

**STREET USE AGREEMENT
AND EASEMENT**

THIS STREET USE AGREEMENT is made as of ~~September~~ ^{February 1} ⁵ __, 201~~4~~, by and between the **CITY OF PORTLAND**, a Maine municipal corporation, located in Cumberland County, State of Maine (hereinafter "CITY") and **JEFFREY M. SMALL and SUSAN S. SMALL**, both with a mailing address of 29 Mayfield Street, Portland, Maine 04103 (hereinafter the "Smalls").

WHEREAS, the Smalls hold title (either singly or together, as the case may be) to certain real property (or properties) located on a private way known as Mayfield Street in Portland, Cumberland County, Maine, including but not limited to rights in the roadway known as Mayfield Street; and

WHEREAS, the Smalls wish to develop an additional buildable lot on Mayfield Street, without extending the Street, the curbing or the sidewalk, which extensions are generally required by the CITY; and

WHEREAS, CITY is willing to waive the requirement for said extensions, if the Smalls provide CITY with a turnaround easement for use by CITY, emergency and utility vehicles, as provided herein; and

WHEREAS, the Smalls have agreed to grant to CITY the easement described herein to access its property for the purposes of said use; and

NOW, THEREFORE, in consideration of the foregoing and the covenants herein contained, the Smalls hereby grant to CITY the following rights as a perpetual easement, and parties agree as follows:

IN WITNESS WHEREOF, CITY has caused this instrument to be executed by Sheila Hill-Christian, its Acting City Manager, thereunto duly authorized, and the Smalls have executed this instrument, all as of the day and date first above written.

City of Portland

 Sonia Bean
Witness

By: *Sheila Hill-Christian*
Sheila Hill-Christian
Acting City Manager

 [Signature]
Witness

 [Signature]
Jeffrey M. Small

 [Signature]
Witness

 [Signature]
Susan S. Small