

Inspection Services
P. Samuel Hoffses
Chief



Planning and Urban Development
Joseph E. Gray Jr.
Director

CITY OF PORTLAND

Santino Ciccomancini
43 Walton Street
Portland, ME 04103-3410

September 9, 1996

RE: 80 Fallbrook Street - R-5 zone

Dear Mr. Ciccomancini,

I have reviewed the new survey and legal description for the reconfiguration of the above property. This new survey of Nadeau and Lodge depicts a property which conforms with the present pertinent use and setback regulations of the City of Portland, Maine. Accordingly, no additional permits or approvals are necessary for the described premises to be used as a single family residence. The remaining parcel of property would need separate reviews prior to its development.

Sincerely,

Marge Schmuckal
Zoning Administrator
Asst. Chief of Inspection Services

cc to: Danette at Commonwealth Mtg. - *Faxed only*
James F. Cloutier, Cloutier, Barrett, Cloutier & Conley, 22 Monument Sq.
Joseph Gray, Jr., Dir. of Planning & Urban Dev.
✓ P. Samuel Hoffses, Chief of Inspection Services
✓ File

162-B-042

CLOUTIER, BARRETT, CLOUTIER & CONLEY

A Professional Association
Attorneys at Law
22 Monument Square
Portland, Maine 04101

James F. Cloutier
Daniel P. Barrett
Mark A. Cloutier
Gerard P. Conley, Jr.
Thomas W. Cloutier
Neale A. Duffett
Andrew J. Cloutier

AREA CODE 207
TELEPHONE 775-1515
TELEFAX 774-7984
73244.2335
@compuserve.com

September 6, 1996

Marjorie Schmauckel
Portland City Hall
389 Congress Street
P.O. Box 544
Portland, Maine 04112

Re: Ciccomancini & Sons, Inc.

By Fax to: 874-8716

Dear Marg:

The above company is selling property located at Fallbrook Street in Portland, and has had a new legal description and drawn and checked by a surveyor.

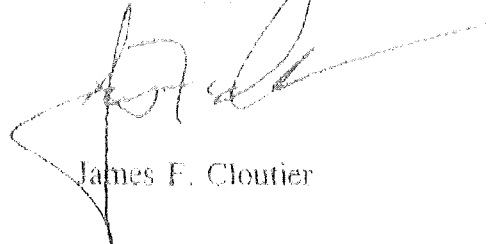
The appraiser for the lender, Randall Kempton, has requested that the City issue a letter confirming that there are no use issues which arise for this property with the new description, to assure it retains its value as a single family residence.

I am faxing herewith a copy of the new legal description and a copy of the survey, which Mr. Nadeau confirms meets all pertinent setbacks, etc. As well, I have taken the liberty of drafting the following as the possible text of a letter to Mr. Kempton.

"The legal description as depicted on the survey of Nadeau and Lodge depicts a property which conforms with the pertinent use regulations of the City of Portland, Maine. Accordingly, no additional permits or approvals are necessary for the described premises to be used as a single family residence."

We appreciate your assistance.

Very truly yours,



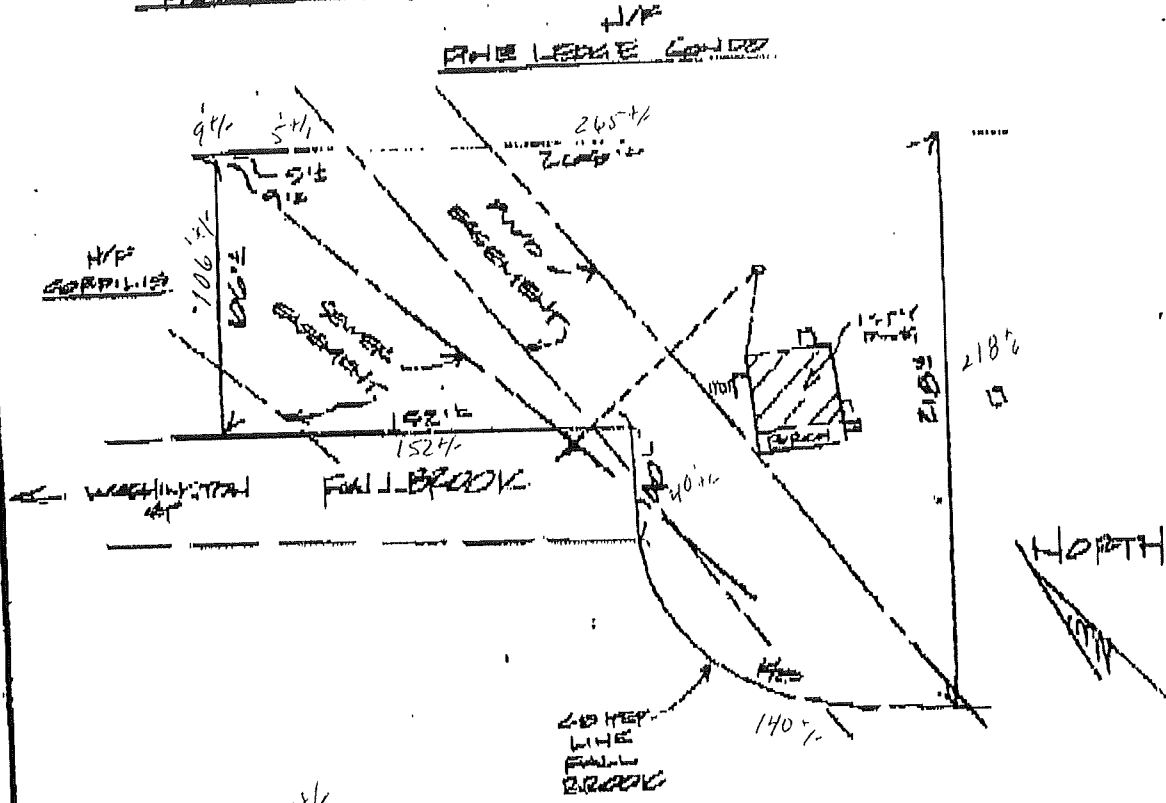
James F. Cloutier

cc: Santino Ciccomancini

FOR MORTGAGE LENDER USE ONLY

GENERAL NOTES: (1) DISTANCES SHOWN ARE TAKEN FROM PROVIDED TITLE REFERENCES SHOWN BELOW. (2) THIS INSPECTION EXAMINES DWELLING AND ACCESSORY STRUCTURE COMPLIANCE WITH RESPECT TO MUNICIPAL ZONING RETRACK REQUIREMENTS ONLY AT THE TIME OF CONSTRUCTION. (3) A STANDARD BOUNDARY SURVEY SHOULD BE PERFORMED TO MONITOR A PROFESSIONAL OPINION AS TO PROPERTY LINE LOCATIONS WITH RESPECT TO DRAINAGE. (4) THIS INSPECTION VERIFY'S ALL VISIBLE STRUCTURAL ENCROACHMENTS WITH RESPECT TO APPARENT PROPERTY LINES AND RECOGNIZES ONLY THOSE EASEMENTS & RIGHT OF WAYS STATED OR SHOWN IN THE PROVIDED TITLE REFERENCES SHOWN BELOW. THIS INSPECTION MAY NOT REVEAL ANY CONFLICTS WITH ADJUTING DEEDS. (5) FLOOD HAZARD DETERMINATION IS MADE BY SCALING DISTANCES ON BELOW REFERENCED FEMA MAP. (6) THIS INSPECTION IS TO BE USED ONLY BY THE BELOW LISTED LENDER, TITLE COMPANY &/OR ATTORNEY AND ITS TITLE INSURER.

ADDRESS: 83 FALLBROOK ST INSPECTION DATE: 8-14-96
PIRETTA 1/2 ACRE SCALE: 1" = 100'



SQ Feet + lot = 40,000 +/- exhibit A.

265 x 106 = 28,100 40,000 +/-

20' from 8' side 20' on rear

APPLICANT: JURZELER REQUESTING PARTY: FIRST TITLE OF ME
 OWNER: WILSON MALKIN E. SONS ATTORNEY: THOMAS W. CARTER
 LENDER: BANK UNITED OF TEXAS FILE No. 962912

Chris Flynn

TITLE REFERENCES:
 DEED BOOK: _____ PAGE: _____
 PLAN BOOK: 1162 PAGE: 32 LOT: _____
 COUNTY: CUMBERLAND
 MUNICIPAL REFERENCE:
 MAP: 162 BLOCK: B LOT: 45

NADEAU & LODGE
 PROFESSIONAL LAND SURVEYORS
 244 STEVEN AVENUE
 PORTLAND, ME 04103
 TEL 878-7870
 FAX 878-3871
 P.O. BOX 2184
 ALBANY, ME 04402
 TEL 583-1331

THE DWELLING DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE PER FEMA COMMUNITY MAP NO. 23001 PANEL 0027B ZONE: 2 DATED: 07-15-92

THE DWELLING WAS IN COMPLIANCE WITH MUNICIPAL ZONING RETRACK REQUIREMENTS AT THE

James N. Nadeau

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY LOCATED
in Cumberland County at
Fallbrook Street, Portland, Maine

A certain lot or parcel of land, with the buildings thereon, situated in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at a point on the northeasterly sideline of Fallbrook Street at the southerly corner of land now or formerly of Gertrude F. Gordilis;

Thence North $48^{\circ} 23' 15''$ East one hundred and six (106.00') feet, more or less, to a point in the center of Fall Brook,

Thence northerly along the center line of Fall Brook nine (9.00') feet, more or less, to a point, which point is located South $41^{\circ} 36' 15''$ East five (5.00') feet from an iron rod set;

Thence South $41^{\circ} 36' 15''$ East two hundred sixty-five (265.00') feet, more or less, to a point 30' West of the northwesterly sideline of Blanchard Street as shown on Plan of Lots, Winslow Terrace, Portland, Maine, dated November 1905, Chas. W. Fenn, Engineer;

Thence South $48^{\circ} 23' 15''$ West two hundred eighteen (218.00') feet, more or less, to the centerline of Fall Brook;

Thence northwesterly and northerly along the center of Fall Brook one hundred and forty (140.00') feet, more or less, to the southeasterly extension of the southwesterly sideline of Fallbrook Street;

Thence North $48^{\circ} 23' 15''$ East across said Fallbrook Street forty (40.00') feet to the northeasterly sideline thereof;

Thence North $41^{\circ} 36' 45''$ West one hundred and fifty-two (152.00') feet, more or less, along the northeasterly sideline of Fallbrook Street to the point of beginning.

Reference is made to Plan of Land on Fallbrook Street, Portland, Maine for Nicolino Ciccomancini recorded in the Cumberland County Registry of Deeds in Plan Book 168, Page 30.

Containing 40,000 square feet, more or less.

The within described premises are conveyed subject to the following rights and easements:

1. An easement which the Grantors hereby reserve across the premises herein conveyed from the excepted portion of Fallbrook Street to the remainder of said land conveyed to the Grantors by Humentuk, et al. by deed recorded in the Cumberland County Registry of Deeds in Book 7722, Page 181. Said easement to be for the purpose of providing utilities to said other land and shall be situated so as not to disturb existing improvements. All costs relating to the exercise of these rights shall be borne by the Grantors herein, and the premises shall be returned to a condition as near as reasonably

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possible to that presently existing and any installation of utilities

2. Subject to pole easement from Jack D. Humeniuk and Anne S. Humeniuk to Central Maine Power Company and New England Telephone and Telegraph Company dated June 13, 1980 and recorded in said Registry of Deeds in Book 4635, Page 309
3. Subject to easement from Christine I. Booth of Portland Water District dated August 18, 1975 and recorded in said Registry of Deeds in Book 3729, Page 81.
4. Subject to easement from William O. Armitage to Portland Water District dated September 30, 1965 and recorded in said Registry of Deeds in Book 3753, Page 43
5. Subject to easement from William O. Armitage to the City of Portland dated May 9, 1985 and recorded in said Registry of Deeds in Book 6084, Page 99
6. Subject to such other rights as the City of Portland or the Portland Water District may have in any portion of what is known as the "Fall Brook Branch Connecting Sewer" or the "East Side Interception Sewer" which crosses the premises.
7. Subject to the rights of the public and others entitled thereto in and to those portions of the premises lying within the bounds of proposed Blanchard Street and the unaccepted portion of Fallbrook Street. Said Blanchard Street is referred to in deed from Christine I. Booth to Anne M. Smith dated October 17, 1977 and recorded in said Registry of Deeds in Book 4115, Page 313.

Meaning and intending to convey and hereby conveying a portion of the premises conveyed to Nicolino Ciccomancini and Patricia A. Ciccomancini by deed of Jack D. Humeniuk, et al. dated April 17, 1987 and recorded in the Cumberland County Registry of Deeds in Book 7722, Page 181.

From: To: Major: Summary:

Page 3 of 4

possible to that person.

2. Subject's name is listed in the Maine Business Directory, Central Maine Power Company, as being a member of the Maine Telephone Company dated June 1, 1980 and recorded in the file of the Maine Business Directory, page 107.

3. Subject's name is listed in the Maine Business Directory, dated August 18, 1975 and recorded in the file of the Maine Business Directory, page 107.

4. Subject's name is listed in the Maine Business Directory, dated September 16, 1981 and recorded in the file of the Maine Business Directory, page 107.

5. Subject's name is listed in the Maine Business Directory, dated August 18, 1985 and recorded in the file of the Maine Business Directory, page 107.

6. Subject's name is listed in the Maine Business Directory, dated August 18, 1985 and recorded in the file of the Maine Business Directory, page 107. District may have an independent file on subject's name in the file of the East Side Intercept Search and Seizure, dated August 18, 1985.

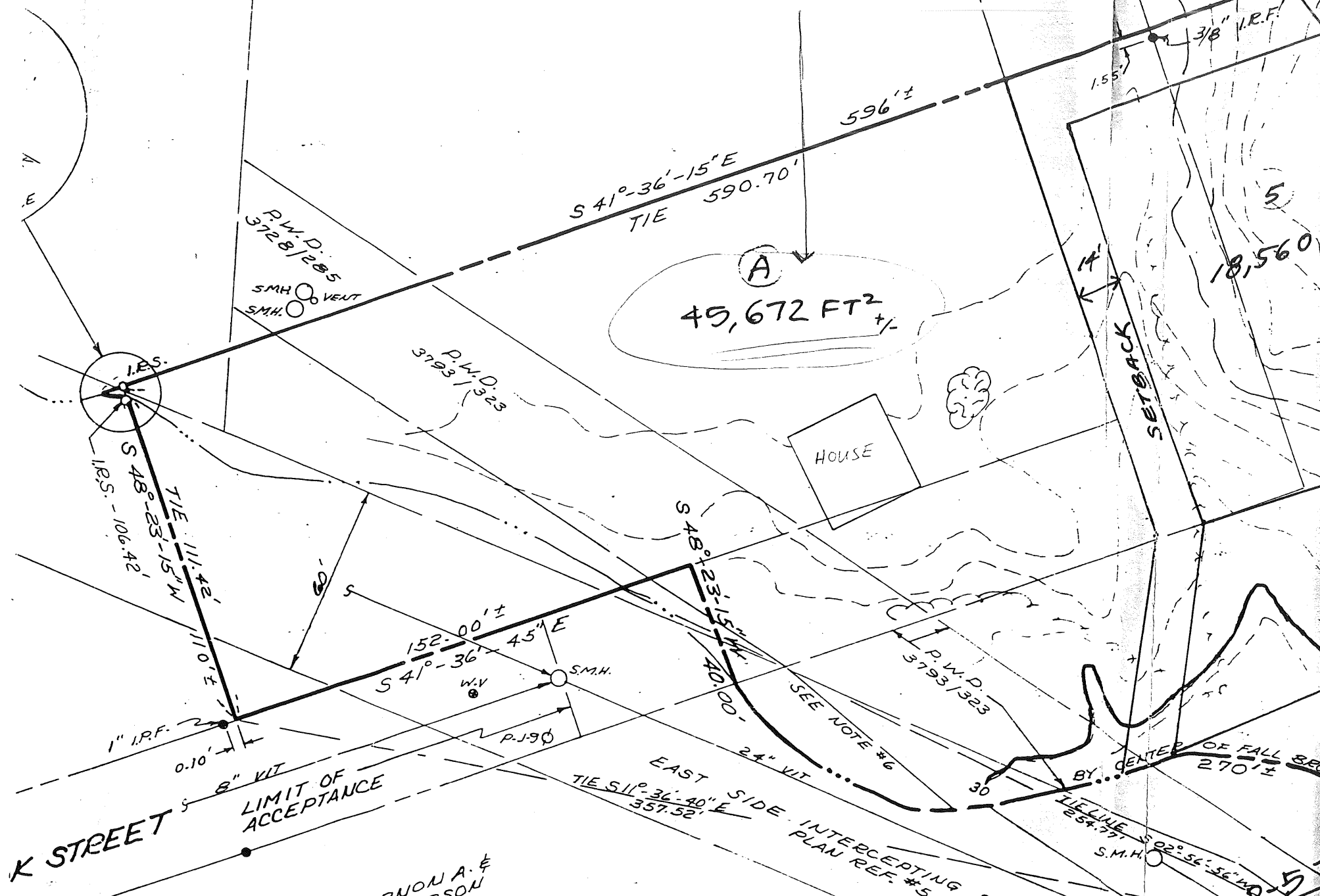
7. Subject's name is listed in the Maine Business Directory, dated August 18, 1985 and recorded in the file of the Maine Business Directory, page 107. The premises listed in the Maine Business Directory, dated August 18, 1985, at 100 Fallbrook Street, Portland, Maine, is the residence of subject's mother, Anne M. Smith dated October 1, 1985 and recorded in the file of the Maine Business Directory, page 107.

Meaning and use of the name of the premises listed in the Maine Business Directory, dated August 18, 1985, at 100 Fallbrook Street, Portland, Maine, is the residence of subject's mother, Anne M. Smith dated October 1, 1985 and recorded in the file of the Maine Business Directory, page 107.

| | |
|---------|--------------|
| Dept. | CICCOMANCINI |
| Phone # | 7800229 |
| Fax # | 775 7606 |
| Fax # | 7800229 |

PINE LED
C.C.R.
PLAN REF

STREET
REF: #3



VERNON A. GIBSON

5/18