

Order 163-15/16

Passage: 8-0 (Mavodones absent) on 2/17/2016

Effective 2/27/2016

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER ACCEPTING SIDEWALK EASEMENT
FROM SCHLOTTERBECK BLOCK LLC

ORDERED, that the sidewalk easement from Schlotterbeck Block LLC on portions of its land on Elm, Kennebec and Preble Streets is hereby accepted in substantially the form attached hereto; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or his or her designee to execute said documents and any other related documents necessary or convenient to carry out the intent of said documents and this Order.

EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that SCHLOTTERBECK BLOCK LLC, a Maine limited liability company with a place of business in Portland, Maine and mailing address of 104 Grant Street, Portland, ME, 04101 (the "Grantor"), FOR CONSIDERATION PAID, hereby GRANTS to the CITY OF PORTLAND, a Maine body corporate and politic, with a mailing address of City Hall, 389 Congress Street, Portland, Maine 04101 (the "Grantee" or the "City"), an easement for the purpose described below, over portions of Grantor's Land on Elm, Kennebec and Preble Streets in Portland, Maine, more particularly described in Exhibit A attached hereto and as depicted in the drawing attached hereto as Exhibit B and made a part hereof (collectively the "Easement Area"). The Easement Area constitutes portions of the land described in a deed to Grantor of even or near date to be recorded herewith.

The purpose of the easement granted herein is to grant public pedestrian access in, on, under, and over the Easement Area which shall function as an ADA compliant sidewalk for pedestrian, bicycle and similar non-motorized pedestrian uses subject, however, to such rules or ordinances that Grantee may adopt from time to time in the interests of public safety. Notwithstanding the foregoing, wheelchair and emergency vehicles as well as snow removal equipment shall be permitted in accordance with applicable federal and/or state laws regulating accessibility for such devices, vehicles or equipment. The City shall have the right, but not the obligation, to install, maintain, replace and repair the sidewalk for public use and enjoyment on and over the Easement Maintenance and repair responsibilities within the Easement Area shall belong solely to the Grantor, its heirs and assigns. It shall be the responsibility of the Grantor to remove snow and ice from said sidewalk and to otherwise comply with all laws, rules, regulations, and ordinances governing the removal of snow and ice. Grantee shall have the right but not the obligation to repair or maintain the Easement Area when Grantee, in its sole discretion, deems such repairs or maintenance necessary to ensure public safety.

The Easement Area shall, as provided and permitted herein, be maintained as a sidewalk for the uses set forth and described herein and Grantor shall not use or permit any use, condition or state of disrepair that would be contrary to or otherwise inhibit such uses.

TO HAVE AND TO HOLD the aforegranted and bargained easement, with all privileges and appurtenances thereof, to the Grantee, its successors and assigns, to its and their use and behoof, forever.

IN WITNESS WHEREOF,
Schlotterbeck Block LLC, the Grantor,
has caused this instrument to be
executed by Schlotterbeck Manager

LLC, its Managing Member thereunto
duly authorized, this ____ day of
January, 2016.

WITNESS:

SCHLOTTERBECK BLOCK LLC,
Grantor

BY: Schlotterbeck Manager LLC,
its Managing Member

By: _____
Thomas E. Watson, its Manager

STATE OF MAINE
CUMBERLAND, ss.

January ____, 2016

Personally appeared the above named Thomas E. Watson, Manager of
Schlotterbeck Manager LLC, Managing Member of Schlotterbeck Block LLC as
aforesaid and acknowledged the foregoing instrument to be his free act and deed in his
said capacity and the free act and deed of said limited liability companies.

Before me,

Attorney-at-Law/Notary Public
Printed

Name: _____

Commission

expires: _____

SEEN AND AGREED TO:

CITY OF PORTLAND

By: _____

Jon P. Jennings, its City
Manager

EXHIBIT A

Pedestrian Easement over land of Schlotterbeck Block LLC

A certain lot(s) or parcel(s) of land crossing land of Schlotterbeck Block LLC on the northerly side of Preble Street in the City of Portland, County of Cumberland and State of Maine described as follows:

Easement "Area A"

Commencing at a point of beginning at a granite monument at southwesterly corner of land now or formerly of Schlotterbeck Block LLC,

Thence, N 67°23'22" E across land of said Schlotterbeck Block LLC, 7.56 feet;

Thence, S 13°15'00" E across land of said Schlotterbeck Block LLC, 8.59 feet;

Thence, N 42°34'06" W along land of said Schlotterbeck Block LLC, 7.41 feet to the point of beginning containing 26.4 square feet.

Easement "Area B"

Commencing at a granite monument at southwesterly corner of land now or formerly of Schlotterbeck Block LLC, thence, N 67°23'22" E along land of said Schlotterbeck Block LLC. 34.23 feet to the point of beginning;

Thence, N 67°23'22" E across land of said Schlotterbeck Block LLC, 10.34 feet;

Thence, S 22°22'08" W across land of said Schlotterbeck Block LLC, 1.75 feet;

Thence, S 67°23'22" W across land of said Schlotterbeck Block LLC, 7.87 feet;

Thence, N 76°37'0652" W along land of said Schlotterbeck Block LLC, 1.75 feet to the point of beginning containing 11.3 square feet.

Easement "Area C"

Commencing at a granite monument at southwesterly corner of land now or formerly of Schlotterbeck Block LLC, thence, N 67°23'22" E along land of said Schlotterbeck Block LLC. 134.21 feet to the point of beginning;

Thence, N 67°23'22" E across land of said Schlotterbeck Block LLC, 10.48 feet;

Thence, S 22°22'08" W across land of said Schlotterbeck Block LLC, 1.75 feet;

Thence, S 67°23'22" W across land of said Schlotterbeck Block LLC, 8.00 feet;

Thence, N 76°37'0652" W along land of said Schlotterbeck Block LLC, 1.75 feet to the point of beginning containing 11.4 square feet.

Easement "Area D"

Commencing at a point of beginning at a granite monument at northwesterly corner of land now or formerly of Schlotterbeck Block LLC,

Thence, S 40°58'03" E across land of said Schlotterbeck Block LLC, 12.94 feet;

Thence, S 67°23'22" W across land of said Schlotterbeck Block LLC, 16.20 feet;

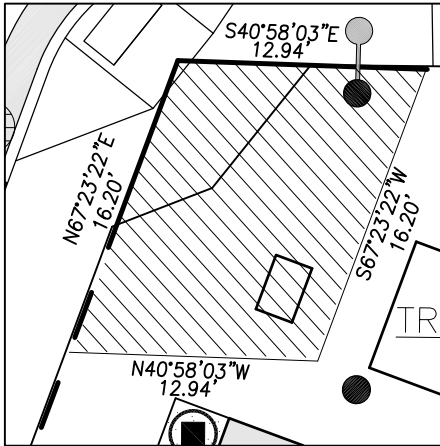
Thence, N 40°58'03" W along land of said Schlotterbeck Block LLC, 12.94 feet;

Thence, N 67°23'22" E along land of said Schlotterbeck Block LLC, 16.20 feet to the point of beginning containing 199.0 square feet.

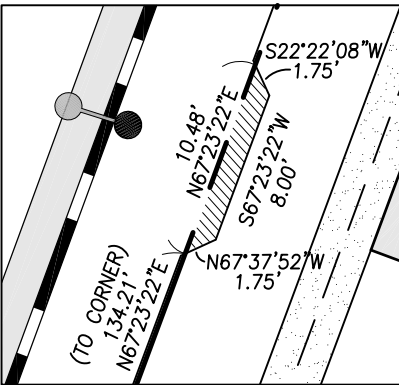
The above described parcel of land is a portion of the land described in deed Book 26354, Page 314.

Basis of bearings: Maine State Plane Coordinate System West Zone NAD 83.

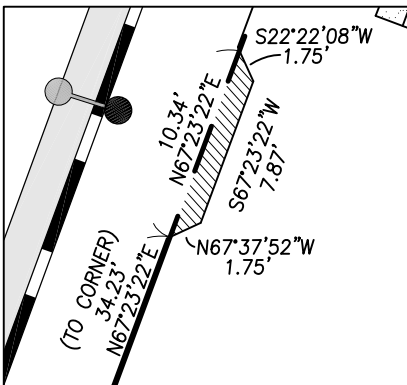
EXHIBIT B



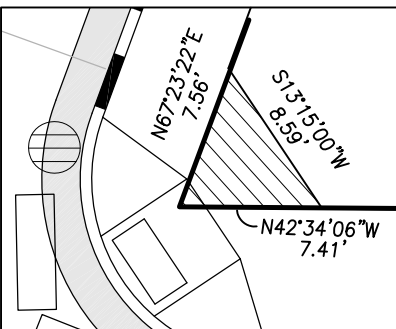
DETAIL PLAN: EASEMENT 'AREA A'
SCALE: 1" = 10'



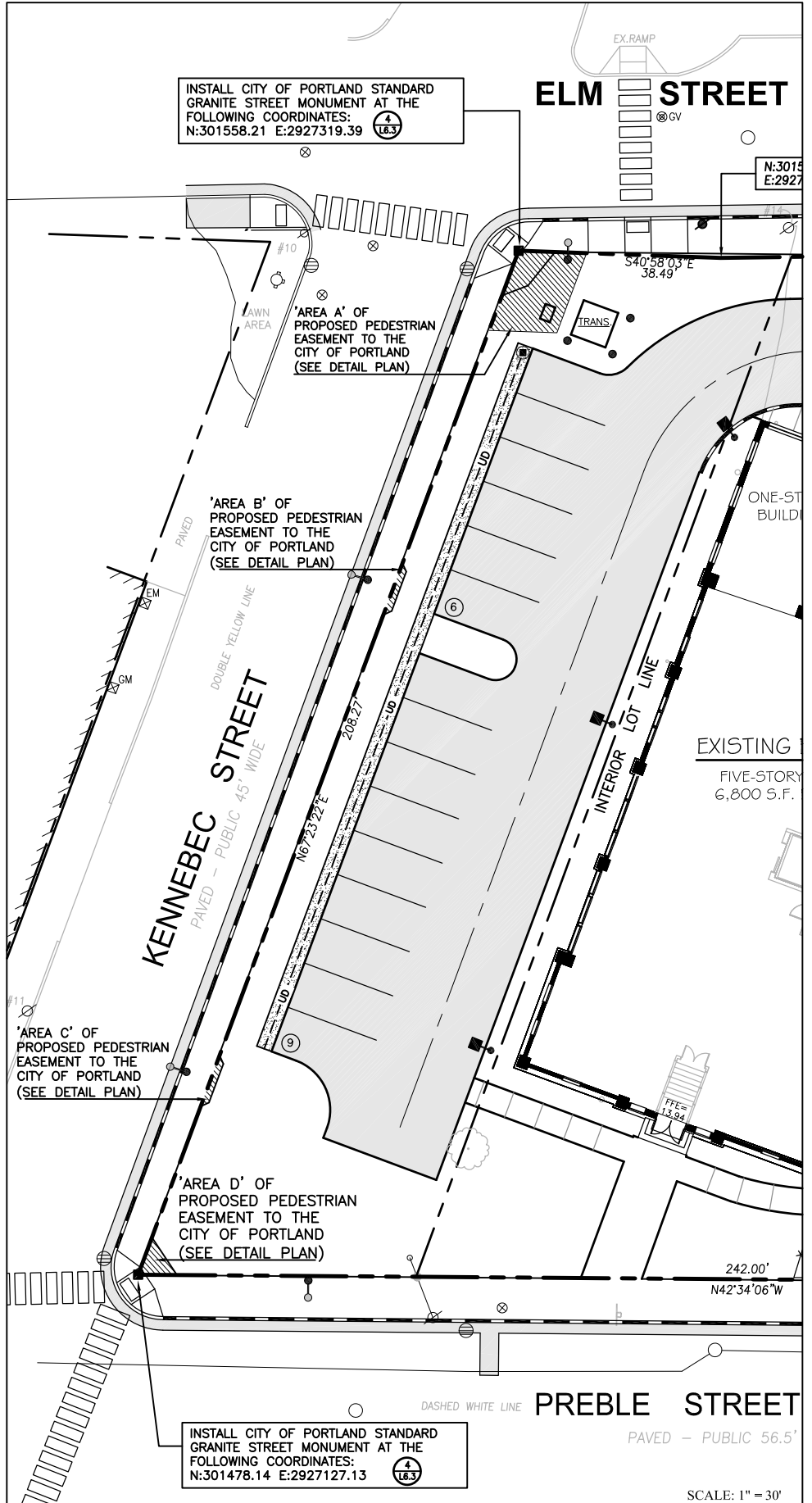
DETAIL PLAN: EASEMENT 'AREA B'
SCALE: 1" = 10'



DETAIL PLAN: EASEMENT 'AREA C'
SCALE: 1" = 10'



DETAIL PLAN: EASEMENT 'AREA D'
SCALE: 1" = 10'



INSTALL CITY OF PORTLAND STANDARD GRANITE STREET MONUMENT AT THE FOLLOWING COORDINATES:
N:301558.21 E:2927319.39

4
16.3

'AREA A' OF PROPOSED PEDESTRIAN EASEMENT TO THE CITY OF PORTLAND (SEE DETAIL PLAN)

'AREA B' OF PROPOSED PEDESTRIAN EASEMENT TO THE CITY OF PORTLAND (SEE DETAIL PLAN)

'AREA C' OF PROPOSED PEDESTRIAN EASEMENT TO THE CITY OF PORTLAND (SEE DETAIL PLAN)

'AREA D' OF PROPOSED PEDESTRIAN EASEMENT TO THE CITY OF PORTLAND (SEE DETAIL PLAN)

INSTALL CITY OF PORTLAND STANDARD GRANITE STREET MONUMENT AT THE FOLLOWING COORDINATES:
N:301478.14 E:2927127.13

4
16.3

EXISTING
FIVE-STORY
6,800 S.F.

PREBLE STREET
PAVED - PUBLIC 56.5'

SCALE: 1" = 30'