



September 3, 2013

Ms. Maureen O'Meara, Planning Director  
Town of Cape Elizabeth  
329 Ocean House Road  
Cape Elizabeth, ME 04107

Re: Rudy's of the Cape- Site Plan Application- Request for Amendment

Dear Maureen,

On behalf of 517 Ocean House, LLC we are pleased to submit revised plans along with a request for an Amended Site Plan Review for Rudy's Restaurant. The information submitted includes modifications to the plans in response to changes in the restaurant building, and subsequent modifications to the site to accommodate these changes. Please note the following changes to the plan from its previous approval:

1. The building footprint is slightly changed to provide a better kitchen layout; the rear of the building has been enlarged by approximately 70 sf in two bump-out areas to accommodate necessary kitchen equipment. Doors have been shifted slightly from their previous location which is typical as the design evolves into the construction document phase. It is noted that the building massing and facades facing the public view remain essentially as approved.
2. As a result of adding the bump-outs, the sewer line and corresponding easement along the rear of the property needed to be modified (shifted) 3 feet towards the west, crossing onto the abutting property. We have agreements in place with the neighbor to allow this easement to straddle the property line and have attached copies of the proposed easements for the Board's discussion. These easements must be approved by the Town Council and we have submitted them to the Town for their review and approval.
3. The site plan is essentially the same; however sewer manhole locations, grades and profiles have been slightly modified to accommodate the shift in location, the grease trap was relocated into the parking lot to remove it from the easement, and walkways/ landscaping around the building were modified to accommodate the changes in building door locations.

The proposed project is extremely close to what was originally approved and the modifications represent minor but critical improvements in the internal layout and function of the restaurant. We are excited about the opportunity for Rudy's to reopen in 2014 and look forward to starting construction as soon as possible this fall.

We look forward to meeting with the Board to discuss the project in greater detail and look forward to a successful project.

With Regards,  
Carroll Associates

Patrick J. Carroll, Principal  
Enc.

SEP - 3 2013

**WARRANTY DEED**  
**Sewer Line Easement**  
(Maine Statutory Short Form)

517 Ocean House, LLC, a Maine limited liability company with a place of business in Portland, County of Cumberland, and State of Maine (“Grantor”), for consideration paid, grants to the TOWN OF CAPE ELIZABETH, a municipal corporation organized and existing under the laws of the State of Maine, and having its principal place of business at Cape Elizabeth, in the County of Cumberland and State of Maine, whose mailing address is: 320 Ocean House Road, Cape Elizabeth, Maine 04107 (“Grantee”), with WARRANTY COVENANTS, the following described rights and easements in land in Cape Elizabeth, County of Cumberland, State of Maine, described as follows:

The perpetual right and easement for the following described purposes across the land of the Grantor bounded and described as set forth in Exhibit A attached hereto and made a part hereof:

The right and easement to install, construct, lay, relay, repair, inspect, operate, maintain, rebuild, replace and remove pipes and manholes, as needed, with all necessary fixtures and appurtenances upon, through, under or over the premises for conveying and transmitting sewerage and wastewater, together with the right at all times to make connection with all of said facilities to land adjoining the premises as deemed appropriate by Grantee, its successors and assigns.

It is a condition of the within grant that in the event the Grantee exercises its rights hereunder, the Grantee shall be under an obligation to restore any areas disturbed in such actions to a condition substantially the same as such areas were in immediately prior to such disturbance.

IN WITNESS WHEREOF, it, the said 517 Ocean House, LLC, has caused this instrument to be signed and sealed in its company name by Paul J. Woods, Jr., its Managing Member, thereunto duly authorized, on October \_\_\_, 2012

WITNESS:

**517 Ocean House, LLC**

\_\_\_\_\_

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

Name: Paul J. Woods, Jr.

Title: Managing Member

STATE OF MAINE  
COUNTY OF CUMBERLAND, ss.

October \_\_\_, 2012

Then personally appeared the above named Paul J. Woods, Jr., Managing Member of said **517 Ocean House, 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 limited liability company.

Before me,

Attorney at Law/Notary Public

**Exhibit A**

A certain lot or parcel of land extending from the southwesterly side of "Davis Point Lane", so called, to the westerly side of Ocean House Road (aka Route 77) in the Town of Cape Elizabeth, County of Cumberland and State of Maine bounded and described as follows:

Beginning at a point on the southerly side of Davis Point Lane at the most northerly corner of the land of the Grantor;

Thence, S 74°02'27" E along the southerly side of said Davis Point Lane 1.44 feet;

Thence, S 17°01'43" E across land of the Grantor 34.09 feet;

Thence, S 15°57'33" W across land of the Grantor 105.75 feet;

Thence, S 68°58'45" E across land of the Grantor 56.46 feet to the westerly sideline of said Ocean House Road abutting the edge of the public way;

Thence, southwesterly along the westerly sideline of said Ocean House Road abutting the edge of the public way along a curve to the right having a radius of 905.73 feet and a chord bearing and distance of S 14°46'31" W, 20.12 feet, an arc length of 20.12 feet;

Thence, N 68°58'45" W across land of the Grantor 76.96 feet;

Thence, N 15°57'33" E across land of the Grantor and along land now or formerly of Sea Star Properties LLC 152.66 feet to the southerly side of Davis Point Lane and the point of beginning containing 3,939 square feet.

Meaning to and intending to describe the location of a sanitary sewer easement from 517 Ocean House, LLC to the Town of Cape Elizabeth for the purpose of installing, maintaining, and repairing sanitary sewer and wastewater lines as described hereinabove.

The above described premises being subject to and benefited by all matters as depicted or described on a plan labeled "Topographic Survey Made for Carroll Associates, Dated Dec 1, 2011 by Owen Haskell, Inc."

The above described land being a portion of the premises described in a deed from Two Lights General Store, LLC to 517 Ocean House, LLC by a deed dated July 6, 2011, and recorded at the Cumberland County Registry of Deeds in Book 28810, Page 31.

**WARRANTY DEED**  
**Sewer Line Easement**  
(Maine Statutory Short Form)

Sea Star Properties, LLC, a Maine limited liability company with a place of business in Scarborough, County of Cumberland, and State of Maine (“Grantor”), for consideration paid, grants to the TOWN OF CAPE ELIZABETH, a municipal corporation organized and existing under the laws of the State of Maine, and having its principal place of business at Cape Elizabeth, in the County of Cumberland and State of Maine, whose mailing address is: 320 Ocean House Road, Cape Elizabeth, Maine 04107 (“Grantee”), with WARRANTY COVENANTS, the following described rights and easements in land in Cape Elizabeth, County of Cumberland, State of Maine, described as follows:

The perpetual right and easement for the following described purposes across the land of the Grantor bounded and described as set forth in Exhibit A attached hereto and made a part hereof: (“easement area”):

The right and easement to install, construct, lay, relay, repair, inspect, operate, maintain, rebuild, replace and remove pipes and manholes, as needed, with all necessary fixtures and appurtenances upon, through, under or over the premises for conveying and transmitting sewerage and wastewater, together with the right at all times to make connection with all of said facilities to land adjoining the premises as deemed appropriate by Grantee, its successors and assigns.

Grantor reserves the right to the use and enjoyment of the easement area for any purpose that does not interfere with the use of the easement area by the Grantee for its stated purposes; provided that none of the following improvements may be made by the Grantor, its successors and assigns, in the easement area without the prior written permission of the Grantee:

- (1) No buildings or any other permanent structures are allowed, except pavement and utilities.
- (2) Other than for ordinary and reasonable maintenance and landscaping purposes by Grantor, no earth shall be removed, no fill may be added and no other change made to the surface grade of the easement area.
- (3) No conduits, pipelines or facilities shall be installed within five (5) feet of or above any conduit or pipeline installed by the Grantee, except that pipelines and conduits may be installed if they cross perpendicular to the Grantee’s conduits and pipelines with a minimum vertical clearance of one (1) foot.

If the Grantee grants permission for any such work by Grantor, its successors and assigns, then Grantor, its successor and assigns shall indemnify the Grantee for any claims against the Grantee or expenses of the Grantee resulting from such work.

It is a condition of the within grant that in the event the Grantee exercises its rights hereunder, the Grantee shall be under an obligation to restore any areas disturbed in such actions to a condition substantially the same as such areas were in immediately prior to such disturbance.

IN WITNESS WHEREOF, it, the said Sea Star Properties, LLC, has caused this instrument to be signed and sealed in its company name by \_\_\_\_\_, its Managing Member, thereunto duly authorized, on September \_\_, 2013.

WITNESS:

**Sea Star Properties, LLC**

\_\_\_\_\_

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

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

Title: Managing Member

Bangor Savings Bank hereby releases the sewer easement described above from the operation and effect of its Mortgage dated December 29,2010 recorded in the Cumberland County Registry of Deeds, Book 28406, Page 119, said mortgage to otherwise remain in full force and effect.

WITNESS:

**Bangor Savings Bank**

\_\_\_\_\_

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

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

Title: \_\_\_\_\_

STATE OF MAINE

COUNTY OF CUMBERLAND, ss.

September \_\_\_\_, 2013

Then personally appeared the above named \_\_\_\_\_, Managing Member of said **Sea Star Properties, LLC** as aforesaid, and acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said limited liability company.

Before me,

Attorney at Law/Notary Public

STATE OF MAINE

COUNTY OF CUMBERLAND, ss.

September \_\_\_\_, 2013

Then personally appeared the above named \_\_\_\_\_, \_\_\_\_\_ of said **Bangor Savings Bank** as aforesaid, and acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said Bangor Savings Bank.

Before me,

Attorney at Law/Notary Public

**Exhibit A**

A certain lot or parcel of land extending from the southwesterly side of "Davis Point Lane", so called, to the southerly line of land of the Grantor in the Town of Cape Elizabeth, County of Cumberland and State of Maine bounded and described as follows:

Beginning at a point on the southerly side of Davis Point Lane at the most easterly corner of the Grantor;

Thence, S 15°57'33" W along land now or formerly of 517 Ocean House LLC as described in deed book 28810 page 31 a distance of 89.62 feet;

Thence, S 43°49'13"W along land of said 517 Ocean House LLC 6.42 feet;

Thence, N 15°57'33" E across land of the Grantor 65.40 feet;

Thence, N 17°01'43" E across land of the Grantor 35.64 feet to the southwesterly side of Davis Point Lane;

Thence, S 74°02'24" E along the southwesterly sideline of said Davis Point Lane 22.41 feet to the point of beginning containing 567 +/- square feet.

Meaning to and intending to describe the location of a sanitary sewer easement from Sea Star Properties, LLC to the Town of Cape Elizabeth for the purpose of installing, maintaining, and repairing sanitary sewer and wastewater lines as described hereinabove.

The above described land being a portion of the premises described in a deed from Alana LLC to Sea Star Properties, LLC by a deed dated December 29, 2010, and recorded at the Cumberland County Registry of Deeds in Book 28406, Page 115.

**RELEASE DEED**

**TOWN OF CAPE ELIZABETH**, a municipal corporation organized and existing under the laws of the State of Maine, located at 320 Ocean House Road, Cape Elizabeth, Maine 04107, County of Cumberland and State of Maine (“Grantor”), for consideration paid, **RELEASES** to **517 Ocean House, LLC** of Portland, County of Cumberland and State of Maine, whose mailing address is: P.O. Box 10900, Portland, ME 04104 (“Grantee”), the following:

All of Grantor’s right, title and interest to a certain right and easement granted by Warranty Deed to Grantor by Grantee, said Deed dated October 1, 2012 and recorded in the Cumberland County Registry of Deeds in Book 30025, Page 308.

IN WITNESS WHEREOF, the said municipality of the Town of Cape Elizabeth has caused this instrument to be signed in its corporate name by \_\_\_\_\_, its \_\_\_\_\_, duly authorized, this \_\_\_ day of September, 2013.

STATE OF MAINE  
COUNTY OF CUMBERLAND, ss.

September \_\_, 2013

Then personally appeared the above named \_\_\_\_\_, \_\_\_\_\_ of the 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 Town of Cape Elizabeth.

Before me,

Attorney at Law/Notary Public