

To: Michael K. McGovern, Town Manager

From: Robert C. Malley, Director of Public Works 

Date: November 30, 2010

Re: Relocation of Drainage Easement at 876 Shore Road

For the past several weeks, representatives of the Portland Water District and I have been working with the property owners at 876 Shore Road on a potential relocation of existing stormwater and sewer infrastructure on their parcel. The property owner is proposing to renovate and enlarge an existing dwelling on their parcel, which will require the relocation of the above referenced utilities.

The Portland Water District is working independently with the owner to coordinate the relocation of their sanitary sewer infrastructure and a re-alignment of an existing easement. At the same time, we have had our Town Engineer review the proposed relocation of our infrastructure and they have approved the plans provided by the property owner's representative. We have also had our Town Attorney, Tom Leahy, draw up a revised easement deed (and associated documents), which support the proposed stormwater infrastructure relocation.

The revised easement deed has been signed by the trustee of the qualified personal residence trust of 876 Shore Road (Beverly M. Sherman) and is now ready for Town Council consideration. Two supporting documents, Exhibits A & B are to be included with the easement deed as part of this proposal.

EASEMENT DEED

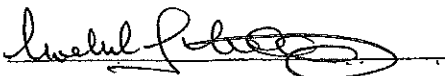
BEVERLY M. SHERMAN, individually, and **BEVERLY M. SHERMAN**, in her capacity as **TRUSTEE OF THE BEVERLY M. SHERMAN QUALIFIED PERSONAL RESIDENCE TRUST**, with an address of 876 Shore Road in the Town of Cape Elizabeth, County of Cumberland and State of Maine, ("**Grantor**") for consideration paid, grants to **THE INHABITANTS OF THE TOWN OF CAPE ELIZABETH**, a body corporate and politic with a mailing address of 320 Ocean House Road, P.O. Box 6260, Cape Elizabeth, Maine 04107 ("**Grantee**"), a perpetual easement to construct, install, inspect, maintain and replace storm water drainage infrastructure, including, but not limited to, pipes, pumps, culverts and catch basins, and to drain stormwater into, on, over, through and across, so much of Grantor's property on Shore Road as is described in **Exhibit A** attached hereto and made apart hereof, and also as shown on Site Plan, attached hereto as **Exhibit B**.

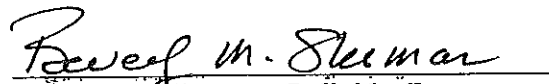
Grantee shall have the right to enter upon and to disturb Grantor's property, including the stockpiling of earth and construction materials provided, however, Grantee agrees to restore Grantor's property, including any disrupted pavement, lawns, shrubs or trees to their condition prior to installation of storm drain line by the Grantee to the extent reasonably possible.

Reference may be made to Deed from David S. Sherman and Beverly M. Sherman to Beverly M. Sherman dated October 3, 1991 and recorded in the Cumberland County Registry of Deeds in Book 9741, Page 106, and to Deed from Beverly M. Sherman to Beverly M. Sherman, Trustee of The Beverly M. Sherman Qualified Personal Residence Trust dated September 8, 1998, recorded in the Cumberland County Registry of Deeds in Book 14188, Page 156,


IN WITNESS WHEREOF, Beverly M. Sherman, individually and as Trustee of The Beverly M. Sherman Qualified Personal Residence Trust, has executed this instrument this 30 day of November, 2010.


WITNESS:




Beverly M. Sherman, Individually

THE BEVERLY M. SHERMAN
QUALIFIED PERSONAL
RESIDENCE TRUST





By Beverly M. Sherman, Trustee

STATE OF MAINE
COUNTY OF CUMBERLAND

November 30, 2010

Personally appeared the above named Beverly M. Sherman, individually, and as Trustee of The Beverly M. Sherman Qualified Personal Residence Trust, and acknowledged the foregoing instrument to be her free act and deed and her free act and deed in her said capacity.

Before me,


Notary Public/Maine Attorney at Law
LIBBY JOHNSON
Printed Name

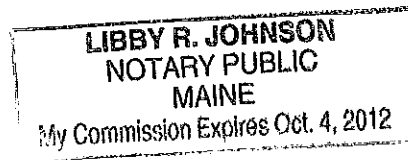


Exhibit A

Easement

An easement running over and through a certain parcel of land situated on the northeasterly side of Shore Road in the Town of Cape Elizabeth, County of Cumberland and State of Maine, as shown on a plan entitled "Site Plan of Sherman Property," by Sebago Technics, Inc, Project Number 10023, dated June 23, 2010 and being more particularly bounded and described as follows:

Beginning at a point on the northeasterly right-of-way of Shore Road being S 40°-50'-25" E, a distance of 100.00 feet from the westerly corner of land now or formerly of David Sherman, and the southerly corner of land now or formerly of Joseph Wilkis;

Thence N 40°-50'-25" W, along the northeasterly right-of-way of Shore Road, a distance of 1.82 feet;

Thence N 32°-05'-58" E, a distance of 41.62 feet;

Thence N 69°-17'-50" E, a distance of 124.61 feet;

Thence N 69°-17'-50" E, a distance of 15.01 feet;

Thence N 27°-44'-26" E, a distance of 36.72 feet;

Thence N 27°-44'-26" E, a distance of 28.35 feet;

Thence N 63°-51'-14" E, a distance of 85.05 feet;

Thence N 54°-15'-41" E, a distance of 34.08 feet;

Thence N 63°-38'-25" E, a distance of 32.12 feet to land now or formerly belonging to Bruce D. Nelson;

Thence N 69°-49'-55" E, along land now or formerly belonging to Bruce D. Nelson, a distance of 85.67 feet;

Thence S 72°-32'-09" E, a distance of 57.20 feet;

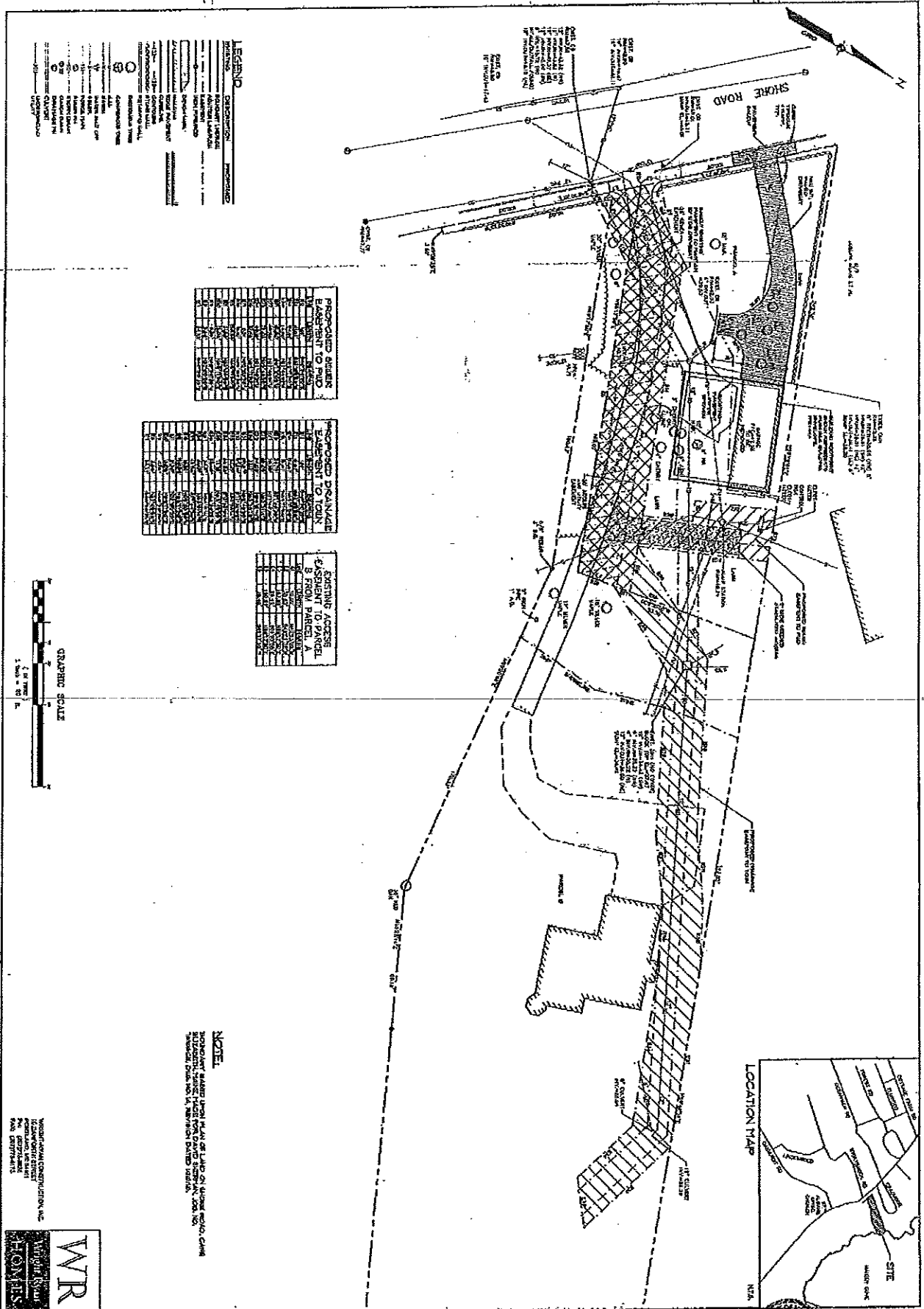
Thence S 52°-28'-14" W, a distance of 24.42 feet;

Thence N 72°-32'-09" W, a distance of 36.38 feet;

Thence S 69°-49'-55" W, a distance of 77.78 feet;

Thence S 63°-38'-25" W, a distance of 29.40 feet;
Thence S 54°-15'-41" W, a distance of 34.12 feet;
Thence S 63°-51'-14" W, a distance of 80.21 feet;
Thence S 27°-44'-26" W, a distance of 48.56 feet to "Parcel A" as shown on said plan;
Thence S 09°-03'-58" E, along "Parcel A" a distance of 18.92 feet;
Thence S 69°-17'-50" W, along "Parcel A" a distance of 150.59 feet;
Thence S 32°-05'-58" W, through Parcel B, a distance of 21.30 feet;
Thence S 69°-17'-50" W, a distance of 13.06 feet;
Thence S 40°-50'-25" E, a distance of 8.26 feet;
Thence S 32°-05'-58" W, a distance of 3.66 feet to the northeasterly sideline of Shore Road;
Thence N 40°-50'-25" W, a distance of 24.33 feet to the Point of Beginning.

EXHIBIT B



LEGEND

SYMBOL	DESCRIPTION
(Symbol)	Proposed Building Footprint
(Symbol)	Proposed Parking
(Symbol)	Proposed Driveway
(Symbol)	Proposed Walkway
(Symbol)	Proposed Retaining Wall
(Symbol)	Proposed Storm Drain
(Symbol)	Proposed Utility
(Symbol)	Proposed Erosion Control
(Symbol)	Proposed Tree
(Symbol)	Proposed Planting
(Symbol)	Proposed Fencing
(Symbol)	Proposed Gate
(Symbol)	Proposed Sign
(Symbol)	Proposed Light
(Symbol)	Proposed Well
(Symbol)	Proposed Pond
(Symbol)	Proposed Stream
(Symbol)	Proposed Road
(Symbol)	Proposed Boundary
(Symbol)	Proposed Easement
(Symbol)	Proposed Right of Way
(Symbol)	Proposed Encroachment

PROPOSED DRIVEWAY

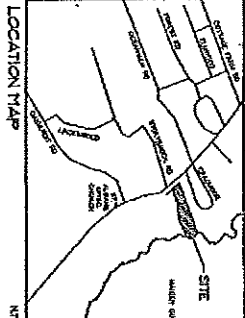
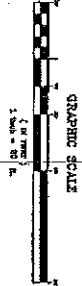
NO.	DESCRIPTION	DATE
1	Proposed Driveway	10/1/00
2	Proposed Driveway	10/1/00
3	Proposed Driveway	10/1/00
4	Proposed Driveway	10/1/00
5	Proposed Driveway	10/1/00
6	Proposed Driveway	10/1/00
7	Proposed Driveway	10/1/00
8	Proposed Driveway	10/1/00
9	Proposed Driveway	10/1/00
10	Proposed Driveway	10/1/00

PROPOSED PARKING

NO.	DESCRIPTION	DATE
1	Proposed Parking	10/1/00
2	Proposed Parking	10/1/00
3	Proposed Parking	10/1/00
4	Proposed Parking	10/1/00
5	Proposed Parking	10/1/00
6	Proposed Parking	10/1/00
7	Proposed Parking	10/1/00
8	Proposed Parking	10/1/00
9	Proposed Parking	10/1/00
10	Proposed Parking	10/1/00

EXISTING ACCESS

NO.	DESCRIPTION	DATE
1	Existing Access	10/1/00
2	Existing Access	10/1/00
3	Existing Access	10/1/00
4	Existing Access	10/1/00
5	Existing Access	10/1/00
6	Existing Access	10/1/00
7	Existing Access	10/1/00
8	Existing Access	10/1/00
9	Existing Access	10/1/00
10	Existing Access	10/1/00



NOTE:
 PROPERTY MARKED WITH IN ALL OF LAND ON WHICH THIS PLAN IS SUBMITTED, SHALL BE THE PROPERTY OF DAVID SHERMAN, AND SHALL BE SUBJECT TO THE TERMS AND CONDITIONS OF THE DEED OF CONVEYANCE TO SAID PROPERTY.

WORLDWIDE CONSTRUCTION, INC.
 100 BROADWAY, SUITE 200
 PORTLAND, ME 04101
 TEL: (603) 833-1111
 FAX: (603) 833-1112



SHEET 1 OF 4 DATE: 10/1/00 SCALE: AS SHOWN DRAWN BY: [Signature] CHECKED BY: [Signature]	SITE PLAN OF SHERMAN PROPERTY SHERMAN ROAD CAPE ELIZABETH, MAINE FOR DAVID SHERMAN SHORE ROAD CAPE ELIZABETH, MAINE 04108	Sebago Technics Incorporated, Portland, Maine 100 Commercial Street Portland, ME 04101 TEL: (603) 833-1111 FAX: (603) 833-1112 WWW: www.sebago.com	PROJECT NO. 10000000000000000000 FIELD BOOK: [] DESIGN: [] CHECK: [] DATE: 10/1/00 DRAWN BY: [] SCALE: 1/8" = 1'-0"	THIS PLAN SHALL NOT BE CONSIDERED VALID UNLESS IT IS ACCOMPANIED BY THE ORIGINAL SURVEY DATA AND ALL NECESSARY RECORDS AND PERMITS. THE DESIGNER ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS PLAN OR FOR ANY DAMAGE TO ANY PERSON OR PROPERTY CAUSED BY THE USE OF THIS PLAN.	REGISTERED PROFESSIONAL ENGINEER STATE OF MAINE [Signature] 1076114
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