

**SIDEWALK EASEMENT  
TO THE  
CITY OF PORTLAND**

KNOW ALL PERSONS BY THESE PRESENTS that 23 Ocean Avenue Associates, LLC, a Maine limited liability company with a mailing address of P.O B90x 1398, Portland, Maine 04101(hereinafter, "GRANTOR), for one dollar and other good and valuable consideration paid by the CITY OF PORTLAND, a body politic and corporate with a mailing address of 389 Congress Street, Portland, Maine 04101 (hereinafter "GRANTEE"), does hereby grant to the said CITY OF PORTLAND the perpetual easement and rights described below on the land described below.

The purpose of said easement is to grant GRANTEE the right, but not the obligation, to construct, maintain, repair and replace a sidewalk in, on, under and over the portions of that certain parcel of land of the Grantor as described in **Exhibit A**, attached hereto and made a part hereof (the "Easement Area") and as depicted on **Exhibit B** attached hereto and made a part hereof, said sidewalk to be used by the public for pedestrian, bicycle and similar non-motorized (other than wheelchair and emergency vehicles and snow removal equipment, which shall be permitted) pedestrian recreational uses, subject, however, to such rules or ordinances that Grantee may adopt from time to time in the interests of public safety. Notwithstanding anything to the contrary in this easement, it shall be the responsibility of the GRANTOR, and not the GRANTEE, to remove snow and ice from said sidewalk and to otherwise comply with all laws, rules, regulations, and ordinances governing the removal of snow and ice.

GRANTOR further covenants and agrees for itself, its successors and assigns, that the land that lies in the Easement Area shall, except for the construction, maintenance, repair, or replacement of the sidewalk and any appurtenances by GRANTEE, its successors and assigns, shall, as provided and permitted herein, be maintained as a sidewalk for the uses set forth and described herein and GRANTOR shall not use or permit any use that would be contrary to such condition.

To have and to hold the said Easement and all rights granted hereunder to the said Grantee and its successors and assigns forever.

IN WITNESS WHEREOF, GRANTOR has caused this instrument to be executed by Steven E. Cope, its member thereunto duly authorized as of the 31st day of January, 2017.

WITNESS:

23 Ocean Avenue Associates, LLC

*Sarah E. Dunne*

By: *Steven E. Cope*  
Steven E. Cope, its member

STATE OF MAINE

COUNTY OF CUMBERLAND, SS.

March 8, 2017

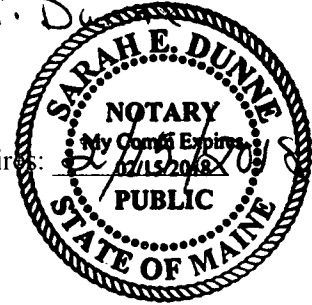
Personally appeared the above named Steven E. Cope, in his capacity as member of 23 Ocean Avenue Associates, LLC, who acknowledged the foregoing instrument to be his/her free act and deed in his/her capacity and the free act and deed of 23 Ocean Avenue Associates, LLC.

Before me,

*Sarah E. Dunne*

Name: Sarah E. Dunne  
Notary Public

My Commission Expires:



## Exhibit A

### Sidewalk Easement

A certain easement for the purpose of ingress and egress, over and across a certain triangular lot or parcel at the intersection of Ocean Avenue, so called, and Hersey Street, so called, in the City of Portland, County of Cumberland and State of Maine, being more particularly bounded and described as follows:

Beginning at 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 along Ocean Avenue North  $32^{\circ} 44' 18''$  East, six and eighty-nine hundredths (6.89') feet to a point of curvature convex to the intersection of said Ocean Avenue and Hersey Street;

Thence running southwesterly and turning southerly then easterly along a curve to the left with a radius of 4.5 feet, a central angle of  $113^{\circ} 43'$  passing through land of the Grantor an arc length of eight and ninety-three hundredths (8.93') feet to a point on a Chord bearing of South  $24^{\circ} 07' 01''$  East, a chord distance of seven and fifty-four hundredths (7.54') feet from the beginning of the curve to a point on the northerly bound of Hersey Street;

Thence North  $80^{\circ} 58' 42''$  West, six and eighty-nine hundredths (6.89') feet along Hersey Street to the point of beginning;

The above described easement area containing 11 square feet, more or less, 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 4<sup>th</sup>, 2016 and last revised March 3, 2017, prepared by Four Points Associates, Inc., said easement area to be used for the purposes of pedestrian ingress and egress using a sidewalk, a portion of which is located within property owned by the Grantor as described above.

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 11:06:10A  
Cumberland County  
Nancy A. Lane