

**EASEMENT DEED**

**HENRY N. BERRY IV**, Personal Representative of the Estate of Henry N. Berry III, by the power conferred by law and by the Last Will and Testament of the said Henry N. Berry III, whose mailing address is 14 Court Street Place, in the City of Augusta, County of Kennebec and State of Maine, for consideration paid, **GRANTS to THE TOWN OF CAPE ELIZABETH**, a body politic and corporate located at Cape Elizabeth, County of Cumberland, and State of Maine, whose mailing address is P.O. Box 6260, Cape Elizabeth, Maine 04107, to benefit and as an appurtenance to and to run with the land of said Grantee known as “Hannaford Cove Road” the interests in land in Cape Elizabeth, Cumberland County, State of Maine:

A perpetual easement and right to construct, pave, use, maintain, inspect, repair, improve and plow a road in and upon all or any portion of the following strip of land:

That certain strip of land described on Exhibit A attached hereto.

Also, the perpetual easement and right to install and maintain all utilities, including, but not limited to, water and sewer lines, electric, telephone and cable television lines, above or below ground, as well as the right to install utility poles and associated fixtures in, under, over and upon all or any portion of said strip of land hereinabove described.

Drainage: Also, the perpetual right and easement in such strip, including in each area shown around each culvert, (i) to enter such strip and area where each and any culvert is located, and to install, construct, lay, relay, maintain, inspect, repair, rebuild, replace and remove, culverts for a storm water or other drainage or management system, and (ii) to flow and direct water into and from, each culvert, provided, however, that the installation of or other activity pertaining to this drainage easement shall not interfere with any right of ingress and egress other than on a reasonable temporary basis needed to install or conduct other activity pertaining to this drainage easement.

WITNESS MY HAND AND SEAL this \_\_\_\_\_ day of \_\_\_\_\_, 2010

WITNESS:

\_\_\_\_\_

\_\_\_\_\_  
Henry N. Berry IV, Personal Representative  
of the Estate of Henry N. Berry III

State of Maine

\_\_\_\_\_ County, ss. \_\_\_\_\_, 2010\_

Then personally appeared the above named Henry N. Berry IV in his said capacity and acknowledged the foregoing instrument to be his free act and deed.

Before me,

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

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

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

Exhibit A

Description of Easement to be Conveyed to Town of Cape Elizabeth  
Hannaford Cove Road  
Cape Elizabeth, Maine

A certain easement located on the northwesterly side of Hannaford Cove Road in the Town of Cape Elizabeth, County of Cumberland, State of Maine, bounded and described as follows:

Beginning at a point in the northwesterly sideline of Hannaford Cove Road, said point being located N 54°58'49" E a distance of Three Hundred Eighty-Six and 94/100 (386.94) feet from the intersection of the northwesterly sideline of Hannaford Cove Road and the northeasterly sideline of Two Lights Road. Thence:

- 1) N 35°01'11" W a distance of Five and 00/100 (5.00) feet to a point.
- 2) N 54°58'49" E a distance of Five Hundred Seventy-Five and 97/100 (575.97) feet to a point.
- 3) N 08°02'00" E a distance of Twenty-Two and 75/100 (22.75) feet to a point.
- 4) S 81°58'00" E a distance of Twenty-Four and 35/100 (24.35) feet to a point.
- 5) N 54°58'49" E a distance of Six Hundred Nineteen and 01/100 (619.01) feet to a point.
- 6) N 37°15'43" W a distance of Twenty-One and 74/100 (21.74) feet to a point.
- 7) N 62°08'25" E a distance of One Hundred Seventy-Four and 31/100 (174.31) feet to a point.
- 8) N 54°58'49" E a distance of One Hundred Nine and 79/100 (109.79) feet to a point and land now or formerly of Thomas M. Egan as described in a deed recorded in the Cumberland County Registry of Deeds in Book 4657, Page 199.
- 9) S 26°24'20" E by said land of Egan a distance of Five and 06/100 (5.06) feet to a point in the northwesterly sideline of said Hannaford Cove Road.
- 10) S 54°58'49" W by said Hannaford Cove Road a distance of One Thousand Five Hundred Nine and 43/100 (1,509.43) feet to the point of beginning.

The above-described easement contains 9,695 square feet or 0.22 acre. Bearings are based on grid north, Maine State Plane Coordinate System, NAD 93, West Zone. Reference is herein made to a plan entitled "Plan of Berry Subdivision" made for Henry N. Berry III Estate by David Titcomb of Titcomb Associates dated November 17, 2009, as revised through March 1, 2010.

Meaning and intending to describe a portion of land now or formerly of the Estate of Henry N. Berry III as described in a deed recorded in the Cumberland Country Registry of Deeds in Book 6222, Page 335.