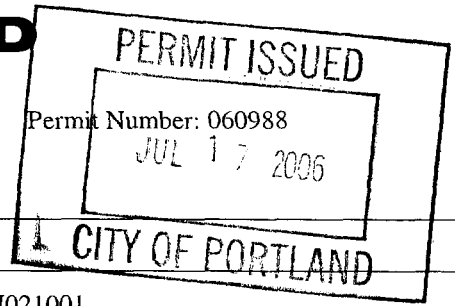


DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

# CITY OF PORTLAND

## BUILDING INSPECTION

### PERMIT



Please Read  
Application And  
Notes, If Any,  
Attached

This is to certify that MARDIGAN STEPHEN E /  
has permission to Change of Use from phone service office /  
AT 726 FOREST AVE 13C H021001

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of the State 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 when permission is procured before this building or part thereof is altered or 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. \_\_\_\_\_  
Health Dept. \_\_\_\_\_  
Appeal Board \_\_\_\_\_  
Other \_\_\_\_\_  
Department Name

*[Signature]* 7/12/06  
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: 06-0988	Issue Date:	CBLD 130 H021001
-----------------------	-------------	---------------------

Location of Construction: 726 FOREST AVE	Owner Name: MARDIGAN STEPHEN E	Owner Address: 460 BAXTER BLVD	Phone:
Business Name:	Contractor Name: n/a	Contractor Address: n/a Portland	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Commercial	Zone: B-2c
Past Use: Commercial	Proposed Use: Commercial change of Use from Phone sales office / ice cream shop	Permit Fee: \$105.00	Cost of Work: \$105.00
Proposed Project Description: Change of Use from phone sales office / ice cream shop		FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: <i>M</i> Type: <i>SP</i>
		Signature: <i>[Signature]</i>	
Action <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied			
Signature _____ Date _____			
Permit Taken By: dmartin	Date Applied For: 07/05/2006	<b>Zoning Approval</b>	

Special Zone or Reviews	Zoning Appeal	Historic Preservation
<input type="checkbox"/> Shoreland	<input type="checkbox"/> Variance	<input checked="" type="checkbox"/> Not in District or Landmark
<input type="checkbox"/> Wetland	<input type="checkbox"/> Miscellaneous	<input type="checkbox"/> Does Not Require Review
<input type="checkbox"/> Flood Zone	<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Requires Review
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Interpretation	<input type="checkbox"/> Approved
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved w/Conditions
Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/>	<input type="checkbox"/> Denied	<input type="checkbox"/> Denied
Date: <i>07/06/06</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

<b>Permit No:</b> 06-0988	<b>Date Applied For:</b> 07/05/2006	<b>CBL:</b> 130 H021001
------------------------------	--	----------------------------

<b>Location of Construction:</b> 726 FOREST AVE	<b>Owner Name:</b> MARDIGAN STEPHEN E	<b>Owner Address:</b> 460 BAXTER BLVD	<b>Phone:</b>
<b>Business Name:</b>	<b>Contractor Name:</b> n/a	<b>Contractor Address:</b> n/a Portland	<b>Phone:</b>
<b>Applicant/Buyer's Name</b>	<b>Phone:</b>	<b>Permit Type:</b> Change of Use - Commercial	

<b>Proposed Use:</b> Commercial change of Use from Phone sales office / ice cream shop	<b>Proposed Project Description:</b> Change of Use from phone sales office / ice cream shop
---	--

**Dept:** Zoning      **Status:** Approved with Conditions      **Reviewer:** Marge Schmuckal      **Approval Date:** 07/06/2006

**Note:** **Ok to Issue:**

- 1) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.
- 2) Separate permits shall be required for any new signage.
- 3) Your ice cream shop is considered to be retail and not a restaurant based upon the number of seats (6) that you are showing with your submittal. Please note that an increase in the number of seats to ten (10) or more will require a change of use from retail to a restaurant use.

**Dept:** Building      **Status:** Approved      **Reviewer:** Mike Nugent      **Approval Date:** 07/12/2006

**Note:** **Ok to Issue:**

- 1) No cooking or generation of grease is contemplated in this application

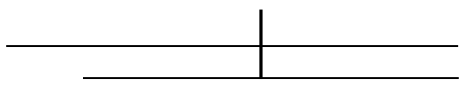
**Dept:** Fire      **Status:** Approved      **Reviewer:** Cptn Greg Cass      **Approval Date:** 07/07/2006

**Note:** **Ok to Issue:**



# General 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: <u>726 Forest Ave</u>		
Total Square Footage of Proposed Structure		Square Footage of Lot
Tax Assessor's Chart, Block & Lot Chart#      Block#      Lot#	Owner:	Telephone:
<u>130      H      21</u>		
Lessee/Buyer's Name (If Applicable) <u>Hans Tebbenhoff</u> <u>DBA Hans' Soft Serve</u>	Applicant name, address & telephone: <u>Hans Tebbenhoff</u> <u>20 Forest Park Apt 3</u> <u>Portland, Me. 04101</u>	Cost Of Work: \$ <u>0</u> Fee: \$ <u>105.00</u> C of O Fee: \$ <u>(75)</u>
Current Specific use: <u>Nextel Retail Phone</u>		
Proposed Specific use: <u>Ice Cream Shop</u>		
Project description: <u>Previously Nextel Phone. Changing to ice cream shoppe</u>		
		

**Please submit all of the information outlined in the Commercial Application Checklist. Failure to do so will result in the automatic denial of your permit.**

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information visit us on-line at [www.portlandmaine.gov](http://www.portlandmaine.gov), stop by the Building Inspections office, room 315 City Hall or call 874-8703.

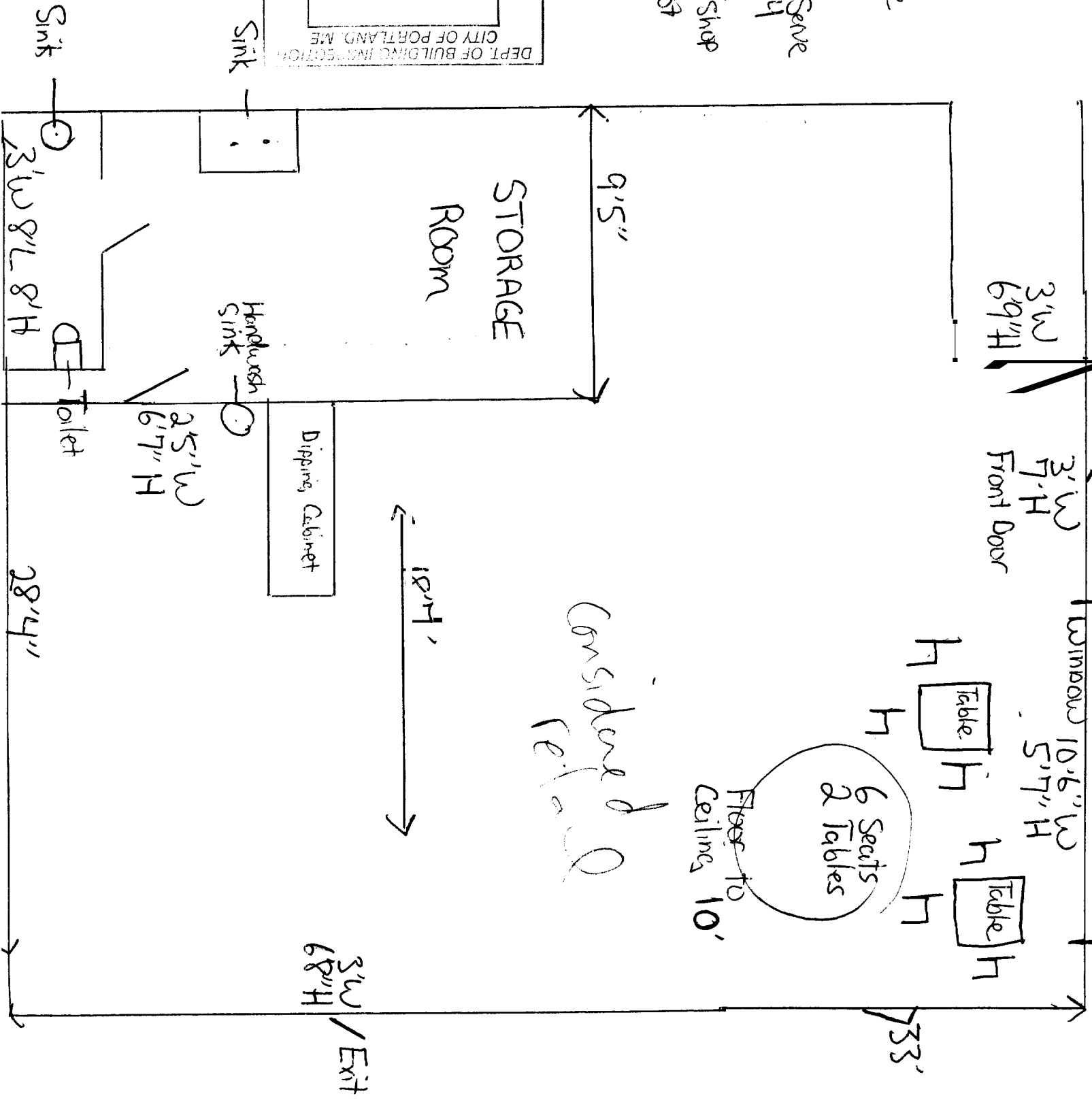
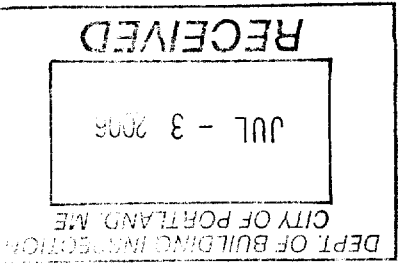
I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, 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: <u>Hans Tebbenhoff</u>	Date: <u>7-3-06</u>
--	---------------------

This is not a permit; you may not commence ANY work until the permit is issued.

726  
Forest Ave

Hans Soft Serve  
761-4444  
Floor Plan  
Ice Cream Shop  
4 1/2" = 1 Foot



Considered Ref. and

Floor to Ceiling 10'

33'

3'W / Exit  
6'8"H

28'4"

2'5" W  
6'7" H

3' W  
8' L  
8' H

3' W  
6'9" H

3' W  
7' H  
Front Door

Window  
10'6" W  
5'7" H

Table

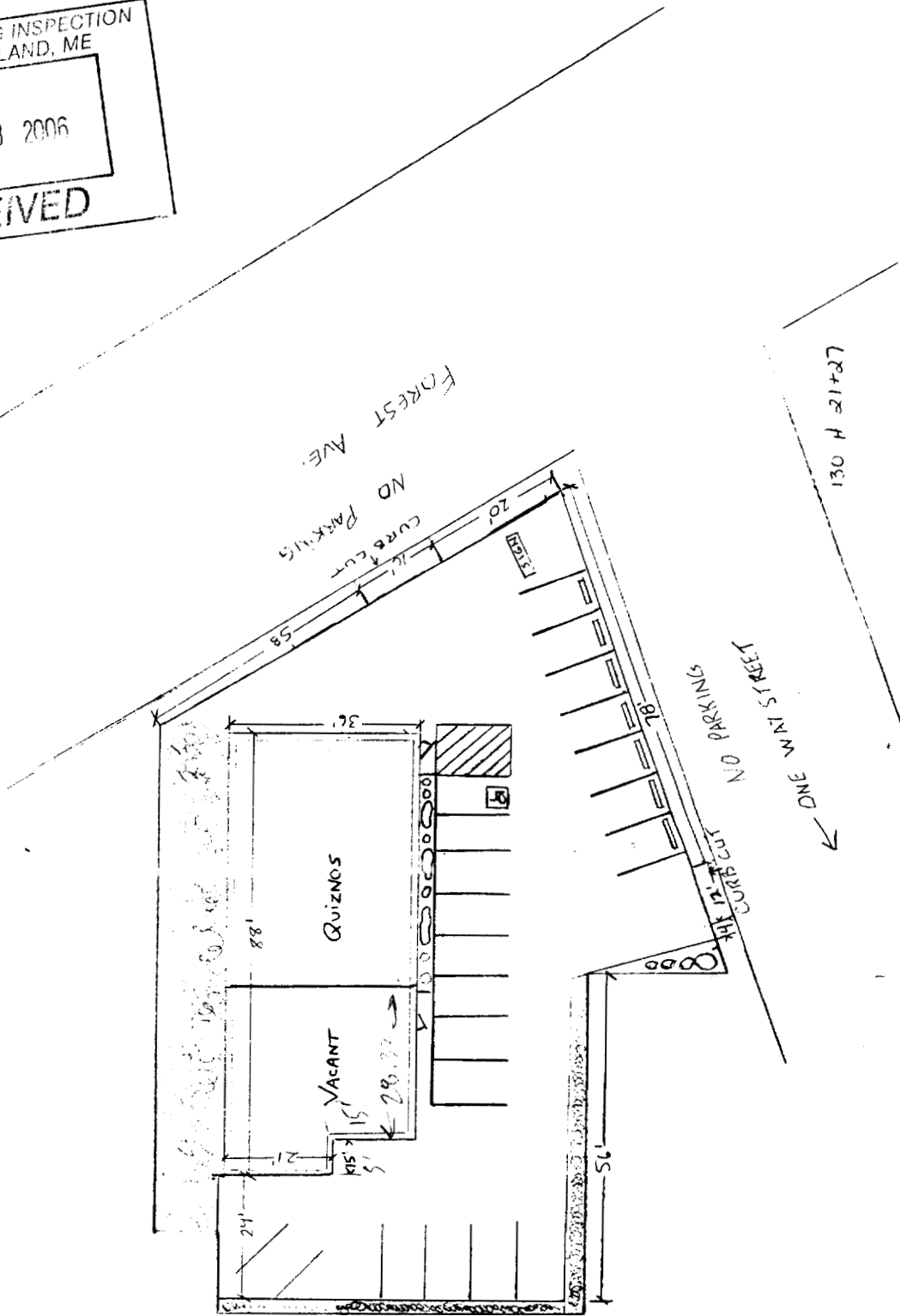
Table

6 Seats  
& 2 Tables

DEPT. OF BUILDING INSPECTION  
CITY OF PORTLAND, ME

JUL - 3 2006

RECEIVED



425  
5721 = 105  
5307

THIS IS  
LAYOUT &  
AREA.

DEPT. OF BUILDING INSPECTION  
CITY OF PORTLAND, ME

JUL - 3 2006

RECEIVED

SCALE  
1/4" = 5'

### OFFER TO LEASE

This offer sets forth the terms and conditions under which Hans' Soft Serve c/o Hans Tebbenhoff (hereinafter referred to as "Tenant") agrees to enter into a Lease Agreement with Stephen Mardigan c/o Jay Wico (WRE Commercial Brokers) (hereinafter referred to as "Landlord") for space at the location described below. Landlord shall respond to this offer in writing within 3 business days. If this offer is accepted a Lease shall be provided to Tenant within 5 business days.

**LOCATION:** Address: 726 Forest Avenue  
Portland, Maine 04101  
Description: 1,000 sqft- Retail space

**TENANT:** Hans Tebbenhoff  
648 Congress Street  
Portland, Maine 04101

**USE:** During the term of this lease the premises shall be used for:  
Hans' Soft Serve Ice Cream

**LEASE TERM:** Years: 5  
Commencement date: July 15, 2006  
Termination date: June 30, 2011  
Occupancy date: NA  
Rent commencement date: July 15, 2004

**BASE RENT:** The minimum base rent shall be \$14,400.00 for the first year payable in monthly installments of \$1,200 payable on the first day of each month.

Increase thereafter shall be as follows:  
Year 2 \$14,400.00 /year \$1,200.00/month  
Year 3 \$14,832.00/year \$1,236.00 /month  
Year 4 \$15,276.96/year \$1,273.08/month  
Year 5 \$15,735.27/year \$1,311.27/month

**RENEWAL OPTION:** This Lease is subject to the following renewal option:  
Term: 5 year  
Rate: At fair market rate or no less than last years rate.

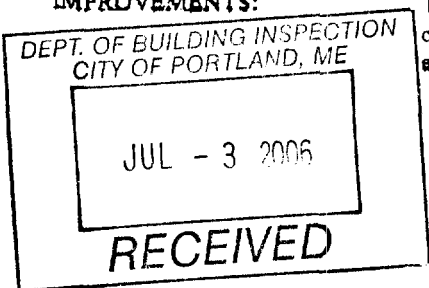
**UTILITIES:** Tenant shall be billed directly for all separately metered utilities, including but not limited to:

	Yes	No
Electricity:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fuel (gas, oil, electric):	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Water/sewer:		<input checked="" type="checkbox"/>
A/C:	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**LEASE TYPE:**  This is a **MODIFIED GROSS** lease. No additional rent shall be charged for real estate taxes, insurance or operating expenses, however, Tenant will be responsible for its proportionate share of increases of such over base year. Tenant will be responsible for costs of separately metered utilities (as noted above) for the space.

**INSURANCE:** Landlord shall maintain Fire & Casualty insurance  
Tenant shall maintain Liability and Contents insurance.

**IMPROVEMENTS:** The following improvements shall be undertaken by the Landlord prior to commencement of the Lease: At the Landlords expense: Tile Floors in the back room and front space SEE Exhibit A, ~~attached to this offer~~



Handwritten initials or signature in a circle.

**TENANT'S WORK:**

Tenant is authorized to make the following improvements to the premises:  
Any structural improvements shall have prior approval by Landlord. At the Tenant's cost: Install double sink with drains and a hand wash sink. Install exterior sign on on existing pole sign. Exterior sign on building.

**SUBLET:**

The Tenant shall not sublet the premises without the Landlord's prior written approval. Such approval shall not be unreasonably withheld.

**SECURITY DEPOSIT:**

The Tenant shall pay a security deposit of \$1,200.00 upon execution of this Offer. The first month's rent shall be paid upon execution of a final Lease.

**DEPOSIT REFUND:**

If Landlord and Tenant cannot agree upon the terms and language of the Lease containing the business terms specified herewith, at Tenant's request, Landlord authorizes Magnusson Balfour Commercial & Business Brokers to refund Tenant's security deposit.

**SIGNAGE:**

All signage shall have Landlord's prior written approval and shall abide with all local signage ordinances. All signage cost shall be Tenant's responsibility.

**CREDIT ACCEPTANCE:**

This Offer to Lease is subject to credit acceptance of potential Tenant (and any guarantors) by Landlord. Tenant to submit financial statement and credit references.

**PARKING:**

Shared parking available

**CONTINGENCY:**

This offer is contingent upon approval for a change of use from the city.

**LEASE GUARANTEE:**

The obligation of the Tenant shall be personally guaranteed by Hans Tebbenhoff

Witness Jan Wise

Date 6/26/06

Landlord [Signature]

Witness Justin Tami

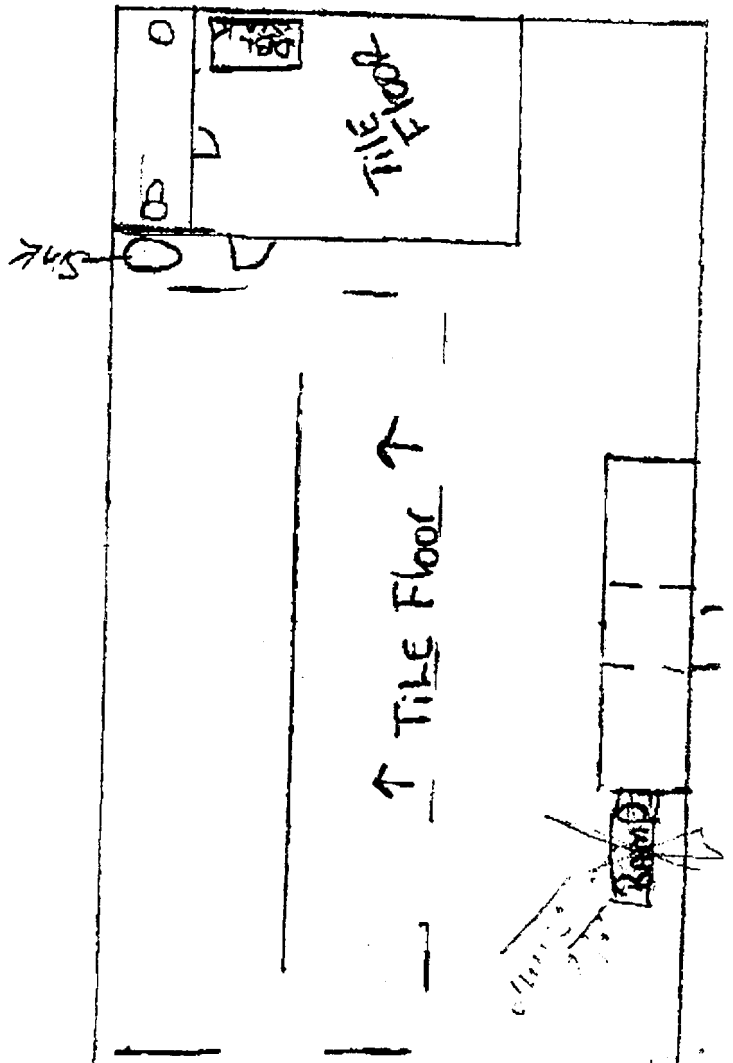
Date 6-2006

Tenant [Signature]



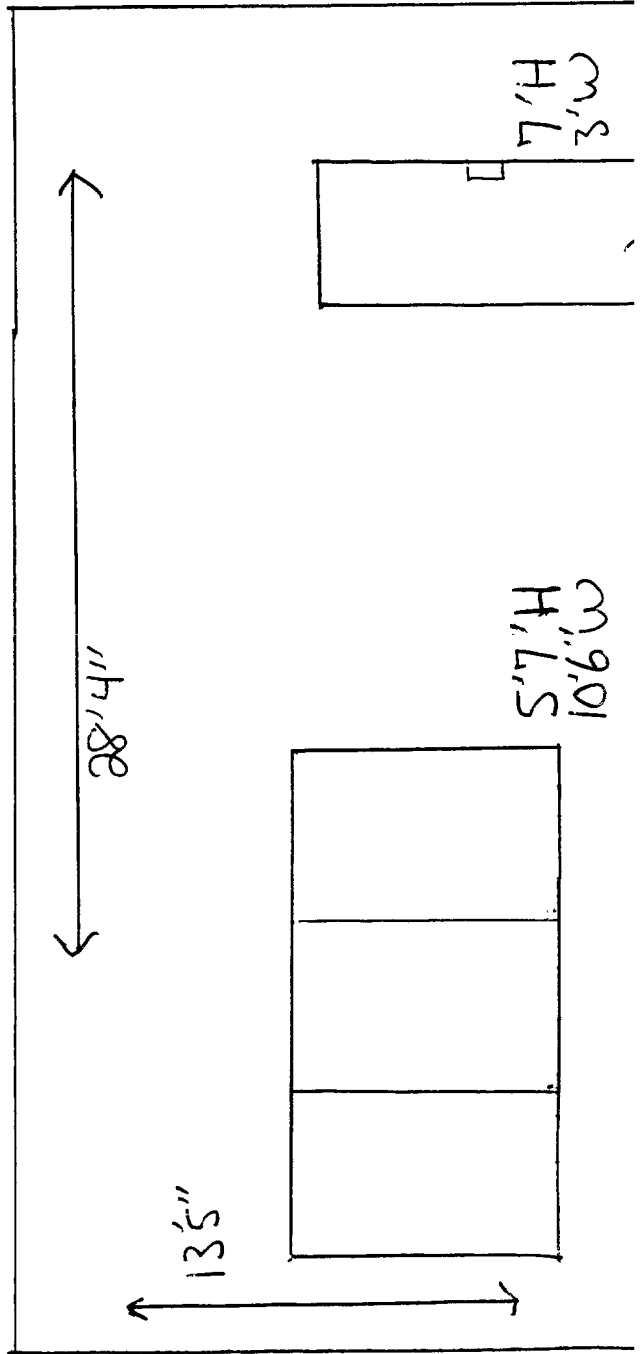
Handwritten notes at the top of the page, possibly a date or reference number.

# Exhibit



726 Forest Ave Hans Tebenhoff  
761-4444

Front of Space



DEPT. OF BUILDING INSPECTION  
CITY OF PORTLAND, ME

JUL - 3 2006

RECEIVED

**SITE LOCATION MAP:**



**GENERAL NOTES:**

1. RECORD OWNER OF PARCEL: STEVEN E. MARDIGAN, BOOK 11821 PAGE 203 AS RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS.
2. BEARINGS ARE BASED UPON A MAGNETIC OBSERVATION TAKEN AT THE TIME OF THIS SURVEY.
3. AREA OF SUBJECT PARCEL: 200X125.00 FT. 2.5X10 ACRES
4. REFERENCE IS MADE TO THE FOLLOWING PLANS:
  - a.) PROPERTY OF SEYMOUR H. GARDNER, BY FENY H. RICHARDSON, C.E., PORTLAND, MAINE, DATED 1816, AND RECORDED IN PLAN BOOK 13 PAGE 42 OF THE CUMBERLAND COUNTY REGISTRY OF DEEDS.
  - b.) CITY OF PORTLAND ASSESSORS PLAN, NO. 130, BLOCK H, LOTS 21 AND 27, RETRACED 3-2-87.

130 H 21 & 27

**RECEIVED**

JUL 3 2004

CITY OF PORTLAND, MAINE

DEPT. OF PUBLIC WORKS

**ZONING:** ZONE: B-1 COMMUNITY BUSINESS ZONE  
 SETBACKS: FRONT - NONE  
 REAR - 20 FT (ABUTTING RESIDENTIAL ZONE)  
 SIDE - NONE, WHERE ABUTTING RESIDENTIAL TO FT  
 MINIMUM LOT SIZE: 10,000 SQ FT  
 MINIMUM LOT FRONTAGE: 50 FT  
 MINIMUM LOT WIDTH: NONE  
 MAXIMUM BUILDING HEIGHT: 45 FT  
 MAXIMUM LOT COVERAGE: 80%

**FLOOD NOTE:**  
 BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE X OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 230017 TC, WHICH BEARS AN EFFECTIVE DATE OF DEC 02, 1998 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

**LEGEND:**

- Capped 5/8" Rebar Set (30.00' Distance from reference Plot of deed)
- Iron Pipe or Solid Pin Found N/F New Or Formerly
- ◊ Survey Instrument Point A.C. Above Grade
- Abutment Line B.G. Below Grade
- Property Line R. Property Line
- Street Line U. Overhead Utility
- Direction of Bearing U. Utility Pole
- Edge of traveled way

**BOUNDARY SURVEY**  
 AT 726 FOREST AVENUE PORTLAND, MAINE

FOR **STEPHEN E. MARDIGAN**

PREPARED BY:  
**BACK BAY BOUNDARY, INC.**  
 LAND SURVEYING  
 65 NEWBURY STREET  
 PORTLAND, MAINE  
 207-774-2955 FAX 207-761-2010

DRAWN BY: DMO - AJ  
 CHECKED BY: DMO  
 SCALE: 1" = 20'  
 DATE: 11-10-2003  
 JOB NUMBER: 2003184  
 SHEET: 1 OF 1  
 DRAWER: 2003 NO: 184

**REVISIONS:**

	STATE OF MAINE, CUMBERLAND SS REGISTRY OF DEEDS
	RECEIVED: 2003
	AT : H M. AND RECORDED IN
	PLAN BOOK PAGE
04/07/2004	CAPPED REBARS SET
	LOCATION:

**CERTIFICATE:**

I HEREBY CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSED PROFESSIONAL LAND SURVEYORS' STANDARDS OF PRACTICE AS ADOPTED APRIL 2001 WITH THE FOLLOWING EXCEPTIONS:

- a.) NO WRITTEN REPORT
- b.) NO NEW DESCRIPTION

ROBERT I. GREENGLASS P.L.S.  
 PRESIDENT BACK BAY BOUNDARY, INC.

DATE: \_\_\_\_\_