

Order 105-15/16

Passage: 9-0 on 11/16/2015

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

Effective 11/26/2015

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

**ORDER ACCEPTING PEDESTRIAN EASEMENT
FOR PUBLIC SIDEWALK ON ORANGE STREET**

ORDERED, that the pedestrian easement from Portland Housing Authority for a public sidewalk on Orange Street is hereby accepted in substantially the form attached hereto.

SIDEWALK EASEMENT
TO THE
CITY OF PORTLAND

KNOW ALL PERSONS BY THESE PRESENTS that Portland Housing Authority, a body corporate and politic established as a municipal housing authority with a mailing address of 14 Baxter Boulevard, Portland, Maine 04101(hereinafter, “GRANTOR), for one dollar and other good and valuable consideration paid by the CITY OF PORTLAND, a body politic and corporate with a mailing address of 389 Congress Street, Portland, Maine 04101 (hereinafter “GRANTEE”), does hereby grant to the said CITY OF PORTLAND the perpetual easement and rights described below on the land described below.

The purpose of said easement is to grant GRANTEE the right, but not the obligation, to construct, maintain, repair and replace a sidewalk in, on, under and over the portions of that certain parcel of land of the Grantor as described in **Exhibit A**, attached hereto and made a part hereof (the “Easement Area”), said sidewalk to be used by the public for pedestrian, bicycle and similar non-motorized (other than wheelchair and emergency vehicles and snow removal equipment, which shall be permitted) pedestrian recreational uses, subject, however, to such rules or ordinances that Grantee may adopt from time to time in the interests of public safety. Notwithstanding anything to the contrary in this easement, it shall be the responsibility of the GRANTOR, and not the GRANTEE, 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.

GRANTOR further covenants and agrees for itself, its successors and assigns, that the land that lies in the Easement Area shall, except for the construction, maintenance, repair, or replacement of the sidewalk and any appurtenances by GRANTEE, its successors and assigns,

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 that would be contrary to such condition.

To have and to hold the said Easement and all rights granted hereunder to the said Grantee and its successors and assigns forever.

IN WITNESS WHEREOF, GRANTOR has caused this instrument to be executed by Mark B. Adelson, its Executive Director thereunto duly authorized as of the ____ day of _____, 2015.

WITNESS:

PORTLAND HOUSING AUTHORITY

By: _____
Its Executive Director
Print Name: Mark B. Adelson

STATE OF MAINE
COUNTY OF CUMBERLAND, SS.

_____, 2015

Personally appeared the above named Mark B. Adelson, in his capacity as Executive Director of Portland Housing Authority, who acknowledged the foregoing instrument to be his free act and deed in his capacity and the free act and deed of Portland Housing Authority.

Before me,

Name:
Notary Public / Attorney at law

My Commission Expires: _____

EXHIBIT A

A certain easement across land situated along the westerly side of Orange Street in the City of Portland, County of Cumberland, State of Maine, bounded and described as follows:

Beginning at the intersection of the westerly street line of Orange Street and the northerly street line of Salem Street;

Thence S 71° 41' 00" W three and sixty-four hundredths feet (3.64') along said northerly street line of Salem Street to a point;

Thence N 12° 47' 03" W one hundred sixty-one and eighty-one hundredths feet (161.81'), more or less, across land now or formerly of Portland Housing Authority (Book 3198 Page 97) to land now or formerly of Steven G. Lazaros (Book 31397 Page 296);

Thence N 77° 05' 36" E three and twenty-eight hundredths feet (3.28') along said land of Lazaros to the westerly street line of said Orange Street;

Thence S 12° 54' 24" E one hundred sixty-one and forty-seven hundredths feet (161.47') along said westerly street line of Orange Street to said northerly street line of Salem Street and the **Point of Beginning**.

Said easement comprising an area of 558 square feet, more or less.

All book and page numbers reference the Cumberland County Registry of Deeds.

All bearings are based on those called in Deed Book 4289 Page 50.

Reference is made to a boundary plan of this easement to be recorded in the City of Portland Department of Public Services' Engineering Archives (City Plan 881/38).