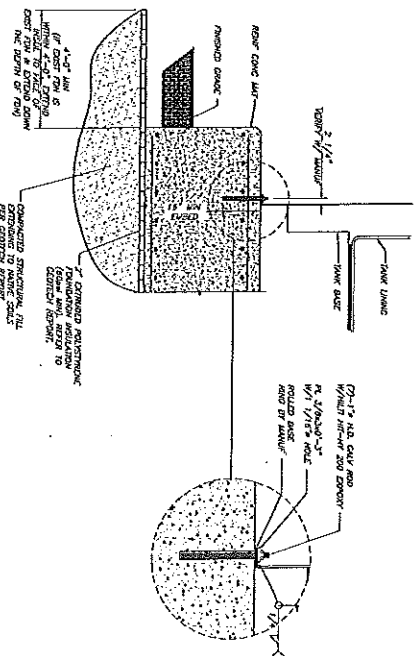
TANK FOUNDATION PLAN

1. ALL LAYOUT AND DIMENSIONS FOR TANKS AND CONNECTIONS SHALL BE AS SHOWN ON THIS PLAN AND SHALL BE CONSIDERED AS PART OF THE CONTRACT.
2. ALL EXISTING UTILITIES AND FOUNDATIONS TO BE REMOVED SHALL BE SHOWN BY OTHER DRAWINGS. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. FOUNDATION SHALL BE CONCRETE WITH REINFORCING BARS AND SHALL BE CAST IN PLACE.
4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

REBAR LAP	
SPUCE TABLE	
BAR SIZE	LAP LENGTH
#4	5,000 PSI
#5	40"
#6	40"



SECTION 1-B
1/2" = 1'-0"



DETAIL A
1/2" = 1'-0"

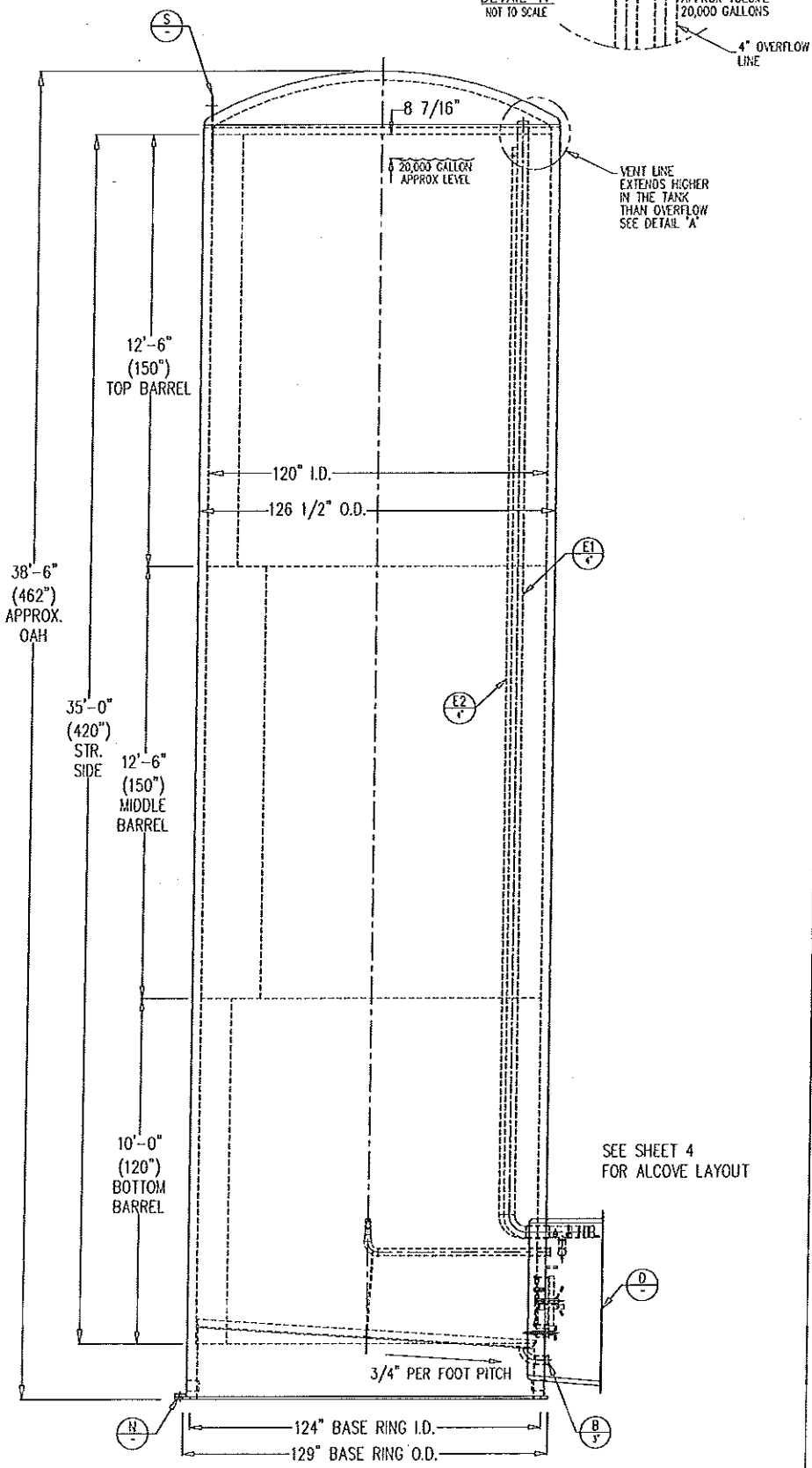
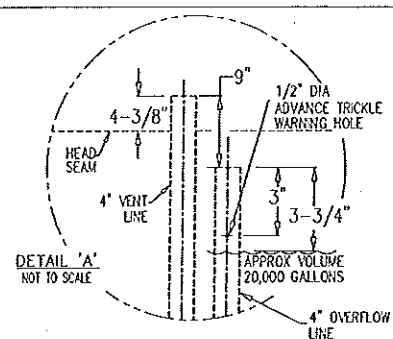
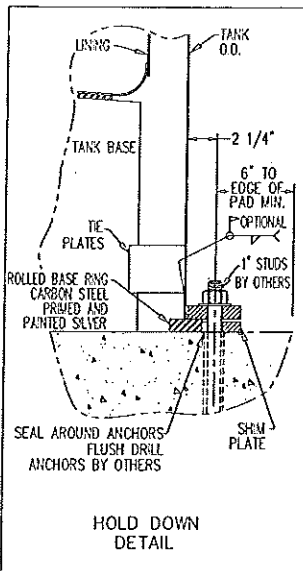
REVISIONS:

NO.	DATE	DESCRIPTION
1	02-14-16	ISSUED FOR PERMIT
2	02-14-16	ISSUED FOR PERMIT
3	02-14-16	ISSUED FOR PERMIT

PASTEURIZED MILK SILO PAD
HP HOOD INC., PORTLAND, ME
FOUNDATION PLAN, SECTIONS & DETAILS

No.	Date	Drawn By

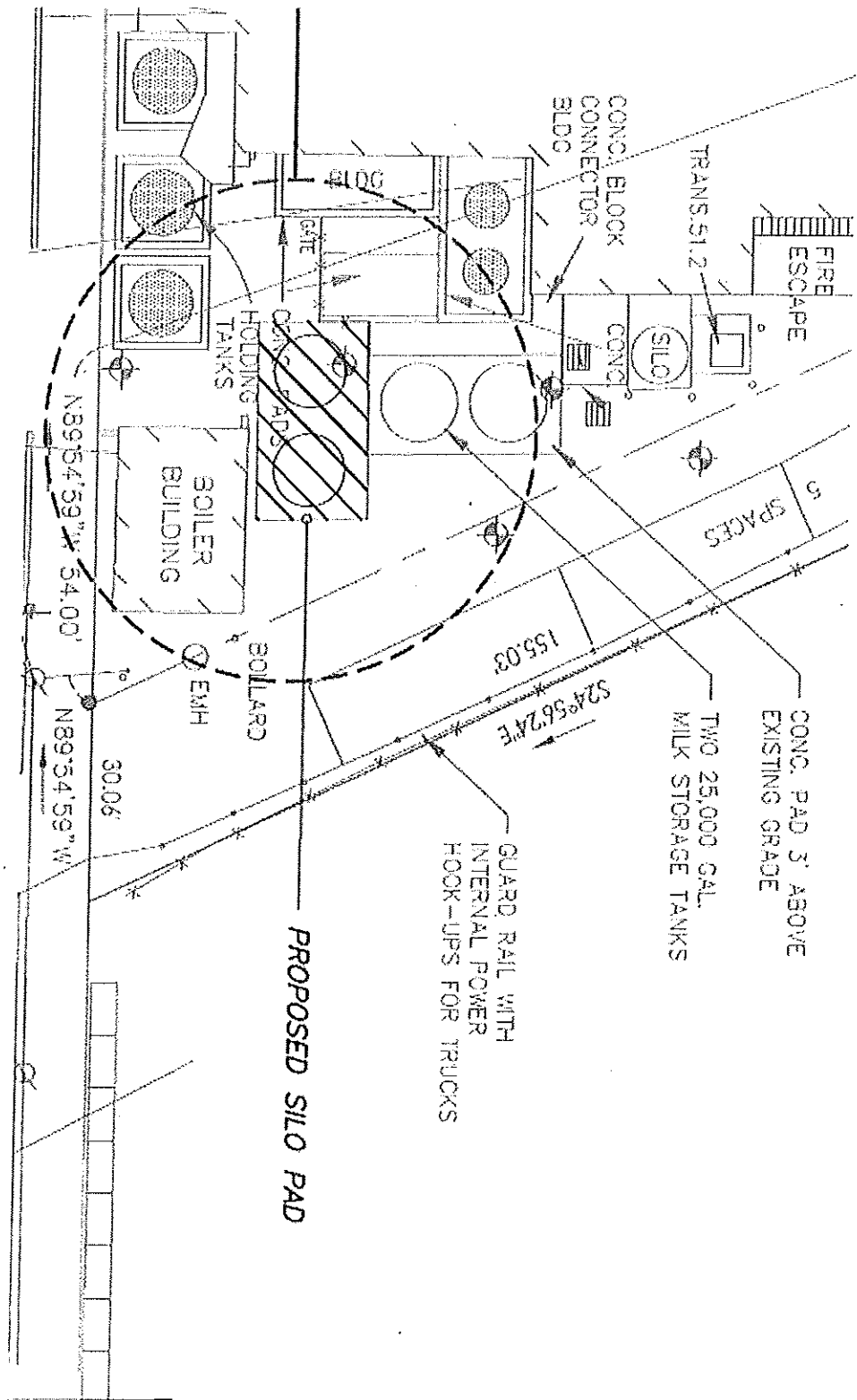




QUOTE N A 08079101R3.doc	P.O. No. 5341
FELDMER EQUIPMENT	
Little Falls, N.J. Street 13365	
DRAWN BY: M.M.	ENGRG. Approved By: CI
DATE: 6/30/10	REV: A
QTY: (4) SV - 20,000 GALLONS x 120" I.D.	
VERTICAL INSULATED STORAGE TANK	
SOLD TO: HP HOOD/ROSENBERGER'S DAIRY	
847 FORTY-FOOT RD. HAITFIELD, PA 19440	
SHIP TO: HP HOOD/ROSENBERGER'S DAIRY	
847 FORTY-FOOT RD. HAITFIELD, PA 19440	
DRAWING NO. E-0536-10	SHEET: 3 of 4

- 4 TANKS
- E-0536-10
- E-0537-10
- E-0538-10
- E-0539-10

ELEVATION
SEE PLAN VIEW FOR TRUE ORIENTATION



SHORT FORM QUITCLAIM DEED WITH COVENANT

H. Steven Carvel and Shelley Stuart Carvel, both of Portland, Maine ("Grantors"), FOR CONSIDERATION PAID, grant to HP Hood Inc., a Massachusetts corporation with an address of 90 Everett Avenue, Suite 200, Chelsea, Massachusetts 02150-2301, with QUITCLAIM COVENANT, certain real property, together with any improvements thereon, located in the City of Portland, Cumberland County, Maine and more particularly described on Exhibit A attached hereto and made a part hereof.

Together with any and all right, title and interest of Grantors in and to former St. James Street.

The property conveyed hereby is depicted on a Boundary Survey on Park Avenue, Portland, Maine made for H.P. Hood & Sons, Inc. by Owen Haskell, Inc., dated July 25, 2002, which survey is to be recorded at the Cumberland County Registry of Deeds.

For Grantors' source of title, reference is made to the deed from Frances B. Carvel and Richard J. Carvel, a/k/a R.J. Carvel, dated January 1, 1992 and recorded in the Cumberland County Registry of Deeds on March 21, 1994 in Book 11344, Page 228.

WITNESS our hands and seals this 31st day of January, 2003.

WITNESS:

[Signature]

Name:

[Signature]

Name: Christopher Devlin

[Signature]

H. Steven Carvel

[Signature]

Shelley Stuart Carvel

State of Maine
County of Cumberland, ss.

January 31, 2003

PERSONALLY APPEARED the above-named H. Steven Carvel and Shelley Stuart Carvel and acknowledged the foregoing instrument to be their free act and deed.

Before me,

[Signature]

Name: Christopher Devlin
Notary Public/Attorney at Law

MAINE REAL ESTATE TAX PAID

EXHIBIT A

Parcel 1

A certain lot or parcel of land situated on the northerly side of Park Avenue, formerly known as Portland Street, City of Portland, County of Cumberland and State of Maine, more particularly described and bounded as follows:

Beginning at a point on the northerly sideline of said Park Avenue said point being distant westerly by the northerly sideline of Park Avenue sixty-three and seventy-one hundredths (63.71) feet from the southwest corner of land described in a deed from J. Hopkins Smith to the Portland Creamery, dated April 20, 1910, and recorded in the Cumberland County Registry of Deeds, in Book 858, Page 144; thence westerly by the northerly sideline of said Park Avenue north 74° 46' west, a distance of ninety-eight and eight hundredths (98.08) feet to a point; thence North 23° 52' east by land now or formerly of J. Hopkins Smith et al, one hundred twelve and seventy-two hundredths (112.72) feet to a point; thence South 57° 41' east by land now or formerly of J. Hopkins Smith et al, forty-eight and sixty-one hundredths (48.61) feet to a point; thence south 4° 25' east by land now or formerly of J. Hopkins Smith et al, one hundred three and seventeen hundredths (103.17) feet to the point of beginning, containing seven thousand four hundred seventy-four and eight tenths (7,474.8) square feet, more or less.

The magnetic bearings set forth above were determined in the year 1910.

Meaning and intending to convey and hereby conveying the same premises conveyed to Grantors herein by deed of Ernest C. Soule dated March 18, 1963 and recorded in said Registry of Deeds in Book 2737, Page 327.

Parcel 2

A certain lot or parcel of land situated in said City of Portland, County of Cumberland, and State of Maine, bounded and described as follows:

Beginning at the northeasterly corner of land now or formerly of Richard J. Carvel et al, (deed reference: Cumberland County Registry of Deeds, Book 2737, Page 327), said point being on the westerly sideline of the former location of St. James Street;

Thence in a westerly direction along the northerly boundary of said land of Carvel Forty-eight and Sixty-one Hundredths Feet, more or less, to the northwesterly corner of said land of Carvel;

Thence in a northeasterly direction along land now or formerly of the State of Maine (deed reference: Cumberland County Registry of Deeds, Book 3311, Page 294) to the westerly sideline of the former location of St. James Street;

Thence in a southerly direction along the westerly sideline of said former location of St. James Street to the point of beginning.

Meaning and intending to convey and hereby conveying the same premises conveyed to Grantors herein by deed of J. B. Brown & Sons dated June 21, 1989 and recorded in said Registry of Deeds in Book 8820, Page 55.

Parcel 3

A certain lot or parcel of land situated in Portland, County of Cumberland and State of Maine and being shown on a Maine Department of Transportation Right of Way Map for State Highway "295" on file in its office at Augusta, File No. 3-183, a copy of which is recorded in said registry of Deeds in Plan Book 112, Page 51, bounded and described as follows, to wit:

Beginning at a point 32 feet easterly from and as measured along a line at right angles to the St. James Street Base Line at Sta. 113+96.02;

Thence N. $0^{\circ} 27' 10''$ E. one hundred forty-three and sixty-nine hundredths (143.69) feet to a point 32 feet easterly from and as measured along a line at right angles to the Base Line at P.T. Sta. 112+51.33;

Thence northerly along a curved line 32 feet easterly from and concentric with a $3^{\circ} 30'$ curve of the Base Line about thirty-five (35) feet to a point 95 feet southerly of the State Highway "295" Ramp CS-7 Base Line;

Thence easterly along a curved line 95 feet southerly from and concentric with a $3^{\circ} 00' 00''$ curve of the State Highway "295" Ramp CS-7 Base Line to a point on the line normal to the said Base Line at Sta. 5+50;

Thence southwesterly by a direct course crossing discontinued St. James Street to land described in Quit Claim Deed from J.B. Brown and Sons to Richard J. Carvel and Frances B. Carvel dated June 21, 1989 and recorded at the Cumberland County Registry of Deeds, Book 8820, Page 55 and continuing southwesterly by said direct course along the northwesterly line described in said deed from J.B. Brown and Sons, a total distance of about one hundred forty-two (142) feet to the northwesterly corner of land of Richard J. Carvel and Frances B. Carvel as described in deed recorded at the Cumberland County Registry of Deeds, Book 2737, Page 327;

Thence southwesterly along land of Richard J. Carvel and Frances B. Carvel one hundred twelve and seventy-two hundredths (112.72) feet to the northerly line of Park Avenue;

Thence northwesterly by a direct course about twenty-one (21) feet to the point of beginning.

Received
Recorded Register of Deeds
Jan 31, 2003 10:24:20A
Cumberland County
John B. O'Brien

MAINE REVENUE SERVICES



**FILE BOTH COPIES
OF THIS FORM WITH
COUNTY REGISTRY OF DEEDS
DO NOT DETACH!**

REAL ESTATE TRANSFER TAX DECLARATION

TITLE 38, M.R.S.A., SECTIONS 4841 through 4841-H

1. MUNICIPALITY OR TOWNSHIP Portland	COUNTY Cumberland	BOOK (REGISTRY USE ONLY)	PAGE
GRANTEE (BUYER)			
2. IDENTITY: NAME(S) (LAST, FIRST, INITIAL) AND SOCIAL SECURITY NUMBER(S) OR CORPORATE NAME(S) AND FEDERAL IDENTIFICATION NUMBER(S) HP Hood Inc.		04-14 50 950	
3. NUMBER AND STREET 90 Everett Avenue, Suite 200		CITY OR TOWN Chelsea	STATE AND ZIP CODE MA 02150-2301
GRANTOR (SELLER)			
4. IDENTITY: NAME(S) (LAST, FIRST, INITIAL) AND SOCIAL SECURITY NUMBER(S) OR CORPORATE NAME(S) AND FEDERAL IDENTIFICATION NUMBER(S) Carvel, H. Steven Carvel, Shelley Stuart		004-50 2568 166-40 9674	
5. NUMBER AND STREET 72 Stroudwater Road		CITY OR TOWN Portland	STATE AND ZIP CODE ME 04102
PROPERTY	6. TAX MAP & LOT NUMBER (If municipality does not have maps, describe property) Map 66 Block A Lot 10		WARNING TO BUYER! If the property is classified as Farmland, Open Space, or Tree Growth, a substantial financial penalty could be triggered by development, subdivision, partition, or change in use of the property. <input type="checkbox"/> Classified <input type="checkbox"/> Not Classified
	7. DATE OF TRANSFER MO DAY YR. 1 31 03		
CONSIDERATION	8. Consideration meaning total amount or price paid, or required to be paid, for real property valued in money, whether received in money or otherwise and shall include the amount of any mortgage, liens or encumbrances thereon. If a gift or nominal consideration only is paid, consideration is based on the value of the property. Value is the estimated price the property would bring in the open market. (Tax will be collected at the registry when the deed is recorded. The tax rate is \$2.20 per \$500, or fractional part thereof, of consideration or value. The tax is equally divided between the buyer and the seller.) <u>If exempt, complete line 9</u>		
	FULL VALUE \$ 846,000 .00	TAXABLE CONSIDERATION \$ 846,000 .00	
EXEMPTION	9. EXPLAIN BASIS FOR EXEMPTION (Complete only if transfer is claimed to be fully or partially exempt pursuant to M.R.S.A. 38 §4841-C)		
SPECIAL CIRCUMSTANCES	10. Were there special circumstances in the transfer which suggest that the price of the property was either more or less than its fair market value. (Such as the fact that transfer was a forced sale, foreclosure, intercorporate sale, exchange, or transfer tax was based on estimate value.) <u>PLEASE EXPLAIN.</u> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
INCOME TAX WITHHELD	11. <input type="checkbox"/> Buyer(s) certify that they have withheld Maine income tax from the purchase price as required by § 5250-A and will remit to Maine Revenue Services within 30 days after date of transfer. <input checked="" type="checkbox"/> Buyer(s) not required to withhold Maine income tax because: <input checked="" type="checkbox"/> seller has qualified as a Maine resident, <input type="checkbox"/> a waiver has been received from the State Tax Assessor, <input type="checkbox"/> consideration for the property is less than \$50,000, <input type="checkbox"/> foreclosure sale: exempt per 38 MRSA §5250-A, sub§ 3-A		

12. Aware of penalties as set forth by Title 38, Section 4841-K, we hereby swear or affirm that we have each examined this return and to the best of our knowledge and belief, it is true, correct, and complete.

OATH

GRANTEE(S) or AUTHORIZED AGENT	DATE	GRANTOR(S) or AUTHORIZED AGENT	DATE
HP Hood Inc. By: <i>[Signature]</i>	1-31-03	H. Steven Carvel Shelley Stuart	1-31-03
Its: <i>Attorney at law</i>			1-31-03

RELEASE DEED AND EASEMENT

City of Portland, a Maine municipal corporation, with a mailing address of 389 Congress Street, Portland, Maine (the "City"), FOR CONSIDERATION PAID, releases to HP Hood Inc., a Massachusetts corporation with a place of business in Chelsea, Massachusetts ("Hood") all its right, title and interest in and to the following real property located in the City of Portland, Cumberland County, Maine (the "Property"), bounded and described as follows:

A certain parcel of land situated northerly of, but not adjacent to, Park Avenue, in the City of Portland, County of Cumberland, State of Maine as shown on a plan "Boundary Survey on Park Avenue, Portland Maine Made for H.P. Hood and Sons, Inc." dated July 25, 2002 by Owen Haskell, Inc., being bounded and described as follows:

Beginning on the westerly sideline of "Old St. James Street" at the northeasterly corner of land now or formerly of H. Steven Carvel, Reference Book 11344 Page 228;

Thence N 72° 25' 34" W along said land and following the southerly sideline of a proposed street 48.32 feet;

Thence N 23° 47' 28" E, crossing said proposed street, 56.02 feet to the northerly sideline of said proposed street and said westerly sideline of "Old St. James Street";

Thence S 19° 36' 59" E along said westerly sideline 69.91 feet to the Point of Beginning containing 1346 square feet, more or less.

Hood hereby grants to City the perpetual right and easement to inspect, install, construct, lay, relay, maintain, repair, rebuild, replace and remove three underground sanitary sewer lines and a related over-flow chamber, together with all necessary underground fixtures and appurtenances thereto (said sanitary sewer line, over-flow chamber, fixtures and appurtenances being hereinafter referred to collectively as the "Sewer Equipment"), the location of such Sewer Equipment to be at approximately its current location as shown within the area (the "Easement Area") identified as "Proposed Utility Easement to City 3,022 S.F.+-" on Exhibit A attached hereto and made a part hereof, which Easement Area is more particularly identified as follows:

Commencing at a point on the northerly sideline of Park Avenue;

Thence N 43° 50' 27" W 19.96 feet to a point on the easterly sideline of St. James Street;

Thence N 00° 14' 01" E along said easterly sideline 121.39 feet to the Point of Beginning;

Thence continuing N 00° 14' 01" E along said easterly sideline of St. James Street 22.30 feet;

Thence northerly along said sideline and along a curve concave to the left having a radius of 1768.24 feet an arc distance of 9.41 feet, said curve having a chord which bears N 00° 04' 52" E 9.41 feet;

Thence S 71° 15' 20" E 37.20 feet;

Thence N 28° 12' 47" W 49.59 feet to the southwesterly sideline of Route 295;

Thence northeasterly along said sideline and along a curve concave to the right having a radius of 1814.86 feet an arc distance of 20.02 feet, said curve having a chord which bears N 59° 27' 54" E 20.02 feet;

Thence S 28° 12' 47" E 47.30 feet;

Thence S 19° 36' 59" E 57.85 feet;

Thence N 88° 18' 10" W 21.28 feet;

Thence N 39° 21' 37" W 15.00 feet;

Thence N 11° 43' 47" W 10.59 feet;

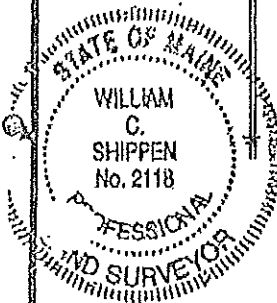
Thence S 89° 56' 01" W 37.98 feet to the Point of Beginning.

Hood further grants to City the right to enter upon the Easement Area for the purpose of performing maintenance on the Sewer Equipment, the cost and expense thereof to be borne by the City; provided, however, that City, its successors and assigns, shall (i) give reasonable notice to Hood, its successors and assigns, prior to each such entry, (ii) exercise the rights granted hereunder in such manner as to cause a minimum of inconvenience to any businesses being conducted upon or about the Property and Easement Area, and (iii) restore the surface of the land immediately following each such entry to substantially the condition that existed thereon just prior to such entry.



ST. JAMES STREET
RELOCATED
TO PARK AVE.

TO PARK AVE.



CH=N59°27'54"E
20.02'
L=20.02'

R=1814.86' L=102.02'

CH=N59°27'54"E
20.02'
L=20.02'

N28°12'47"W
49.59'

S28°12'47"E
47.30'

87.31'
S23°47'28"W

S71°15'20"E
37.20'

PROPOSED UTILITY
EASEMENT TO CITY
3,022 S.F. ±

S19°36'59"E
57.85'

CH=N00°04'52"E 9.41'
R=1768.24'
L=9.41'

N00°14'01"E
22.130'

SS 24" VC

SD 42" BRICK

N11°33'47"W

37.98'
S89°56'01"W

OVERFLOW
CHAMBER

10.56'
N59°21'57"W

21.28'
N88°18'10"W

FOUNDATION

Received
Recorded Register of Deeds
Jan 31, 2003 10:25:45A
Cumberland County
John B. O'Brien

N00°14'01"E 121.39'

19.95'
N43°50'27"W

PARK AVE.

EXHIBIT A
H.P. HOOD & SONS, INC.
PARK AVENUE, PORTLAND, MAINE

BY: OWEN HASKELL, INC, 16 CASCO ST., PORTLAND, MAINE
DATE: JANUARY 15, 2003 SCALE: 1"=20'. 2002-165P

William C. Shippen

IN WITNESS WHEREOF, the parties have caused this instrument to be executed as of the 31st day of January, 2003.

WITNESSETH:

CITY OF PORTLAND

Print Name:

By: _____
Print Name:
Its

WITNESSETH:

HP HOOD INC.

Bruce Bacon
Print Name: Bruce Bacon

By: Paul Beatty
Print Name: Paul Beatty
Its General Counsel and Vice President

State of Maine
County of Cumberland, ss.

January _____, 2003

PERSONALLY APPEARED the above-named _____,
of the City of Portland, as aforesaid, 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 City.

Before me,

Attorney at Law/Notary Public

Commonwealth of Massachusetts
County of Suffolk, ss.

January 29, 2003

Personally appeared the above named Paul Beatty, General Counsel and Vice President of
HP Hood Inc. and acknowledged the foregoing to be his/her free and deed in his/her said capacity
and the free act and deed of said corporation.

Before me,

Camille DiCocco
Name: Camille DiCocco
Notary Public. My commission expires on
September 25, 2003

SEAL

IN WITNESS WHEREOF, the parties have caused this instrument to be executed as of this 31st day of January, 2003.

WITNESSETH:

CITY OF PORTLAND

Donna Katsaficas
Print Name: Donna KATSIFIKAS

By: [Signature]
Print Name: Duane Kline
Its DIR. of Finance

WITNESSETH:

HP HOOD INC.

Print Name:

By: _____
Print Name:
Its

State of Maine
County of Cumberland, ss.

January 29, 2003

PERSONALLY APPEARED the above-named Duane Kline, Director of Finance of the City of Portland, as aforesaid, 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 City.

Before me,

Donna M. Katsaficas
Attorney at Law/Notary Public
Donna M. Katsaficas

Commonwealth of Massachusetts
County of _____, ss.

January _____, 2003

Personally appeared the above named _____ of HP Hood Inc. and acknowledged the foregoing to be his/her free and deed in his/her said capacity and the free act and deed of said corporation.

Before me,

Name:
Notary Public/Attorney at Law

SULLIVAN & WORCESTER LLP

ONE POST OFFICE SQUARE
BOSTON, MASSACHUSETTS 02109
(617) 338-2800

IN WASHINGTON, D.C.
1666 K STREET, NW
WASHINGTON, D.C. 20006
(202) 775-1200
FAX NO. (202) 293-2275

FAX NO. 617-338-2880
www.sandw.com
DIRECT DIAL 617-338-2476
EMAIL: LMONTI@SANDW.COM

IN NEW YORK CITY
565 FIFTH AVENUE
NEW YORK, NEW YORK 10017
(212) 486-8200
FAX NO. (646) 865-1494

292 MADISON AVENUE
NEW YORK, NEW YORK 10017-6307
(212) 213-8200
FAX NO. (212) 685-2028

June 27, 2003

BY OVERNIGHT DELIVERY

Ann Adams
Lawyers Title Insurance Corporation
19 Northbrook Drive
Falmouth, Maine 04105

RECEIVED

JUN 30 2003

LEGAL DEPT.

Re: 349 Park Avenue, Portland, Maine

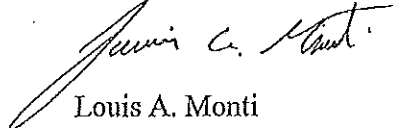
Dear Ann:

Following up on our earlier conversations, please find enclosed one (1) original deed from H.P. Hood & Sons, Inc. to HP Hood Inc. conveying the property located at 349 Park Avenue, Portland, Maine, to be recorded with the Cumberland County Registry of Deeds. Also enclosed is the Real Estate Transfer Tax Declaration to be filed with the Cumberland County Registry of Deeds.

We would like the deed to go to record by Monday, June 30, 2003. Once the deed has been recorded, please provide me with the recording information and return the original recorded deed to me.

Please feel free to contact me at (617) 338-2476 with any questions or comments. Thank you.

Sincerely,


Louis A. Monti

cc: Paul F. Beatty, Esq.
 Paul Nightingale, Esq.
Warren M. Heilbronner, Esq.

QUITCLAIM DEED WITH COVENANT

H.P. Hood & Sons, Inc., a Massachusetts corporation, having a mailing address of 90 Everett Avenue, Chelsea, Massachusetts 02150, for consideration paid and in full consideration of One Dollar and NO/100 (\$1.00) does hereby grant to its parent, HP Hood Inc., a Massachusetts corporation, having a mailing address of 90 Everett Avenue, Chelsea, Massachusetts 02150, with *quitclaim covenants*, that certain parcel of land with the buildings thereon situate in Portland, Cumberland County, Maine, now known and numbered as 349 Park Avenue, further bounded and described on Exhibit A attached hereto and made a part hereof.

The premises are conveyed subject to, and with the benefit of, all rights, reservations, restrictions, easements and other matters of record, insofar as the same are now in force and applicable.

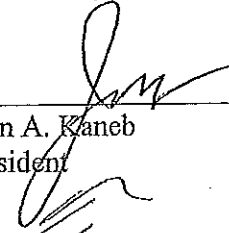
For Grantor's title reference, see deed of H.P. Hood Inc., dated December 15, 1995 and recorded with the Cumberland County Registry of Deeds in Book 12272, Page 84.

[Remainder of page left blank intentionally.]

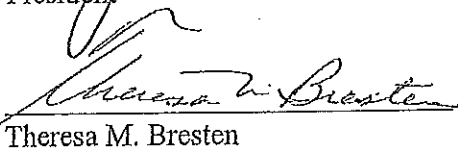
EXECUTED as a sealed instrument as of this 27th day of June, 2003.

H.P. Hood & Sons, Inc.

By: _____


John A. Kaneb
President

By: _____

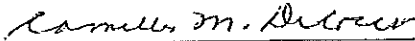

Theresa M. Bresten
Treasurer

COMMONWEALTH OF MASSACHUSETTS

County of Suffolk

June 26, 2003

Then personally appeared the above named John A. Kaneb, President of H.P. Hood & Sons, Inc., and Theresa M. Bresten, Treasurer of H.P. Hood & Sons, Inc., and acknowledged the foregoing instrument to be their free act and deed in their said capacities and the free act and deed of said corporation.



Notary Public

Print name: Camille M. DiCocco

My commission expires: 9/25/03

[Affix Official Seal Hereto]

EXHIBIT A

A certain lot or parcel of land situated in the City of Portland, in the County of Cumberland and State of Maine, bounded and described as follows:

Beginning at a point on the northerly side of Park Avenue, said point being twenty (20) feet northwesterly measured along said Park Avenue from the point of intersection of a line extended southwesterly one hundred eighteen (118) feet from and measured normal to the center or base line of location of said Portland Terminal Company as established by the Federal Valuation Plans dated June 30, 1916:

Thence northwesterly along said Park Avenue fifty-four (54) feet, more or less, to the southeasterly corner of land now or formerly of H.P. Hood & Sons, Inc.; Thence N 19° 27' 30" W along the northeasterly line of said Hood land and continuing on a straight prolongation of said northeasterly line a distance of five hundred forty and nine tenths (540.9) feet, more or less, to a point which is one hundred eighteen (118) feet southwesterly of and measured normal to said base line;

Thence southeasterly on a straight line a distance of five hundred sixty-one and three tenths (561.3) feet, more or less, to the point of beginning. Containing 13,760 square feet, more or less.

A certain lot or parcel of land situated in Portland, in the County of Cumberland, and State of Maine, and bounded and described as follows:

Beginning at a point in the northerly side line of Park Avenue, formerly called Portland Street in said City of Portland, which point is seventy-four feet (74') westerly along said northerly side line of said Park Avenue, from the southwesterly corner of a strip of land conveyed to the Maine Central Railroad Company by trustees of the J. B. Brown Estate; thence from said point northerly by the westerly side line of the triangular lot of land sold by the J. B. Brown & Sons to the Maine Central Railroad Company three hundred eighteen and fifty-five hundredths (318.55) feet to a stake; thence westerly on a line parallel to said Park Avenue two hundred (200) feet to a stake, thence southerly, parallel to the westerly side line of the triangular lot of land above referred to, three hundred eighteen and fifty-five hundredths (318.55) feet to a stake in the northerly side line of said Park Avenue, thence easterly along side line of said Park Avenue, to the point of beginning containing sixty thousand (60,000) square feet of land northerly of the present line of Park Avenue.

Excepting so much of the premises as was conveyed by H. P. Hood & Sons, Inc. to the State of Maine by deed dated July 28, 1971 and recorded with the Cumberland County Registry of Deeds in Book 3186, Page 109.

Together with all of Grantor's right, title and interest in the land abutting the above-described premises formerly known as St. James Street which was the subject to the Order of Discontinuance adopted by the Portland City Council on July 3, 1989 recorded in the Cumberland County Registry of Deeds in Book 8882, Page 11.

MAINE REVENUE SERVICES

Property Tax Division
P.O. Box 9106
Augusta, Maine 04332



FILE BOTH COPIES OF THIS FORM WITH COUNTY REGISTRY OF DEEDS DO NOT DETACH

PLEASE READ INSTRUCTIONS ON REVERSE BEFORE COMPLETING DECLARATION

REAL ESTATE TRANSFER TAX DECLARATION TITLE 36, M.R.S.A., SECTIONS 4641 through 4641-N

1. MUNICIPALITY OR TOWNSHIP Portland	COUNTY Cumberland	BOOK	PAGE (REGISTRY USE ONLY)
GRANTEE (BUYER)			
2. IDENTITY: NAME(S) (LAST, FIRST, INITIAL) AND SOCIAL SECURITY NUMBER(S) OR CORPORATE NAME(S) AND FEDERAL IDENTIFICATION NUMBER(S) HP Hood Inc.		▶ 04 145 0950	
3. NUMBER AND STREET 90 Everett Avenue	CITY OR TOWN Chelsea	STATE AND ZIP CODE MA 02150	
GRANTOR (SELLER)			
4. IDENTITY: NAME(S) (LAST, FIRST, INITIAL) AND SOCIAL SECURITY NUMBER(S) OR CORPORATE NAME(S) AND FEDERAL IDENTIFICATION NUMBER(S) H.P. Hood & Sons, Inc.		▶ 04 250 7140	
5. NUMBER AND STREET 90 Everett Avenue	CITY OR TOWN ▶ Chelsea	STATE AND ZIP CODE ▶ MA 02150	
PROPERTY	6. TAX MAP & LOT NUMBER (Required) ▶ Map 66, Block D, Lot 1		<p style="text-align:center;">Warning to Buyer!</p> <p>If the property is classified as Farmland, Open Space, or Tree Growth, a substantial financial penalty could be triggered by development, subdivision, partition, or change in use of the property.</p>
	<input type="checkbox"/> MUNICIPALITY DOES NOT HAVE TAX MAPS (Please describe property)		
7. DATE OF TRANSFER MO. DAY YR. (Use numerals) ▶ 06 27 03		<input type="checkbox"/> Applicable <input checked="" type="checkbox"/> Not Applicable	
CONSIDERATION	8. Consideration meaning total amount or price paid, or required to be paid, for real property valued in money, whether received in money or otherwise and shall include the amount of any mortgage, liens or encumbrances thereon. If a gift or nominal consideration only is paid, consideration is based on the value of the property. Value is the estimated price the property would bring in the open market. (Tax will be collected at the registry when the deed is recorded. The tax rate is \$2.20 per \$500, or fractional part thereof, of consideration or value. The tax is equally divided between the buyer and the seller.) If exempt, complete line 9		
	FULL CONSIDERATION ▶ \$ 1,846,220.00	TAXABLE CONSIDERATION \$	0.00
EXEMPTION	9. EXPLAIN BASIS FOR EXEMPTION (Complete only if transfer is claimed to be fully or partially exempt pursuant to M.R.S.A. 36 §4641-C) Transfer is from a subsidiary corporation to its parent corporation, pursuant to M.R.S.A. 36 §4641-C(8).		
SPECIAL CIRCUMSTANCES	10. Were there special circumstances in the transfer which suggest that the price of the property was either more or less than its fair market value. (Such as the fact that transfer was a forced sale, foreclosure, intercorporate sale, exchange, or transfer tax was based on estimate value.) PLEASE EXPLAIN. Since the transfer is from a <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO subsidiary corporation to its parent corporation, the transfer is for <input type="checkbox"/> NO <input checked="" type="checkbox"/> nominal consideration.		
INCOME TAX WITHHELD	11. <input type="checkbox"/> Buyer(s) certify that they have withheld Maine income tax from the purchase price as required by § 5250-A and will remit to Maine Revenue Services within 30 days after date of transfer. <input checked="" type="checkbox"/> Buyer(s) not required to withhold Maine income tax because: <input type="checkbox"/> seller has qualified as a Maine resident, <input type="checkbox"/> a waiver has been received from the State Tax Assessor, <input checked="" type="checkbox"/> consideration for the property is less than \$50,000, <input type="checkbox"/> foreclosure sale: exempt per 36 M.R.S.A. §5250-A, sub § 3-A		
OATH	12. Aware of penalties as set forth by Title 36, Section 4641-K, we hereby swear or affirm that we have each examined this return and to the best of our knowledge and belief, it is true, correct, and complete.		
	GRANTEE(S) or AUTHORIZED AGENT <i>Paul Beatty</i>	DATE 6/27/03	GRANTOR(S) or AUTHORIZED AGENT <i>Paul Beatty</i>
			DATE 6/27/03
PREPARER	13. Name and address of person or firm preparing this form Sullivan & Worcester LLP, One Post Office Square, Boston, MA 02109		6/27/03

9555/137

[Portland, ME]

COPY

43120.65558 391 XP-5584/h
4/10/91 12:10 p.m. CR.003

QUITCLAIM DEED WITH COVENANT

AGRI-MARK, INC., a Delaware corporation, having a place of business at Milk Street Office Park, 100 Milk Street, Methuen, Massachusetts, for full value and consideration paid, hereby grants to H.P. HOOD INC., a Massachusetts corporation, having a place of business and a mailing address at 500 Rutherford Avenue, Boston, Massachusetts 02129, with QUITCLAIM COVENANT, those parcels of land located at or near 349 Park Avenue in the City of Portland, County of Cumberland and State of Maine, as more particularly described in Exhibit A attached hereto and made a part hereof, together with all buildings, structures and improvements located thereon, and together with all rights and appurtenances pertaining to such land.

Being the same premises conveyed to Agri-Mark, Inc. by deed of H.P. Hood Inc. dated July 16, 1980, and recorded in the Cumberland County Registry of Deeds in Book 4632, Page 254.

The premises are conveyed subject to and with the benefit of all easements, restrictions, rights of way and other matters of record, if any, insofar as the same are now in force and applicable.

IN WITNESS WHEREOF, Agri-Mark, Inc. has caused this deed to be executed and sealed by JOHN J McISAAC JR its duly authorized SR V.P.-712100m this 9th day of May, 1991.

WITNESS:

AGRI-MARK, INC.

[Signature]

By: [Signature]
Name: JOHN J McISAAC JR
Its: SR V.P.-712100m

STATE OF NEW YORK

County of NEW YORK, ss.

May 9, 1991

Personally appeared the above-named JOHN J McISAAC JR, SR V.P.-712100m of AGRI-MARK, INC., and acknowledged the foregoing instrument to be the free act and deed of AGRI-MARK, INC.

Before me,

Elizabeth Lajca
Notary Public/Attorney-at-Law
Print Name: _____
My Commission Expires: _____

XP-5584/h

ELIZABETH LAJCA
Notary Public, State of New York
No. 01LA4686203
Qualified in Kings County
Commission Expires June 30, 1991

State of Maine, Cumberland, ss.

August 13, 1943.

Then personally appeared the above named Ralph L. Goddard, Assistant Treasurer of said Bank as aforesaid, and acknowledged the foregoing instrument to be his free act and deed, in his said capacity and the free act and deed of said Bank.

Before me, Albert E. Libby Notary Public, Notarial Seal

My Commission Expires Feb. 7, 1947

Received August 13, 1943, at 11h 46m A. M., and recorded according to the original

KNOW ALL MEN BY THESE PRESENTS, That the Federal Loan and Building Association, a corporation organized and existing under the banking laws of the State of Maine and having its office and principal place of business at Portland in the County of Cumberland and State of Maine, owner of a certain mortgage given by Jacob J. Young, of said Portland, to said Federal Loan and Building Association dated July 6, A. D. 1942, and recorded in Cumberland County Registry of Deeds, Book 1684, Page 9, does hereby acknowledge that it has received full payment and satisfaction of the same and of the debt thereby secured, and in consideration thereof it does hereby cancel and discharge said mortgage, and release unto the said Jacob J. Young, his heirs and assigns forever the premises therein described.

Federal L. & B. Ass'n. to Young Disch.

IN WITNESS WHEREOF, it the said Federal Loan and Building Association has caused these presents to be subscribed by its Assistant Treasurer thereunto duly authorized and also its corporate seal to be affixed this twelfth day of August, A. D. 1943.

Signed, Sealed and Delivered in Presence of

FEDERAL LOAN AND BUILDING ASSOCIATION
CORPORATE SEAL

Edith C. Keith

By Thomas A. Sanders, Ass't. Treas.

State of Maine, Cumberland, ss.

Portland, August 12th, 1943.

Personally appeared the above named Thomas A. Sanders, Assistant Treasurer of said corporation and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Federal Loan and Building Association. Before me, Edith C. Keith Justice of the Peace
Received August 13, 1943, at 12h 20m P. M., and recorded according to the original

KNOW ALL MEN BY THESE PRESENTS, That Portland Terminal Company, a corporation existing under the laws of Maine, with a principal place of business at Portland in the County of Cumberland and said State in consideration of one dollar and other valuable considerations paid by H. P. Hood & Sons, Inc., a Massachusetts corporation with offices at Boston, Suffolk County, Massachusetts, the receipt whereof it does hereby acknowledge, does hereby remise, release, bargain, sell and convey, and forever quit-claim unto the said H. P. Hood & Sons, Inc., its successors and assigns forever, a certain lot or parcel of land situated in the City of Portland, in the County of Cumberland and State of Maine, bounded and described as follows:

Portland Terminal Co. to H.P. Hood & Sons, Inc. Q. C.

Beginning at a point on the northerly side of Park Avenue, said point being twenty (20) feet northwesterly measured along said Park Avenue from the point of intersection of a line extended southwesterly one hundred eighteen (118) feet from and measured normal to the center or base line of location of said Portland Terminal Company as established by the Federal Valuation Plans dated June 30, 1916;

Thence northwesterly along said Park Avenue fifty-four (54) feet, more or less, to the southeasterly corner of land now or formerly of H. P. Hood & Sons, Inc.; Thence N. 19° 27' 30" W. along the northeasterly line of said Hood land and continuing on a straight prolongation of said northeasterly line a distance of five hundred forty and nine tenths (540.9) feet, more or less, to a point which is one hundred eighteen (118) feet southwesterly of and measured normal to said base line; Thence southeasterly on a straight line a distance of five hundred sixty-one and three tenths (561.3) feet, more or less, to the point of beginning. Containing 13,760 square feet, more or less.

By the acceptance of this deed the grantee hereby covenants and agrees for itself, its successors and assigns, to make no excavations on the above described premises that will in any way endanger the lateral support of land of said grantor without providing, at its sole expense, a safe and proper protection to said land satisfactory to the Chief Engineer of said Portland Terminal Company.

By the acceptance of this deed the grantee also hereby covenants and agrees for itself, its successors and assigns, to make no future claim for damage against said Portland Terminal Company, its successors and assigns, on account of drainage of water from other land of this grantor on to the land herein above conveyed, and further agrees to provide, at its sole expense, a suitable drainage system satisfactory to the Chief Engineer of said Portland Terminal Company.

By the acceptance of this deed the grantee hereby covenants and agrees for itself, its successors and assigns, to build and maintain at its sole expense along the northeasterly side of the above bounded premises any fence which said grantee, its successors or assigns, may desire or require at any time hereafter, or which any law or government authority may require to be constructed by the grantor or the grantee, their successors or assigns.

These covenants are to run with the land herein above conveyed and to be binding upon the grantee, its successors and assigns, forever.

TO HAVE AND TO HOLD the same, together with all the privileges and appurtenances thereunto belonging, to it the said grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the said Portland Terminal Company has caused these presents to be executed on its behalf, and its corporate seal affixed hereto, by Dana C. Douglass, its Vice President, thereto duly authorized this 11th day of May in the year of our Lord one thousand nine hundred and forty-three.

Signed, Sealed and Delivered in Presence of

PORTLAND TERMINAL COMPANY CORPORATE SEAL

By Dana C. Douglass Vice President

M. L. Rhoads

U.S.I.R. \$2.75 P.T.Co. 5-11-43

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State of Maine. County of Cumberland, ss.

May 11, 1943.

Personally appeared the above named Dana C. Douglass and acknowledged the above instrument to be the free act and deed of said Portland Terminal Company and of himself as said Vice President. Before me, Michael L. Rhoads Notary Public

Notarial Seal

At a meeting of the Board of Directors of Portland Terminal Company duly called, notified and held at Portland, Maine, on March 31, 1943, a quorum being present, the following action was taken:

VOTED: That the President or Vice President be and each of them singly is hereby authorized to execute, acknowledge and deliver a conveyance for and on behalf of this Company and under its corporate seal, for such consideration as they or either of them may determine, of a certain lot or parcel of land situated in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows: Beginning at a point on the northerly side of Park Avenue, said point being twenty (20) feet northwesterly measured along said Park Avenue from the point of intersection of a line extended southwesterly one hundred eighteen (118) feet from and measured normal to the center or base line of location of said Portland Terminal Company as established by the Federal Valuation Plans dated June 30, 1916;

Thence northwesterly along said Park Avenue fifty-four (54) feet, more or less, to the southeasterly corner of land now or formerly of H. P. Hood & Sons, Inc.;

Thence N. 19° 27' 30" W. along the northeasterly line of said Hood land and continuing on a straight prolongation of said northeasterly line a distance of five hundred forty and nine tenths (540.9) feet, more or less, to a point which is one hundred eighteen (118) feet southwesterly of and measured normal to said base line; Thence southeasterly on a straight line a distance of five hundred sixty-one and three tenths (561.3) feet, more or less, to the point of beginning.

Containing 13,760 square feet, more or less.

By the acceptance of this deed the grantee hereby covenants and agrees for itself, its successors and assigns, to make no excavations on the above described premises that will in any way endanger the lateral support of land of said grantor without providing, at its sole expense, a safe and proper protection to said land satisfactory to the Chief Engineer of said Portland Terminal Company.

By the acceptance of this deed the grantee also hereby covenants and agrees for itself, its successors and assigns, to make no future claim for damage against said Portland Terminal Company, its successors and assigns, on account of drainage of water from other land of this grantor on to the land herein above conveyed, and further agrees to provide, at its sole expense, a suitable drainage system satisfactory to the Chief Engineer of said Portland Terminal Company.

By the acceptance of this deed the grantee hereby covenants and agrees for itself, its successors and assigns, to build and maintain at its sole expense along the northeasterly side of the above bounded premises any fence which said grantee, its successors or assigns, may desire or require at any time hereafter, or which any law or governmental authority may require to be constructed by the grantor or the grantee,

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their successors or assigns.

These covenants are to run with the land herein above conveyed and to be binding upon the grantee, its successors and assigns, forever.

Attest:

E. Spencer Miller

Clerk.

At a meeting of the Board of Directors of Portland Terminal Company duly called, notified and held at Portland, Maine, on June 23, 1943, a quorum being present, the following action was taken:

VOTED: That the vote of this Board adopted at its meeting held March 31, 1943, relating to sale of land in Portland, Maine, to H. P. Hood & Sons, Inc., be amended by inserting in the preamble after the word "land" the words "which has ceased to be required for the purposes of this Company" so that said preamble, as amended, shall read as follows:

"VOTED: That the President or Vice President be and each of them singly is hereby authorized to execute, acknowledge and deliver a conveyance for and on behalf of this Company and under its corporate seal, for such consideration as they or either of them may determine, of a certain lot or parcel of land which has ceased to be required for the purposes of this Company, situated in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:"

Attest:

E. Spencer Miller

Clerk

CORPORATE SEAL
OF
PORTLAND TERMINAL COMPANY

Received August 13, 1943, at 2h -m P. M., and recorded according to the original

Martin &
to
Costa
Bond

KNOW ALL MEN BY THESE PRESENTS, That I, Jeffery C. Martin, of Flint, Michigan, holden and stand firmly bound and obliged unto Ralph R. Costa of Portland, County of Cumberland and State of Maine, in the full and just sum of Twelve hundred dollars (\$1200.00) to be paid unto the said Jeffery C. Martin, his executors, administrators or assigns; to the which pay well and truly to be made do bind my heirs, executors and administrators, firmly by these presents. Sealed with my seal.

Dated the fourteenth day of October in the year of our Lord one thousand nine hundred and forty-one.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas, the said Jeffery C. Martin and Josephine E. Martin agreed and does hereby agree to sell and convey to the said Ralph R. Costa, his heirs or assigns a certain lot or parcel of land together with the buildings thereon, situated on the westerly side of the County Road, so called, leading from College's Corner, in Falmouth, to Cumberland Center, in the County of Cumberland and State of Maine, and beginning at an iron post seven hundred sixty-eight (768) feet, eight (8) inches, more or less, south of an iron post set in the side of a culvert on said road; thence westerly nine hundred forty-nine (949) feet to an iron post; thence southeasterly three hundred (300) feet to an iron post;