

Order 205A-13/14

Passage: 9-0 on 4/28/2014

Effective 5/8/2014

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 AMENDED LICENSE TO REDFERN LWS LLC  
ALLOWING FOUNDATION FOOTINGS IN PUBLIC RIGHT-OF-WAY**

**ORDERED,** that a license agreement granted on April 7, 2014 pursuant to Council Order 193-13/14 is hereby amended in substantially the form attached hereto as Attachment 1; and

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

**REVOCABLE**  
**LICENSE AGREEMENT**

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, the CITY OF PORTLAND, a Maine body corporate and politic, with a mailing address of City Hall, 389 Congress Street, Portland, Maine 04101 (the "City"), hereby GRANTS to Redfern LWS LLC, it's successors and assigns, a Maine limited liability company with a place of business in Portland, Maine and mailing address of P.O. Box 7657, Portland, Maine 04101 (hereinafter "Licensee"), a revocable license to occupy air areas over and land areas under land owned by the City on Brackett Street and Pine Street, in Portland, Cumberland County, Maine, which City land abuts the property of Redfern LWS LLC located at 40 Pine Street and 183-189 Brackett St. The purpose of the license granted by this agreement is to allow encroachments by certain bay windows, door overhangs and foundation footings of the building constructed by Redfern LWS LLC over and under the City's land, as shown on Exhibit A and Exhibit B attached hereto and made a part hereof. The license granted in this agreement is subject to the following conditions:

1. Redfern LWS LLC, its successors and assigns, shall defend and indemnify the City, its officers, agents and employees from any and all claims against the City which arise out of the bay windows', door overhangs' and foundation footings' encroachments over and under the City's land as described above.

2. Licensee shall procure and maintain liability insurance in an amount of not less than Four Hundred Thousand Dollars (\$400,000) combined single limit, (or any amount noted in the Maine Tort Claims Act, as may be amended from time to time), covering claims for bodily injury, death and property damage with respect to claims arising out of the bay windows', door overhangs' and foundation footings' encroachments over and under the City's land and shall either name the City of Portland as an additional insured or shall obtain a contractual liability endorsement covering the obligations of Licensee under the terms of this license.

3. This license is assignable with notice to and without the consent of the City to any subsequent owners of the buildings located on the land described on the approved site plan for West End Place Apartments, Portland, Maine and depicted on Exhibit C attached hereto.

4. This license may be revoked only upon six (6) months written notice by the City to the Licensee in the event that: 1) the buildings shown on the attached plans (Exhibits A , B and C ) fails to be constructed substantially in accordance with such plans or amendments thereto; 2) the buildings shown on such plans or any amendments thereto cease to exist on the site at Pine Street and Brackett Street for a period of two years or more.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed this \_\_\_\_ day of \_\_\_\_\_.

CITY OF PORTLAND

By: \_\_\_\_\_  
Mark Rees  
City Manager

STATE OF MAINE  
CUMBERLAD, SS.

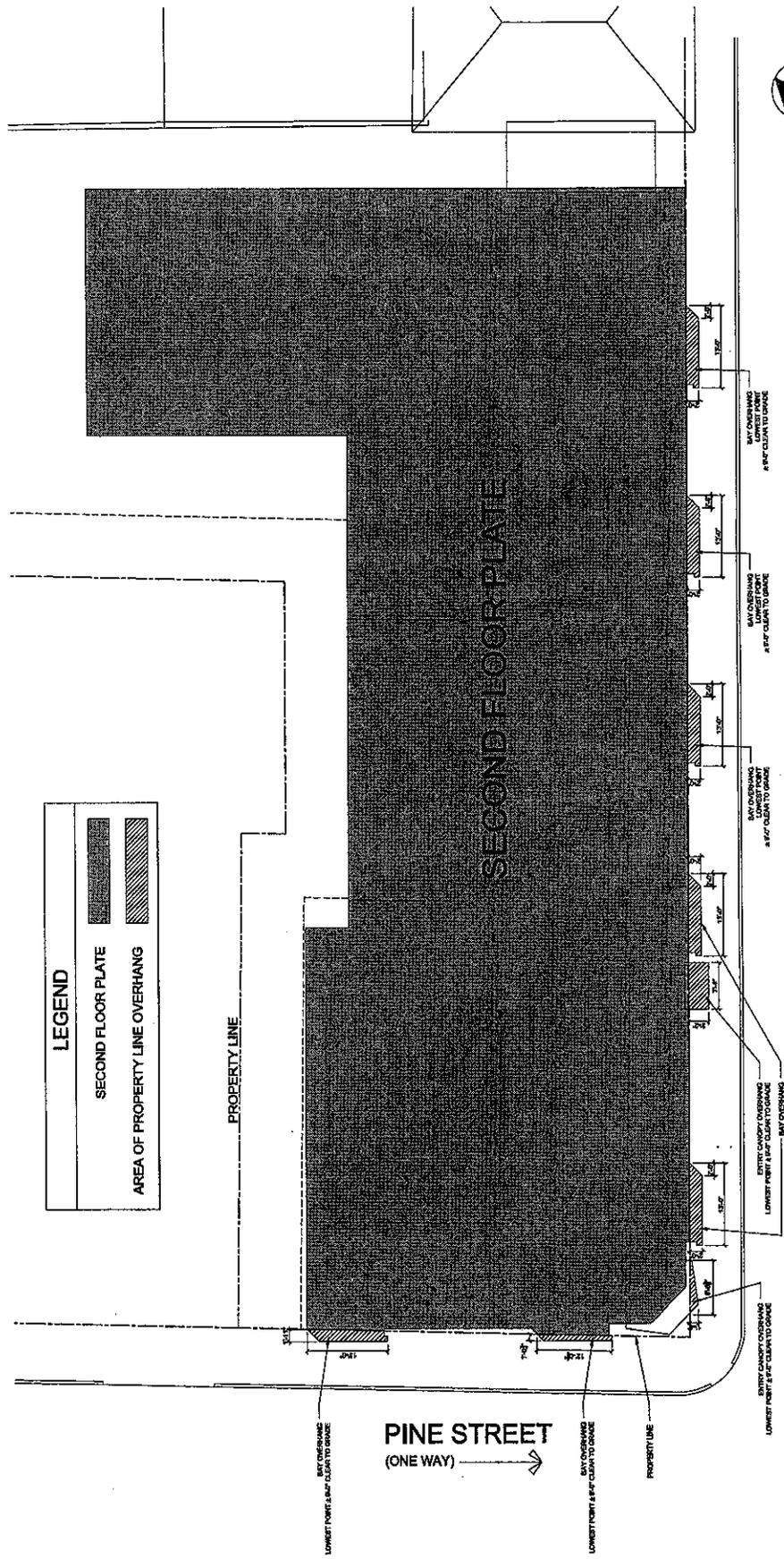
\_\_\_\_\_, 2014

PERSONALLY APPEARED, the above named Mark Rees, City Manager of the City of Portland 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 the City of Portland.

\_\_\_\_\_  
Notary Public  
Printed name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

DECEMBER 3, 2012

WEST END PLACE

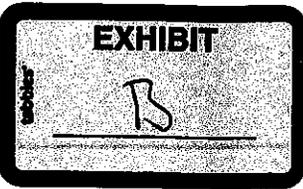


**LEGEND**

	SECOND FLOOR PLATE
	AREA OF PROPERTY LINE OVERHANG

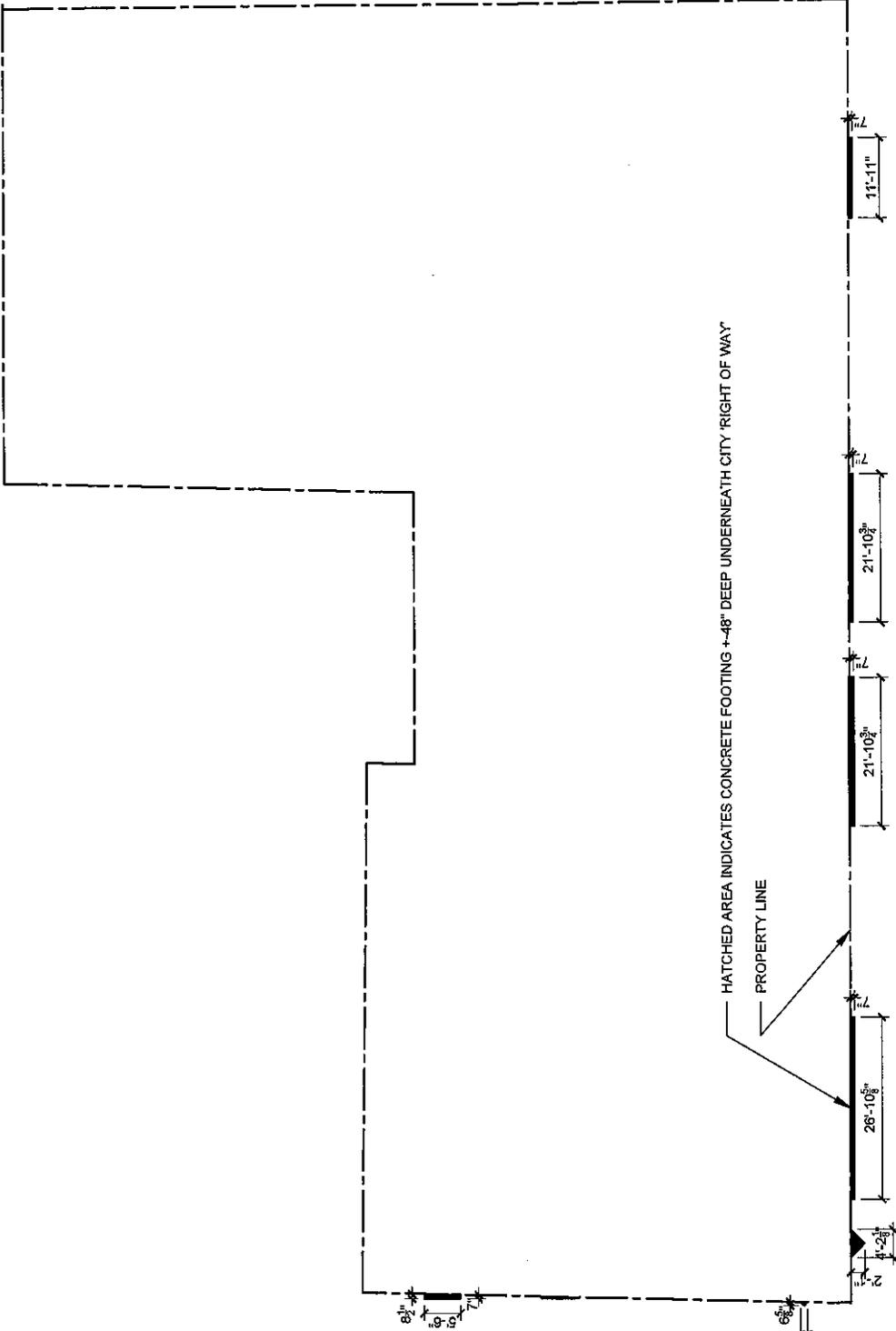
BRACKETT STREET

PROPERTY LINE OVERHANG PLAN  
SCALE 1/8" = 1'-0"



APRIL 22, 2014

WEST END PLACE



PINE STREET

BRACKETT STREET

FOOTING PLAN AT RIGHT OF WAY SCALE 1/16"=1'-0"

