

## Easement

DRAFT For discussion NJT 11/3/23

Know all persons by these presents that Diane L.R. Kane, Trustee of the Diane Lee Rubin Kane 2007 Revocable Trust of 93 Sunset Point Road, Yarmouth, Maine for valuable consideration, the receipt of which is hereby acknowledged, Grant to the Town of Yarmouth, Maine, whose mailing address is 200 Main Street Yarmouth, Maine 04096, an access easement situated in Yarmouth, Cumberland County, Maine, and described as follows:

**Here we insert a description of the easement area or reference it as Exhibit A.**

Meaning and intending to describe land as a 10 foot wide strip of land leading from Sunset Point Road to the shore of Casco Bay on and over the location of an access ramp as shown on a "Plan Showing Right of Way Survey " Sunset Point Road Access Easement" (David Bouffard PLS 2282) dated September 20, 2023 and recorded at Plan Book \_\_\_\_ Page \_\_\_\_ of the Cumberland County Registry of Deeds (to be recorded on even date with the easement deeds).

And also granting to the Town of Yarmouth construction access and slope protection and stabilization rights at the lower portion of the access easement area to protect the access ramp and grantor's land along the shore of Casco Bay from storm surge erosion and wash out.

The purpose of this easement is to provide recreational public access ramp to and from the shore for pedestrians and for launching and retrieving small recreational watercraft. Said access ramp shall be constructed of stone, sand, gravel and shall not be paved or surfaced with concrete without the express written permission of the Grantors, and subject to any prior easements or rights for utilities or drains along Sunset Point Road. This Easement is limited in purpose and subject to the following conditions:

1. Easement is to provide access for the public to walk and gain access to the shore of Casco Bay and for the purposes to launch or retrieve small watercraft not to exceed 16 feet in length on the waterline.
2. No vehicles or trailers parking shall be permitted on Sunset Point Road by the Town of Yarmouth and the Town shall make reasonable efforts to inform and enforce such restrictions.
3. The Town of Yarmouth shall provide for maintenance of the easement including maintenance and shall limit any construction or improvements to maintain and protect Grantor's views and quiet enjoyment of Grantor's residential property adjacent to or across Sunset Point from the easement. No signs, fences, posts, structures or improvements above grade shall be constructed or maintained in the easement without the express written permission of the Grantor.

4. The Town of Yarmouth shall hold harmless, defend, and indemnify Grantor from claims, suits or liabilities resulting from the negligence of the Town, its officers, agents, or employees. This obligation shall not waive any defense, immunity, or limitation of liability which may be available to the Town pursuant to the Maine Tort Claims Act (14 MRS Section 8101 et seq. or any other privileges or immunities as may be provided by law.

For title of Grantors reference is hereby made to the deed conveyed to Diane L R Kane from Barbara A. Morgan to Diane L. R. Kane dated October 17, 2012 and recorded at the Cumberland County Registry of Deeds at Book 30035 Pages 72.

Witness our hands this \_\_\_\_ day of \_\_\_\_, 2023.

\_\_\_\_\_  
Witness

\_\_\_\_\_

\_\_\_\_\_  
Witness

\_\_\_\_\_

STATE OF COLORADO  
COUNTY of XXXXX

\_\_\_\_\_  
Date

Then personally appeared before me the above named \_\_\_\_\_ and acknowledged the foregoing instrument as his/her/their free act and deed.

Before me,

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

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

My Commission Expires: \_\_\_\_\_

## EXHIBIT A

A certain lot or parcel of land with any improvements thereon, located on the southerly side of Sunset Point Road in the Town of Yarmouth, County of Cumberland, State of Maine and more particularly bounded and described as follows:

BEGINNING at a point located a tie of S 70°59'07" W, a distance of 52.94' from a found stone monument on the southerly side of Sunset Point Road at the land of Hart as described in Deed Book 15776, Page 236 and Cumberland County Registry of Deeds;

Thence N73°52'55"E, a distance of 10.96' along Sunset Point Road to a point;

Thence S08°01'58"W, a distance of 61.38' to a point;

Thence continuing the same course to the normal low water line of Casco Bay;

Thence westerly along the normal low water line of Casco Bay about 10 feet to a point;

Thence N08°01'58"E, to a point located S08°01'58"W, a distance of 58.33' from the southerly side of Sunset Point Road;

Thence N08°01'58"E, a distance of 58.33' to the POINT OF BEGINNING.

The basis of bearings for this description was the Magnetic Meridian of the year 2023.

Subject to any rights of others.

Meaning and intending to describe a 10 foot wide strip of land used for access from Sunset Point Road to the waters of Casco Bay. Reference is made to the plan for David C. Grant Property Sunset Point Yarmouth, Maine dated April 6, 1977 and recorded in the Cumberland County Registry of Deeds in Plan Book 123, Page 7.