**CORRECTIVE QUITCLAIM DEED**

**Deed Affecting Prior Deed in Book 31840, Page 303**

(Re: Open Space, Cottage Brook, Cape Elizabeth, Maine)

KNOW ALL PERSONS BY THESE PRESENTS, THAT **Spurwink Woods, LLC**, a limited liability company created and existing under the laws of the State of Maine and having its principal place of business in Cape Elizabeth, Maine (the “**Grantor**”), in consideration of One Dollar ($1.00) and other valuable consideration paid by the **Town of Cape Elizabeth**, a municipal body, corporate and politic, having a mailing address of P.O. Box 6260, Cape Elizabeth, Maine 04107-0060 (the “**Grantee**”), the receipt whereof Grantor does hereby acknowledge, does hereby quitclaim, remise, release, bargain, sell and convey, without covenant, unto the said Grantee, its successors and assigns forever, a certain lot or parcel of land, together with the buildings thereon situated Cape Elizabeth, County of Cumberland and State of Maine, bounded and described as follows:

See the attached **Exhibit A**.

The purpose of this Corrective Quitclaim Deed is to clarify and confirm the intended reservation of rights by the Grantor with respect to the real estate conveyed in the deed from the Grantor to the Grantee dated September 25, 2014, recorded in the Cumberland County Registry of Deeds, in Book 31840, Page 303. The reserved rights are referred to on Exhibit A in said 2014 deed as “subject to all matters disclosed on said Plan.” The rights intended to be reserved are more particularly described and set forth on the attached **Revised Exhibit A**, which Revised Exhibit A shall replace in full the Exhibit A set forth in such 2014 deed.

TO HAVE AND TO HOLD the same, together with all the privileges and appurtenances thereunto belonging, to the said Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the said Spurwink Woods, LLC has caused this instrument to be sealed and signed by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, its \_\_\_\_\_\_\_\_\_\_\_ thereunto duly authorized, this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_, 2015.

Signed, Sealed and Delivered

in the Presence of:

**Spurwink Woods, LLC**

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

Witness Name:

Its:

STATE OF MAINE

Cumberland, ss. \_\_\_\_\_\_\_\_\_\_\_\_, 2015

Then personally appeared the above named \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the \_\_\_\_\_\_\_\_\_\_\_\_\_\_ of said Spurwink Woods, LLC 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 said company.

Before me,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attorney at Law/Notary Public

Printed Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

**Agreement and Consent by Town of Cape Elizabeth**

The Town of Cape Elizabeth hereby executes this Corrective Quitclaim Deed for purposes of acknowledging its agreement with and consent to the reserved rights of Grantor as they are set forth on Revised Exhibit A hereto and, further, for agreeing and acknowledging that its fee ownership of the Open Space Area is and shall be subject to the reserved rights of Spurwink Woods, LLC set forth therein.

IN WITNESS WHEREOF, the said Town of Cape Elizabeth has caused this instrument to be sealed and signed by Michael K. McGovern, its Town Manager, thereunto duly authorized, this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_, 2015.

Signed, Sealed and Delivered

in the Presence of:

**Town of Cape Elizabeth**

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

Witness Name: Michael K. McGovern

Its: Town Manager

STATE OF MAINE

Cumberland, ss. \_\_\_\_\_\_\_\_\_\_\_\_, 2015

Then personally appeared the above named Michael K. McGovern, the Town Manager of said Town of Cape Elizabeth, 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 said corporation.

Before me,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attorney at Law/Notary Public

Printed Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

**REVISED EXHIBIT A**

(Re: Open Space, Cottage Brook, Cape Elizabeth, Maine)

A certain tract or parcel of land situated in the Town of Cape Elizabeth, County of Cumberland, and State of Maine, described as follows:

All of that portion of the real estate identified, bounded, and described as (i) “OPEN SPACE 9.90 AC.” and (ii) “OPEN SPACE 41,754 SF (.96 AC)” ((i) and (ii) collectively the “**Open Space Area**”) on a certain plan entitled “Cottage Brook, Cape Elizabeth, Maine, Amended Subdivision Plat Plan (Sheet No. 1)”, dated November 16, 2010, and recorded in Cumberland County Registry of Deeds in Plan Book 210, Page 414, as the same maybe further amended (the “**Plan**”).

The above Open Space Area is conveyed subject to all matters disclosed on said Plan, and subject to the terms and conditions of a certain Deed of Conservation Easement from the within Grantor to the within Grantee dated October 6, 2014, recorded in the Cumberland County Registry of Deeds, in Book 31840, Page 297.

Meaning and intending to convey such Open Space Area as shown on the Plan, but subject to the following Reservation of Easement Rights.

*Reservation of Easement Rights*

The above conveyance is made subject, however, to the reservation by Grantor, its successors and assigns, of the following easement rights over the Open Space Area: the right and easement to enter onto and to construct, install, lay, grade, and place on, over, through, under, and across said Open Area certain drainage improvements, including “level lip spreader” drainage improvements and facilities, as identified, described, and located on the Plan (such term including the related grading and drainage plans on file with the Town of Cape Elizabeth for the “Spurwink Woods” subdivision), together with all necessary fixtures and appurtenances, and, also, all related drainage lines, conduits, or pipelines, with all necessary fixtures and appurtenances, as necessary to connect and discharge waters from the property shown on the Plan as “Cottages On The Cape” into and served by the designed drainage infrastructure on the Plan, all as (a) required and set forth in the subdivision approval of the Town of Cape Elizabeth evidenced by the Plan and (b) in accordance with a certain Maine Department of Environmental Protection, Stormwater Management Law, Natural Resources Protection Act, Tier 1 Wetland Alteration and Water Quality Certification Findings of Fact and Order (Corrected Order), Permit No. L-22723-NJ-A-N (approval) dated August 10, 2006, and recorded in the Cumberland County Registry of Deeds in Book 24351, Page 75, as the same may be modified or amended.