

ORDER

STANDISH TOWN COUNCIL

DATE: April 11, 2017  
ORDER NUMBER: 35-17

SUBMITTED BY: Nesbitt

TITLE: ACCEPTANCE OF DRY HYDRANT EASEMENT DEED FROM 650 CAPE  
ROAD HOLDINGS, LLC

ORDERED, that the Town Manager be, and hereby is, authorized and directed to accept delivery on behalf of the Town of a dry hydrant access easement deed, in substantially the same form as shown on the attached, from 650 Cape Road Holdings, LLC.

APPROVED \_\_\_\_\_ DISAPPROVED \_\_\_\_\_

ROLL CALL	YEA	NAY	ABSTAIN
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BLANCK	_____		
DELCOURT	_____		
HIGGINS	_____		
NESBITT	_____		
POMERLEAU	_____		
SARGENT	_____		
SIRPIS	_____		

CLERK/SECRETARY \_\_\_\_\_

## EASEMENT DEED

KNOW ALL PERSONS BY THESE PRESENTS that **650 CAPE ROAD HOLDINGS, LLC**, a Maine limited liability corporation with a mailing address of 588 Saco Road, Standish ME 04084 ("Grantor"), in consideration of the mutual promises and covenants set forth herein, hereby grants to the **TOWN OF STANDISH**, a municipal corporation existing under the laws of the State of Maine with a mailing address of 175 Northeast Road, Standish, Maine 04084 (the "Town"), its successors and assigns, with warranty covenants, an easement for the purposes of accessing, maintaining and using a fire pond and dry hydrant fire protection system over and across certain real property located in the Town of Standish, County of Cumberland, and State of Maine, all as more particularly shown in cross-hatch as "Dry Hydrant Access Easement" on the sketch attached hereto and incorporated herein as *Exhibit A* and as described in the legal description attached hereto and incorporated herein as *Exhibit B* (collectively the "Easement Area"),

together with the right, but not the obligation, to enter at reasonable times upon notification to Grantor with men and machines upon said Easement Area, with the right to construct and maintain, through, under, and across said Easement Area, conduits, pipes, hoses or fixtures for conveying water, and to lay, re-lay, repair, maintain, relocate and/or remove conduits, pipes or hoses upon or under said Easement Area with all necessary fixtures and appurtenances together with the right at any and all times to make connections with said conduits, pipes or hoses to land adjacent to said Easement Area by means of conduit, pipe or hose, all as reasonably necessary to operate a dry hydrant fire protection system;

the right to take any water from the pond located in the Easement Area as may be necessary to operate a dry hydrant in the event of a fire at any and all times;

the right, but not the obligation, to dredge portions of the pond as reasonably necessary to fulfill the purposes of this Easement; and

the right, but not the obligation, to trim, cut down and remove bushes and trees, and to remove grass and growing crops on said Easement Area to such extent as in the judgment of the Town is reasonably necessary for any of the above purposes, including, without limitation, the right to remove vegetation in the pond that would frustrate the purposes of this Easement.

When any such use, maintenance, alteration, repair, replacement or removal is undertaken by the Town, the Town shall perform said work in a reasonably workmanlike and timely manner at the Town's sole expense and shall return any area affected by the Town to its original condition to the extent reasonably possible. Furthermore, the Town shall hold harmless and indemnify Grantor, its successors and assigns, from any and all claims arising or resulting in any way from the performance of such work.

Grantor agrees and covenants for itself, its successors and assigns, not to construct or erect, or cause or allow to be constructed or erected, any building or structure within the limits of the Easement Area herein conveyed.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal this \_\_\_\_ day of March, 2017.

**650 CAPE ROAD HOLDINGS, LLC**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
By: Michael Lee Lyons  
Its: Member/Manager, duly authorized

STATE OF MAINE  
CUMBERLAND, ss.

March \_\_\_, 2017

Personally appeared before me the above-named Michael Lee Lyons, Member/Manager of 650 Cape Road Holdings, LLC, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of 650 Cape Road Holdings, LLC.

\_\_\_\_\_  
Notary Public/Attorney at Law

\_\_\_\_\_  
Print Name

# EXHIBIT A

Prepared For

**650 CAPE ROAD HOLDINGS, LLC**

Or The

**DRY HYDRANT ACCESS EASEMENT**

Located At

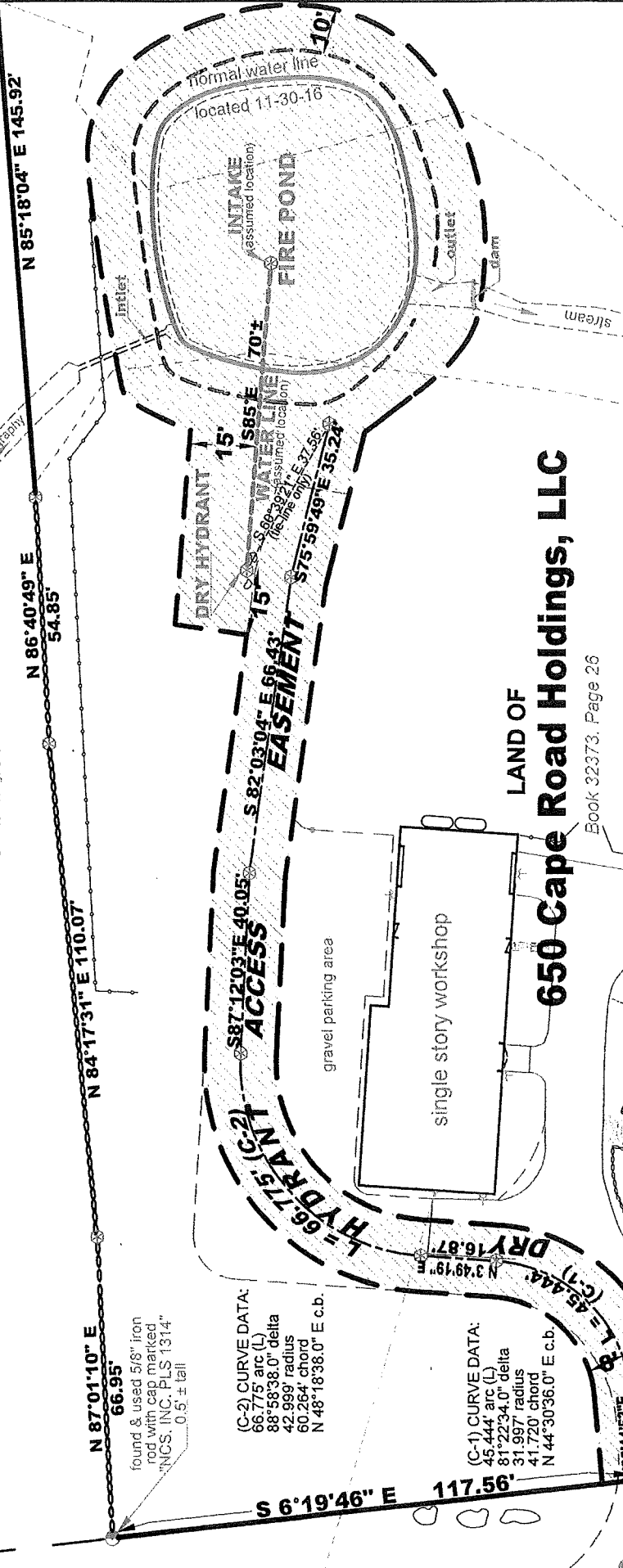
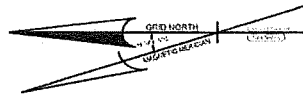
**650 Cape Road, Standish, Maine**

Tax Map No. 27, Lot 2

Land now or formerly

**Kathryn D. Libby**

Book 6927, Page 239



## **EXHIBIT B**

A certain Dry Hydrant Access Easement, as shown on a plan entitled "Site Plan for 650 Cape Road LLC," dated January 31, 2017, prepared by Robert A. Yarumian II, of Maine Boundary Consultants, and shown on Exhibit A, situated on the easterly side of Cape Road, in the Town of Standish, County of Cumberland, and State of Maine, the centerline of the 16' Wide Easement which runs between said Cape Road and the Dry Hydrant is as follows:

Beginning at a point on the assumed easterly sideline of Cape Road, so-called, said point being S 06°19'46" E, along said Cape Road, so-called, 117.56 feet, from a found 5/8" iron rod with cap marked "NCS, Inc. PLS 1314", being at the northwesterly corner of the land of the Grantor herein, and being at the southwesterly most corner of the land now or formerly of Kathryn D. Libby, as described in the deed recorded in the Cumberland County Registry of Deeds in Book 9937, Page 239;

Thence N 85°11 '53" E, along said Centerline, 19.43 feet, to a point, and the beginning of a curve to the Left;

Thence Northeasterly, along said Centerline and curve to the Left, 45.444 feet, to a point, said curve to the Left has an arc length of 45.444 feet, a delta of 81°22'34.0", a radius of 31.997 feet, a chord of 41.720 feet, and a chord bearing of N 44°30'36.0" E;

Thence N 03°49'19" E, along said Centerline, 16.87 feet, to a point, and the beginning of a curve to the Right;

Thence Northeasterly, along said Centerline and curve to the Right, 66.775 feet, to a point, said curve to the Right has an arc length of 66.775 feet, a delta of 88°58'38.0", a radius of 42.999 feet, a chord of 60.264 feet, and a chord bearing of N 48°18'38.0" E;

Thence S 87°12'03" E, along said Centerline, 40.05 feet, to a point;

Thence S 82°03'04" E, along said Centerline, 66.43 feet, to a point;

Thence S 75°59'49" E, along said Centerline, 35.24 feet, to a point, said point being S 60°39'21" E, and, 37.56 feet, from the said Dry Hydrant;

The approximate bearing and distance of the waterline from the said Dry Hydrant to the Intake, located within the Fire Pond is S 85° E, and 70 feet,

more or less, the Easement Area extends 15 feet Northerly and Westerly of the Dry Hydrant and waterline.

The Easement Area also includes the area within 10 feet of the existing top of bank of the Fire Pond as well as the dam, all of which is shown on Exhibit A as well as the said Site Plan.

This description is based on the "Site Plan for 650 Cape Road LLC," dated January 31, 2017, prepared by Robert A. Yarumian II, PLS 1303 of Maine Boundary Consultants, Moderation Center, 8 River Road, P.O. Box 67, Buxton, Maine, 04093, and conforms to the Maine Board of Licensure for Professional Land Surveyors, Rules of April 2001, Chapter 90, Standards of Practice.