

NONENFORCEMENT AGREEMENT

WHEREAS, Mark A. Axelson, II is the owner of property at 119 Tarbell Street, Portland, Maine (Tax Map # 330, block G, lot 004); and

WHEREAS, the City of Portland's Code of Ordinances, section 14-403, does not permit building of new structures on unaccepted streets that have not been brought up to City standards regarding drainage, width, pavement, sidewalks etc.; and

WHEREAS, on November 9, 2000 Mark A. Axelson, II was erroneously issued a building permit (#00128) by the City of Portland allowing him to construct a single family residence on the above noted lot despite the fact that the lot is located on a paper street and the street has not been brought up to City standards as required; and

WHEREAS, in reliance on his building permit Mark A. Axelson II constructed a single family residence upon said lot and now seeks a certificate of occupancy from the City of Portland; and

NOW THEN, it is hereby agreed as follows:

1. The City of Portland will not take enforcement action against the property or its owner under §14-403 of the City Code of Ordinances; and
2. Unless and until Tarbell Street is accepted as a City Street by act of the Portland City Council, the City will not be providing City services (including not limited to plowing, sanding, street maintenance, trash removal, lighting, or sewer maintenance) to the property.
3. Unless and until Tarbell Street is accepted as a City Street by act of the Portland City Council, the property shall remain as a single-family residence.
4. This Agreement shall be filed in the Cumberland County Registry of Deeds upon its execution.

Dated this 2 April, 2001.

SEEN AND AGREED

Jadine R. Adams  
Witness

Mark A. Axelson II  
Mark A. Axelson II

Sonia L. Bean  
Witness

Joseph E. Gray  
City of Portland  
Joseph E. Gray  
Its Acting City Manager

STATE of MAINE  
County of Cumberland  
Sworn and subscribed to before me by  
MARK A. Axelson II on 4/2/01.

[Signature]

TIMOTHY J. JARVIS  
Notary Public, Maine  
My Commission Expires May 13, 2004

O:\OFFICE\PENNY\CONTRACT\other\NONENFORCEMENT\AGREEMENT\Tarbell.doc

RECEIVED  
RECORDED REGISTRY OF DEEDS

2001 APR -5 AM 10:18

CUMBERLAND COUNTY

John B. O'Brien

A TRUE COPY OF RECORD

Attest

John B. O'Brien  
Register

330 G4  
# 001280