

Order 104-06/07

Passage: 11/20/06 7-0 (Carr, Suslovic absent)

JAMES I. COHEN (MAYOR)(5)  
JILL C. DUSON (A/L)  
JAMES F. CLOUTIER(A/L)  
NICHOLAS M. MAVODONES (A/L)  
EDWARD J. SUSLOVIC (A/L)

CITY OF PORTLAND  
IN THE CITY COUNCIL

WILLIAM R. GORHAM (1)  
KAREN A. GERAGHTY (2)  
DONNA J. CARR (3)  
CHERYL A. LEEMAN (4)

**ORDER GRANTING REVOCABLE LICENSE  
RE: SMITH STREET**

**ORDERED**, that the City hereby grants a revocable license for a building overhang over the City's Smith Street Street right of way as shown on Attachment 1, in a form substantially similar to that below:

1. Bayside East LP, its successors and assigns shall indemnify the City, its officers, agents, and employees from any and all claims which arise out of its use, or the use of others, of the City's property encroached upon as described above.
2. Licensee shall procure and maintain liability insurance in an amount of Four Hundred Thousand Dollars (\$400,000) combined single limit (or the amount stated in the Maine Tort Claims Act as the same may be amended from time to time), covering claims for bodily injury, death and property damage and shall either name the City of Portland as an additional insured with respect to such coverage or shall obtain a contractual liability endorsement covering the obligations of Licensee under the terms of this license.
3. This license is assignable to any subsequent owners of the buildings located on the land described on the approved site plan for Bayside East LP, Portland, Maine.
4. This license may be revoked upon six (6) months written notice by the City in the event that: 1) the building shown on the Attached 1 fails to be constructed substantially in accordance with such plans or any amendments thereto; 2) said building is destroyed, removed or otherwise thereafter cease to exist on the site at 47 Smith Street for a period of one year or more.

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