

Passive Recreation Easement

RISBARA STROUDWATER CO., LLC, a Maine limited liability company with a principal place of business in Scarborough, County of Cumberland and State of Maine with a mailing address of 197 U.S. Route 1, Scarborough, Maine 04074 for consideration paid grants to the **CITY OF WESTBROOK**, a body corporate and politic, with a principal place of business in the City of Westbrook, County of Cumberland and State of Maine with a mailing address of 2 York Street, Westbrook, Maine 04092 with warranty covenants an easement for passive recreational purposes over those premises described in **Schedule A** attached hereto and made a part hereof located in the City of Westbrook lying westerly; northerly, and westerly of the Stroudwater River.

The aforementioned easement shall be limited to pedestrian use for members of the public and condominium owners. There shall be no vehicular uses of any kind or nature except that bicycles, wheelchairs and motorized wheelchairs may be used within the dedicated easement area. **In granting this easement, the Grantor, its successors and assigns, shall be under no obligation to construct, build, improve or otherwise maintain the easement area to accommodate its use by the public for the purposes outlined herein. Further, any improvement undertaken by the Grantee herein, its successors and assigns shall be done in a prudent and workman like manner and the Grantor herein, its successors and assigns shall have no liability to any third party using this Passive Recreation Agreement.**

The City of Westbrook may maintain the trails and remove dead or diseased vegetation and shall be responsible for the regulation and use of this passive easement..

IN WITNESS WHEREOF the said **RISBARA STROUDWATER CO., LLC** has caused this instrument to be executed on its behalf by Rocco C. Risbara, III, its Co-Manager, duly authorized, this ____ day of May, 2006.

RISBARA STROUDWATER CO., LLC

By: _____
Rocco C. Risbara, III
Its: Co-Manager

STATE OF MAINE
CUMBERLAND, ss.

May ____, 2006

Personally appeared the above named **ROCCO C. RISBARA, III** in his capacity as Co-Manager of Risbara Stroudwater Co., LLC and acknowledged the foregoing instrument to be his free act and deed of said Risbara Stroudwater Co., LLC.

Before me,

Notary Public
Commission Expires: _____