



TOWN OF CAPE ELIZABETH

PUBLIC WORKS DEPARTMENT

10 COOPER DRIVE
CAPE ELIZABETH, MAINE 04107

ROBERT C. MALLEY
PUBLIC WORKS DIRECTOR
TEL. 799-4151
FAX 799-4426
E-MAIL: robert.malley@capeelizabeth.org

To: Matthew Sturgis, Town Manager

From: Robert C. Malley, Director of Public Works 

Date: September 30, 2019

Re: Scott Dyer Road Phase II Project - Consideration & Acceptance of Easements

Phase II of the Scott Dyer Road Rehabilitation Project was substantially completed at the end of August. We have received several compliments on the project, especially from those who are using the new segment of sidewalk from the Cape Memory Care facility down to Spurwink Avenue. Other than some minor outstanding items and the proper catchment of grass in some of the disturbed areas the project is complete.

As part of the project, the town needed to acquire four drainage easements at the Willow Brook crossing and a property easement at the intersection of Scott Dyer and Spurwink Avenue. The drainage easements will enable the town to perform maintenance on the inlets and outlets of both culverts. These were not in place prior to undertaking the project, but the town has historically taken care of any issues related to them as needed. The property easement was needed to address an encroachment onto private property on the northwest corner of the intersection. A small triangular portion of the redesigned turning radius was going to fall outside of the public right-of-way. The easement provided graciously by the property owner grants the town rights for the turning radius along with an area for snow storage during the winter months.

Though we are still awaiting "Joinder Agreements" from one of the properties, we would like have the Town Council consider these for acceptance at this time in the event one of the properties is transferred and/or sold in the future before that agreement is provided to us. As soon as that is provided, we will forward that along for consideration. A "Joinder Agreement" protects the Town if the property is foreclosed upon. That action is not foreseen for the property in question.

Attached are four easement deeds that were prepared by Tom Leahy, our Town Attorney. They have been signed and notarized by the property owners and are now ready for consideration and acceptance by the Town Council.

EASEMENT DEED

ANTHONY A. DELL'AQUILA, individually, and ANTHONY A. DELL'AQUILA and KELLY M. DELL'AQUILA, TRUSTEES, or their successors in trust, under the Anthony A. Dell'Aquila Living Trust dated July 22, 1998, both residents from the Town of Cape Elizabeth, County of Cumberland, and State of Maine, for consideration paid, grants to THE TOWN OF CAPE ELIZABETH, a municipal body corporate and politic situated in the County of Cumberland and State of Maine, with a mailing address of 320 Ocean House Road, P.O. Box 6260, Cape Elizabeth, Maine 04107, its successors and assigns, with Warranty Covenants, the perpetual right and easement to enter at any and all times for the purposes outlined hereinafter on Schedule A, upon a certain lot or parcel of land situated northerly of, and adjacent to Scott Dyer Road, in the Town of Cape Elizabeth, County of Cumberland and State of Maine, as more particularly bounded and described on **Schedule A** attached hereto and made a part hereof, within which parcel a town road is located.

WITNESS our hands and seals this 08 day of August, 2019.

Antoinette J. Sweeney
Witness

[Signature]
Anthony A. Dell'Aquila, individually

Antoinette J. Sweeney
Witness

[Signature]
Anthony A. Dell'Aquila, Trustee of the
Anthony A. Dell'Aquila Living Trust

Antoinette J. Sweeney
Witness

Kelly M. Dell'Aquila
Kelly M. Dell'Aquila, Trustee of the
Anthony A. Dell'Aquila Living Trust

STATE OF MAINE
CUMBERLAND, SS.

August 8, 2019

Then personally appeared the above-named Anthony A. Dell'Aquila and acknowledged the foregoing instrument to be his free act and deed individually, and in said capacity as Trustee of the Anthony A. Dell'Aquila Living Trust.

Before me,

Teresa D. Olsen
Notary Public/Attorney at Law

Teresa D Olsen
Notary Public, Maine
My Commission Expires October 11, 2025

STATE OF MAINE
CUMBERLAND, SS.

August 8, 2019

Then personally appeared the above-named Kelly M. Dell'Aquila and acknowledged the foregoing instrument to be her free act and deed in said capacity as Trustee of the Anthony A. Dell'Aquila Living Trust. *Signed on previous page*

Before me,

Teresa D. Olsen

Notary Public/Attorney at Law

Teresa D Olsen

Notary Public, Maine

Printed Name

Commission Expires October 11, 2025

SCHEDULE A

The Town of Cape Elizabeth, its successors and assigns forever, are hereby granted the perpetual right and easement to enter at any and all times upon a certain lot or parcel of land situated northerly, and adjacent to Scott Dyer Road and easterly, and adjacent to Spurwink Avenue in the Town of Cape Elizabeth, County of Cumberland and State of Maine, for the purposes of installing, maintaining, repairing and replacing of a roadway, grading, and shoulder stabilization over land more particularly described as follows:

Commencing at an existing 6-inch granite monument with drill hole located on the southerly side of Scott Dyer Road at a point of curvature on the westerly side of Starboard Drive;

Thence S 87°16'03" W, a distance of 159.84 feet to a point on the northerly side of Scott Dyer Road at land of Dell Aquila, et ux and the Point of Beginning;

Thence S 69°13'38" W, along the northerly side of Scott Dyer Road and land of Dell Aquila, et ux, a distance of 41.52 feet to a point on the easterly side of Spurwink Avenue;

Thence N 11°02'07" W, along the easterly side of Spurwink Avenue and land of Dell Aquila, et ux, a distance of 41.52 feet to a point;

Thence along a circular curve and through land of Dell Aquila, et ux as defined by the following curve elements: having a radius of 35 feet, an arc length of 60.93 feet and a chord which bears S 60°54'14" E, a distance of 53.52 feet to the Point of Beginning.

The herein described Road Easement contains approximately 387 square feet.

Bearings herein are based on Grid North, Maine State Plane Coordinate System, West Zone 1802, NAD83.

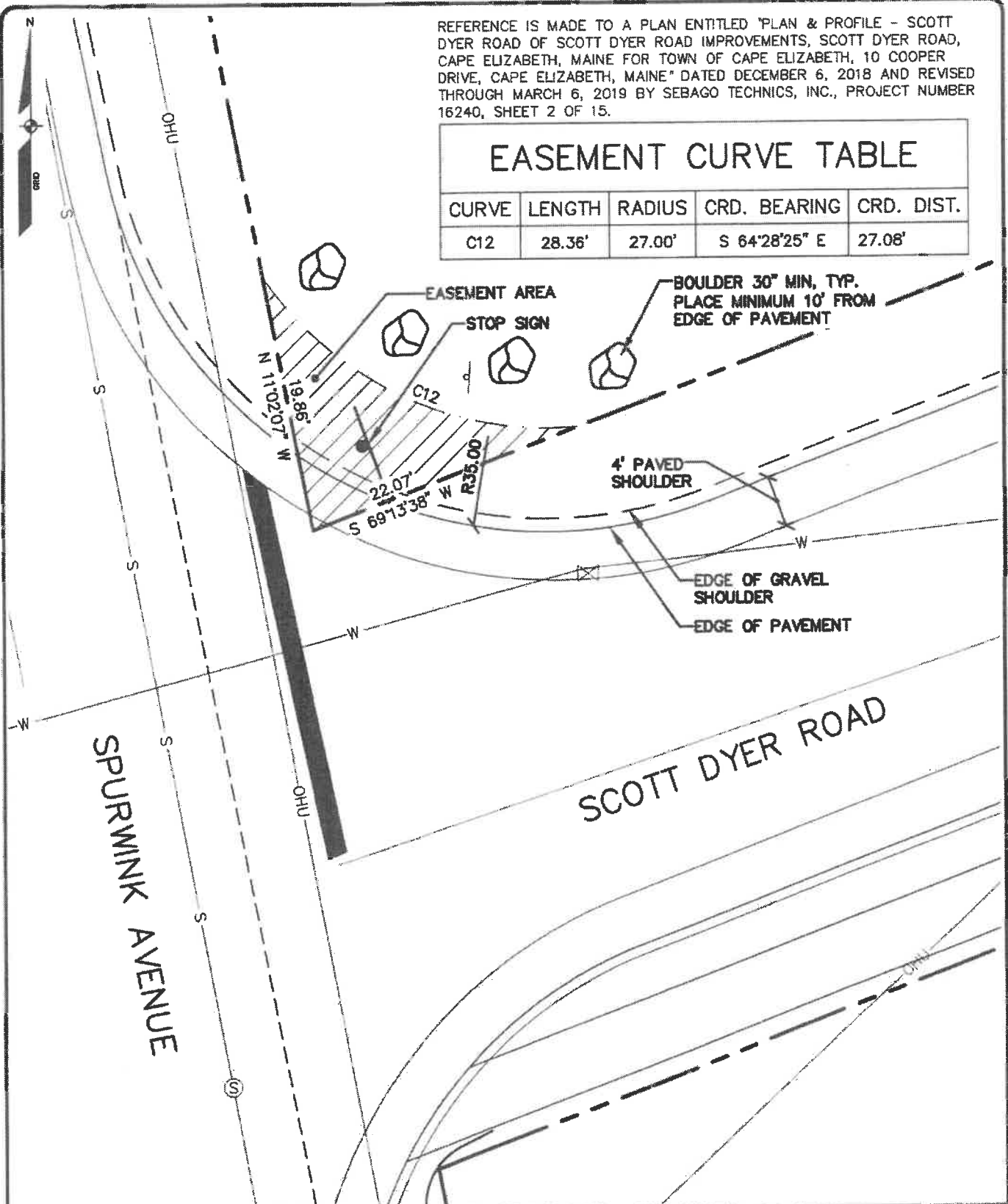
Together with the right to construct and perpetually maintain road improvements, with all necessary fixtures or appurtenances, through and across said above described parcel.

Reference is made to a plan entitled "Plan & Profile – Scott Dyer Road, of Scott Dyer Road Improvements, Scott Dyer Road, Cape Elizabeth, Maine for Town of Cape Elizabeth, 10 Cooper Drive, Cape Elizabeth, Maine" dated December 6, 2018 and revised through March 6, 2019 by Sebago Technics, Inc., Sheet 3 of 15, attached hereto as Schedule A-1.

REFERENCE IS MADE TO A PLAN ENTITLED "PLAN & PROFILE - SCOTT DYER ROAD OF SCOTT DYER ROAD IMPROVEMENTS, SCOTT DYER ROAD, CAPE ELIZABETH, MAINE FOR TOWN OF CAPE ELIZABETH, 10 COOPER DRIVE, CAPE ELIZABETH, MAINE" DATED DECEMBER 6, 2018 AND REVISED THROUGH MARCH 6, 2019 BY SEBAGO TECHNICS, INC., PROJECT NUMBER 16240, SHEET 2 OF 15.

EASEMENT CURVE TABLE

CURVE	LENGTH	RADIUS	CRD. BEARING	CRD. DIST.
C12	28.36'	27.00'	S 64°28'25" E	27.08'



SEBAGO
TECHNICS

WWW.SEAGOTECHNICS.COM
75 John Roberts Rd.
Suite 4A
South Portland, ME 04108
Tel. 207-200-2100

SCOTT DYER ROAD/SPURWINK AVE INTERSECTION
LAND OF ANTHONY A. & KELLY M. DELL'AQUILA (TRUSTEES)

LOCATION:
SCOTT DYER ROAD
CAPE ELIZABETH, MAINE

FOR:
TOWN OF CAPE ELIZABETH
10 COOPER DR., CAPE ELIZABETH

SCALE: 1" = 10'

DATE: 06-25-2019

SHEET:
1 OF 1

EASEMENT DEED

KIMBERLY SUNSHINE PROPERTIES, LLC a Maine limited liability company with a principal place of business in Scarborough, County of Cumberland, and State of Maine, for consideration paid, grants to THE TOWN OF CAPE ELIZABETH, a municipal body corporate and politic situated in the County of Cumberland and State of Maine, with a mailing address of 320 Ocean House Road, P.O. Box 6260, Cape Elizabeth, Maine 04107, its successors and assigns, with Warranty Covenants, the perpetual right and easement to enter at any and all times for the purposes outlined hereinafter on Schedule A, upon a certain lot or parcel of land situated northerly of, and adjacent to Scott Dyer Road, in the Town of Cape Elizabeth, County of Cumberland and State of Maine, as more particularly bounded and described on Schedule A attached hereto and made a part hereof, within which parcel a town storm drainage line is located.

IN WITNESS WHEREOF, KIMBERLY SUNSHINE PROPERTIES, LLC has caused this instrument to be signed this 13 day of June, 2019, by Kimberly Sholl its owner, thereunto duly authorized.

KIMBERLY SUNSHINE PROPERTIES, LLC

Teresa D. Olsen
Witness

By:

Kimberly Sholl
Its: owner/President

STATE OF MAINE
CUMBERLAND, SS.

June 13, 2019

Then personally appeared the above-named Kimberly S Sholl, in his/her capacity as _____ of KIMBERLY SUNSHINE PROPERTIES, LLC, and acknowledged the foregoing instrument to be his/her free act and deed in said capacity, and the free act and deed of said limited liability company.

Before me,

Linda J. Winker
Notary Public/Attorney at Law

Linda J. Winker
Printed Name

LINDA J. WINKER
Notary Public, Maine
My Commission Expires August 6, 2021

SCHEDULE A

The Town of Cape Elizabeth, its successors and assigns forever, are hereby granted the perpetual right and easement to enter at any and all times upon a certain lot or parcel of land situated northerly, and adjacent to Scott Dyer Road, in the Town of Cape Elizabeth, County of Cumberland and State of Maine, and lying easterly of Willow Brook (a.k.a. Mill Brook) for the purposes of installing, maintaining, repairing and replacing of drainage, grading, and shoulder stabilization over land more particularly described as follows:

Beginning at a point on the northerly sideline of Scott Dyer Road at the center of Willow Brook at land now or formerly of the Jacqueline L. Berg, formerly Jacqueline B. McKeagney as described in a deed recorded at the Cumberland County Registry of Deeds in Book 7871, Page 97;

Thence N 69°13'38" E, along the northerly side of Scott Dyer Road, a distance of 34.79 feet to a point;

Thence N 20°46'22" W, through land now or formerly of Kimberly Sunshine Properties, LLC, a distance of 10.00 feet to a point;

Thence S 69°13'38" W, through land now or formerly of the Kimberly Sunshine Properties, LLC, a distance of 40.00 feet to point in the center line meanders of Willow Brook at land now or formerly of Jacqueline L. Berg;

Thence in a general Southeasterly direction, along land now or formerly of Jacqueline L. Berg and the centerline meanders of Willow Brook, a distance of approximately 12 feet to the Point of Beginning, a tie line bears S 48°16'15" E, a distance of 11.27 feet.

The herein described easement contains approximately 382 square feet.

Bearings herein are based on Grid North, Maine State Plane Coordinate System, West Zone 1802, NAD83.

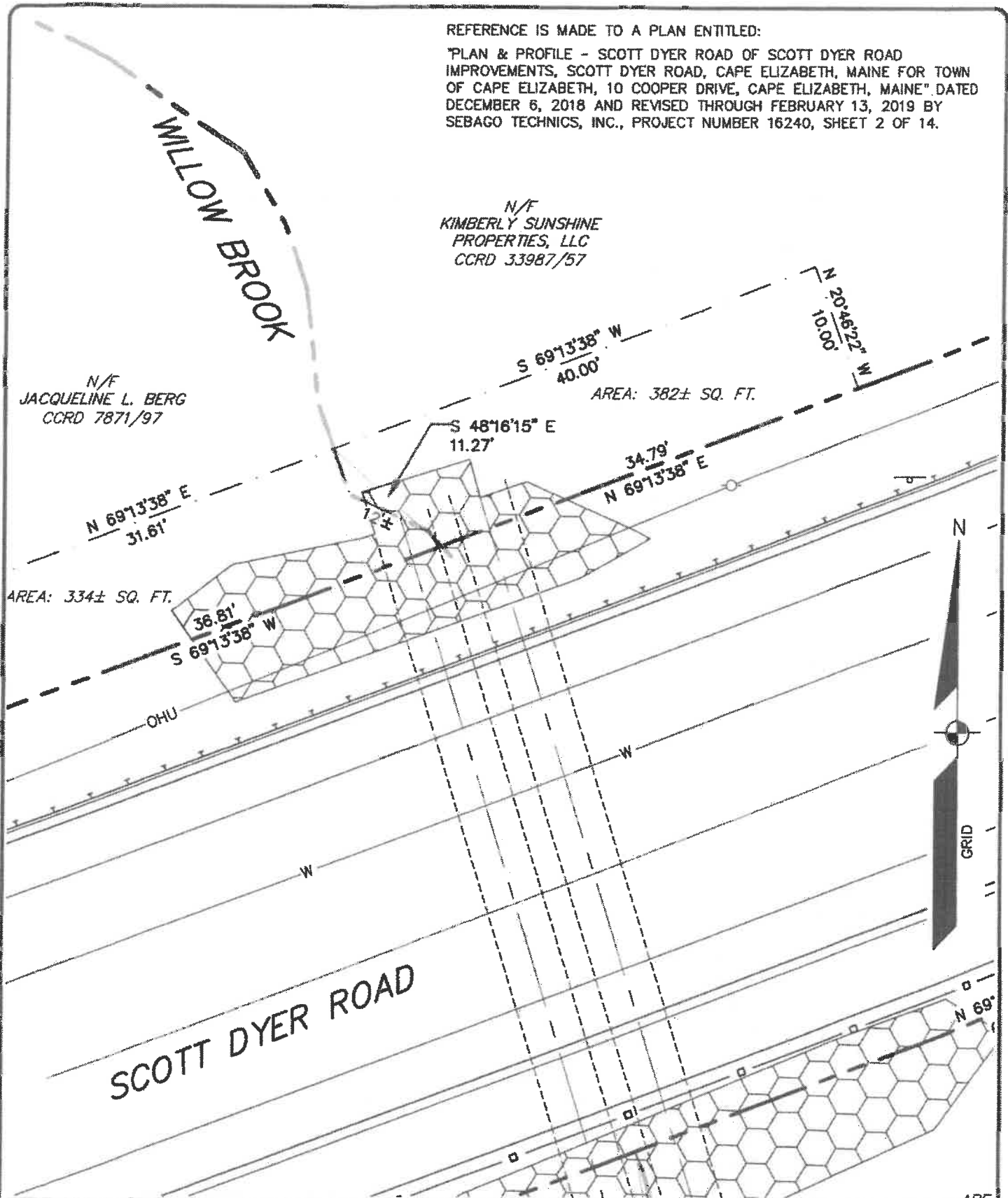
Together with the right to construct and perpetually maintain through and across said parcel drainage pipe lines for conveying stormwater and to lay, relay and repair, maintain and remove stormwater pipe or pipes upon or under said parcel with all necessary fixtures or appurtenances.

Reference is made to a plan entitled "Willow Brook Easement 3 Over Land of Kimberly Sunshine Properties, LLC for Town of Cape Elizabeth" by Sebago Technics, dated March 22, 2019, attached hereto as Schedule A-1.

SCHEDULE A-1

REFERENCE IS MADE TO A PLAN ENTITLED:

"PLAN & PROFILE - SCOTT DYER ROAD OF SCOTT DYER ROAD IMPROVEMENTS, SCOTT DYER ROAD, CAPE ELIZABETH, MAINE FOR TOWN OF CAPE ELIZABETH, 10 COOPER DRIVE, CAPE ELIZABETH, MAINE" DATED DECEMBER 6, 2018 AND REVISED THROUGH FEBRUARY 13, 2019 BY SEBAGO TECHNICS, INC., PROJECT NUMBER 16240, SHEET 2 OF 14.



SEBAGO
TECHNICS

WWW.SEAGOTECHNICS.COM

75 John Roberts Rd.
Suite 4A
South Portland, ME 04106
Tel. 207-200-2100

WILLOW BROOK EASEMENT 3 OVER

LAND OF KIMBERLY SUNSHINE PROPERTIES, LLC

LOCATION:
SCOTT DYER ROAD
CAPE ELIZABETH, MAINE

FOR:
TOWN OF CAPE ELIZABETH
10 COOPER DR., CAPE ELIZABETH

SCALE: 1" = 10'

DATE: 03-22-2019

SHEET:
1 OF 1

EASEMENT DEED

NORMAN A. WHITAKER and ELEANOR L. WHITAKER, TRUSTEES OF THE WHITAKER FAMILY REVOCABLE TRUST, a trust with a principal address in Hudson, County of Hillsborough, and State of New Hampshire, for consideration paid, grant to THE TOWN OF CAPE ELIZABETH, a municipal body corporate and politic situated in the County of Cumberland and State of Maine, with a mailing address of 320 Ocean House Road, P.O. Box 6260, Cape Elizabeth, Maine 04107, its successors and assigns, with Warranty Covenants, the perpetual right and easement to enter at any and all times for the purposes outlined hereinafter on Schedule A, upon a certain lot or parcel of land situated southerly of, and adjacent to Scott Dyer Road, in the Town of Cape Elizabeth, County of Cumberland and State of Maine, as more particularly bounded and described on Schedule A attached hereto and made a part hereof, within which parcel a town storm drainage line is located.

IN WITNESS WHEREOF, THE WHITAKER FAMILY REVOCABLE TRUST has caused this instrument to be signed this 3RD day of MAY, 2019, by Norman A. Whitaker and Eleanor L. Whitaker, as Trustees aforesaid, the unto duly authorized.

THE WHITAKER FAMILY REVOCABLE TRUST

[Signature]
Witness

Norman A. Whitaker Trustee
By: Norman A. Whitaker
Its: Trustee

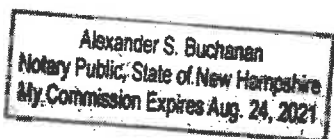
[Signature]
Witness

Eleanor L. Whitaker Trustee
By: Eleanor L. Whitaker
Its: Trustee

STATE OF ~~MAINE~~ NEW HAMPSHIRE
~~CUMBERLAND~~, SS.
HILLSBOROUGH

MAY 3, 2019

Then personally appeared the above-named Norman A. Whitaker and Eleanor L. Whitaker, in their capacity as Trustees of THE WHITAKER FAMILY REVOCABLE TRUST, and acknowledged the foregoing instrument to be their free act and deed in said capacity, and the free act and deed of said Trust.



Before me,
[Signature]
Notary Public/Attorney at Law

Printed Name

SCHEDULE A

The Town of Cape Elizabeth, its successors and assigns forever, are hereby granted the perpetual right and easement to enter at any and all times upon a certain lot or parcel of land situated southerly, and adjacent to Scott Dyer Road, in the Town of Cape Elizabeth, County of Cumberland and State of Maine, and lying westerly of Willow Brook (a.k.a. Mill Brook) for the purposes of installing, maintaining, repairing and replacing of drainage, grading, and shoulder stabilization over land more particularly described as follows:

Beginning at a point on the southerly sideline of Scott Dyer Road at the center of Willow Brook at land now or formerly of the Woodlands Assisted Living of Cape Elizabeth, LLC as described in a deed recorded at the Cumberland County Registry of Deeds in Book 27393, Page 196;

Thence S 69°13'38" W, along the southerly side of Scott Dyer Road, a distance of 63.59 feet to a point;

Thence S 20°46'22" E, through land now or formerly of The Whitaker Family Revocable Trust, a distance of 25po.00 feet to a point;

Thence N 69°13'38" E, through land now or formerly of The Whitaker Family Revocable Trust, a distance of 58.65 feet to point in the center line meanders of Willow Brook at land now or formerly of the Woodlands Assisted Living of Cape Elizabeth, LLC;

Thence in a general Northwesterly direction, along land now or formerly of the Woodlands Assisted Living of Cape Elizabeth, LLC and the centerline meanders of Willow Brook, a distance of approximately 26 feet to the Point of Beginning, a tie line bears N 09°34'56" W, a distance of 25.48 feet.

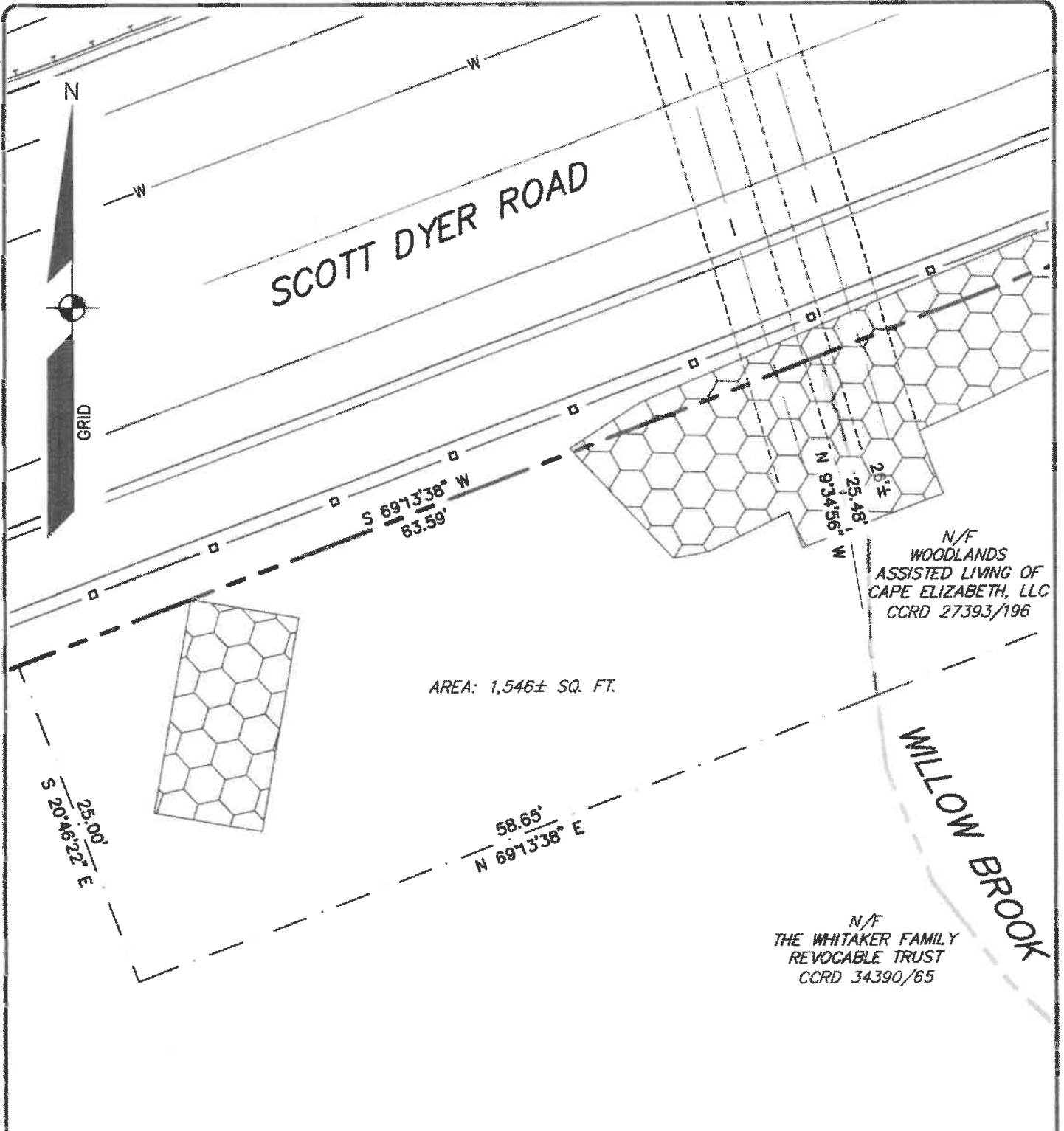
The herein described easement contains approximately 1,546 square feet.

Bearings herein are based on Grid North, Maine State Plane Coordinate System, West Zone 1802, NAD83.

Together with the right to construct and perpetually maintain through and across said parcel drainage pipe lines for conveying stormwater and to lay, relay and repair, maintain and remove stormwater pipe or pipes upon or under said parcel with all necessary fixtures or appurtenances.

Reference may be made to a plan entitled "Willow Brook Easement 2 Over Land of The Whitaker Family Revocable Trust for the Town of Cape Elizabeth" by Sebago Technics, dated March 22, 2019, attached hereto as Schedule A-1.

SCHEDULE A-1



REFERENCE IS MADE TO A PLAN ENTITLED:

'PLAN & PROFILE - SCOTT DYER ROAD OF SCOTT DYER ROAD IMPROVEMENTS, SCOTT DYER ROAD, CAPE ELIZABETH, MAINE FOR TOWN OF CAPE ELIZABETH, 10 COOPER DRIVE, CAPE ELIZABETH, MAINE' DATED DECEMBER 6, 2018 AND REVISED THROUGH FEBRUARY 13, 2019 BY SEBAGO TECHNICS, INC., PROJECT NUMBER 16240, SHEET 2 OF 14.

SEBAGO
TECHNICS

WWW.SEBAGOTECHNICS.COM
75 John Roberts Rd.
Suite 4A
South Portland, ME 04106
Tel. 207-200-2100

WILLOW BROOK EASEMENT 2 OVER

LAND OF THE WHITAKER FAMILY REVOCABLE TRUST

LOCATION:
SCOTT DYER ROAD
CAPE ELIZABETH, MAINE

FOR:
TOWN OF CAPE ELIZABETH
10 COOPER DR., CAPE ELIZABETH

SCALE: 1" = 10'

DATE: 03-22-2019

SHEET:
1 OF 1

EASEMENT DEED

WOODLANDS SENIOR LIVING OF CAPE ELIZABETH LLC, a Maine limited liability company with a principal place of business in Cape Elizabeth, County of Cumberland, and State of Maine, for consideration paid, grants to THE TOWN OF CAPE ELIZABETH, a municipal body corporate and politic situated in the County of Cumberland and State of Maine, with a mailing address of 320 Ocean House Road, P.O. Box 6260, Cape Elizabeth, Maine 04107, its successors and assigns, with Warranty Covenants, the perpetual right and easement to enter at any and all times for the purposes outlined hereinafter on Schedule A, upon a certain lot or parcel of land situated southerly of, and adjacent to Scott Dyer Road, in the Town of Cape Elizabeth, County of Cumberland and State of Maine, as more particularly bounded and described on **Schedule A** attached hereto and made a part hereof, within which parcel a town storm drainage line is located.

IN WITNESS WHEREOF, WOODLANDS SENIOR LIVING OF CAPE ELIZABETH LLC has caused this instrument to be signed this 5th day of April, 2019, by Matthew Walters, its Member, thereunto duly authorized.

[Signature]
Witness

WOODLANDS SENIOR LIVING OF CAPE ELIZABETH LLC
[Signature]
By: MATTHEW WALTERS
Its: MEMBER

STATE OF MAINE
CUMBERLAND, SS.

April 5th, 2019

Then personally appeared the above-named Matthew Walters in his/her capacity as Member of WOODLANDS SENIOR LIVING OF CAPE ELIZABETH LLC, and acknowledged the foregoing instrument to be his/her free act and deed in said capacity, and the free act and deed of said limited liability company.

Before me,
[Signature]
Notary Public/Attorney at Law

ANNAMARIE A. PARSONS
Printed Name

ANNAMARIE A. PARSONS
Notary Public, Maine
My Commission Expires May 1, 2022

SCHEDULE A

The Town of Cape Elizabeth, its successors and assigns forever, are hereby granted the perpetual right and easement to enter at any and all times upon a certain lot or parcel of land situated southerly, and adjacent to Scott Dyer Road, in the Town of Cape Elizabeth, County of Cumberland and State of Maine, and lying easterly of Willow Brook (a.k.a. Mill Brook) for the purposes of installing, maintaining, repairing and replacing of drainage, grading, and shoulder stabilization over land more particularly described as follows:

Beginning at a point on the southerly sideline of Scott Dyer Road at the center of Willow Brook at land now or formerly of The Whitaker Family Revocable Trust u/d/t dated October 3, 2017 as described in a deed recorded at the Cumberland County Registry of Deeds in Book 34390, Page 65;

Thence N 69°13'38" E, along the southerly side of Scott Dyer Road, a distance of 63.00 feet to a point;

Thence S 20°46'22" E, through land now or formerly of the Woodlands Assisted Living of Cape Elizabeth, LLC, a distance of 25.00 feet to a point;

Thence S 69°13'38" W, through land now or formerly of the Woodlands Assisted Living of Cape Elizabeth, LLC, a distance of 67.95 feet to point in the center line meanders of Willow Brook at land now or formerly of The Whitaker Family Revocable Trust;

Thence in a general northwesterly direction, along land now or formerly of The Whitaker Family Revocable Trust and the centerline meanders of Willow Brook, a distance of approximately 26 feet to the Point of Beginning, a tie line bears N 09°34'56" W, a distance of 25.48 feet.

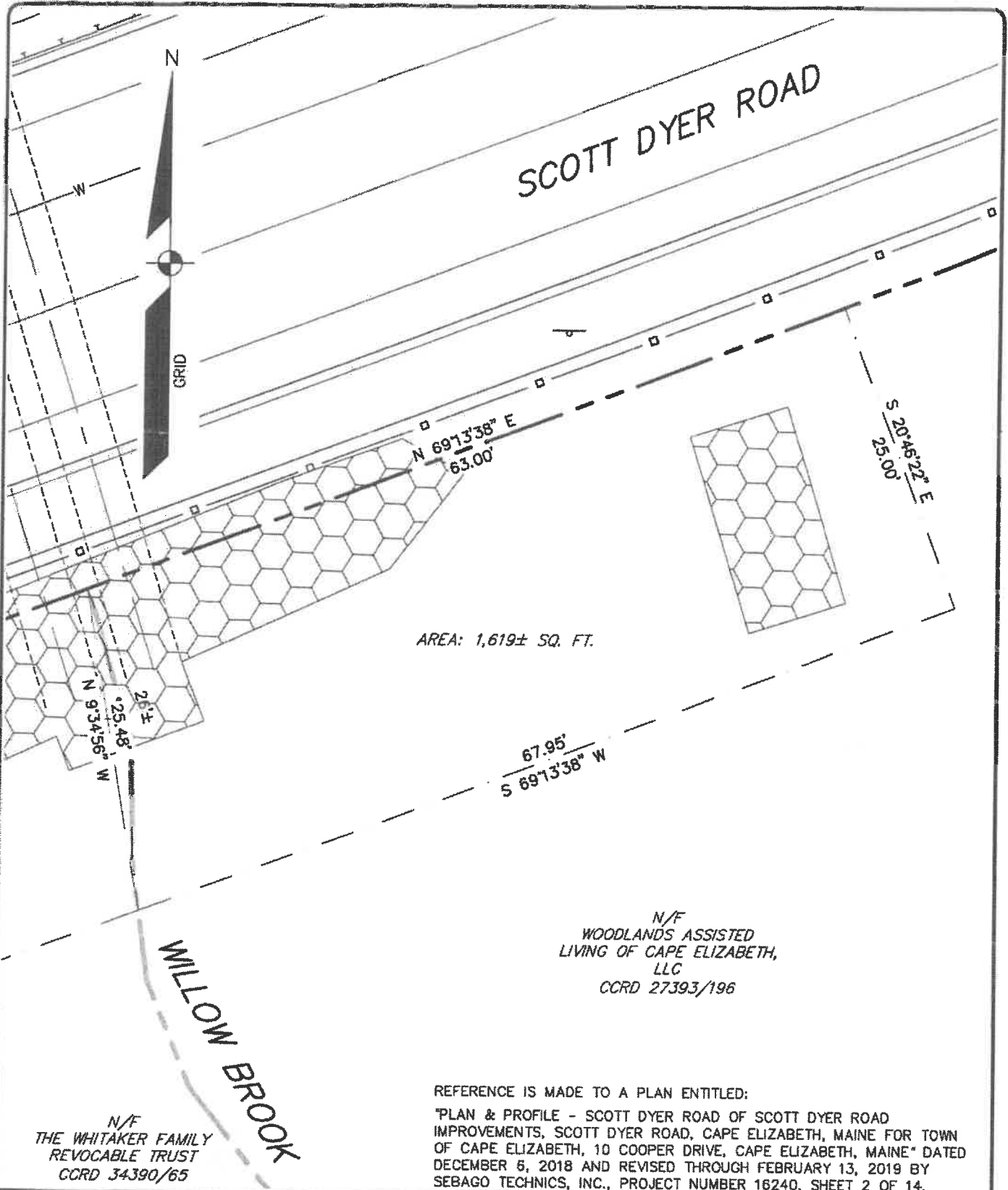
The herein described easement contains approximately 1,619 square feet.

Bearings herein are based on Grid North, Maine State Plane Coordinate System, West Zone 1802, NAD83.

Together with the right to construct and perpetually maintain through and across said parcel drainage pipe lines for conveying stormwater and to lay, relay and repair, maintain and remove stormwater pipe or pipes upon or under said parcel with all necessary fixtures or appurtenances.

Reference is made to a plan entitled "Willow Brook Easement 1 Over Land of Woodlands Assisted Living of Cape Elizabeth, LLC for Town of Cape Elizabeth" by Sebago Technics, dated March 22, 2019, attached hereto as Schedule A-1.

SCHEDULE A-1




AREA: 1,619± SQ. FT.

N/F
WOODLANDS ASSISTED
LIVING OF CAPE ELIZABETH,
LLC
CCRD 27393/196

N/F
THE WHITAKER FAMILY
REVOCABLE TRUST
CCRD 34390/65

REFERENCE IS MADE TO A PLAN ENTITLED:
"PLAN & PROFILE - SCOTT DYER ROAD OF SCOTT DYER ROAD
IMPROVEMENTS, SCOTT DYER ROAD, CAPE ELIZABETH, MAINE FOR TOWN
OF CAPE ELIZABETH, 10 COOPER DRIVE, CAPE ELIZABETH, MAINE" DATED
DECEMBER 5, 2018 AND REVISED THROUGH FEBRUARY 13, 2019 BY
SEBAGO TECHNICS, INC., PROJECT NUMBER 16240, SHEET 2 OF 14.

 WWW.SEBAGOTECHNICS.COM 75 John Roberts Rd. Suite 4A South Portland, ME 04106 Tel. 207-290-2100	WILLOW BROOK EASEMENT 1 OVER LAND OF WOODLANDS ASSISTED LIVING OF CAPE ELIZABETH, LLC		SCALE: 1" = 10'
	LOCATION: SCOTT DYER ROAD CAPE ELIZABETH, MAINE	FOR: TOWN OF CAPE ELIZABETH 10 COOPER DR., CAPE ELIZABETH	DATE: 03-22-2019 SHEET: 1 OF 1

EASEMENT DEED

JACQUELINE L. BERG, f/k/a Jacqueline B. McKeagney, an individual from the town of Cape Elizabeth, County of Cumberland, and State of Maine, for consideration paid, grants to THE TOWN OF CAPE ELIZABETH, a municipal body corporate and politic situated in the County of Cumberland and State of Maine, with a mailing address of 320 Ocean House Road, P.O. Box 6260, Cape Elizabeth, Maine 04107, its successors and assigns, with Warranty Covenants, the perpetual right and easement to enter at any and all times for the purposes outlined hereinafter on Schedule A, upon a certain lot or parcel of land situated northerly of, and adjacent to Scott Dyer Road, in the Town of Cape Elizabeth, County of Cumberland and State of Maine, as more particularly bounded and described on Schedule A attached hereto and made a part hereof, within which parcel a town storm drainage line is located.

WITNESS my hand and seal this 17th day of May, 2019.

[Signature]
Witness

[Signature]
Jacqueline L. Berg

STATE OF MAINE
CUMBERLAND, SS.

May 17, 2019

Then personally appeared the above-named Jacqueline L. Berg, and acknowledged the foregoing instrument to be her free act and deed.

Before me,

[Signature]
Notary Public/Attorney at Law

Greg T. Whittney
Printed Name

Greg T. Whittney
Notary Public, State of Maine
My Comm. Exp. Dec 14, 2021



MORTGAGEE JOINDER

COAST LINE CREDIT UNION, owner and holder of a Mortgage from Jacqueline L. Berg, f/k/a Jacqueline B. McKeagney to Coast Line Credit Union dated February 9, 2016, recorded in the Cumberland County Registry of Deeds in Book 32920, Page 288 and Home Equity Mortgage Deed from Jacqueline L. Berg, f/k/a Jacqueline B. McKeagney to Coast Line Credit Union dated February 9, 2016, recorded in said Registry of Deeds in Book 32920, Page 304 does hereby join in the above instrument solely to release the easement granted from the operation and effect of the above mortgages.

Dated: 5/15, 2019

WITNESS:

COAST LINE CREDIT UNION

[Signature]

[Signature]
By Troy Chadbourne
Its v.p.

STATE OF Maine
COUNTY OF Cumberland, SS.

5/15, 2019

Personally appeared before me the above named Troy Chadbourne, in his/her capacity as Vice President of the Coast Line Credit Union, and acknowledged the foregoing instrument to be his/her free act and deed in said capacity and the free act and deed of the Coast Line Credit Union.

Before me,

[Signature]
Notary Public
Greg T Whitney
Printed Name
My commission expires:

Greg T. Whitney
Notary Public, State of Maine
My Comm. Exp. December 31, 2021



SCHEDULE A

The Town of Cape Elizabeth, its successors and assigns forever, are hereby granted the perpetual right and easement to enter at any and all times upon a certain lot or parcel of land situated northerly, and adjacent to Scott Dyer Road, in the Town of Cape Elizabeth, County of Cumberland and State of Maine, and lying westerly of Willow Brook (a.k.a. Mill Brook) for the purposes of installing, maintaining, repairing and replacing of drainage, grading, and shoulder stabilization over land more particularly described as follows:

Beginning at a point on the northerly sideline of Scott Dyer Road at the center of Willow Brook at land now or formerly of Kimberly Sunshine Properties, LLC as described in a deed recorded at the Cumberland County Registry of Deeds in Book 33987, Page 57;

Thence S 69°13'38" W, along the northerly side of Scott Dyer Road, a distance of 36.81 feet to a point;

Thence N 20°46'22" W, through land now or formerly of Jacqueline L. Berg, a distance of 10.00 feet to a point;

Thence N 69°13'38" E, through land now or formerly of Jacqueline L. Berg, a distance of 31.61 feet to point in the center line meanders of Willow Brook at land now or formerly of Kimberly Sunshine Properties, LLC;

Thence in a general Southeasterly direction, along land now or formerly of Kimberly Sunshine Properties, LLC and the centerline meanders of Willow Brook, a distance of approximately 12 feet to the Point of Beginning, a tie line bears S 48°16'15" E, a distance of 11.27 feet.

The herein described easement contains approximately 334 square feet.

Bearings herein are based on Grid North, Maine State Plane Coordinate System, West Zone 1802, NAD83.

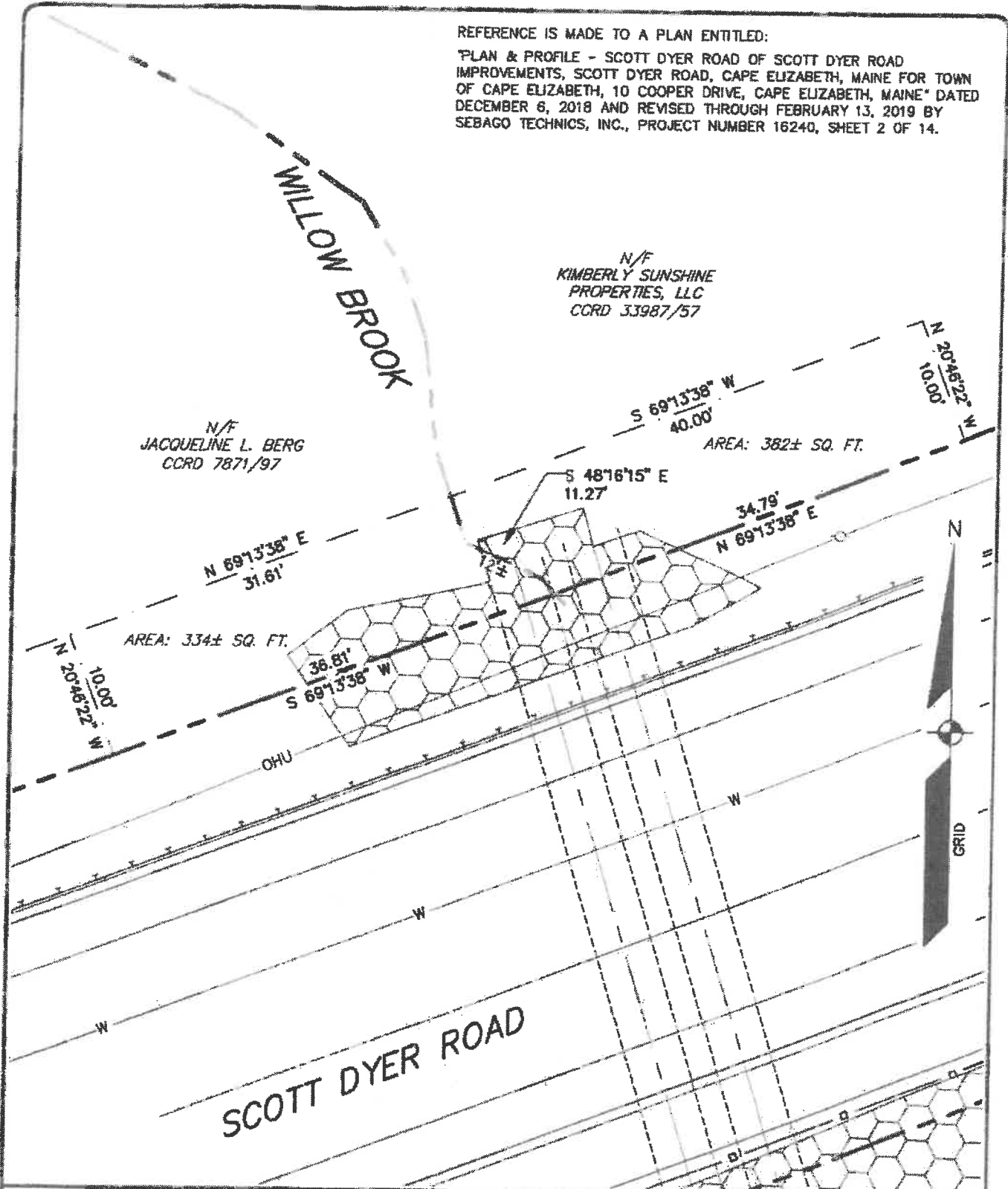
Together with the right to construct and perpetually maintain through and across said parcel drainage pipe lines for conveying stormwater and to lay, relay and repair, maintain and remove stormwater pipe or pipes upon or under said parcel with all necessary fixtures or appurtenances.

Reference is made to a plan entitled "Willow Brook Easement 4 Over Land of Jacqueline L. Berg for Town of Cape Elizabeth" by Sebago Technics, dated March 22, 2019, attached hereto as Schedule A-1.

SCHEDULE A-1

REFERENCE IS MADE TO A PLAN ENTITLED:

"PLAN & PROFILE - SCOTT DYER ROAD OF SCOTT DYER ROAD IMPROVEMENTS, SCOTT DYER ROAD, CAPE ELIZABETH, MAINE FOR TOWN OF CAPE ELIZABETH, 10 COOPER DRIVE, CAPE ELIZABETH, MAINE" DATED DECEMBER 6, 2018 AND REVISED THROUGH FEBRUARY 13, 2019 BY SEBAGO TECHNICS, INC., PROJECT NUMBER 16240, SHEET 2 OF 14.



SEBAGO
TECHNICS
WWW.SEABAGO-TECHNICS.COM
75 John Roberts Rd.
Suite 4A
South Portland, ME 04106
Tel. 207-200-2100

WILLOW BROOK EASEMENT 4 OVER
LAND OF JACQUELINE L. BERG

LOCATION:	FOR:
SCOTT DYER ROAD CAPE ELIZABETH, MAINE	TOWN OF CAPE ELIZABETH 10 COOPER DR., CAPE ELIZABETH

SCALE:	1" = 10'
DATE:	03-22-2019
SHEET:	1 OF 1

