

WAIVER AND INDEMNIFICATION

WHEREAS, Diamond Island Association, a Maine corporation in good standing, has requested the City of Portland to discontinue the portion of a certain way known as Cleeve Street westerly of Crescent Avenue, along with the triangular area between Diamond Avenue, Cleve Street and the abutting property owned by Diamond Island Association, pursuant to 23 MRSA § 3026 *et seq.*

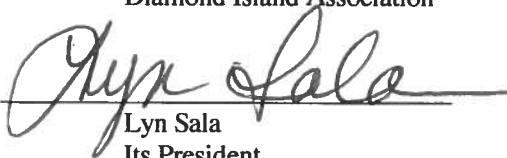
WHEREAS, the City of Portland as a condition precedent to the discontinuance of the way requires a waiver of any claims which Diamond Island Association may have against the City for such discontinuance, and further, requires indemnification against any claims of third persons arising out of or resulting from the discontinuance of said way;

NOW, THEREFORE, in consideration of the City of Portland discontinuing said proposed town way, Diamond Island Association for itself and its successors and assigns, agrees as follows:

1. Diamond Island Association hereby waives any claim for damages which it may now or hereafter have against the City of Portland arising out of or resulting from the discontinuance of this way by the City pursuant to 23 MRSA § 3026 *et seq.*;
2. Diamond Island Association hereby agrees to indemnify and hold harmless the City of Portland against any claims by any third party against the City of Portland for damages arising out of or resulting from this discontinuance of said way by the City of Portland pursuant to said statute.

**IN WITNESS WHEREOF**, the **DIAMOND ISLAND ASSOCIATION** has caused this Agreement to be signed and sealed in its corporate name by Lyn Sala, its President, thereunto duly authorized, the day and year first written below.

Dated: 9-30-14

Diamond Island Association  
By:   
Lyn Sala  
Its President