

DECLARATION OF COVENANTS WITH RESPECT TO ROAD MAINTENANCE

KNOW ALL MEN BY THESE PRESENTS, that the Undersigned as owners of a certain parcel of land located at 18 LedgeWood Lane in the Town of Cape Elizabeth, County of Cumberland and State of Maine, and more particularly described on the attached SCHEDULE A;

WHEREAS, the Undersigned desire to subject the Property to a perpetual obligation to maintain a private accessway in said Cape Elizabeth;

NOW, THEREFORE, in consideration of these premises, the Undersigned for themselves and their respective successors and assigns, hereby subject the Property to the following agreement as covenants running with the land which shall be binding upon and enforceable by the parties and their respective successors and assigns, or by the then owners of any parcels subject to this Declaration, to wit:

1. **Maintenance of Accessway.** The Undersigned hereby agrees to provide for the maintenance and repairs necessary to keep the private accessway passable on foot and by motor vehicles, including without limitation, the emergency vehicles of the Town of Cape Elizabeth, including grading, snowplowing, sanding and trimming of vegetation, each contributing to such expenses on a per capita basis for each lot upon which a residence has been constructed or is under construction.

Every subsequent owner, in accepting a deed for this residential lot, agrees to and shall automatically be subject to and comply with this Declaration. The obligations shall terminate upon the sale, transfer or other disposition of his ownership interest in the lot.

2. **Enforcement.** The Town of Cape Elizabeth shall also have the right, but not the obligation, to enforce this agreement in order to ensure access for emergency vehicles. Any and all costs incurred by the Town of Cape Elizabeth in enforcing this agreement and maintaining the road, including reasonable attorney's fees, shall be the responsibility of the Undersigned and any future owners who may join in the execution of this Declaration.
3. **Nonwaiver.** Nothing contained herein shall waive or impair the legal obligations of other owners in common of _____ to contribute to such expenses of maintenance and repair, or any rights of subrogation which the Undersigned may hold as a result of their advance of such expenses upon the failure of such owners to contribute their proportionate share.

If any provisions of this Declaration, or its application to any persons or circumstances, is invalid or unenforceable, then the remainder of this Declaration, or the application of such provision to other persons or circumstances, shall not be affected thereby.

IN WITNESS WHEREOF, the Undersigned has/have executed this Declaration of covenants this
day of _____, 2020 .

WITNESS:

By
Its

WITNESS:

By
Its

STATE OF MAINE
CUMBERLAND, SS.

_____ 2020

Personally appeared the above-named James Gray and acknowledged the foregoing execution to be his free act and deed in said capacity and the free act and deed of

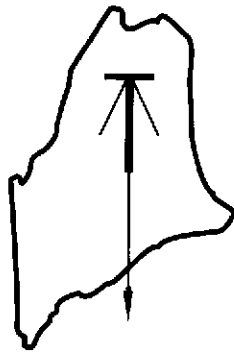
Before me,

Notary Public/Attorney at Law

Printed Name

WAYNE

PROFESSIONAL LAND SURVEYING
and LAND PLANNING
30 Wood Drive, Gray, Maine 04039



WOOD & co.

WETLANDS DELINEATION
Telephone (207) 657-3330
wtwco@securespeed.net

EXHIBIT A

**Description of Private Access Way
At
18 Ledgewood Lane, Cape Elizabeth, Maine**

A certain private access way situated on the Northwestern side of Ledgewood Lane in the Town of Cape Elizabeth, County of Cumberland and State of Maine being more particularly described as follows:

Beginning at a point on the Northwestern side line of Ledgewood Lane. Said point being located N 36°21'30" E a distance of 15.00 feet from a 5/8" capped rebar (#1328) set in the ground on the said side line of Ledgewood Lane at the Easterly corner of Lot 63 and the Southerly corner of Lot 64 as shown on the plan of "Broad Cove" as recorded in the Cumberland County Registry of Deeds in Plan Book 77 Page 39;

Thence N 36°21'30" E along the said side line of Ledgewood Lane 30.00 feet to a point;

Thence N 53°38'30" W across the said Lot 64 a distance of 25.00 feet to a point;

Thence S 36°21'30" W continuing across the said Lot 64 a distance of 30.00 feet to a point;

Thence S 53°38'30" E continuing across the said Lot 64 a distance of 25.00 feet to the point of beginning.

All bearings are Magnetic of the year 1954.

Meaning and intending to described a private access way across the said Lot 64 being the same premises conveyed to these Grantors by deed recorded in the Cumberland County Registry of Deeds in book 36,444 page 319.