

Order 166-07/08

Passage: 3/17/08 9-0

EDWARD J. SUSLOVIC (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
DANIEL S. SKOLNIK (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JAMES I. COHEN (5)
JOHN M. ANTON (A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES (A/L)

ORDER GRANTING REVOCABLE LICENSE

RE: 5 South Street

ORDERED, that the City hereby grants a revocable license to Stephen Blatt Architects for the placement of foundation footings in and adjacent to 5 South Street in a form substantially similar to the below:

1. The license granted herein is given for the following purposes and is located as described below:
 - A. A license, revocable as provided below, for the installation and encroachment of foundation footings located on City's Land, described and depicted on Attachment A.
2. Grantee, its successors and assigns (hereinafter collectively the "Licensees") 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 Land as described above.
3. Licensees shall procure and maintain commercial general liability insurance in an amount of not less than Four Hundred Thousand Dollars (\$400,000) combined single limit (or any amount noted in the Maine Tort Claims Act, as 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 Licensees under the terms of this license.
4. This license is assignable to any subsequent owners of the building located at 5 South Street.
5. This license shall be automatically revoked if the building at 5 South Street is destroyed, removed or otherwise thereafter ceases to exist on the site.
6. This License Agreement supersedes and replaces all prior similar agreements between the parties.

REVOCABLE LICENSE
FOR
Stephen Blatt Architects
RE: 5 South Street

A revocable license is hereby granted Stephen Blatt Architects to occupy portions of land owned by the City of Portland on South Street, which property abuts the property of Stephen Blatt Architects, located at _____, for the purpose of building footings on the City property described on attached Exhibit A (Plan entitled _____ dated _____). Occupancy of the right of way is subject to the following conditions:

1. Stephen Blatt Architects its successors and assigns (hereinafter "Licensees") shall indemnify the City of Portland, 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 in conjunction with activities related to the footings installed upon City property as shown on the attached plan.

2. Licensees shall procure and maintain liability insurance in an amount of not less than Four Hundred Thousand Dollars (\$400,000) combined single limit (or any amount noted in the Maine Tort Claims Act, as 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 Licensees under the terms of this license.

3. This license is assignable to any owners of the building located at 5 South Street.

4. This license shall be revoked by the City in the event that 1) the building as shown on such plans or any amendments thereto are destroyed, removed or otherwise thereafter cease to exist on the site at 5 South Street or 2) the buildings shown on the attached plans fail to be constructed substantially in accordance with such plans or any amendments thereto.

CITY OF PORTLAND

By: _____
Joseph E. Gray
Its City Manager

Seen and Agreed to by:

Its: _____

INDEMNITY AGREEMENT

Stephen Blatt Architects, a Maine corporation with a place of business at _____, _____ (City), County of _____ and State of Maine, its successors and assigns, in exchange for the permission granted by the City of Portland for the installation of building footings on public property abutting property owned by said corporation at _____, Portland, Maine as shown on Exhibit A, covenants and agrees to indemnify, defend and hold harmless the City of Portland, its agents, employees, officers, attorneys, successors and assigns, and each of them jointly and severally, from any and all damages; actions; causes of action; claims and demands of any nature, whether for property damage or personal injury (including death); and costs, including without limitation costs of attorneys' fees and defense, which Stephen Blatt Architects, its successors and assigns, or which any other person, partnership, corporation, or other entity have or may have on account of said use of the public property.

Dated : _____

Stephen Blatt Architects

By: _____

Print or Type Name

Its: _____