

**SUBSURFACE WASTEWATER
EFFLUENT PIPE LOCATION AGREEMENT
RE: ZERNER PROPERTY**

THIS SUBSURFACE WASTEWATER AGREEMENT is made as of the ____ day of October, 2011 by and between JOHN ZERNER ("Zerner"), an individual and owner of property located at 25 City View Road, Little Diamond Island (the "Property") and the CITY OF PORTLAND, a body politic and corporate located in Cumberland County, Maine, whose mailing address is 389 Congress Street, Portland, Maine 04101 (the "City").

WHEREAS, ZERNER is the owner of the Property which is more particularly portrayed on municipal tax map number 105, Lot number A-18 and N-3 and described in a deed from _____ to _____, dated _____, and recorded in the Cumberland County Registry of Deeds in Book _____, Page _____; and

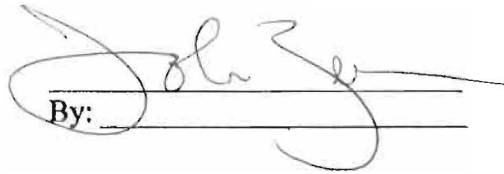
WHEREAS, City View Road is a paper street as described in City Council Order number 84 and the CITY has continued its rights in said road; and

WHEREAS, the CITY has agreed to allow ZERNER to place, construct and locate ZERNER'S effluent line across City View Road as depicted and described in the attached application (attached hereto as Exhibit A).

NOW, THEREFORE, in consideration of the foregoing and subject to the terms and conditions hereof, ZERNER and the CITY hereby agree as follows:

1. That City View Road is a paper street and that there exist public and private rights in said road, which ZERNER cannot and will not block; and
2. If the CITY decides to build City View Road at any time hereafter, ZERNER may, at his own cost, have to remove, move and/or adjust the location of the effluent pipe that he is installing, and re-install the effluent pipe in whatever location and to whatever standard the CITY requires as part of the building of the road; and
3. ZERNER shall install the effluent line as per City standards and as required by the Subsurface Wastewater Disposal System Permit (see permit attached hereto as Exhibit B); and
4. It is not the CITY'S responsibility to maintain, repair, reconstruct, build, locate and/or construct ZERNER'S effluent pipe. Instead, the effluent pipe is ZERNER'S sole responsibility.

Dated at Dallas, Texas, ~~Portland, Maine~~, this 1 day of December, 2011.

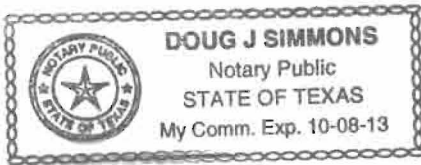
By: 


Dallas, TX
STATE OF MAINE
CUMBERLAND, ss.

Date: 12/1/11

Personally appeared the above-named John Zerner, and acknowledged the foregoing instrument to be his/his free act and deed.

Before me, Doug J Simmons




Notary Public/Attorney at Law

Print name: Doug J Simmons