

Order 221-18/19

Passage: 7-0 (Thibodeau, Batson absent) on 4/22/2019

Effective 5/2/2019

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER ACCEPTING TWO PEDESTRIAN ACCESS EASEMENTS
AND APPROVING A QUITCLAIM DEED FROM GBD PROPERTIES, INC.
RE: WHOLE FOODS MARKET**

ORDERED, that the attached easements from GBD Properties, Inc. are hereby approved in substantially the form attached hereto; and

ORDERED, that the attached quitclaim deed from GBD Properties, Inc., for land along Somerset and Fox Streets, is hereby approved 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 record said documents in the Cumberland County Registry of Deeds.

EASEMENT DEED

KNOW ALL PERSONS BY THESE PRESENTS, that **GBD PROPERTIES, INC.**, a Delaware corporation (successor by merger to Franklin & Somerset Portland ME, LLC, a Delaware limited liability company), whose mailing address is 550 Bowie Street, 6th Floor, Austin, Texas 78703-4644 (hereinafter called "Grantor"), in consideration of One Dollar and other good and valuable consideration paid by the **CITY OF PORTLAND**, a body politic and corporate, with a place of business at 389 Congress Street, Portland, Maine 04101 (hereinafter called "Grantee"), the receipt of which is hereby acknowledged, does hereby **GIVE, GRANT, BARGAIN, SELL and CONVEY** unto the **CITY OF PORTLAND**, its successors and assigns forever, the perpetual rights and easements for the following described purposes across the portion of land of the Grantor, bounded and described as follows:

A certain pedestrian easement located along the northeasterly side of Pearl Street in the City of Portland, Cumberland County and State of Maine, being over land of Grantor, as described in a deed recorded in the Cumberland County Registry of Deeds in Book 11083, Page 143, said easement being more particularly bounded and described as follows:

Beginning at a PK Nail at the intersection of the northeasterly sideline of Pearl Street and the former northwesterly sideline of Lancaster Street, said point being the southerly corner of land of Grantor;

Thence, N 43°-02'-38" W, along said northeasterly sideline of Pearl Street, a distance of 166.06 feet to an angle point in said northeasterly sideline;

Thence, N 40°-59'-38" W, continuing along said northeasterly sideline, a distance of 4.50 feet;

Thence leaving said sideline, N 49°-00'-22" E, a distance of 1.16 feet;

Thence, S 43°-21'-31" E, a distance of 170.60 feet;

Thence, S 48°-58'-52" W, a distance of 2.26 feet to the Point of Beginning.

Meaning and intending to describe a certain pedestrian easement containing 305 square feet, more or less.

Bearings are Grid North American Datum (NAD) 1983.

Being a portion of the premises conveyed to Grantor by Somerset Properties, Inc., by quitclaim with warranty covenant deed dated January 3, 2006 and recorded in the Cumberland County Registry of Deeds in Book 23571, Page 336.

TO HAVE AND TO HOLD, the aforegranted rights and easements, with all the privileges and appurtenances thereof to the said **CITY OF PORTLAND**, its successors and assigns, to it and their use and behoof forever. And it does covenant with the said Grantee, its successors and assigns, that Grantor is lawfully seized in fee of the premises; that they are free of all encumbrances; that it has good right to sell and convey said easement to the said Grantee to hold as aforesaid; and that it and its successors and assigns shall and will warrant and defend the same to the said Grantee, its successors and assigns, forever against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the said GBD Properties, Inc. has caused this instrument to be signed and sealed in its corporate name by James Sud, its Executive Vice President, thereunto duly authorized, this ____ day of _____, 2019.

Signed, Sealed and Delivered
in the Presence of:

GBD PROPERTIES, INC.

By: _____

Witness

James Sud, Executive Vice President

STATE OF TEXAS

COUNTY OF TRAVIS ss.

Personally appeared the above James Sud, the Executive Vice President of GBD Properties, Inc., a Delaware corporation, and acknowledged the foregoing to be his/her free act and deed in his/her said capacity and the free act and deed of said corporation.

Before me,

Notary Public

Print name: _____

My commission expires: _____

EASEMENT DEED

KNOW ALL PERSONS BY THESE PRESENTS, that **GBD PROPERTIES, INC.**, a Delaware corporation (successor by merger to Franklin & Somerset Portland ME, LLC, a Delaware limited liability company), whose mailing address is 550 Bowie Street, 6th Floor, Austin, Texas 78703-4644 (hereinafter called "Grantor"), in consideration of One Dollar and other good and valuable consideration paid by the **CITY OF PORTLAND**, a body politic and corporate, with a place of business at 389 Congress Street, Portland, Maine 04101 (hereinafter called "Grantee"), the receipt of which is hereby acknowledged, does hereby **GIVE, GRANT, BARGAIN, SELL and CONVEY** unto the **CITY OF PORTLAND**, its successors and assigns forever, the perpetual rights and easements for the following described purposes across the portion of land of the Grantor, bounded and described as follows:

A certain pedestrian easement located along the northeasterly side of Pearl Street and the southeasterly side of Somerset Street in the City of Portland, Cumberland County, State of Maine, being over land of Grantor as described in a deed recorded at the Cumberland County Registry of Deeds in Book 11083, Page 143, said easement being more particularly bounded and described as follows:

Beginning at a point on the northeasterly sideline of Pearl Street as shown on a plan titled "Site Plan of Somerset Marketplace" for The Gottesman Company, dated July 27, 2004, revised through December 16, 2005, and on file with Sebago Technics, Inc. as Project No. 04187, said point being N 40°-59'-38" W along said northeasterly sideline, a distance of 40.82 feet from the first angle point in said Pearl Street lying southeast of Somerset Street as shown on said site plan; Thence continuing N 40°-59'-38" W, along said northeasterly sideline, a distance of 121.14 feet to a point of curvature;

Thence continuing along said northeasterly sideline, generally northwesterly and northerly, along a curve to the right having a radius of 50.00 feet, an arc distance of 78.54 feet to a point of tangency on the southeasterly sideline of said Somerset Street as shown on said site plan;

Thence N 49°-00'-22" E, along said southeasterly sideline, a distance of 39.73 feet;

Thence S 40°-52'-38" E, a distance of 13.44 feet across land of the Grantor to a point;

Thence S 49°-00'-28" W, a distance of 54.00 feet across land of the Grantor to a point of curvature;

Thence generally southwesterly and southerly along a curve to the left having a radius of 30.00 feet, an arc distance of 47.12 feet across land of the Grantor to a point of tangency;

Thence S 40°-59'-32" E, a distance of 127.70 feet, across land of the Grantor;

Thence S 49°-00'-22" W, a distance of 5.69 feet to the point of beginning.

Meaning and intending to describe a certain pedestrian easement, as shown on said plan, said easement contains 1,760 square feet, more or less.

Bearings are Grid North American Datum (NAD) 1983.

Being a portion of the premises conveyed to Grantor by Porman One 2004, LP, by quitclaim deed with covenant dated April 8, 2005 and recorded in the Cumberland County Registry of Deeds in Book 22507, Page 54, and by Somerset Properties, Inc., by quitclaim with warranty covenant deed dated January 3, 2006 and recorded in said Registry of Deeds in Book 23571, Page 336.

TO HAVE AND TO HOLD, the aforegranted rights and easements, with all the privileges and appurtenances thereof to the said **CITY OF PORTLAND**, its successors and assigns, to it and their use and behoof forever. And it does covenant with the said Grantee, its successors and assigns, that Grantor is lawfully seized in fee of the premises; that they are free of all encumbrances; that it has good right to sell and convey said easement to the said Grantee to hold as aforesaid; and that it and its successors and assigns shall and will warrant and defend the same to the said Grantee, its successors and assigns, forever against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the said GBD Properties, Inc. has caused this instrument to be signed and sealed in its corporate name by James Sud, its Executive Vice President, thereunto duly authorized, this ____ day of _____, 2019.

Signed, Sealed and Delivered
in the Presence of:

GBD PROPERTIES, INC.

By: _____
James Sud, Executive Vice President

Witness

STATE OF TEXAS
COUNTY OF TRAVIS ss.

Personally appeared the above James Sud, the Executive Vice President of GBD Properties, Inc., a Delaware corporation, and acknowledged the foregoing to be his/her free act and deed in his/her said capacity and the free act and deed of said corporation.

Before me,

Notary Public
Print name: _____
My commission expires: _____

QUITCLAIM DEED
(With Covenant)

KNOW ALL PERSONS BY THESE PRESENTS, that GBD PROPERTIES, INC., a Delaware corporation (successor by merger to Franklin & Somerset Portland ME, LLC, a Delaware limited liability company), whose mailing address is 550 Bowie Street, 6th Floor, Austin, Texas 78703-4644 (hereinafter called "Grantor"), in consideration of One Dollar and other valuable consideration paid by the CITY OF PORTLAND, a body politic and corporate, with a place of business at 389 Congress Street, Portland, Maine 04101 (hereinafter called "Grantee"), the receipt whereof is hereby acknowledged, does hereby REMISE, RELEASE, BARGAIN, SELL AND CONVEY and forever QUITCLAIM unto the said CITY OF PORTLAND, its successors and assigns forever, the following described real estate:

A certain parcel of land situated on the southeasterly side of Fox and Somerset Streets, in the City of Portland, Cumberland County, State of Maine, being over land of Franklin & Somerset Portland ME, LLC, as described in deeds recorded at the Cumberland County Registry of Deeds in Book 22507, Page 54 and Book 23571, Page 336, said parcel being more particularly bounded and described as follows:

Beginning at point on the southeasterly sideline of Somerset and Fox Streets, said point being the first angle point in Somerset Street lying northwesterly of Pearl Street as shown on a plan titled "Site Plan of Somerset Marketplace" for The Gottesman Company, dated July 27, 2004, revised through December 16, 2005 and on file with Sebago Technics, Inc. as Project No. 04187;

Thence N 35°-14'-52" E, by and along said southeasterly sideline, a distance of 194.54 feet;

Thence N 70°-47'-24" E, by and along said southeasterly sideline, a distance of 40.60 feet;

Thence S 35°-36'-44" W, leaving said southeasterly sideline, a distance of 143.96 feet to a point of curvature of a non-tangent curve, of which the radius point bears S 22°-46'-46" E, said point also being on the exterior of a proposed building wall as shown by said site plan;

Thence generally southwesterly along said proposed exterior building wall and a curve to the left having a radius of 33.75 feet, an arc distance of 37.22 feet, and through a central angle of 63°-11'-24";

Thence S 49°-07'-22" W, leaving said exterior building wall, a distance of 247.53 feet to a point of curvature;

Thence generally southwesterly and southeasterly along a curve to the left having a radius of 45.00 feet, an arc distance of 70.78 feet, and through a central angle of 90°-07'-00" to a point on the northeasterly sideline of Pearl Street as shown by said site plan;

Thence N 40°-59'-38" W, by and along said northeasterly sideline of Pearl Street, a distance of 4.82 feet to a point of curvature;

Thence generally northwesterly and northeasterly along a curve to the right having a radius of 50.00 feet, an arc distance of 78.54 feet through a central angle of 90°-00'-00" to a point on said southeasterly sideline of Somerset Street;

Thence N 49°-00'-22" E, by and along said southeasterly sideline of Somerset Street, a distance of 190.41 feet to the point of beginning;

Meaning and intending to describe a certain parcel of land containing 6,727 square feet, or 0.15 acre, more or less, being depicted as a proposed roadway widening by said site plan.

The above described parcel being subject to and benefited by all matters as depicted on described on said plan;

Bearings are Grid North American Datum (NAD) 1983.

Being a portion of the premises conveyed to this Grantor by Porman One 2004, LP, by quitclaim deed with covenant dated April 8, 2005 and recorded in the Cumberland County Registry of Deeds in Book 22507, Page 54.

TO HAVE AND TO HOLD, the same, together with all the privileges and appurtenances thereunto belonging, to the said CITY OF PORTLAND, its successors and assigns forever, to use and behoof forever.

AND Grantor COVENANTS with the said Grantee, its successors and assigns forever, that Grantor will WARRANT AND FOREVER DEFEND the premises to the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons claiming by, through, or under it.

IN WITNESS WHEREOF, the said GBD Properties, Inc. has caused this instrument to be signed and sealed in its corporate name by James Sud, its Executive Vice President, thereunto duly authorized, this _____ day of _____, 2019.

Signed, Sealed and Delivered
in the Presence of:

GBD PROPERTIES, INC.

By:

James Sud, Executive Vice President

Witness

STATE OF TEXAS

COUNTY OF TRAVIS ss.

Personally appeared the above James Sud, the Executive Vice President of GBD Properties, Inc., a Delaware corporation, and acknowledged the foregoing to be his/her free act and deed in his/her said capacity and the free act and deed of said corporation.

Before me,

Notary Public

Print name:

My commission expires: