

Order 105-06/07

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: East Oxford/Pearl Street

ORDERED, that the City hereby grants a revocable license for a canopy and door opening encroachment on and over the City's East Oxford Street/ Pearl Street right of way as shown on Attachment 1, in a form substantially similar to that below:

1. Avesta Pearl Street One 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 Avesta Pearl Street One 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 Pearl Street for a period of one year or more.

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