

Order 163-13/14  
Passage: 8-1 (Brennan)

Effective 3/13/14

MICHAEL F. BRENNAN (MAYOR)  
KEVIN J. DONOGHUE (1)  
DAVID A. MARSHALL (2)  
EDWARD J. SUSLOVIC (3)  
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND**  
IN THE CITY COUNCIL

JOHN R. COYNE (5)  
JILL C. DUSON (A/L)  
JON HINCK (A/L)  
NICHOLAS M. MAVODONES (A/L)

**ORDER GRANTING AN EASEMENT  
TO TIMEWARNER CABLE ON JETPORT BOULEVARD**

**ORDERED,** that an easement is hereby granted to TimeWarner Cable, in substantially the form attached hereto as Attachment 1, for a cable line on Jetport Boulevard; and

**BE IT FURTHER ORDERED,** that the City Council hereby authorizes the City Manager to execute said documents and any other related documents necessary or convenient to carry out the intent of said documents.

Attachment 1

**DATA CABLE EASEMENT**

Know All Persons By These Presents, that an Easement (the "Easement") is hereby granted as of the \_\_\_\_ day of \_\_\_\_\_, 2014, by **CITY OF PORTLAND**, a municipality of the State of Maine having its principal location at 389 Congress Street, City of Portland, County of Cumberland, and State of Maine (hereinafter called the "Grantor") in favor of **TIME WARNER CABLE**, a Delaware corporation, having a place of business at 118 Johnson Road, Portland, ME 04102, its successors and assigns (hereinafter, the "Grantee").

WHEREAS the Grantor owns in fee simple a certain parcel of land situated at and along Jetport Boulevard in the City of South Portland, in the County of Cumberland, State of Maine more particularly described in Exhibit A attached hereto ("Grantor's Property"), which area is depicted on Exhibit B, hereto, and which area is a portion of the land conveyed in the deed recorded in the Cumberland County Registry of Deeds in Book 3007, Page 617.

NOW THEREFORE, in consideration of the sum of \$1.00 Dollar paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties hereto, the Grantor grants to the Grantee, a non-exclusive easement to enter upon Grantor's Property for the purpose of allowing Grantee, and its affiliates and contractors, to construct, install, operate, maintain, upgrade, repair, replace and remove a system (including conduits, wires, pipes and other facilities and equipment) for the delivery of entertainment, video, telecommunications, data and other related services to Grantor's Property and other properties in the vicinity of Grantor's Property. Grantor shall also provide reasonable space and access for Grantee's equipment. The placement of any equipment upon Grantor's building and the routing of all wiring shall be approved by Grantor prior to the commencement of any work by Grantee or its contractors.

Grantor reserves the right to grant other easements on Grantor's Property but will not allow other easements to cause unreasonable interference with this Easement granted to Grantee.

Grantee shall promptly remove all waste, tools, and all material and equipment after each permitted entry pursuant to this Easement.

Grantee by acceptance of and/or exercise of the rights created by this Easement, forever releases, holds harmless and indemnifies Grantor, its agents, representatives, heirs, successors and assigns, from and against any and all claims, injury or death to any person and damage or loss of any property, that in any way relate, arise from or are connected to the exercise of the easement rights.

*Signature on following page*

IN WITNESS WHEREOF, Grantor has hereunto set its hand and seal the day and year first above written.

WITNESS:

CITY OF PORTLAND

\_\_\_\_\_

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

Its:

Print name:

STATE OF MAINE

COUNTY OF CUMBERLAND, ss.

\_\_\_\_\_, 2014

Then personally appeared the above named \_\_\_\_\_,  
\_\_\_\_\_ and duly authorized representative of CITY OF PORTLAND, and  
acknowledged the foregoing instrument to be his/her free act and deed and the free act and deed  
of the said limited liability company.

Before me,

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

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

My commission expires: \_\_\_\_\_

## EXHIBIT A

### Utilities Easement over land of City of Portland

A certain lot or parcel of land crossing land of the City of Portland on the northerly side of Jetport Boulevard in the City of South Portland, County of Cumberland and State of Maine described as follows:

Commencing at the southwesterly corner of land now or formerly of Brooklawn Memorial Park on the northerly line of land of the City of Portland, thence, S 84°38'06" E along land of said City of Portland 249.95 feet to the point of beginning;

Thence, S 05°21'54" W across land of said City of Portland 70.00 feet;

Thence, S 84°38'06" E across land of said City of Portland 267.04 feet;

Thence, N 87°36'39" E across land of said City of Portland 55.03 feet;

Thence, N 76°23'03" E across land of said City of Portland 71.79 feet;

Thence, N 65°42'29" E across land of said City of Portland 62.00 feet;

Thence, N 50°24'38" E across land of said City of Portland 525.71 feet;

Thence, N 39°35'22" W across land of said City of Portland 15.00 feet;

Thence, S 50°24'38" E across land of said City of Portland 523.70 feet;

Thence, S 65°42'29" E across land of said City of Portland 58.59 feet;

Thence, S 76°23'03" W across land of said City of Portland 68.92 feet;

Thence, S 87°36'39" W across land of said City of Portland 52.53 feet;

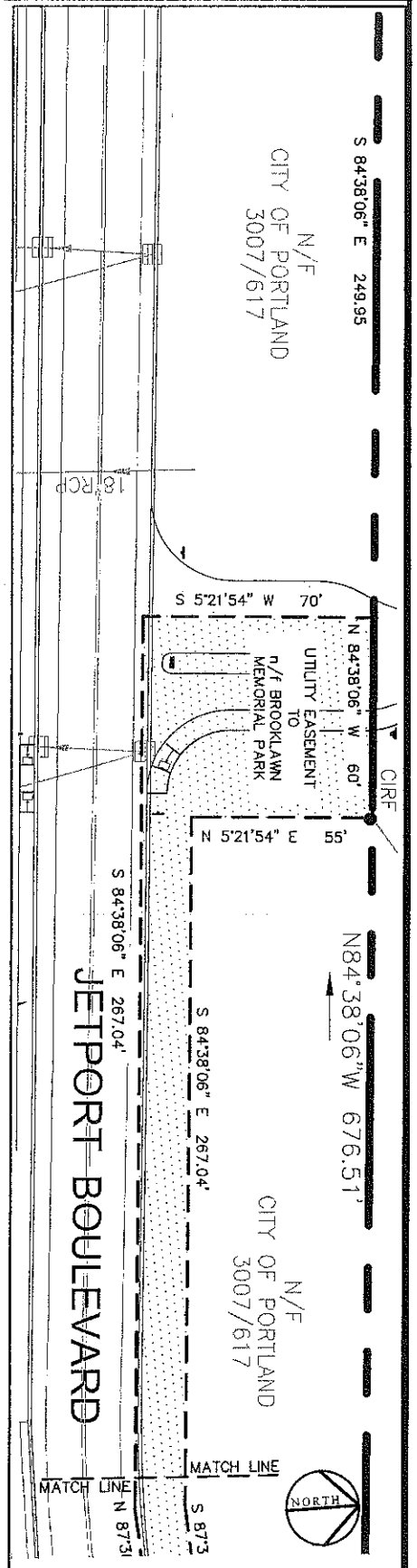
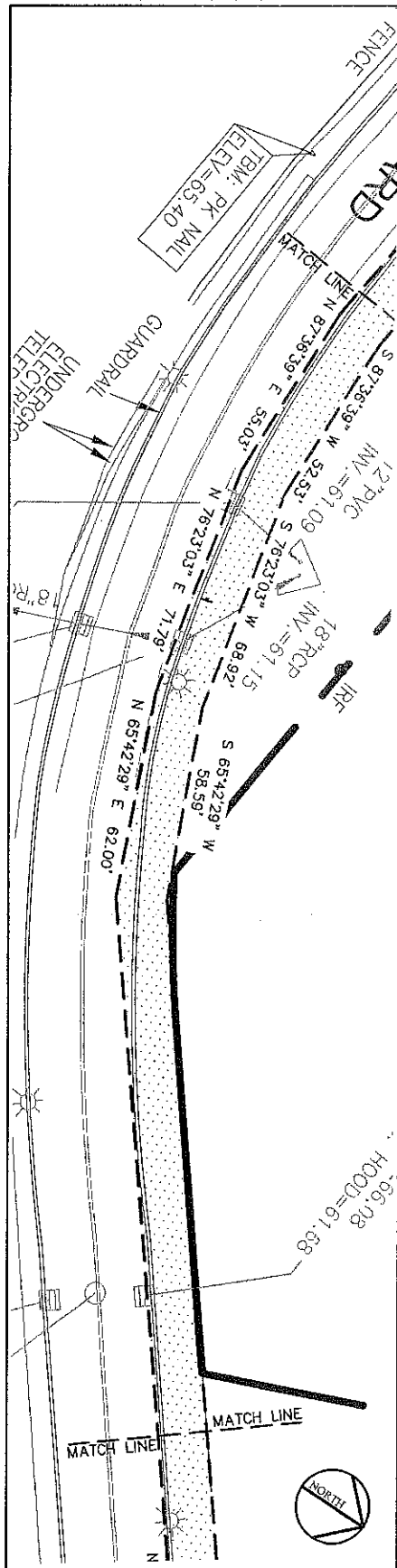
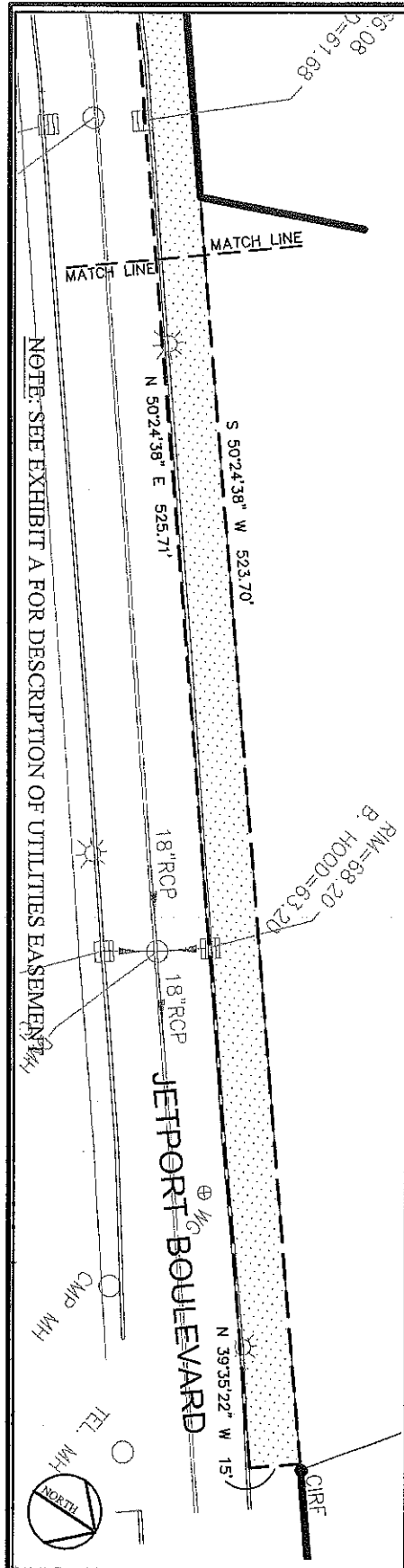
Thence, S 84°38'06" E across land of said City of Portland 267.04 feet;

Thence, N 05°21'54" E across land of said City of Portland 55.00 feet to land now or formerly of said Brooklawn Memorial Park;

Thence, N 84°38'06" W along land of said Brooklawn Memorial Park 60.00 feet to the point of beginning containing 17,935 square feet.

The above described parcel of land is a portion of the land described in deed book 3007 page 617.

Basis of bearings: Maine State Plane Coordinate System West Zone NAD 83.



NOTE: SEE EXHIBIT A FOR DESCRIPTION OF UTILITIES EASEMENT

Title: UTILITIES EASEMENT to N/F BROOKLAWN MEMORIAL PARK  
 Revision Date: Feb. 10, 2014  
 Project: 151 JETPORT BOULEVARD, SOUTH PORTLAND, MAINE

Scale: 1"= 50'

EXHIBIT  
**B**