

EASEMENT DEED
Maine Statutory Short Form

Know all Men by these presents,

That **Dale K. Bryant**, an individual with a mailing address of 7 Rock Wall Lane, Cape Elizabeth, Maine 04107 (hereinafter, "Grantor"), grants to the **Town of Cape Elizabeth**, a body politic and corporate, of Cape Elizabeth, County of Cumberland and State of Maine (hereinafter, "Grantee"), whose mailing address is P.O. Box 6260, Cape Elizabeth, Maine 04107-0060, with Quitclaim Covenant, its successors and assigns forever, an easement for pedestrian access, in common with the Grantor and others to whom Grantor may grant such rights, over and across a certain lot or parcel of land in the Town of Cape Elizabeth, County of Cumberland and State of Maine ("hereinafter referred to as the "Property"), which Property is more particularly bounded and described in Exhibit A, attached hereto and incorporated herein by reference.

The purpose of this easement is to provide access over and across the Property for the following public recreational activities only, as defined in 14 M.R.S.A. § 159-A(1)(B), to wit, walking, jogging, skiing, hiking and sightseeing, as well as to provide access for general education activities; provided, however, that nothing herein contained shall obligate Grantor to improve, repair or maintain the Property for any of the purposes herein stated or for any other purpose. Only those public recreational activities specifically listed above shall be allowed on the Property.

Excepting and reserving to the Grantor, her heirs and assigns, all rights of use and enjoyment of the Property not inconsistent with the rights herein granted.

The Grantee's agents, employees and representatives shall have unlimited and unrestricted access to enter the Property to assure compliance and in order to achieve the purpose of the easement; provided that such access shall not unreasonably interfere with the residential character of the remaining land of the Grantor.

No structures other than unpaved pathways, boardwalks, steps, bridges, handicapped access improvements, structures that support wildlife habitat,

markers, and structures to block or discourage access by motorized vehicles and signs approved for marking by the Cape Elizabeth greenbelt shall be erected or located by Grantee on the Property, and at no time will fires or fireplaces of any type be permitted on the Property. Specifically, there shall be no lights placed on the Property nor signage designating the Property as an emergency accessway. Further, the operation by Grantee of "all-terrain vehicles," as that term is defined in 12 M.R.S.A. §7851, or other motorized or mechanized vehicles within or on the Property, is prohibited, except by Grantee's employees or agents for the construction and maintenance of trail improvements.

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.

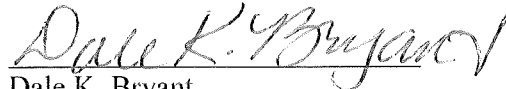
Meaning and intending to transfer and hereby transferring such interest to said municipality voluntarily and without claim for damages.

Nothing contained in the easement is intended to waive the immunities provided to the Grantor or the Grantee under 14 M.R.S.A. § 159-A, as the same may be amended from time to time, and it is the express intention of the Grantor herein to obtain the fullest level of protection available under said statute.

The Grantor, her heirs and assigns, retains and reserves the right to assign and/or convey all or any portion of said Property; provided, however, all such assignments and conveyances shall be subject to the terms of this easement. Nothing contained in this easement shall be deemed or implied to convey or grant any rights in any other portion of the land owned by Grantor except for the specific area described as the Property.

In witness whereof, Grantor has executed this instrument this _____ day
of 12/2, 2016

Signed and Delivered in
the presence of :


Dale K. Bryant

STATE OF MAINE
CUMBERLAND, SS.

_____, 2016

The personally appeared the above-named Dale K. Bryant who
acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public/Maine Attorney at Law

Printed name: _____

EXHIBIT A
PROPOSED EASEMENT

A certain easement over a parcel of land on the southerly side of Oakhurst Road, but not adjacent thereto, in the Town of Cape Elizabeth, County of Cumberland, State of Maine bounded and described as follows:

Commencing at an existing 5/8 inch iron rod 14 inches above grade with an illegible survey cap on the southerly side of Oakhurst Road, but not adjoining thereon, on the easterly sideline of land now or formerly of the Town of Cape Elizabeth as described in a deed recorded at the Cumberland County Registry of Deeds in Book 33499, Page 300 and the westerly sideline of land of Peter & Amelia Van Dessel as described in deed recorded at the Cumberland County Registry of Deeds in Book 32326, Page 96;

Thence South 18°-07'-56" East, along land now or formerly of Peter & Amelia Van Dessel, a distance of 0.57 feet to the point of beginning;

Thence continuing South 18°-07'-56" East, along land now or formerly of Peter & Amelia Van Dessel, a distance of 50.50 feet to land now or formerly of the Town of Cape Elizabeth as described in a deed recorded at the Cumberland County Registry of Deeds in Book 25532, Page 258;

Thence South 79°-54'-23" West, along land now or formerly of the Town of Cape Elizabeth, a distance of 108.86 feet to a point;

Thence North 03°-49'-09" East, through land of Dale K. Bryant as described in a deed recorded at the Cumberland County Registry of Deeds in Book 4909, Page 88, a distance of 51.51 feet to land of the Town of Cape Elizabeth;

Thence, North 79°-54'-23" East, along land of the Town of Cap Elizabeth, a distance of 89.41 feet to the Point of Beginning.

Containing 5,002 square feet, more or less.

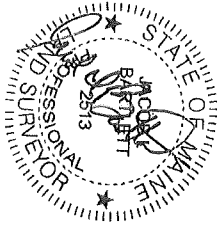
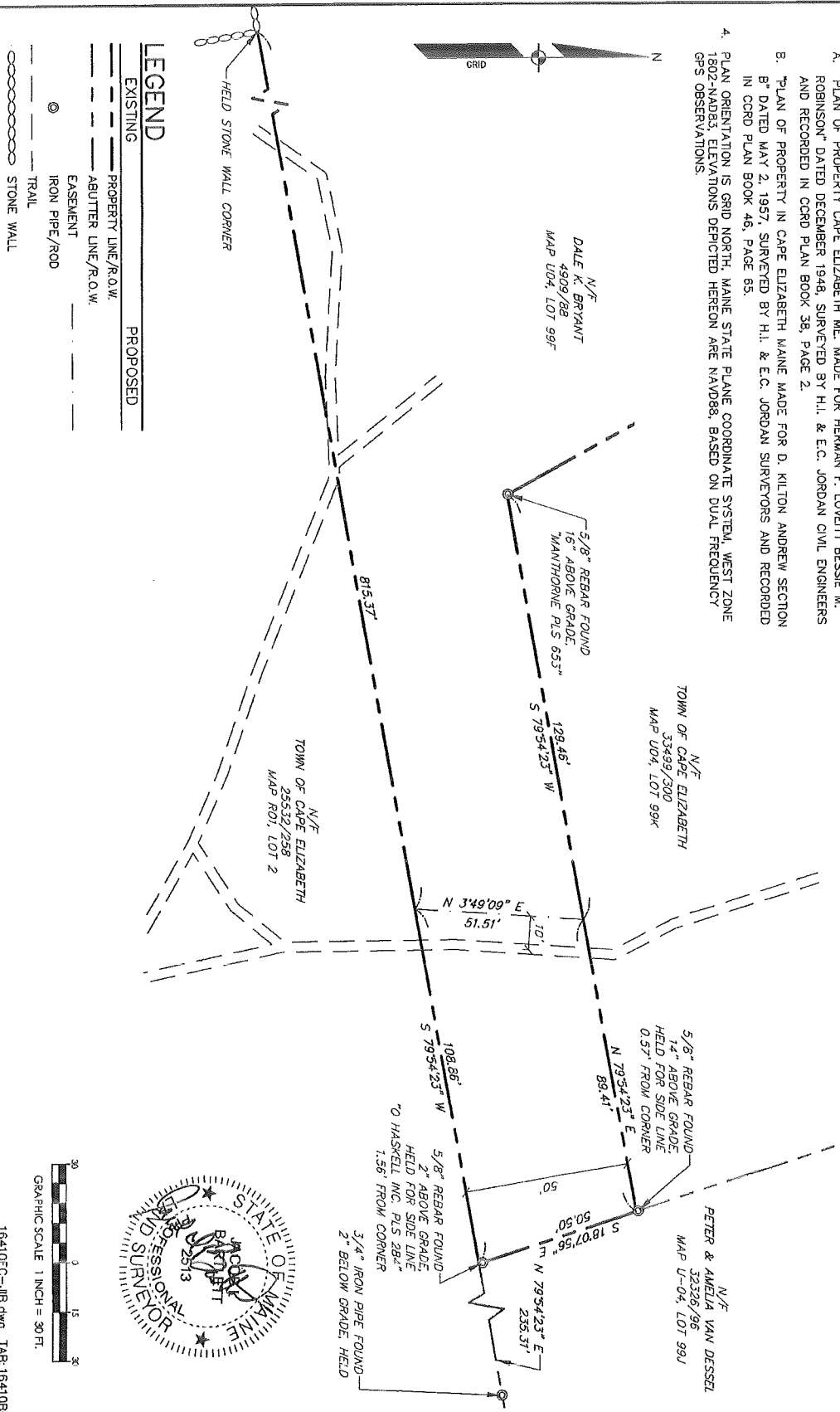
The above bearings refer to Grid North, State Plane Coordinate System 1802, West Zone, NAD 83.

Reference is made to a plan entitled "Sketch Showing A Proposed Easement Over Land Owned By: Dale K. Bryant" dated November 10, 2016, and surveyed by Sebago Technics Inc.

November 15, 2016
CDM/llg

GENERAL NOTES:

1. THE RECORD OWNER OF THE PARCEL IS DALE K. BRYANT BY DEED DATED JANUARY 11, 1982, AND RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS (CORD) IN BOOK 4909 PAGE 88.
2. BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON A FIELD SURVEY PERFORMED BY SEBAGO TECHNICIS INC. IN OCTOBER OF 2016.
3. PLAN REFERENCES:
 - A. "PLAN OF PROPERTY CAPE ELIZABETH ME. MADE FOR HERMAN F. LOVELL BESSIE M. ROBINSON" DATED DECEMBER 1948, SURVEYED BY H.I. & E.C. JORDAN CIVIL ENGINEERS AND RECORDED IN CORD PLAN BOOK 38, PAGE 2.
 - B. "PLAN OF PROPERTY IN CAPE ELIZABETH MAINE MADE FOR D. KILTON ANDREW SECTION B" DATED MAY 2, 1957, SURVEYED BY H.I. & E.C. JORDAN SURVEYORS AND RECORDED IN CORD PLAN BOOK 46, PAGE 65.
4. PLAN ORIENTATION IS GRID NORTH; MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE 1802-NADES, ELEVATIONS DEPICTED HEREON ARE NAVD83, BASED ON DUAL FREQUENCY GPS OBSERVATIONS.



16410EC-JIB.dwg, TAB:16410BD

SKETCH SHOWING A PROPOSED EASEMENT
 OVER LAND OWNED BY:
DALE K. BRYANT
 7 ROCK WALL LANE
 CAPE ELIZABETH, MAINE 04107
 FOR:
THE TOWN OF CAPE ELIZABETH
 P.O. BOX 6260
 CAPE ELIZABETH, MAINE 04107

DESIGNED	CHECKED
JIB	CDM
PROJECT NO.	SCALE
16410	1" = 30'

SHEET 1 OF 1

SEBAGO
 TECHNICS
 WWW.SEBAGOTECHNICS.COM

75 John Roberts Rd. Suite 1A South Portland, ME 04106 Tel. 207-200-2100	250 Goddard Rd. Suite B Lewiston, ME 04240 Tel. 207-783-5656
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THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICIS, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICIS, INC.