

## EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that **ADRIENNE TURYN**, with a mailing address of 45 Machigonne Street, Portland, Maine 04102, in consideration of One Dollar (\$1.00) and other valuable consideration paid by the **CITY OF PORTLAND**, a body politic and corporate with a mailing address of 389 Congress Street, Portland, Maine, do hereby remise and release and forever quitclaim to the said City of Portland the easement and rights described below, on and under the land described in Exhibit A and attached hereto and incorporated herein by reference; Exhibit B depicts the area of these easements and rights.

Said easement and rights are for the purpose of installing, perpetually maintaining, repairing and replacing water, sewer and storm water conduits and pipes through, under and across said land, and also for all necessary fixtures and appurtenances related thereto, with all necessary fixtures and appurtenances, together with the right at all times to make connections with said conduits or pipelines to land adjoining said water, sewer and drainage easement by means of pipes or other services; ALSO, an easement for public pedestrian (and other non-motorized travel) access and recreation on said land, and for traversing said land to access lands adjacent thereto; and all with the right to trim, cut down and remove trees, bushes, and other vegetation of all kinds, to remove debris and deposits of any kind and to alter and re-grade the contours of said easement to such extent as in the sole judgment of the Grantee is necessary or appropriate for any of the above purposes; and to enter upon said easement at any and all times for any of the foregoing purposes, reserving to the Grantor and their successors and assigns the use and enjoyment of said strips and for such purposes only as will in no way interfere temporarily or otherwise with the perpetual use thereof by the Grantee, its successors and assigns for the purpose above mentioned, provided that no building or any kind of permanent structure, including, but not limited to, walls and fences, shall be erected on said strip by the Grantor, their successors or assigns; and that the Grantor, their successors and assigns shall not remove earth from said easement without the written permission of the Grantee, its successors and assigns.

**IN WITNESS WHEREOF**, Adrienne Turyn has hereunto set her hand and seal on this  
\_\_\_\_ day of \_\_\_\_\_, 2014.

WITNESS:

\_\_\_\_\_

\_\_\_\_\_  
Adrienne Turyn

STATE OF MAINE  
CUMBERLAND, ss.

\_\_\_\_\_, 2014

Personally appeared the above-named Adrienne Turyn and acknowledged the foregoing instrument to be her free act and deed.

Before me,

\_\_\_\_\_  
Notary Public/Attorney-at-Law

\_\_\_\_\_  
Print Name

## **Exhibit A**

The certain easement and rights across delineated above on and under land on the northwesterly side line of Machigonne Street in the City of Portland, Cumberland County, State of Maine, and bounded and described as follows:

**BEGINNING** at a point in the northwesterly side line of Machigonne Street as accepted by Order of the City of Portland Council on April 6, 1931, Clerk's Volume 57, Page 37, said point is located  $S27^{\circ}00'57''W$  six hundred and eighteen hundredths feet (600.18') as measured along the northwesterly side line of said Machigonne Street from its intersection with the southwesterly side line of Brighton Avenue;

**THENCE,  $S27^{\circ}00'57''W$  sixty and no hundredths feet (60.00')** along the northwesterly side line of said Machigonne Street to a point where the southwesterly side line of Rockland Avenue as shown on the Plan of Greater Brighton, dated August, 1904 and recorded in the Cumberland County Registry of Deeds (CCRD) in Plan Book 11, Page 111 intersects the northwesterly side line of Machigonne Street, said point is also the easterly corner of land now or formerly of Michael E. Kramer and Elizabeth Kramer as described in a deed dated August 6, 1984 and recorded in CCRD in Deed Book 6535, Page 303;

**THENCE,  $N62^{\circ}59'54''W$  one hundred and no hundredths feet (100.00')** along the southwesterly side line of said Rockland Avenue and along the northeasterly line of land now or formerly of said Kramer to a point in the southeasterly line of land now or formerly of the City of Portland as described in a deed dated November 17, 1947 and recorded in CCRD in Deed Book 1899, Page 18;

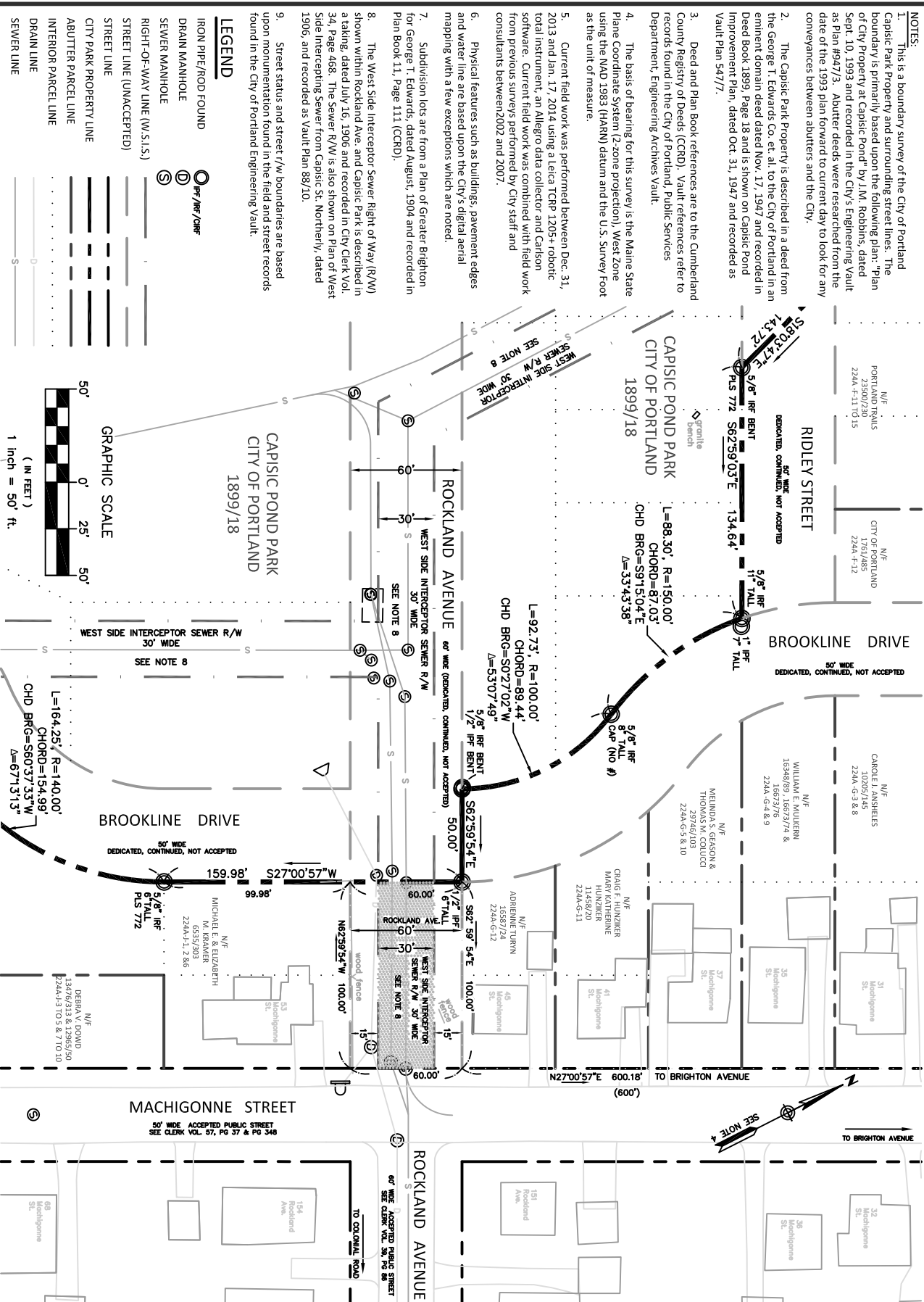
**THENCE,  $N27^{\circ}00'57''E$  sixty and no hundredths feet (60.00)** along the southeasterly line of land now or formerly of the said City of Portland to a point in the northeasterly side line of said Rockland Avenue, said point is also the westerly corner of land now or formerly of Adrienne Turyn as described in a deed dated July 30, 2001 and recorded in CCRD in Deed Book 16587, Page 24;

**THENCE,  $S62^{\circ}59'54''E$  one hundred and no hundredths feet (100.00')** along the northeasterly side line of said Rockland Avenue and along the southwesterly line of land of said Adrienne Turyn to **THE POINT OF BEGINNING.**

Title reference is made to the deed to Adrienne Turyn dated July 30, 2001 and recorded in CCRD in Deed Book 16587, Page 24.

This deed description is based on a plan titled "Boundary Survey of Capisic Park at Rockland Avenue", dated March 18, 2014, by the City of Portland, Maine, Public Services Department, Engineering Section on file at said Public Services Department Engineering and Archives Vault as Plan 881/38 and attached herein as Exhibit B.

Bearings referenced herein are Grid North, Maine State Plane Coordinate System NAD 1983 (HARN) (2-zone projection), West Zone.



- NOTES:
- This is a boundary survey of the City of Portland Capisic Pond Property and surrounding street lines. The boundary is primarily based upon the following plan: "Plan of City Property at Capisic Pond" by J.M. Robbins, dated Sept. 10, 1993 and recorded in the City's Engineering Vault as Plan #947/3. Abutter deeds were researched from the date of the 1993 plan forward to current day to look for any conveyances between abutters and the City.

- The Capisic Pond Property is described in a deed from the George T. Edwards Co. et. al. to the City of Portland in an eminent domain deed dated Nov. 17, 1947 and recorded in Deed Book 1899, Page 18 and is shown on Capisic Pond Improvement Plan, dated Oct. 31, 1947 and recorded as Vault Plan 547/7.

- Deed and Plan Book references are to the Cumberland County Registry of Deeds (CCRD). Vault references refer to records found in the City of Portland, Public Services Department, Engineering Archives Vault.
- The basis of bearing for this survey is the Maine State Plane Coordinate System (2-zone projection), West Zone using the MAD 1983 (HARRI) datum and the U.S. Survey Foot as the unit of measure.
- Current field work was performed between Dec. 31, 2013 and Jan. 17, 2014 using a Leica TCIP 1205+ robotic total instrument, an Allegro data collector and Carlson software. Current field work was combined with field work from previous surveys performed by City staff and consultants between 2002 and 2007.

- Physical features such as buildings, pavement edges and water line are based upon the City's digital aerial mapping with a few exceptions which are noted.
- Subdivision lots are from a Plan of Greater Brighton for George T. Edwards, dated August, 1904 and recorded in Plan Book 11, Page 111 (CCRD).
- The West Side Interceptor Sewer Right of Way (R/W) shown within Rockland Ave. and Capisic Park is described in a taking, dated July 16, 1906 and recorded in City Clerk Vol. 34, Page 468. The Sewer R/W is also shown on Plan of West Side Interceptor Sewer from Capisic St. Northerly, dated 1906, and recorded as Vault Plan 88/10.
- Street status and street R/W boundaries are based upon monumentation found in the field and street records found in the City of Portland Engineering Vault.

**LEGEND**

IRON PIPE/ROD FOUND

DRAIN MANHOLE

SEWER MANHOLE

RIGHT-OF-WAY LINE (W.S.I.S.)

STREET LINE (UNACCEPTED)

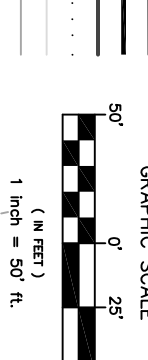
CITY PARK PROPERTY LINE

ABUTTER PARCEL LINE

INTERIOR PARCEL LINE

DRAIN LINE

SEWER LINE



<p>SHEET #</p> <p><b>EXHIBIT B</b></p> <p>881 / 38</p>	<p><b>BOUNDARY SURVEY OF</b></p> <p><b>CAPISIC POND PARK AT</b></p> <p><b>ROCKLAND AVENUE</b></p>		<p>CITY OF PORTLAND, MAINE</p> <p>PUBLIC SERVICES DEPARTMENT</p> <p>ENGINEERING DIVISION</p>	<p>CAMILLE C. ALDEN, PLS #2335</p>	<p>SURVEYOR:</p> <p>CAMILLE C. ALDEN</p>	<p>REFERENCES:</p> <p>Civil 3D PROJECT: CAPISIC PARK-MACY ST. 2014 DB</p> <p>DRAWING: CAPISIC PARK-MACY ST. 2014</p> <p>FIELD BOOK: TB 151, PP 58-75</p>
	<p>DRAWN BY:</p> <p>CCA / LKS</p>	<p>CHECKED BY:</p> <p>WBS/CCA</p>			<p>SCALE:</p> <p>1" = 50'</p>	

**EXHIBIT B**