

**DEED**  
(Maine Statutory Short Form)

**FITZPATRICK ASSOCIATES, INC.**, a Maine corporation (“Grantor”), with a place of business in South Portland, Maine, GRANTS to **TOWN OF CAPE ELIZABETH**, a municipal corporation organized and existing under the laws of the State of Maine (“Grantee”), whose mailing address is 320 Ocean House Road, P. O. Box 6260, Cape Elizabeth, Maine 04107, with **QUITCLAIM COVENANTS**, the land in Cape Elizabeth, County of Cumberland and State of Maine, and more particularly described on **Exhibit A** attached hereto and made a part hereof (hereinafter the “Property”).

This conveyance is subject to the following covenants which shall run with the property in perpetuity and shall be for the benefit of the remaining land of the Grantor known as Eastman Meadows Condominium as shown on a Plan recorded in the Cumberland County Registry of Deeds in Plan Book 209, Page 127.

1. Passive use of the Property. The Property shall be used for passive recreational activities only, to wit, walking, jogging, hiking, sightseeing, bird watching and harvesting or gathering forest products, as well as to provide access for general education activities. No buildings, utilities or other significant improvements shall be erected, used, maintained or allowed to stand on the Property, except boardwalks, steps and signs approved for marking by the Cape Elizabeth Greenbelt Committee, or any other municipal board which has been delegated such authority by the Grantee. Any and all such passive activities which occur on the Property shall be of a character harmonious with the natural beauty of the Property’s environment and shall not unreasonably interfere with the residential character of the Eastman Meadow Condominium.
2. Restrictions on Vehicular Traffic. Snowmobiles, all-terrain vehicles, motorcycles, trail bikes and any other similar off road motorized vehicles shall not be operated on the Property; provided that Grantee may enter with low-impact motorized vehicles for purposes of installation, maintenance and repair of improvements allowed under section 1, above.
3. Preservation of Existing Natural Vegetative Growth. The natural tree and shrub growth on the Property shall be preserved in its existing condition, except as may be necessary for the construction and maintenance of paths/walkways or the removal of dead or diseased trees and vegetation.
4. No Third-Party Enforcement. Grantor, and its successors and assigns in title to the Eastman Meadow Condominium property (and including specifically, but not limited to, the Eastman Meadows Condominium Association), is the only person having the right to enforce these restrictions. There shall be no person having a third-party right of enforcement of the terms and conditions hereof unless such right is expressly granted by an instrument duly recorded at the Cumberland County Registry of Deeds.

5. Miscellaneous. Grantee shall have the right to grant easements for the installation and maintenance of below-ground utilities, provided the holder or holders of such easements agree that any land and vegetation disturbed by the installation of utilities be thereafter restored, as nearly as possible, to its prior undisturbed state.

IN WITNESS WHEREOF, **FITZPATRICK ASSOCIATES, INC.** has caused this deed to be executed by its duly authorized officer on September \_\_\_\_, 2011.

WITNESS:

**FITZPATRICK ASSOCIATES, INC.**

\_\_\_\_\_

By: \_\_\_\_\_  
Joel S. FitzPatrick, Its President

STATE OF MAINE  
COUNTY OF \_\_\_\_\_

September \_\_\_\_, 2011

Personally appeared the above-named Joel FitzPatrick, President of **FITZPATRICK ASSOCIATES, INC.**, and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free act and deed of said corporation.

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

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

### **Exhibit A to Deed to Town of Cape Elizabeth**

A certain lot or parcel of unimproved land in the Town of Cape Elizabeth, Cumberland County, Maine, bounded and described as follows:

1. Beginning at an iron rod situated a distance of S 08° 58' 35" E a distance of 43.13 feet from a 6" x 6" monument set on the southerly line of remaining property of the grantor, being known as the "Eastman Meadows Condominium" property, and as shown on a plan recorded in Plan Book 209, Page 127 (the "Plan");
2. Thence, S 08° 58' 35" E a distance of 36.76 feet to an iron/pipe rod set as shown on the Plan;
3. Thence N 80° 21' 00" East a distance of 165.00 feet to land of Cecil J. Bowden et al, as described in a deed recorded in said Registry in Book 3554, Page 79;
4. Thence S 13° 14' 33" W a distance of 76.65 feet;
5. Thence S 75° 24' 53" West a distance of 136.05 feet;
6. Thence S 09° 23' 39" East a distance of 1545.57 feet to a 5" x 5" granite boundary marker;
7. Thence S 79° 49' 25" West a distance of 231.00 feet to a point and other land of the Town of Cape Elizabeth as described in a deed recorded in said Registry in Book 12820 Page 1;
8. Thence N 10° 01' 21" West a distance of 1542.74 feet to a 5/8" rebar set marked "S. Ross";
9. Thence S 79° 12' 07" West a distance of 108.36 feet to a 5/8" rebar set;
10. Thence N 20° 21' 20" East a distance of 255.96 feet to an iron rod set at remaining land of the grantor known as the "Eastman Meadows Condominium" property; and
11. Thence S 77° 01' 34" East along said Condominium property a distance of 248.14 feet to the point of beginning.

The above premises are shown on said Plan and indicated as "N/F Sprague Corp. 1073/123", and the are a portion of the premises conveyed to the Wyley Enterprises LLC by The Sprague Corporation by deed recorded in said Registry of Deeds in Book 26916, Page 163.