



## MEMORANDUM

TO: Charlie Katz-Leavy

FROM: Margaret Snyder

RE: Windham Economic Development Corp.

DATE: November 29, 2018

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Windham Economic Development Corporation purchased from R&T Enterprises, LLC a parcel of land on the southerly side of Angler's Corner Road by Warranty Deed dated December 30, 2009 and recorded in the Cumberland County Registry of Deeds in Book 27503, Page 221

The land was then mortgaged to the Town of Windham by Mortgage in the original principal amount of \$455,500.00 dated December 30, 2009 and recorded with the Cumberland County Registry of Deeds in Book 27503, Page 228

The land subject to the mortgage is attached hereto as Schedule A.

Since the recording of that mortgage, there have been several outsales and releases as follows;

- Conveyance to Chaffin Pond Abode, LLC by Warranty Deed dated June 9, 2019 and recorded in the Cumberland County Registry of Deeds in Book 31554, Page 49. The Partial Release was recorded in Book 31554, Page 46. See attached plan for location of Outsale #1.
- Conveyance to Anglers Corner Realty, LLC by Warranty Deed dated June 25, 2015 and recorded in the Cumberland County Registry of Deeds in Book 32435, Page 149. The Partial Release was recorded in Book 23436, Page 151. See attached plan for location of Outsale #2
- Conveyance to the Town of Windham by Warranty Deed dated January 5, 2016 and recorded in the Cumberland County Registry of Deeds in Book 32853, Page 226. The Partial Release was recorded in Book 32853, Page 218. See attached plan for location of Outsale #3.
- Conveyance to the DTP Realty, LLC by Warranty Deed dated January 5, 2016 and recorded in the Cumberland County Registry of Deeds in Book 33053, Page 264. The Partial Release was recorded in Book 32853, Page 218. See attached plan for location of Outsale #4.

Also to be referenced for the new legal description is the following:

- Terms of an Easement Agreement made by and between the Windham Economic Development Corporation and the Town of Windham dated January 5, 2016 and recorded in the Cumberland County Registry of Deeds in Book 32853, Page 231. See attached plan for the location of the easement as identified as, "Proposed Biofiltration Basin Easement."
- Parcel F was subject to a Septic Easement as set forth in Book 4281, Page 95. Said easement was released by Release of Easement from DTP Realty, LLC dated April 5, 2016 and recorded in Book 33053, Page 269.

The plan has not been recorded.

See attached plan for approximate location of newly proposed conveyance to abutter.

## **SCHEDULE A TO MORTGAGE AND SECURITY AGREEMENT**

The real estate in the Town of Windham, County of Cumberland and State of Maine, bounded and described, viz:

### **Parcel A – 905 Roosevelt Trail – identified on tax records as Map 80, Lot 66:**

A certain lot or parcel of land situated on the easterly side of U. S. Route #302 and the southerly side of Anglers Road in the Town of Windham, in the County of Cumberland and State of Maine, bounded and described as follows:

Beginning at the intersection of the southerly sideline of said Anglers Road with the easterly sideline of said U. S. Route #302; thence southerly along the easterly sideline of said U. S. Route #302 one hundred twenty-six (126) feet, more or less, to a point; thence easterly one hundred sixty-eight (168) feet to a point; thence northerly one hundred fifty-nine (159) feet to a point on the southerly sideline of said Anglers Road; thence westerly along the southerly sideline of said Anglers Road one hundred sixty-eight (168) feet to the point of beginning.

The above-described premises are conveyed subject however to, and exception is hereby made to the incorporated statutory covenant of “free of all encumbrances” for, rights and easements conveyed by Hazel G. Kilgore and Arthur W. Kilgore to Portland Water District by deed dated June 11, 1963 and recorded in Cumberland County Registry of Deeds in Book 2759, Page 362, and rights and easements conveyed by Robert J. Donnelly, Sr. and Edith I. Donnelly to Robert J. Donnelly, Jr. by deed dated June 2, 2003 and recorded in said Registry of Deeds in Book 19579, Page 107.

Being the same premises conveyed to R & T Enterprise, LLC by Warranty Deed from Edith I. Donnelly also known as Edith S. Donnelly, and Robert J. Donnelly, Sr., dated January 3, 2005 and recorded in Cumberland County Registry of Deeds in Book 22193, Page 338.

### **Parcel B – Anglers Road – identified on tax records as Map 80, Lot 15-1:**

A certain lot or parcel of real property situated on the Southerly side of Anglers Road in the Town of Windham, County of Cumberland and State of Maine, bounded and described as follows:

Lot Number One (1) as shown on Plan entitled “Plan of Calder Property Anglers Road” in North Windham by C. R. Storer, Inc. dated May 19, 1975 and recorded in the Cumberland County Registry of Deeds in Plan Book 108, Page 17, to which Plan reference is hereby made for a more particular description of the premises.

Also hereby conveying a right-of-way and easement for ingress and egress, by foot or by vehicle, over the presently existing right-of-way to Anglers Road, as shown on said Plan referred to above.

Subject to septic easement granted to Amy Peterson as set forth in an instrument recorded in the Cumberland County Registry of deeds in Book 4281, Page 95, which applies to only a portion of Lot 1 as shown on said Plan.

Subject to any notes, conditions, reservations, restrictions, easements and exceptions as shown on the above-referenced Plan.

Subject to any easements and rights-of-way of record.

Being the same premises conveyed to R & T Enterprise, LLC by Warranty Deed from KTO Builders, Inc., dated January 3, 2005 and recorded in Cumberland County Registry of Deeds in Book 22194, Page 12.

**Parcel C – Anglers Road – identified on tax records as Map 80, Lot 15-2:**

A certain lot or parcel of real property situated on the Southerly side of Anglers Road in the Town of Windham, County of Cumberland and State of Maine, bounded and described as follows:

Lot Number Two (2) as shown on a Plan entitled “Plan of Calder Property Anglers Road” in North Windham by C. R. Storer, Inc. dated May 19, 1975 and recorded in the Cumberland County Registry of Deeds in Plan Book 108, Page 17, to which Plan reference is hereby made for a more particular description of the premises.

Also hereby conveying a right-of-way and easement for ingress and egress, by foot or by vehicle, over the presently existing right-of-way to Anglers Road, as shown on said Plan referred to above.

Subject to a septic easement granted to Amy Peterson as set forth in an instrument recorded in the Cumberland County Registry of Deeds in Book 4281, page 95, which applies only to a portion of Lot 1 as shown on said Plan.

Subject to any notes, conditions, reservations, restrictions, easements and exceptions as shown on the above-referenced Plan.

Subject to any easements and rights-of-way of record.

Being the same premises conveyed to R & T Enterprise, LLC by Warranty Deed from KTO Builders, Inc., dated January 3, 2005 and recorded in Cumberland County Registry of Deeds in Book 22194, Page 14.

**Parcel D – Anglers Road - identified on tax records as Map 80, Lot 15-3:**

A certain lot or parcel of real property situated on the Southerly side of Anglers Road in the Town of Windham, County of Cumberland and State of Maine, bounded and described as follows:

Lot Number Three (3) as shown on a Plan entitled “Plan of Calder Property Anglers Road” in North Windham by C. R. Storer, Inc. dated May 19, 1975 and recorded in the Cumberland County Registry of Deeds in Plan Book 108, Page 17, to which Plan reference is hereby made for a more particular description of the premises.

Also hereby conveying a right-of-way and easement for ingress and egress, by foot or by vehicle, over the presently existing right-of-way to Anglers Road, as shown on said Plan referred to above.

Subject to a septic easement granted to Amy Peterson as set forth in an instrument recorded in the Cumberland County Registry of Deeds in Book 4281, page 95, which applies only to a portion of Lot 1 as shown on said Plan.

Subject to any notes, conditions, reservations, restrictions, easements and exceptions as shown on the above-referenced Plan.

Subject to any easements and rights-of-way of record.

Being the same premises conveyed to R & T Enterprise, LLC by Warranty Deed from KTO Builders, Inc., dated January 3, 2005 and recorded in Cumberland County Registry of Deeds in Book 22194, Page 16.

**Parcel E – Anglers Road - identified on tax records as Map 80, Lot 15-4:**

A certain lot or parcel of real property situated on the Southerly side of Anglers Road in the Town of Windham, County of Cumberland and State of Maine, bounded and described as follows:

Lot Number Four (4) as shown on a Plan entitled “Plan of Calder Property Anglers Road” in North Windham by C. R. Storer, Inc. dated May 19, 1975 and recorded in the Cumberland County Registry of Deeds in Plan Book 108, Page 17, to which Plan reference is hereby made for a more particular description of the premises.

Also hereby conveying a right-of-way and easement for ingress and egress, by foot or by vehicle, over the presently existing right-of-way to Anglers Road, as shown on said Plan referred to above.

Subject to a septic easement granted to Amy Peterson as set forth in an instrument recorded in the Cumberland County Registry of Deeds in Book 4281, page 95, which applies only to a portion of Lot 1 as shown on said Plan.

Subject to any notes, conditions, reservations, restrictions, easements and exceptions as shown on the above-referenced Plan.

Subject to any easements and rights-of-way of record.

Being the same premises conveyed to R & T Enterprise, LLC by Warranty Deed from KTO Builders, Inc., dated January 3, 2005 and recorded in Cumberland County Registry of Deeds in Book 22194, Page 18.

**Parcel F – Anglers Road - - identified on tax records as part of Map 80, Lots 15-1, 15-2, 15-3 and 15-4:**

A certain lot or parcel of real property situated on the Southerly side of Anglers Road in the Town of Windham, County of Cumberland and State of Maine, bounded and described as follows:

Being that parcel reserved for conveyance to the Town of Windham for road and utility purposes as shown on a Plan entitled “Plan of Calder Property Anglers Road” in North Windham by C. R. Storer, Inc. dated May 19, 1975 and recorded in the Cumberland County Registry of Deeds in Plan Book 108, Page 17, to which Plan reference is hereby made for a more particular description of the premises.

Also hereby conveying a right-of-way and easement for ingress and egress, by foot or by vehicle, over the presently existing right-of-way to Anglers Road, as shown on said Plan referred to above.

Subject to a septic easement granted to Amy Peterson as set forth in an instrument recorded in the Cumberland County Registry of Deeds in Book 4281, page 95, which applies only to a portion of Lot 1 as shown on said Plan.

Subject to any notes, conditions, reservations, restrictions, easements and exceptions as shown on the above-referenced Plan.

Subject to any easements and rights-of-way of record.

Being the same premises conveyed to R & T Enterprise, LLC by Warranty Deed from KTO Builders, Inc., dated January 3, 2005 and recorded in Cumberland County Registry of Deeds in Book 22194, Page 20.

**Parcel G – Anglers Road – identified on tax records as Map 18, Lot 18:**

A certain lot or parcel of land situated in the Town of Windham, Cumberland County, State of Maine, off the easterly side of Roosevelt Trail, so-called (aka Route 302), consisting of six and three-tenths acres, more or less, bounded and described as follows:

Said parcel of land being bounded on the north and west by land now or formerly of Charles M. Phinney; Bounded on the east and south by land now or formerly of the Portland Water District and recorded in the Cumberland County Registry of Deeds in Book 1350, Page 306.

This is a portion of the same parcel of land as described in the second paragraph of a Warranty Deed of Elbridge Johnson to Lula Gerry and Mrs. Ella Gerry, dated November 5, 1923, and recorded in Cumberland County Registry of Deeds in Book 1153, Page 227, as follows: A piece or parcel of land situated in said Windham, bounded and described as follows, to wit: Commencing at a pine tree at the north west corner of the Edwin Strout land; thence northwesterly to the line of the Somes lot to a stone; thence southeasterly on the line of the Bracket lot to a pine tree; thence westerly on the line of the Edwin Strout land to the first mentioned bounds, containing seven acres, more or less. Being the same land purchased by Elbridge Johnson from Odell F. Fellows, with the said deed being recorded at the referenced Registry in Book 1002, Page 347. Excepting from the foregoing seven acre parcel, that portion conveyed by Lula Gerry to Murray E. Edes, dated April 8, 1946 and recorded in said Registry in Book 1815, Page 101.

This conveyance is made together with an easement for ingress and egress as granted in Easement Deed from Remarkable Homes, Inc. to Sidney N. Page, dated May 8, 2002 and recorded in Cumberland County Registry of Deeds in Book 17660, Page 205.

Parcel G is conveyed subject to the apparent encroachment of buildings into the north-northeasterly boundary from land now or formerly of Saucier.

Being the same premises conveyed to R & T Enterprise, LLC by Warranty Deed from Sidney N. Page and Sally J. Page, dated September 26, 2005 and recorded in Cumberland County Registry of Deeds in Book 23200, Page 134.

References in this document to town tax map and lot numbers are provided for convenience and reference purposes only.

Parcels A through G being all of the same premises as conveyed to Windham Economic Development Corporation by virtue of a Warranty Deed of R & T Enterprises dated December 30, 2009 and duly recorded herewith.





