

## FORBEARANCE AGREEMENT

The parties, the City of Portland (the “City”) and BK Properties LLC (“Owner”) enter into this Forbearance Agreement (“Agreement”) as of January \_\_, 2018.

WHEREAS, Owner owns and manages a residential property located at 613 Washington Ave. in Portland, Maine, (the “Property”) CBL 428 L022001 on the City of Portland Tax Maps;

WHEREAS, the legal use of the Property is two residential units;

WHEREAS, for more than ten years, Owner has maintained an illegal third unit on the third floor at the Property (the “Illegal Unit”);

WHEREAS, Owner has applied for a change of use permit, number 2017-01385 (the “Permit”), to increase the legal number of dwelling units within the building from two units to a total of three units;

WHEREAS, the change of use of the building requires the building to be protected throughout, with an NFPA 13R automatic fire sprinkler system;

WHEREAS, the City is willing to give Owner additional time to install the required fire sprinkler system;

NOW, THEREFORE, in consideration of the mutual promises made by each party to the other, the parties wish to provide the required fire sprinkler protection of the Property as follows:

1. The City agrees to allow the Illegal Unit to remain, and forbear from taking enforcement action with respect to that unit, for a period not to exceed 8 months from the date of this agreement only so long as all of the following conditions are met:
  - a. The Illegal Unit remains unoccupied until items c, d, and e listed below have been completed and approved by the City, in writing;
  - b. Owner diligently pursues the Permit, including responding in a timely fashion to all requests by the City, and complying with all conditions imposed by the City;
  - c. By no later than March 1 2018, Owner will install the three required 60-minute fire rated unit doors in the stairways in full compliance with the applicable laws and ordinances;
  - d. By no later than March 1, 2018, Owner will install handrails on both sides of all stairways in full compliance with the applicable laws and ordinances;

- e. By no later than March 1 2018, Owner will provide a one hour fire resistance rating where the wood paneling is in the stairway / hall areas of the means of egress in full compliance with the applicable laws and ordinances;
- f. By no later than April 1, 2018, Owner will apply for a street opening permit to install the water main necessary to supply the sprinkler system to be installed. The water main shall be installed no later than April 30, 2018;
- g. By no later than April 1, 2018, Owner or its designee will submit a complete and adequate City of Portland Water Based Fire Protection System permit for the Property; and
- h. By no later than September 30, 2018, Owner or its designee will have completed the installation and had a final inspection of the required NFPA 13R automatic fire sprinkler system throughout the entire building located at 613 Washington Ave. Portland, Maine.

2. All work must be done in accordance with state law and the City of Portland Code of Ordinances, and to the reasonable satisfaction of the responsible City official.

3. If Owner fails to meet any obligations of this Agreement, the Owner agrees to all of the following:

- a. The City may immediately post against occupancy the Illegal Unit;
- b. Owner will remove the Illegal Unit within 30 days of notice and demand by the City;
- c. Owner will pay to the City civil penalties in the amount of \$10,000 for the violations with respect to the Illegal Unit within 30 days of notice and demand by the City; and
- d. Owner admits further liability to the City in the amount of \$200 per day that the Illegal Unit remains beyond the 30 days described in paragraph 2(b) above.

**SEEN AND AGREED,**

Date:

CITY OF PORTLAND

\_\_\_\_\_  
By:

Its:

Date:

BK PROPERTIES LLC

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By: Shamayel Kargar

Its: