

LICENSE AGREEMENT

RE: 23 Ocean Avenue, Portland, ME

This license is granted by the City of Portland "City" to 23 Ocean Avenue Associates, LLC, hereinafter "Owner," for the installation and maintenance of a canopy and roof overhang over property owned by the City at the corner of Ocean Avenue and Hersey Street (23 Ocean Avenue, Portland, Maine) (the "Property"). The installation and maintenance of the canopy and roof overhang located over City property, shall be governed by the terms of this License Agreement.

1. Owner is hereby permitted to install and maintain a canopy and roof overhang over land owned by the City (i.e. on the building located at 23 Ocean Avenue, Portland, Maine), as governed and specified by the terms of this License Agreement and as shown on Exhibit A, attached hereto and incorporated herein.

2. The canopy and roof overhang to be installed and maintained pursuant to this License Agreement shall be in accordance with the location and dimensions depicted on Exhibit A attached hereto.

3. Owner shall be responsible for the proper maintenance of the canopy and roof overhang. In the event of damage to the same, Owner shall contact the City and receive approval and then shall promptly repair/restore the canopy and/or roof overhang.

4. Owner shall procure and maintain liability insurance in an amount of not less than Four Hundred Thousand Dollars (\$400,000) combined single limit (or the amount stated in the Maine Tort Claims Act as the same may be amended from time to time), covering claims for

bodily injury, death and property damage and shall name the City as an additional insured with respect to such coverage.

5. Owner, by execution of this License Agreement, hereby agrees to assume responsibility for any and all claims and/or damage to persons or property arising out of or in any way related to Owner's entry upon City property located at or near 23 Ocean Avenue, Portland, Maine or Owner's installation of a canopy and roof overhang over City property located at or near 23 Ocean Avenue, Portland, Maine, and does hereby forever waive, release, relinquish, remise and discharge the City, its agents, employees, successors and assigns from any and all losses, costs or expenses (including reasonable attorneys' fees), damages, demands, liabilities, claims, actions, causes of action, suits, or judgments (collectively, "Claims") whatsoever of every name and nature, in law and in equity, including without limitation those related in any manner to any accident or injury to, or death of, any person, or any damage to property occurring on, in or in the vicinity of the area covered by this License Agreement, arising out of the presence in and use by the Owner of the area covered by this License Agreement.

6. This License may be revoked six (6) months after receipt by the Licensee of written notice from the City to the Owner in the event that the building located on the Owner's property is destroyed, removed or otherwise ceases to exist on the site, and construction to rebuild said building has not begun within twelve (12) months of said destruction or removal. City acknowledges that Licensee may amend this Agreement, upon the written approval of the City, for the purpose of correcting and/or revising Exhibit A, to more accurately show the encroachments described above that are being licensed under this Agreement.

CITY OF PORTLAND

Date _____

By: *BTC*

Brendan O'Connell
Finance Director

23 Ocean Avenue Associates, LLC

Steven E. Cope

By: Steven E. Cope
Its Member

STATE OF MAINE

CUMBERLAND, ss.

Dated _____

Personally appeared the above-named Brendan O'Connell and gave oath that the foregoing statements made by her are true to the best of her knowledge, information and belief, and where based upon information and belief, she believes the same to be true.

Before me,

Notary Public/Attorney at Law

STATE OF MAINE

CUMBERLAND, ss.

March 8, 2017

Personally appeared the above-named Steven E. Cope and gave oath that the foregoing statements made by him/~~her~~ are true to the best of his/~~her~~ knowledge, information and belief, and where based upon information and belief, he/~~she~~ believes the same to be true.

Before me,
Sarah E. Dunne
~~Notary Public/Attorney at Law~~

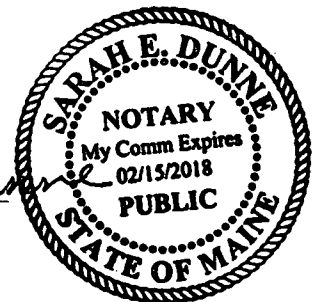


Exhibit A

Aerial/Footing License Ocean Avenue

A certain license for the purpose of constructing improvements within the right of way limits of Ocean Avenue, so called, above the ground and consisting of a roof overhang and underground consisting of a footing for the foundation of a proposed building to be constructed, together with rights of access and utility for the purpose of constructing, maintaining and repairing said proposed building in the City of Portland, County of Cumberland and State of Maine, being more particularly bounded and described as follows:

Beginning at a point on the southeasterly bound of Ocean Avenue situated North 32° 44' 18" East along Ocean Avenue a distance of nine and eleven hundredths (9.11') feet from a 5/8 inch iron rebar set with an orange cap inscribed "Four Points PLS #2147" at the intersection of the southeasterly bound of Ocean Avenue with the northerly bound of Hersey Street;

Thence turning a right angle northwesterly into Ocean Avenue one (1') foot to a point;

Thence North 32° 44' 18" East running parallel with the southeasterly bound of Ocean Avenue, twenty-eight (28') feet to a point;

Thence turning a right angle southeasterly one (1') foot to a point on the southeasterly bound of Ocean Avenue;

Thence South 32° 44' 18" West along the southeasterly bound of Ocean Avenue, twenty-eight (28') feet to the point of beginning;

The above described license area containing 28 square feet and being shown on a plan entitled, "Final Site/Subdivision Plan of 23 Ocean Avenue for record owner 23 Ocean Avenue Associates, LLC", dated June 4th, 2016 and last revised March 3, 2017, prepared by Four Points Associates, Inc., said license area being for the sole purpose of constructing, maintaining and repairing a roof overhang and footing for the proposed building as shown on said plan to be recorded at the Cumberland County Registry of Deeds upon approval by the City of Portland.

Bearings are based on Grid North determined by Four Points Associates, Inc. using NAD 1983 (2011) datum, Maine State Plane coordinate system, West Zone.

Received
Recorded Register of Deeds
May 17, 2017 11:06:44A
Cumberland County
Nancy A. Lane