

DEED WITH COVENANT

KNOW ALL PERSONS BY THESE PRESENTS, that the CITY OF PORTLAND, a municipal corporation with a mailing address of 389 Congress Street, Portland, Maine 04101, for good and valuable consideration, receipt whereof is hereby acknowledged, hereby bargains, conveys, grants and quitclaims with covenant to SILVER BEACH, LLC a Maine limited liability company, with a mailing address of Silver Beach, LLC, c/o William Mann, Principal, WJM Consulting, 90 Roaring Brook Road, Portland, ME 04103, the real property in the City of Portland, County of Cumberland, State of Maine, particularly described in "EXHIBIT A" attached hereto and hereby made a part hereof.

MAINE REAL ESTATE TAX PAID

IN WITNESS WHEREOF, Ellen L. Sanborn, Finance Director of the City of Portland, has hereunto executed this easement deed on this 11th day of May, 2012.

WITNESS

CITY OF PORTLAND

Cathy A. Rubin

Ellen L. Sanborn
Ellen L. Sanborn, Finance Director

STATE OF MAINE
CUMBERLAND, ss.

Dated: May 11, 2012

Personally appeared the above-named Ellen L. Sanborn, Director of Finance of the City of Portland, Maine, and acknowledged the foregoing, instrument to be his free act and deed and the free act and deed of said City of Portland.

Before me,

Margaret M. Axelsen

Notary Public/Attorney at Law, Bar # _____

Margaret M. Axelsen

Print Name

Margaret M. Axelsen
Notary Public, Maine
Commission Expires: August 8, 2016

SEAL

Approved as to form:

LCW

Corporation Counsel's Office

EXHIBIT A

A certain strip or parcel of land, five (5) feet in width and fifty (50) feet more or less in length, abutting the northerly end of the accepted portion of Wellwood Road in Portland, County of Cumberland and State of Maine, and being depicted on the plan entitled "Wellwood, The Otis Perry Land Company, Owners - 1924", recorded in said Registry in Plan Book 16, Page 12.

Title reference is made to the Tax Lien Certificate recorded on July 2, 1984 in the Cumberland County Registry of Deeds in Book 6496, Page 81, from Harry M. Verrill, as Conservator of the Casco Mercantile Trust Company, and to a tax lien deed recorded at Book 1778, Page 11 in said Registry.

Reference is also made to Map 160, Block F, Lot 40, using the Map/Block/Lot designation of the Assessor of the City of Portland.

Subject to these terms reservations and conditions, which shall be permanent and shall run with the land:

1. That this strip of land, and the adjacent land now owned by Silver Beach, LLC (see deed from Randall A. Libby, dated May 27, 2009, recorded in the Cumberland County Registry of Deeds in Book 26932, Page 226) can only be used to provide access and road frontage for one single family dwelling, with related structures, and with an accessory dwelling unit as allowed in Portland's Ordinances or Codes.
2. The City of Portland reserves a permanent easement in, over and on said strip, for public access and for utilities of all types, now existing or placed in said strip in the future, including the rights to maintain, place, repair and re-place said utility pipes, lines, cables, etc., and their related facilities and appurtenances.
3. That Silver Beach, LLC, its successors and assigns, shall erect (but not be responsible to maintain) on or within approximately 15 feet back from said strip onto the lands of Silver Beach, LLC, a post, for the purpose of signage related to the trail and easement for which is being granted to the City of Portland by Silver Beach, LLC. The post design, construction and location shall be subject to review and written approval by the Corporation Counsel for the City of Portland; however, it is hereby agreed and stipulated that a granite post, 6 inches by 6 inches, and 6 feet in length, and placed partially into the ground to a depth of at least 24 inches (but to a lesser depth if ledge is present), and, as a footing for said post, with a sonotube-type tube (at least 12 inches in diameter) with concrete therein, will be acceptable.

Received
Recorded Register of Deeds
Jun 11, 2012 11:43:44A
Cumberland County
Pamela E. Lovley

6. Wind energy systems, as defined and allowed in Article X,
Alternative Energy.

(Ord. No. 534-84, 5-7-84; Ord. No. 262-84, § 1, 12-17-84; Ord. No. 36-85, § 1,
7-15-85; Ord. No. 81-88, §§ 2, 3, 7-19-88; Ord. No. 86A-89, § 3, 8-21-89; Ord.
No. 33-91, § 4, 1-23-91; Ord. No. 165-97, § 1, 12-1-97; Ord. No. 33-11/12, 1-18-
12)

*Editor's note--Ord. No. 81-88, §§ 2 and 3, adopted July 19, 1988, amended
subsections 14-87(a)2 and (b)5 to read as herein set out. See also the editor's
note to Art. III of this chapter for additional provisions relative to Ord. No.
81-88.

Sec. 14-88. Conditional uses.

The following uses shall be permitted only upon the issuance
of a conditional use permit, subject to the provisions of section
14-474 (conditional uses) and any special provisions, standards or
requirements specified below:

(a) Residential:

1. Sheltered care group homes, as defined in section
14-47 of this article, for up to twelve (12)
individuals, plus staff, and serving a primary
population which is not handicapped persons,
parolees, persons involved in correctional
prerelease programs, or current illegal drug users,
provided that:
 - a. A sheltered care group home shall not be
located within five hundred (500) feet of
another, as measured along street lines to the
respective property lines;
 - b. There shall be no open outside stairways or
fire escapes above the ground floor;
 - c. The facility shall make provision for adequate
on-site staffing in accordance with applicable
state licensing requirements. If a facility is
not licensed by the state, there shall be a
minimum of one (1) staff person for every ten
(10) residents or fraction thereof.

The board of appeals may impose conditions upon a conditional use permit concerning the creation or operation of a sheltered care group home including but not limited to the following: site and building maintenance; lighting, fencing, and other appropriate security measures; screening and buffering of parking areas; compatibility of any additions or alterations with the existing residential structure; compatibility of new structures with the architectural character of the surrounding area; and limitation on the duration of a sheltered care group home permit.

2. Alteration or construction of a detached single-family dwelling to accommodate one (1) additional dwelling unit for the benefit of homeowners or tenants, provided that:
- a. The accessory unit shall be no more than thirty (30) percent of the gross floor area of principal building and shall have a minimum floor area four hundred (400) square feet; gross floor area shall exclude any floor area that has less than two-thirds of its floor-to-ceiling height above the average adjoining ground level; gross floor area may include attic space if such space shall be included as habitable space within either dwelling unit;
 - b. There shall be no open outside stairways or fire escapes above the ground floor;
 - c. Any building additions or exterior alterations such as facade materials, building form, or roof pitch shall be designed to be compatible with the architectural style and to maintain the single-family appearance of the dwelling;
 - d. A minimum lot size of six thousand five hundred (6,500) square feet of land area shall be required;
 - g. No dwelling unit shall be reduced in size to less than one thousand (1,000) square feet of floor area, exclusive of common areas and

storage in basement or attic;

- h. Parking shall be provided as required by division 20 of this article;
- i. The project shall be subject to article V (site plan) of this chapter for site plan review and approval and the following additional standards:
 - i. Any additions or exterior alterations such as facade materials, building form and roof pitch shall be designed to be compatible with the architectural style of the building;
 - ii. The scale and surface area of parking, driveways and paved areas shall be arranged and landscaped to properly screen vehicles from adjacent properties and streets.
- j. Either the accessory unit or principal unit shall be occupied by the lot owner, except for bona fide temporary absences.

(b) *Commercial:*

- 1. Reserved.

(c) *Institutional:* Any of the following conditional uses provided that, notwithstanding section 14-474(a) (conditional uses) of this article or any other provision of this Code, the Planning Board shall be substituted for the board of appeals as the reviewing authority:

- 1. Elementary, middle, and secondary school;
- 2.
 - a. Long-term and extended care facilities;
 - b. Intermediate care facility for thirteen (13) or more persons;
- 3. Places of assembly;