

UTILITY EASEMENT

THE TOWN OF FREEPORT, a Maine body corporate and politic, with a place of business in Freeport, Maine (“Grantor”), for valuable consideration, the receipt of which is hereby acknowledged, does hereby grant to **DIANA WESCOTT**, an individual with a mailing address of 47 Merrill Road, Freeport, ME 04105 (“Grantee”), an easement for purposes of installing, maintaining, replacing, and utilizing subsurface utilities, including, without limitation, lines, pumps, basins, and other equipment reasonably necessary for the transmission of water and septic material under a certain parcel of land being a portion of the public way known as Maquoit Drive in the Town of Freeport, County of Cumberland, and State of Maine (the “Easement Area”), as more particularly bounded and described on **EXHIBIT A** attached hereto and incorporated herein by reference.

The rights hereby conveyed shall benefit and run with the land of the Grantee as described in Warranty Deed from Gary E. Smith to Grantee dated September 9, 2020 and recorded in the Cumberland County Registry of Deeds in Book 37171, Page 221 (the “Benefited Land”). The Benefited Land constitutes two parcels physically separated by the Easement Area. The rights hereby conveyed are intended to allow the Grantee, her successors, heirs, and assigns to share the utilities described above between said lots, including in the event that said two parcels shall at any time be held in separate ownership.

Prior to any construction or maintenance activities by Grantee, her successors, heirs, and assigns, that are reasonably expected to impact the Easement Area, Grantee, her successors, heirs, and assigns, shall first notify Grantor’s Public Works Department, or such other department as

shall at that time be responsible for overseeing public ways, of the specific intended scope of such construction or maintenance activities. Within a reasonable period of time thereafter, Grantor shall authorize said activities upon such terms and conditions, including those with respect to safety, traffic management, and environmental matters, as are reasonably appropriate. Grantee, her successors, heirs, and assigns, at their cost, hereby covenant and agree to return the Easement Area to the state it was in prior to such construction or maintenance activities. Grantee, her successors, heirs, and assigns, shall be responsible for all maintenance, repairs, or replacement of the underground utilities located within the Easement Area.

Dated this ____ day of August, 2021.

TOWN OF FREEPORT

By
Its

STATE OF MAINE
CUMBERLAND, SS.

September____, 2021

Personally appeared before me the above named _____, in his/her capacity as _____ of Town of Freeport, and acknowledged the foregoing to be his/her free act and deed in said capacity, and the free act and deed of Town of Freeport.

Notary Public
Printed Name:

EXHIBIT A

A certain easement over Maquoit Drive in the Town of Freeport, County of Cumberland, and State of Maine, bounded and described as follows:

Beginning at the angle in the assumed westerly sideline of Maquoit Drive at the easternmost corner of Tax Map 5 Lot 27, the land now or formerly of Diana Wescott (see Book 37171, Page 221), as shown on "Boundary Survey at 122 Maquoit Drive, Freeport, Maine made for owner of record Diana Wescott Oct. 23, 2020 Owen Haskell, Inc." revised 7/14/21;

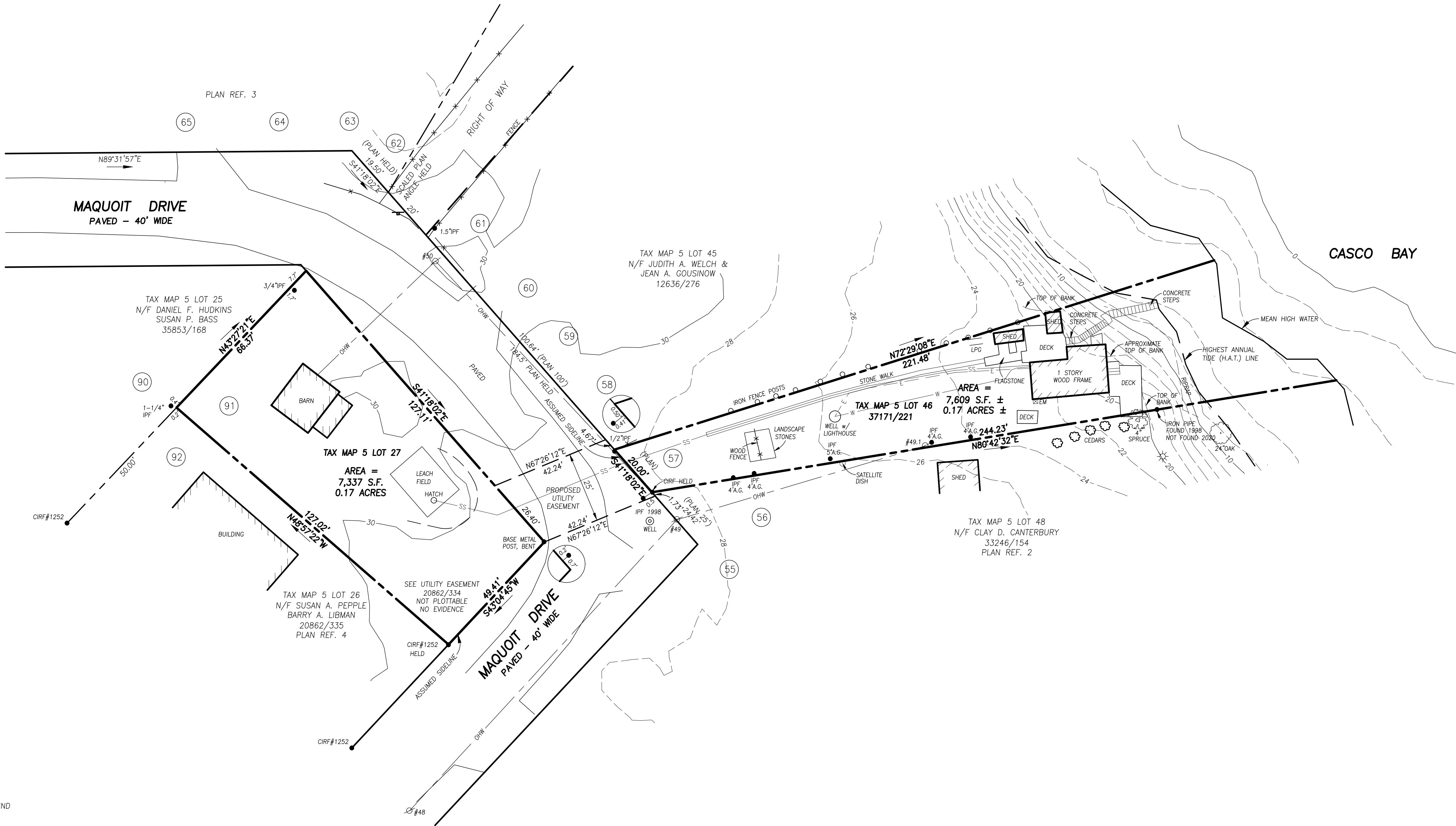
Thence N 41° 18' 02" W by said lot 26.40 feet;

Thence, N 67° 26' 12" E across Maquoit Drive 42.24 feet to the easterly sideline of Maquoit Drive and the land now or formerly of Judith A. Welch and Jean A. Gousinow (Book 12636, Page 276);

Thence, S 41° 18' 02" E by said land, and by the land now or formerly of Diana Wescott (Book 37171, Page 221), and by the land now or formerly of Clay D. Canterbury (Book 33246, Page 154) a distance of 26.40 feet;

Thence, S 67° 26' 12" W across Maquoit Drive 42.24 feet to the point of beginning.

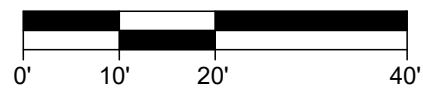
Said easement is shown on the above mentioned plan.



LEGEND

- IRON PIPE OR ROD FOUND
- ⊗ UTILITY POLE
- ⊙ LIGHT POLE
- ⊕ ELECTRIC METER
- DECIDUOUS TREE
- ⊗ CONIFEROUS TREE
- CEDAR
- OHW OVERHEAD WIRES
- FENCE
- IPF/IRF IRON PIPE OR ROD FOUND
- N/F NOW OR FORMERLY
- 000/000 DEED BOOK / PAGE
- A.G. ABOVE GRADE
- 65 LOT NO. FROM PLAN REF. 1

SCALE : 1" = 20'

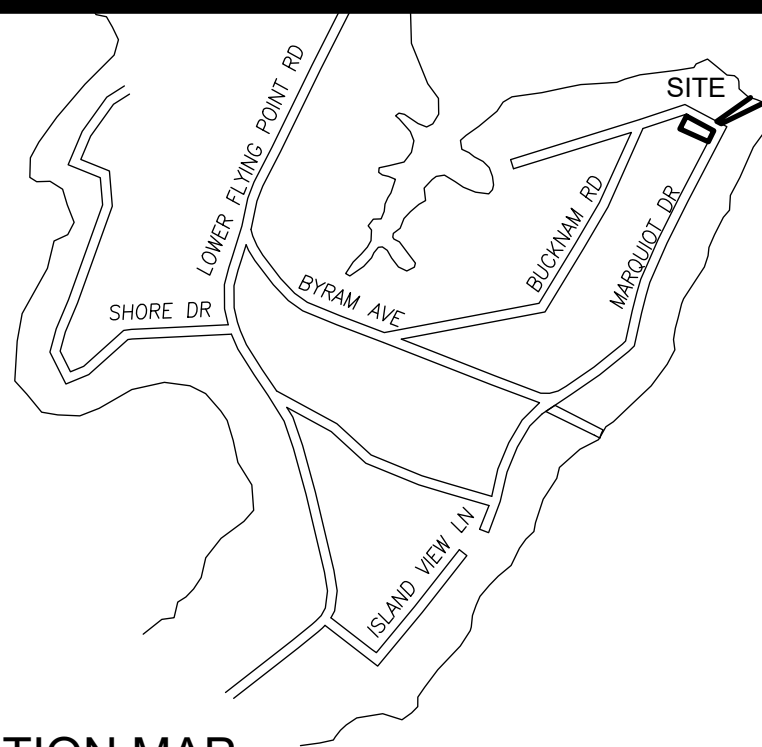


CERTIFICATE

OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

JOHN C. SCHWANDA, PLS #1252

DATE



LOCATION MAP

N.T.S.

PLAN REFERENCES

- "FLYING POINT FREEPORT, MAINE OWNED AND DEVELOPED BY CHESTER D. SWAN MAY 25, 1933, E.A. RAND SURVEYOR" RECORDED IN PLAN BOOK 21, PAGE 45.
- "STANDARD BOUNDARY SURVEY ON MAQUOIT DRIVE, FREEPORT, MAINE MADE FOR BARBARA TSONIS DEC. 23, 1998, OWEN HASKELL, INC." REVISED 3-04-99.
- "BOUNDARY SURVEY AT 134 MAQUOIT DRIVE, FREEPORT, AMINE MADE FOR JAMES MONTELEONE JULY 10, 2020 OWEN HASKELL, INC. JOB NO. 2020-1777.
- "STANDARD BOUNDARY SURVEY ON MAQUOIT DRIVE FREEPORT, MAINE MADE FOR BRIGHOUSE HOSPITALITY GROUP, INC. OCT. 23, 2000 OWEN HASKELL, INC. JOB NO. 2000-201F"
- "STANDARD BOUNDARY SURVEY ON MAQUOIT DRIVE, FREEPORT, MAINE MADE FOR DOTTIE BOWE OCT. 8, 2002 OWEN HASKELL, INC. JOB NO. 2002-251F"

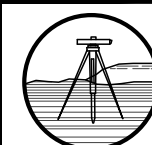
GENERAL NOTES

- OWNER OF RECORD: DIANA WESCOTT, 47 MERRILL ROAD, FALMOUTH, ME; CUMBERLAND COUNTY REGISTRY OF DEEDS BOOK 37171 PAGE 221
- LOCUS IS SHOWN AS LOTS 27 AND 46 ON FREEPORT PROPERTY MAP 5.
- BEARINGS ARE MAGNETIC 1998 AS PER MARKERS FOUND AS SHOWN ON PLAN REFERENCE 2 AND PLAN RECORDED IN PLAN BOOK 198, PAGE 327.
- NO DETERMINATION IS MADE AS TO RIGHTS BELOW HIGH WATER.
- THE LINES OF MAQUOIT DRIVE WERE ESTABLISHED BY THIS FIRM BY VARIOUS SURVEYS ON THIS STREET BETWEEN 1998 AND 2001 AND A BEST FIT OF IRONS FOUND.
- PLAN REFERENCE 1, PREPARED IN 1933 IS POOR, LACKING BEARINGS OR ANGLES FOR THE LOT LINES OR STREET LINES, ALL DIMENSIONS ARE TO THE NEAREST FOOT AND THE PLAN DOES NOT SCALE WELL. THAT PLAN SHOWS ALL LOTS HAVING 50 FEET OF FRONTAGE ALONG THE TOP OF THE BANK, WHICH CANNOT BE ACCURATELY RECREATED. THE LINE ALONG CANTERBURY IS SHOWN ON PLAN REFERENCE 2 RUNNING FROM AN IRON PIPE AT MAQUOIT DRIVE TO AN IRON NEAR THE TOP OF THE BANK. BETWEEN THESE TWO PIPES ARE SEVERAL PIPES SLIGHTLY NORTH OF THE LINE, WITH THE MIDDLE PIPES BEING THE FARTHEST NORTH. A BEST FIT LINE WOULD PUT AN ANGLE IN THE MIDDLE OF THE LINE. THE LINE ALONG WELCH AND COUSINOW HAS A PIPE NEAR THE CORNER AT MAQUOIT DRIVE AND A ROW OF OLD FENCE POSTS TO THE TOP OF THE BANK. AGAIN, A BEST FIT WOULD PUT AN ANGLE IN THE MIDDLE OF THE LINE. THE STRAIGHT LINES SHOWN HEREON MATCH REASONABLY WELL WITH PLAN REFERENCE 1. BOUNDARY AGREEMENTS WITH THE ABUTTERS WOULD ELIMINATE ANY FUTURE QUESTIONS.
- EXTENSIVE SURVEYS OF TAX LOTS 24 AND 26, BETWEEN MAQUOIT DRIVE AND BUCKNAM ROAD, WHERE PERFORMED BY THIS FIRM IN 2002 AND 2006. THOSE SURVEYS ESTABLISHED THE LINES OF TAX LOT 27 AND THE ADJACENT STREET BY A BEST FIT OF THE VARIOUS CORNER MARKERS FOUND.
- THE MAINE GEOLOGIC SURVEY COASTAL BLUFF MAP SHOWS THIS BLUFF AS UNSTABLE OR VERY UNSTABLE. THEREFORE, THE 75' SETBACK IS FROM THE TOP OF THE BANK.
- CONTOURS DRAWN AT TWO FOOT INTERVALS ARE TAKEN FROM THE MAINE OFFICE OF G.I.S. AND ARE DERIVED FROM LIDAR.
- UNDERGROUND SEWER, WATER AND ELECTRIC AND LEACH FIELD MARKED BY CENTERLINE UTILITY SERVICES.

REV. 2 07-14-2021 ADD PROPOSED UTILITY EASEMENT

REV. 1 05-26-2021 UNDERGROUND UTIL'S, NOTE 10

Boundary Survey
At
122 Maquoit Drive, Freeport, Maine
Made for Owner of Record
Diana Wescott
47 Merrill Road, Falmouth, Maine



OWEN HASKELL, INC.
PROFESSIONAL LAND SURVEYORS

390 US ROUTE 1, UNIT 10, FALMOUTH, ME 04105 TEL. 207-774-0424

DRAWN BY: JCS/JLW DATE: OCT. 23, 2020 JOB NO. 2020-261 F

CHECKED BY: JCS SCALE: 1" = 20' DRWG. NO. 1