

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

CITY OF PORTLAND

BUILDING DEPARTMENT

PERMIT

Permit Number: 041200

Please Read Application And Notes, If Any, Attached

PERMIT ISSUED
SEP 02 2004
CITY OF PORTLAND

This is to certify that Kimball Building Llc The / Mew Alce

has permission to Demolition of interior partiti

AT 490 Congress St

037 I002001

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Notification of inspection must be given and work on permit in progress before this building or part thereof is closed-in. 24 HOUR NOTICE IS REQUIRED.

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

OTHER REQUIRED APPROVALS

Fire Dept. [Signature]

Health Dept. _____

Appeal Board _____

Other _____
Department Name

INTERIOR DEMO ONLY
[Signature]
Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

City of Portland, Maine - Building or Use Permit Application
 389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 04-1200	Issue Date:	CBL: 037 I002001
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Location of Construction: 490 Congress St	Owner Name: Kimball Building Llc The	Owner Address: 490 Congress St	Phone:
Business Name:	Contractor Name: Mathew Alcorn	Contractor Address: 4 Macy St. Portland	Phone: 2077619045
Lessee/Buyer's Name	Phone:	Permit Type: Commercial	Zone: B-3
Past Use: Commercial Condos	Proposed Use: Commercial / Demolition of interior partitions	Permit Fee: \$111.00	Cost of Work: \$10,000.00
<p><i>New use is <u>not</u> established with this permit</i></p> <p><i>Proposed Project Description: only - NO facade work - NO removal of BAG windows - NO Altering the exterior Super Bldg</i></p>		FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: <i>NONK</i> Type: <i>INTER/DEMO ONLY</i>
		Signature: <i>[Signature]</i> Signature: PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Signature: _____ Date: _____	

Permit Taken By: Idobson	Date Applied For: 08/17/2004
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Zoning Approval		
Special Zone or Reviews <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/>	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Historic Preservation <input type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied
Date: <i>8/23/04</i>	Date: _____	Date: _____

CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

 SIGNATURE OF APPLICANT ADDRESS DATE PHONE

 RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE DATE PHONE

City of Portland, Maine - Building or Use Permit

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 04-1200	Date Applied For: 08/17/2004	CBL: 037 I002001
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Location of Construction: 490 Congress St	Owner Name: Kimball Building Llc The	Owner Address: 490 Congress St	Phone:
Business Name:	Contractor Name: Mathew Alcorn	Contractor Address: 4 Macy St. Portland	Phone: (207) 761-9045
Lessee/Buyer's Name	Phone:	Permit Type: Commercial	

Proposed Use: Commercial / Demolition of interior partitions only - This permit does not establish the new use and alterations being proposed before the planning bd now	Proposed Project Description: Demolition of interior partitions
--	---

Dept: Zoning **Status:** Approved with Conditions **Reviewer:** Marge Schmuckal **Approval Date:** 08/23/2004
Note: 8/23/04 spoke with Ethan in planning - ONLY interior work is ok to go right now **Ok to Issue:**

1) This permit is not establishing any newly proposed use. Such a use may only be approved by this department AFTER the completion and approval of a site plan review thru the Planning Department.
2) This permit is ONLY for INTERIOR work. There shall be no facade work - no removal of the bay window - no altering the exterior of the building - and no altering the exterior shape of the building.

Dept: Building **Status:** Approved with Conditions **Reviewer:** Mike Nugent **Approval Date:** 09/01/2004
Note: **Ok to Issue:**

Dept: Fire **Status:** Approved with Conditions **Reviewer:** Lt. MacDougal **Approval Date:** 08/30/2004
Note: **Ok to Issue:**

1) the sprinkler system shall be maintained during demolishing

All Purpose Building Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Location/Address of Construction: 490/492 Congress St.		
Total Square Footage of Proposed Structure 37,000 sq. ft.	Square Footage of Lot 10,000 sq. ft.	
Tax Assessor's Chart, Block & Lot Chart# 37 Block# I Lot# 2	Owner: The Kimball Building, L.L.C.	Telephone: 671 5325
Lessee/Buyer's Name (if Applicable)	Applicant name, address & telephone: Matthew Alcorn The Kimball Building, LLC	cost Of Work \$ 1000 Fee: \$ 111.00
a _____ is Sale		
Proposed use: <u>Condos Residential (21), (6) Commercial Condos</u> Project description: <u>Demolition of Interior partitions *See back</u>		
Contractor's name, address & telephone: <u>Matthew Alcorn, Builder</u>		
Who should we contact when the permit is ready: <u>Same</u>		
Mailing address: <u>4 Macy St. Portland, Me. 04102</u>		
<p>We will contact you by phone when the permit is ready. You must come in and pick up the permit and review the requirements before starting any work, with a Plan Reviewer. A stop work order will be issued and a \$100.00 fee if any work starts before the permit is picked up.</p> <p style="text-align: right;">PHONE: 761-9045, 671-5325</p>		

not facade
or shape of
The building
Thom's
Plan Review

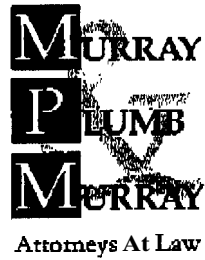
IF THE REQUIRED INFORMATION IS NOT INCLUDED IN THE SUBMISSIONS THE PERMIT WILL BE AUTOMATICALLY DENIED AT THE DISCRETION OF THE BUILDING/PLANNING DEPARTMENT WE MAY REQUIRE ADDITIONAL INFORMATION IN ORDER TO APPROVE THIS PERMIT.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature of applicant: Matthew Alcorn Date: 8/17/04

This is NOT a permit, you may not commence ANY work until the permit is issued.
If you are in a Historic District you may be subject to additional permitting and fees with the Planning Department on the 4th floor of City Hall

Cell# 1062

**FAX COVER SHEET**

Date: August 19,2004

of pages, including this cover sheet: 6

To: Michael.Nugent**Org/Firm: City of Portland****Fax Number: 874-8716****From: Drew A. Anderson, Esq.****Client Matter: TKBL-001****Message:**

Peter S. Plumb
John C. Lightbody
Thomas C. Newman
John C. Bannon
Susan D. Thomas
Drew A. Anderson
Richard L. O'Meara
Christopher B. Branson
Michael D. Traister
Amy M. Sneirson
Barbara L. Goodwin
Timothy H. Boulette
John B. Shumadine
Sarah A. McDaniel

Of Counsel:
Barbara T. Schneider

E. Stephen Murray
(1941-2001)

If you are having difficulty receiving this fax, please contact me at (207)773-5651.

Original sent by mail.

75 Pearl Street
Post Office Box 9785
Portland, Maine
04104-5085

Telephone:
207.773.5651

Facsimile:
207.773.8023

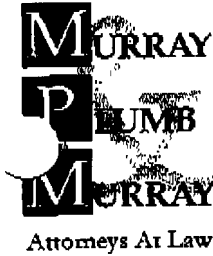
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info@mpmlaw.com

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Celebrating 30 years of service!

FILE COPY



August 19, 2004

VIA TELEFAX - - 871-8716

Mr. Michael Nugent
City of Portland
389 Congress Street
Portland, ME 04101

*Re; The Kimball Building - 490 Congress Street
Budding Permit for Demolition*

Peter S. Plumb
John C. Lightbody
Thomas C. Newman
John C. Bannon
Susan D. Thomas
Drew A. Anderson
Richard L. O'Meara
Christopher B. Branson
Michael D. Traister
Amy M. Sneider
Barbara L. Goodwin
Timothy H. Boulette
B. Shumadine
A. McDaniel

Dear Mr. Nugent:

This office represents The Kimball Building, LLC. I understand The Kimball Building, LLC has applied for a building permit for demolition. In connection therewith, I enclose for your information a copy of the Deed to The Kimball Building, LLC for the *property*. This will also confirm that Matthew Alcorn is a Manager of The Kimball Building, LLC, and is authorized to act on behalf of the LLC.

Please let me know if you have any further questions or if I can be of any further assistance.

Very truly yours,

Drew A. Anderson

Drew.A.Anderson@mplaw.com

Of Counsel:
Barbara T. Schneider

E. Stephen Murray
(1941-2001)

75 Pearl Street
Post Office Box 9785
Portland, Maine
04104-5085

Telephone:
207.773.5651

Facsimile:
207.773.8023

E-Mail:
info@mplaw.com

WWW:
mplaw.com

DAA/kgw
Enclosure

cc: Mr. Matthew Alcorn
S:\44kb\01\PL-Nugent.doc

2. The right to "extend said wall at *his* own expense to any desired height above the present wall" as described in the deed from George H. Cushman to James M. Kimball, dated April 28, 1880 and recorded in said Registry of Deeds in Book 498, Page 226.
3. Rights and easement from Graham W. Harris to James M. Kimball, dated November 4, 1870 and recorded in Book 381, Page 382.
4. Rights and easement from George H. Cushman to James M. Kimball, dated April 28, 1880 and recorded in Book 498, Page 226.
5. Rights and easement from Mary L. Goodridge to James M. Kimball, dated December 1, 1886 and recorded in Book 608, Page 490.
6. Rights and easement as described in the Cable Television Installation Agreement by and between Public Cable, d/b/a Time Warner Cable of Maine and Kojie Corporation, dated January 13, 1999 and recorded in Book 15936, Page 295.
7. All easements, rights, obligations and party wall agreements relating thereto, as set forth or contained in any and all agreements, and to leases of record.

Meaning and intending to convey and hereby conveying the same premises conveyed to Kojie Corporation by virtue of a deed from The Caspod Trust, dated June 29, 1994 and recorded in the Cumberland County Registry of Deeds in Book 11512, Page 175.

EXHIBIT A

A certain parcel of land situated on the southeasterly side of Congress Street and the northeasterly side of Brown Street in the City of Portland, County of Cumberland, State of Maine as shown on a "Boundary Survey for 490-492 Congress Street, Portland, made for The Kimball Building, LLC", dated February 4, 2004 by Owen Haskell, Inc. to be recorded in the Cumberland County Registry of Deeds, being bounded and described as follows:

Beginning on the southeasterly sideline of Congress Street at the northerly corner of land now or formerly of Shekinah Realty, LLC, reference Book 14912, Page 47;

Thence N 47° 09' 26" E along said sideline a distance of 67.33 feet to land now or formerly of Donna Barthe, reference Book 9733, Page 106;

Thence S 39° 58' 53" E along said land a distance of 55.00 feet;

Thence S 47° 09' 26" W along said land a distance of 0.58 feet;

Thence S 39° 58' 53" E along said land and land now or formerly of J.B. Brown, reference Book 1990 Page 382 and along land now or formerly of JBG&H Associates, reference Book 8355, Page 62 a distance of 86.75 feet to land now or formerly of Old Port Holding Co., Inc., reference Book 12985, Page 178;

Thence S 52° 34' 19" W along land of said Old Port Holding Co., Inc. a distance of 66.72 feet;

Thence N 39° 45' 47" W along said land a distance of 37.36 feet;

Thence S 50° 05' 20" W along said land a distance of 52.24 feet to the northeasterly sideline of Brown Street;

Thence N 39° 50' 40" W along said sideline a distance of 34.04 feet to land of said Shekinah Realty, LLC;

Thence N 49° 25' 20" E along said land a distance of 27.36 feet;

Thence N 39° 50' 24" W along said land a distance of 0.67 feet;

Thence N 49° 25' 20" E along said land a distance of 24.85 feet;

Thence N 40° 10' 00" W along said land a distance of 62.77 feet to the point of beginning.

The property is conveyed together with and subject to:

1. All rights of every kind and nature relating to the aforesaid premises;

IN WITNESS WHEREOF, the said Kojie Corporation has hereunto set its hand and seal this 13th day of May, 2004.

[Signature]
Witness

[Signature]
Witness

Kojie Corporation

By: [Signature]
Ahmad Khojastehzad
Its President

By: [Signature]
Shahnaz Mahager
Its Treasurer

State of Maine
Cumberland, ss.

May 13, 2004

Personally appeared the above-named Ahmad Khojastehzad, President of Kojie Corporation and Shahnaz Mahager, Treasurer of Kojie Corporation and acknowledged the foregoing instrument to be their free acts and deeds and the free acts and deeds of said Kojie Corporation.

Before me,

[Signature]
Notary Public/Attorney at Law:

Drew A. Anderson
Typed or Printed Name

B. 21272
 P. 57
 7.5/14/04
 210.12 a.m

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, THAT Kojie Corporation, a Maine corporation with a principal place of business in Portland, County of Cumberland, and State of Maine, in consideration of One Dollar and other valuable considerations paid by The Kimball Building, LLC, a Maine limited liability company with a principal place of business in Portland, County of Cumberland, and State of Maine, the receipt whereof it does hereby acknowledge, does hereby GIVE, GRANT, BARGAIN, SELL and CONVEY unto The Kimball Building, LLC, its successors and assigns forever,

See **Exhibit A** attached hereto.

TO HAVE AND TO HOLD the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to **The Kimball Building, LLC, its successors and assigns, to their own use and behoof forever.**

AND it does COVENANT with the said Grantee, its successors and assigns, that it is lawfully seized in fee of the premises, that they are free of all encumbrances, that it has good right to sell and convey the same to the said Grantee to hold as aforesaid; and that it and its successors and assigns shall and will WARRANT AND DEFEND the same to the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons, except for the following;

- (1) **Rights and easement from Graham W. Hams to James M. Kimball dated November 4, 1870 and recorded in Book 381, Page 382.**
- (2) **Rights and easement from George H. Cushman to James M. Kimball dated April 28, 1880 and recorded in Book 498, Page 226.**
- (3) **Rights and easement from Mary L. Goodridge to James M. Kimball dated December 1, 1886 and recorded in Book 608, Page 490.**
- (4) **Rights and easement as described in the Cable Television Installation Agreement by and between Public Cable, d/b/a Time Warner Cable of Maine and Kojie Corporation, dated January 13, 1999 and recorded in Book 15936, Page 295.**
- (5) **Rights of others in and to the use of appurtenant easements terms and conditions relative to the use thereof.**
- (6) **Rights of Zack, Inc., a tenant in possession, as evidenced by a Memorandum of Lease, dated March 31, 2003 and recorded in Book 19104, Page 328.**
- (7) **Rights of tenants in possession.**