

STATUTORY WARRANTY DEED
(Seaside Way)

SEA VIEW HOMEOWNERS ASSOCIATION, a Maine non-profit corporation with a principal place of business in Falmouth, in the County of Cumberland and State of Maine, with a mailing address of 47 Seaside Way, Falmouth, Maine 04105,

For Consideration Paid, GRANT with WARRANTY COVENANTS TO:

THE TOWN OF FALMOUTH, a body corporate and politic, existing under the laws of the State of Maine, and being located in the Town of Falmouth, County of Cumberland and State of Maine, with a mailing address of 271 Falmouth Road, Falmouth, Maine 04105

The property situated in the Town of Falmouth, County of Cumberland and State of Maine, being described in **Exhibit A** annexed hereto and made a part hereof, being Seaside Way as shown on a plan entitled “Plan of Fourth Amended Subdivision Plan of Seaside Way Subdivision” dated November 17, 2020 recorded in the Cumberland County Registry of Deeds in Plan Book 221, Page 115 (the “Fourth Amended Subdivision Plan”). Reference is also made a plan entitled “Plan of As-Built Plan of Seaside Way” made for Sea View Homeowners Association by Titcomb Associates dated December 1, 2020 and recorded in said Registry in Plan Book _____, Page _____ (the “As-Built Plan”).

This conveyance is made without claim for damages, the Falmouth Town Council having voted at a duly held meeting on _____, 2021 to accept said Seaside Way as described herein and to establish the same as a Town Way.

For Grantor’s source of title, reference is made to the following:

1. Quitclaim Deed with Covenant from Jeart, LLC, Underwood Spring & Bottling Co. and Arthur Yanuchi to Sea View Homeowners Association dated December 23, 2015 and recorded at the Cumberland County Registry of Deeds in Book 32820, Page 111.
2. Corrective Quitclaim Deed with Covenant from Jeart, LLC, Underwood Spring & Bottling Co. and Arthur Yanuchi to Sea View Homeowners Association dated March 3, 2016 and recorded at said Registry of Deeds in Book 32968, Page 251.
3. Release Deed from Underwood Spring & Bottling Co. to Sea View Homeowners Association dated June 25, 2017 and recorded at said Registry of Deeds in Book 34137, Page 2.

This conveyance is made subject to the exceptions listed in **Exhibit A-1** and together with, and subject to, the easements, matters, and notes shown on the following subdivision plans recorded in the Cumberland County Registry of Deeds: Plan Book 14, Page 82, Plan Book 16, Page 25, Plan Book 205, Page 180, Plan Book 212, Page 81, Plan Book 216, Page 133, Plan Book 219, Page 501, and on the Fourth Amended Subdivision Plan and the As-Built Plan.

Reference is made to certain easement deeds of near or even date herewith from lot owners within said subdivision to the Town of Falmouth, conveying certain rights and easements pertaining to the stormwater drainage system, including the easement shown as “Proposed 15’ wide drainage and maintenance easement” on the Fourth Amended Subdivision Plan and the As-Built Plan (the “15’ Easement Area”) and the “Proposed 30’ wide drainage easement” (the “30’ Easement Area”) as shown on the As-Built Plan. The Grantee, by its acceptance of this deed, hereby assumes all responsibility for the maintenance, repair and replacement of the stormwater facilities located within the limits of the 15’ Easement Area.

The Grantor shall remain solely responsible for the maintenance, repair and replacement of any stormwater facilities located beyond the limits of the 15’ Easement Area, including the pipe and facilities on Lots 6 and 7 located outside the 15’ Easement Area but within the 30’ Easement Area, provided, however that in cases of emergency, as determined by the Grantee, the Grantee may perform emergency inspection, maintenance, repair or replacement thereof and may assess the cost and expense thereof to the Grantor.

LANDSCAPING EASEMENT

RESERVING to the Grantor a non-exclusive easement to enter with persons (and not vehicles) upon that portion of the land conveyed herein being the unpaved circular island generally shown as “landscaped area” on the Fourth Amended Subdivision Plan and the As-Built Plan, as necessary to maintain, repair and replace a flag pole, pavers, and landscaping. Grantor shall remain solely responsible for the maintenance, repair and replacement of such items. Grantee shall have no responsibility for any damage or destruction thereto, including from the negligent or intentional acts or omissions of Grantee, its employees or agents in connection with any excavation, utility work, snow removal, or other activities relating to the road or appurtenances thereto. Grantee reserves the right to trim or remove any personal property, improvements or landscaping that, in Grantee’s sole discretion, is inconsistent with, or interferes with, the Grantee’s activities within and around the easement area.

IN WITNESS WHEREOF, the said SEA VIEW HOMEOWNERS ASSOCIATION has caused this instrument to be signed and sealed by Robert Kline, its Treasurer, thereunto duly authorized this _____ day of _____, 2021.

SEA VIEW HOMEOWNERS
ASSOCIATION

_____ By: _____
Robert Kline
Its Treasurer

STATE OF MAINE
COUNTY OF CUMBERLAND

Date: _____, 2021

Then personally appeared the above-named Robert Kline,
Treasurer of SEA VIEW HOMEOWNERS ASSOCIATION as aforesaid and
acknowledged the foregoing instrument to be his free act and deed in his said capacity
and the free act and deed of said Association.

Before me,

Notary Public
Print Name: _____
My Commission Expires: _____

Exhibit A

A certain lot or parcel of land located on the southwesterly side of Underwood Road and on the northeasterly side of Amerescoggin Road in the Town of Falmouth, County of Cumberland, State of Maine, bounded and described as follows:

Beginning at a point located on the northeasterly sideline of Amerescoggin Road and the southwesterly corner of land now or formerly Daniel C. McCarthy and MaryBeth Bachman as described in a deed recorded in the Cumberland County Registry of Deeds in Book 35127, Page 110. Thence:

1. Northeasterly by said land of McCarthy and Bachman, following a curve to the left having a radius of Ten and 00/100 (10.00) feet, an arc distance of Fifteen and 71/100 (15.71) feet to a point, said point being located N 78°10'35" E a distance of Fourteen and 14/100 (14.14) feet from said point of beginning;
2. N 33°10'35" E by said land of McCarthy and Bachman a distance of Four and 05/100 (4.05) feet to a point;
3. Northeasterly by said land of McCarthy and Bachman and land now or formerly Ben D. and Laura A. Metivier as described in a deed recorded in said Registry in Book 31405, Page 99, following a curve to the right having a radius of One Hundred Sixty-Five and 00/100 (165.00) feet, an arc distance of One Hundred Forty-Three and 70/100 (143.70) feet to a point at the southwesterly corner of land now or formerly Arthur Yanuchi as described in deeds recorded in said Registry in Book 22279, Page 226 and Book 23197, Page 61, said point being located N 58°07'28" E a distance of One Hundred Thirty-Nine and 20/100 (139.20) feet from the last described point;
4. N 83°04'25" E by said land of Yanuchi a distance of One Hundred Four and 78/100 (104.78) feet to a 5/8" iron rod;
5. Northeasterly by said land of Yanuchi and land now or formerly Debra Lee Villeneuve as described in a deed recorded in said Registry in Book 29596, Page 20, following a curve to the left having a radius of One Hundred Thirty-Five and 00/100 (135.00) feet, an arc distance of One Hundred Fifteen and 67/100 (115.67) feet to a capped 5/8" rebar (PLS 2520), said point being located N 58°31'39" E a distance of One Hundred Twelve and 16/100 (112.16) feet from the last described point;
6. N 33°58'55" E by said land of Villeneuve a distance of One Hundred Fifty-Four and 57/100 (154.57) feet to a 5/8" iron rod;

7. Northwesterly by said land of Villeneuve, following a curve to the left having a radius of Ten and 00/100 (10.00) feet, an arc distance of Fifteen and 71/100 (15.71) feet to a point on the southwesterly sideline of Underwood Road, said point being located N 11°01'05" W a distance of Fourteen and 14/100 (14.14) feet from the last described point;
8. S 56°01'05" E by said Underwood Road a distance of Fifty and 00/100 (50.00) feet to a point at land now or formerly Jeffrey D. and Rebecca G. Talbert as described in a deed recorded in said Registry in Book 26567, Page 230;
9. Southwesterly by said land of Talbert, following a curve to the left having a radius of Ten and 00/100 (10.00) feet, an arc distance of Fifteen and 71/100 (15.71) feet to a point, said point being located S 78°58'55" W a distance of Fourteen and 14/100 (14.14) feet from the last described point;
10. S 33°58'55" W by said land of Talbert a distance of One Hundred Fourteen and 94/100 (114.94) feet to a point;
11. Southwesterly by said land of Talbert, following a curve to the left having a radius of Thirty and 00/100 (30.00) feet, an arc distance of Thirty-One and 19/100 (31.19) feet to a capped 5/8" rebar (PLS 2520) at the northwesterly corner of land now or formerly G. Joy Foster as described in a deed recorded in said Registry in Book 30620, Page 60, said point being located S 04°11'38" W a distance of Twenty-Nine and 81/100 (29.81) feet from the last described point;
12. S 25°35'40" E by said land of Foster a distance of Fourteen and 83/100 (14.83) feet to a 5/8" iron rod;
13. Southerly and westerly by said land of Foster and land now or formerly Craig and Carolyn Ewald as described in a deed recorded in said Registry in Book 27169, Page 132, following a curve to the right having a radius of Fifty-Five and 00/100 (55.00) feet, an arc distance of One Hundred Thirty-Eight and 49/100 (138.49) feet to point, said point being located S 46°32'31" W a distance of One Hundred Four and 69/100 (104.69) feet from the last described point;
14. N 61°19'21" W by said land of Ewald a distance of Twenty-Five and 77/100 (25.77) feet to a 5/8" iron rod;
15. Northwesterly by said land of Ewald, following a curve to the left having a radius of Thirty and 00/100 (30.00) feet, an arc distance of Twenty-Two and 83/100 (22.83) feet to a point, said point being located N 83°07'11" W a distance of Twenty-Two and 28/100 (22.28) feet from the last described point;
16. Southwesterly by said land of Ewald, following a curve to the right having a radius of One Hundred Sixty-Five and 00/100 (165.00) feet, an arc distance of Twenty-Three and 01/100 (23.01) feet to a 5/8" iron rod at the northeasterly

corner of land now or formerly NSD 10-7 Maple, LLC as described in a deed recorded in said Registry in Book 35329, Page 63, said point being located S 79°04'42" W a distance of Twenty-Two and 99/100 (22.99) feet from the last described point;

17. S 83°04'25" W by said land of NSD 10-7 Maple, LLC a distance of One Hundred Four and 78/100 (104.78) feet to a point;
18. Southwesterly by said land of NSD 10-7 Maple, LLC, following a curve to the left having a radius of One Hundred Thirty-Five and 00/100 (135.00) feet, an arc distance of One Hundred Seventeen and 57/100 (117.57) feet to a point, said point being located S 58°07'30" W a distance of One Hundred Thirteen and 89/100 (113.89) feet from the last described point;
19. S 33°10'35" W by said land of NSD 10-7 Maple, LLC a distance of Four and 05/100 (4.05) feet to a point;
20. Southerly by said land of NSD 10-7 Maple, LLC, following a curve to the left having a radius of Ten and 00/100 (10.00) feet, an arc distance of Fifteen and 71/100 (15.71) feet to a point on the northeasterly sideline of said Amerescoggin Road, said point being located S 11°49'25" E a distance of Fourteen and 14/100 (14.14) feet from the last described point;
21. N 56°49'25" W by said Amerescoggin Road a distance of Fifty and 00/100 (50.00) feet to the point of beginning.

Bearings are based on a Plan entitled "Seaside Way" by SGC Engineering dated September 15, 2004 as revised through December 30, 2004, recorded in the Cumberland County Registry of Deeds in Plan Book 205, Page 180. The above described parcel contains 22,242 square feet, more or less, and being designated as "Seaside Way" on the Fourth Amended Subdivision Plan and the As-Built Plan.

Exhibit A-1

All references to recorded instruments are to those recorded in the Cumberland County Registry of Deeds.

1. Such notes and other matters set forth or depicted on the following Plans recorded in said Registry: (a) Re-Subdivision of Underwood recorded in Plan Book 14, Page 82; (b) Re-Subdivision of Underwood recorded in Plan Book 16, Page 25; (c) the plan entitled "Seaside Way Subdivision Recording Plat recorded in Plan Book 205, Page 180; (d) the Plan entitled "Amended Subdivision of Lot 8 Seaside Way for Craig Ewald" in Plan Book 212, Page 81, (e) the plan entitled "Second Amended Subdivision of Seaside Way" recorded in Plan Book 216, Page 133; (f) plan entitled "Third Amended Subdivision of Seaside Way" recorded in Plan Book 219, Page 501.
2. Easements to Cumberland Power & Light Company recorded in Book 1150, Page 119; and Easements to Central Maine Power Company, et al. recorded in Book 2070, Page 134, Book 2134, Page 336, and Book 2553, Page 101.
3. Rights and easements granted to Portland Water District by document dated May 5, 2005, and recorded in Book 22622, Page 148.
4. Rights and easements granted to Central Maine Power Company and Verizon New England Inc. by document dated May 19, 2005, and recorded in Book 22766, Page 179.
5. Declaration of Covenants and Restrictions by document dated May 28, 2005, and recorded in Book 22880, Page 89.
6. Sewer Easement granted to Debra Lee Villeneuve recorded on December 26, 2006, in Book 24694, Page 350.
7. Rights and easements granted in the Distribution Pipeline, Permanent Easement and Right-of-Way Agreement to Summit Natural Gas of Maine, Inc. dated June 13, 2017, and recorded in Book 34192, Page 46.
8. Easement Deed to the Town of Falmouth recorded in Book 36200, Page 258.
9. Rights and easements set forth on the deed recorded in Book 32820, Page 111, and Book 32968, Page 251.
10. Affidavit recorded in Book 23063, Page 69.
11. Certificate of Order of the Town of Falmouth for Taking and Layout recorded in Book 3121, Page 306, Order Vacating recorded in Book 4855, Page 299, Affidavits recorded in Book 8162, Page 199, and Book 8638, Page 334.
12. Easement Deed (common open space – "Fountain Garden Area" and "Underwood Spring", recorded in Book 36200, Page 258.
13. Agreement Concerning Maintenance of Light Poles between Grantor and Grantee, to be recorded herewith.
14. "Plan of Fourth Amended Subdivision Plan Seaside Way Subdivision" dated November 17, 2020 and recorded in Plan Book 221, Page 115.

15. 15. "Plan of As-Built Plan of Seaside Way" made for Sea View Homeowners Association by Titcomb Associates dated December 1, 2020 to be recorded herewith in said Registry..