

Order 164-13/14  
Passage: 8-1 (Brennan)

Effective 3/13/14

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

**CITY OF PORTLAND**  
IN THE CITY COUNCIL

JOHN R. COYNE (5)  
JILL C. DUSON (A/L)  
JON HINCK (A/L)  
NICHOLAS M. MAVODONES (A/L)

**ORDER GRANTING A GAS UTILITY EASEMENT  
TO UNITIL ON JETPORT BOULEVARD**

**ORDERED,** that an easement is hereby granted to Unitil, in substantially the form attached hereto as Attachment 1, for a gas line on Jetport Boulevard; and

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

Attachment 1

**GRANT OF GAS EASEMENT**

Know All By These Presents, that, **City of Portland**, a municipality of the State of Maine with a place of business in Portland, Maine hereinafter known as the Grantor, for one dollar paid and other good and valuable services, grants to:

**Northern Utilities, Inc. d/b/a Unitil**, a Maine corporation, having its principal place of business at 1075 Forest Avenue, Portland, Cumberland County, Maine 04103 hereinafter referred to as the Grantee, company duly established by law, its successors and assigns forever, without quitclaim covenants, the perpetual right and easement at any time and from time to time to excavate for, lay, add to and remove gas pipelines and other appurtenances for the transmission of high and low pressure under said premises, the following being said premises:

- A. A strip of land, 15 feet in width, in South Portland, Cumberland County, Maine, situated **along** the northerly side the private way owned by the grantor known as "Jetport Boulevard" as in currently exists; title reference is made to Book 3007, Page 617;

Said 15 foot wide strip is identified as "Utilities Easement" on the attached sketch or plan attached hereto as Exhibit B, and is more particularly described within Exhibit A, attached hereto.

- B. A strip of land, 15 feet in width, in South Portland, Cumberland County, Maine, situated **across**, that is, from the the northerly side to the Southerly side, of the private way owned by the grantor known as "Jetport Boulevard" as in currently exists, and generally perpendicular to mid-line of said way; title reference is made to Book 3007, Page 617;

Said 20 foot wide strip is identified as "Utilities Easement" on the attached sketch or plan attached hereto as Exhibit B, and is more particularly described within Exhibit A, attached hereto.

The above granted rights being more particularly described as the right to excavate for, lay, alter, enlarge, relocate, rebuild, repair, maintain, operate, use, and remove one or more high or low pressure gas pipelines with the suitable foundations, manholes, equipment and appurtenances under said premises with permission to enter upon said premises for access thereto for all of the above purposes.

The exact location of said facilities within the easement area defined by the "Gas Easement" and all necessary appurtenances to be determined by the Grantee. The type of equipment needed to be determined by the Grantee. The location of said equipment shall become permanent upon the erection or placement thereof. Said equipment shall be and remain the property of the Grantee, its successors and assigns.

Also granted, is the perpetual right and easement at any time and from time to time to clear and keep cleared that portion and areas of the premises wherein the systems are located, of trees, roots, branches, structures, objects and surfaces as may, in the opinion of the Grantee, its successors and assigns, interfere with the safe and efficient operation and maintenance of said systems.

All work for and on said pipelines and other facilities shall be in accord with applicable laws and regulations, and shall be co-ordinated with the Director of the Portland International Jetport, after

reasonable notice to said Director, and whose written consent to such work shall be required, but which consent shall not be unreasonably withheld.

Grantor reserves the right to grant other easements on said strip of land but will not allow other easements to cause unreasonable interference with this easement granted to Grantee.

Grantee shall promptly remove all waste, tools, and all material and equipment after each permitted entry pursuant to this easement.

Grantee by acceptance of and/or exercise of the rights created by this easement, forever releases, holds harmless and indemnifies Grantor, its agents, representatives, heirs, successors and assigns, from and against any and all claims, injury or death to any person and damage or loss of any property, that in any way relate, arise from or are connected to the exercise of the easement rights.

The rights herein granted are subjected to easements, restrictions, and/or mortgages of record insofar as same are now in force and applicable.

Signed as a sealed instrument this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

CITY OF PORTLAND

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

Name:

Its:

State of Maine

County of Cumberland, ss.

\_\_\_\_\_, 2014

Then personally appeared the above named \_\_\_\_\_ who is the \_\_\_\_\_ of the City of Portland, as foresaid, and acknowledged the foregoing instrument to be his/her free act and deed in said capacity and the free act and deed of said City of Portland.

Notary Public

My Commission Expires: \_\_\_\_\_

## EXHIBIT A

### Utilities Easement over land of City of Portland

A certain lot or parcel of land crossing land of the City of Portland on the northerly side of Jetport Boulevard in the City of South Portland, County of Cumberland and State of Maine described as follows:

Commencing at the southwesterly corner of land now or formerly of Brooklawn Memorial Park on the northerly line of land of the City of Portland, thence, S 84°38'06" E along land of said City of Portland 249.95 feet to the point of beginning;

Thence, S 05°21'54" W across land of said City of Portland 70.00 feet;

Thence, S 84°38'06" E across land of said City of Portland 267.04 feet;

Thence, N 87°36'39" E across land of said City of Portland 55.03 feet;

Thence, N 76°23'03" E across land of said City of Portland 71.79 feet;

Thence, N 65°42'29" E across land of said City of Portland 62.00 feet;

Thence, N 50°24'38" E across land of said City of Portland 525.71 feet;

Thence, N 39°35'22" W across land of said City of Portland 15.00 feet;

Thence, S 50°24'38" E across land of said City of Portland 523.70 feet;

Thence, S 65°42'29" E across land of said City of Portland 58.59 feet;

Thence, S 76°23'03" W across land of said City of Portland 68.92 feet;

Thence, S 87°36'39" W across land of said City of Portland 52.53 feet;

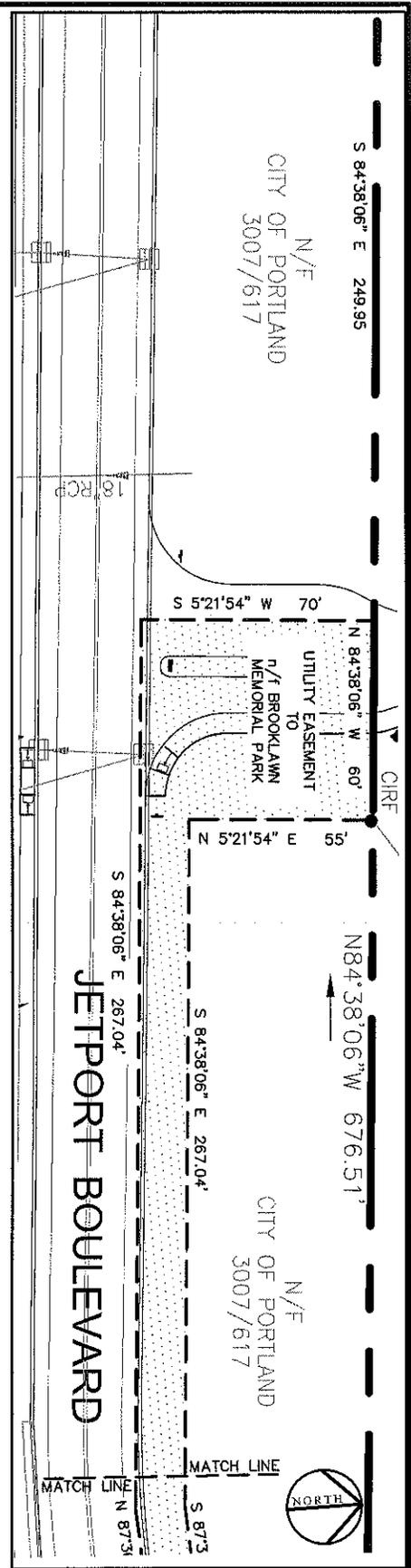
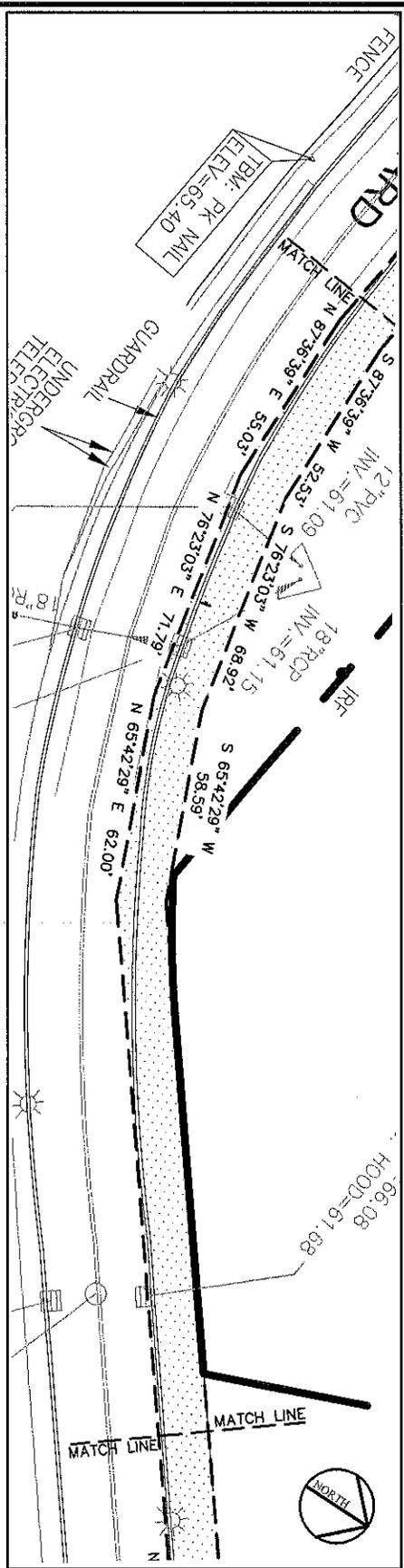
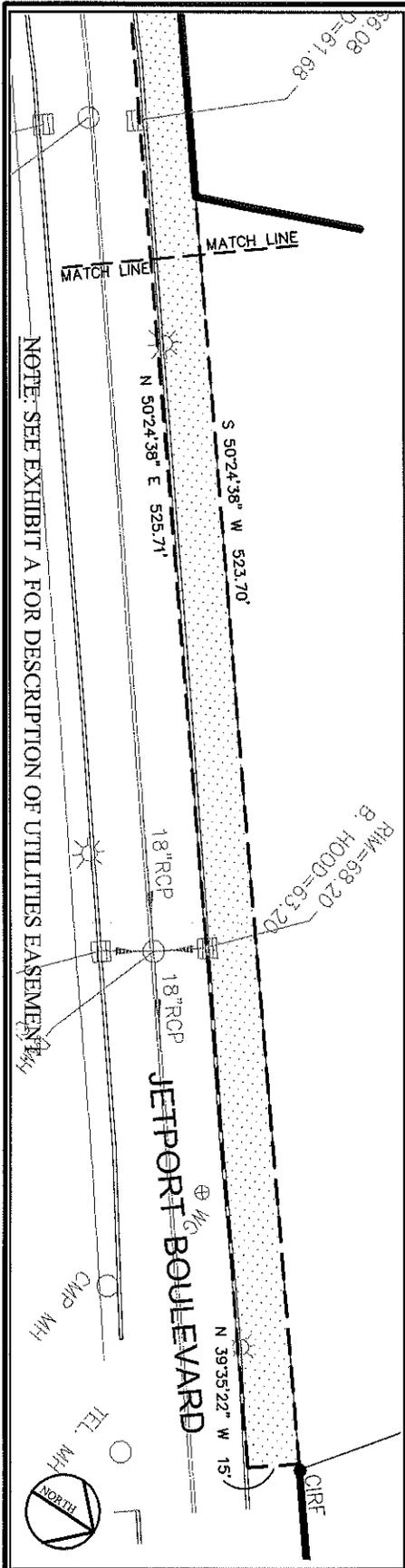
Thence, S 84°38'06" E across land of said City of Portland 267.04 feet;

Thence, N 05°21'54" E across land of said City of Portland 55.00 feet to land now or formerly of said Brooklawn Memorial Park;

Thence, N 84°38'06" W along land of said Brooklawn Memorial Park 60.00 feet to the point of beginning containing 17,935 square feet.

The above described parcel of land is a portion of the land described in deed book 3007 page 617.

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



Title: UTILITIES EASEMENT to N/F BROOKLAWN MEMORIAL PARK

Revision Date: Feb. 10, 2014

Project: 151 JETPORT BOULEVARD, SOUTH PORTLAND, MAINE

Scale: 1" = 50'

EXHIBIT  
**B**