



AMENDMENT TO THE MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR DUNSTAN CROSSING

[Submission of Project Phase III]

CHAMBERLAIN CONSTRUCTION, INC., a Maine corporation (“Developer”), being the Developer which executed and created the Master Declaration of Covenants, Conditions and Restrictions for Dunstan Crossing dated May 17, 2007 and recorded in the Cumberland Registry of Deeds in Book 25113, Page 119, as amended of record to date (the “Master Covenants”), acting as the owner of the Dunstan Crossing Project Phase III land and related property, easements and rights as described in the attached Exhibit A located in the Town of Scarborough, County of Cumberland and State of Maine (“Project Phase III”) **HEREBY SUBMITS** Project Phase III to the Master Covenants. Project Phase III shall be fully incorporated into the Master Covenants as if the Master Covenants had been originally executed and recorded containing Project Phases I, II and III. Project Phase III shall be subject to and have the benefit of the Master Covenants, the terms of which are fully incorporated herein by reference.

Said Project Phase III land is a portion of the land originally described in Exhibit E to the Master Covenants as land that could be subjected to the Master Covenants by the Developer.

WITNESS its hand and seal as of July 23, 2014.

CHAMBERLAIN CONSTRUCTION, INC.

RE Campbell
Witness

By: R. Elliott Chamberlain
R. Elliott Chamberlain, its President

STATE OF MAINE
COUNTY OF CUMBERLAND, ss

July 23 2014

Personally appeared the above-named R. Elliott Chamberlain in his said capacity and acknowledged the foregoing to be his free act and deed, and the free act and deed of said corporation, before me,

Alexandra E. Cauffield
Name: _____
Notary Public/ Maine Attorney at Law

Alexandra E. Cauffield
Attorney at Law

Amend to Dunstan Master Cov re Phase III.docx
7/7/2014 11:00 AM

EXHIBIT A

Project Phase III
Dunstan Crossing Subdivision
Broadturn Road, Scarborough, Maine

A certain lot or parcel of land known as "Project Phase III" situated southerly of Broadturn Road in the Town of Scarborough, County of Cumberland and State of Maine as shown on the subdivision plans for Dunstan Crossing, Broadturn Road, Scarborough, Maine Project Phases I, II, III and IV prepared by Sebago Technics, Inc. for Raynan Properties, LLC, dated April 10, 2010 as amended through June 28, 2010 and recorded in the Cumberland County Registry of Deeds in Plan Book 210, Pages 211-215, inclusive, as amended by the subdivision plans for Dunstan Crossing, Broadturn Road, Scarborough, Maine Project Phases I-III prepared by Sebago Technics, Inc. for Raynan Properties, LLC and Chamberlain Construction, Inc., dated April 12, 2010 as amended through October 12, 2012, approved by the Scarborough Planning Board on November 19, 2012 and recorded in the Cumberland County Registry of Deeds in Plan Book 212, Pages 383-384 (collectively the "Master Subdivision Plat"), being more particularly bounded and described as follows:

Commencing on the southerly side of Broadturn Road at the northeasterly corner of land now or formerly owned by Gerald P. and Winona L. Potvin as described in a deed recorded in the Cumberland County Registry of Deeds in Book 2961, Page 10;

Thence running South 30°-56'-45" West by said Potvin land, a distance of 153.45 feet to a point;

Thence running North 66°-05'-25" West by said Potvin land a distance of 149.21 feet to a point;

Thence running North 30°-56'-45" East a distance of 153.45 feet to Broadturn Road;

Thence running North 66°-05'-25" West by Broadturn Road a distance of 50.38 feet to a point and land now or formerly of Daniel R. and Anne Johnson;

Thence running South 30°-56'-45" West by said Johnson land, a distance of 152.87 feet to a point and land now or formerly of Robert and Terry J. Boothby;

Thence running by and along a curve to the right with a radius of 227.31 feet, a length of 206.19 feet, having a chord of South 56°-55'-55" West 199.19 feet along said Boothby land to a point of reverse curvature;

Thence by and along a curve to the left with a radius of 204.48 feet, a length of 40.04 feet, having a chord of South 77°-18'-29" West 39.98 feet along said Boothby land to a point;

Thence running North 55°-59'-25" West along said Boothby land a distance of 253.49 feet to a point and land now or formerly of the Maine Turnpike Authority;

Thence running South $34^{\circ}-00'-35''$ West along said Maine Turnpike Authority land a distance of 809.10 feet to a point marking the line separating Project Phases III and IV as shown on the Master Subdivision Plat;

Thence running South $57^{\circ}-51'-26''$ East along the line separating Project Phases III and IV as shown on the Master Subdivision Plat to a point marking the intersection of Project Phases III and IV with the southwesterly corner of Open Space Land Lot F as shown on the Master Subdivision Plat;

Thence running South $67^{\circ}-24'-28''$ East along the line separating Project Phases III and IV as shown on the Master Subdivision Plat a distance of 223.54 feet to a point;

Thence running South $83^{\circ}-24'-07''$ East along the line separating Project Phases III and IV as shown on the Master Subdivision Plat a distance of 160.34 feet to a point;

Thence running South $63^{\circ}-42'-09''$ East along the line separating Project Phases III and IV as shown on the Master Subdivision Plat a distance of 79.95 feet to a point, said point on the northwesterly side of Waldron Drive;

Thence running generally in an northeasterly direction by and along the northwesterly sideline of said Waldron Drive also marking the sideline of Project Phase II by a curve to the right having a radius of 927.5 feet, an arc length of 50.01 feet and a chord of North $55^{\circ}-08'-49''$ East a distance of 50.01 feet to a point of reverse curvature marked by a granite monument on the northwesterly sideline of said Waldron Drive;

Thence running generally in an northerly direction by and along the westerly sideline of said Waldron Drive by a curve to the left having a radius of 10.0 feet, an arc length of 17.44 feet and a chord of North $6^{\circ}-43'-37''$ East 15.31 feet to a point of tangency marked by a granite monument on the southwesterly sideline of McCann Way also being the sideline of Project Phase II;

Thence running North $43^{\circ}-14'-16''$ W, 67.83 feet by and along the southwesterly sideline of said McCann Way to a point of curvature marked by a granite monument;

Thence running generally in an northwesterly direction by and along the southwesterly sideline of said McCann Way by a curve to the left having a radius of 175.0 feet, an arc length of 64.12 feet and a chord of North $53^{\circ}-44'-01''$ W, a distance of 63.76 feet to an angle point on the southwesterly sideline of said McCann Way;

Thence running North $25^{\circ}-46'-14''$ East 50.0 feet crossing said McCann Way to a point on a curve at an angle point marked by a capped iron pin on the northerly sideline thereof;

Thence running generally in an easterly direction by and along the northerly sideline of said McCann Way by a curve to the right having a radius of 225.0 feet, an arc length

of 44.62 feet and a chord of South $58^{\circ}-32'-51''$ East a distance of 44.55 feet to a point of reverse curvature with the westerly sideline of Alley 2 also being the sideline of Project Phase II;

Thence running generally in a northeasterly direction by and along the northwesterly sideline of said Alley 2 by a curve to the left having a radius of 10.0 feet, an arc length of 15.36 feet and a chord of North $83^{\circ}-07'-27''$ East a distance of 13.90 feet to a point of tangency on the northwesterly sideline of said Alley 2;

Thence running North $39^{\circ}-06'-51''$ East 32.80 feet by and along the northwesterly sideline of said Alley 2 to a point of curvature marked by a capped iron pin;

Thence running generally in a northerly direction by and along the westerly sideline of said Alley 2 by a curve to the left having a radius of 40.0 feet, an arc length of 28.56 feet and a chord of North $18^{\circ}-39'-41''$ East a distance of 27.95 feet to a point of tangency marked by a capped iron pin on the westerly sideline thereof;

Thence running North $1^{\circ}-47'-29''$ West a distance of 161.07 feet by and along the westerly sideline of said Alley 2 to a point of curvature marked by a capped iron pin;

Thence running generally in a northerly direction by and along the westerly sideline of said Alley 2 by a curve to the right having a radius of 60.0 feet, an arc length of 22.71 feet and a chord of North $9^{\circ}-03'-06''$ East a distance of 22.57 feet to a point of tangency marked by a capped iron pin on the westerly sideline thereof;

Thence running North $19^{\circ}-53'-41''$ East a distance of 212.97 feet by and along the westerly sideline of said Alley 2 to a point of curvature marked by a capped iron pin;

Thence running generally in a northerly direction by and along the westerly sideline of said Alley 2 by a curve to the right having a radius of 60.0 feet, an arc length of 5.22 feet and a chord of North $22^{\circ}-23'-14''$ East a distance of 5.22 feet to a point of tangency marked by a capped iron pin on the westerly sideline thereof;

Thence running North $24^{\circ}-52'-46''$ East a distance of 98.72 feet by and along the westerly sideline of said Alley 2 to a point of curvature marked by a capped iron pin;

Thence running generally in a northwesterly direction by and along the southwesterly sideline of said Alley 2 by a curve to the left having a radius of 10.0 feet, an arc length of 15.07 feet and a chord of North $18^{\circ}-18'-01''$ West a distance of 13.69 feet to a point of tangency with the southwesterly sideline of said McCann Way marked by a capped iron pin;

Thence running North $61^{\circ}-28'-47''$ West a distance of 43.9 feet by and along the southwesterly sideline of said McCann Way and the northerly side of Lot 26 as shown on the Master Subdivision Plat to a point;

Thence running North $61^{\circ}28'47''$ West, along McCann Way and Lot 26, a distance of 19.78 feet to a granite monument to be set at a point of tangency;

Thence running along Lot 26, along a tangential curve to the left, having a radius of 10.00 feet, an arc length of 16.36 feet, a chord of South $71^{\circ}38'22''$ West, 14.60 feet, to a granite monument to be set at a point of tangency;

Thence running South $24^{\circ}45'31''$ West, along said Lot 26, a distance of 3.36 feet;

Thence North $65^{\circ}14'29''$ West, crossing Lary Falls Drive, a distance of 50.00 feet, to Lot 27 as shown on the Master Subdivision Plat;

Thence running North $24^{\circ}45'31''$ East, along said Lot 27, a distance of 3.89 feet, to a granite monument to be set at a point of curvature;

Thence running along said Lot 27, along a tangential curve to the left, having a radius of 10.00 feet, an arc length of 15.74 feet, a chord of North $20^{\circ}20'06''$ West, 14.17 feet, to a granite monument to be set at a point of tangency;

Thence running North $65^{\circ}25'42''$ West, along said Lot 27 and the southerly side of McCann Way, a distance of 22.88 feet;

Thence running North $24^{\circ}34'18''$ East, crossing McCann Way, a distance of 50.00 feet, to a point on the northerly side of McCannWay;

Thence running North $24^{\circ}34'18''$ East a distance of 110.0 feet to a point;

Thence running South $65^{\circ}25'42''$ East a distance of 167.35 feet to a point;

Thence running North $24^{\circ}52'46''$ East a distance of 256.33 feet to a point on the southerly side of Broadturn Road;

Thence running North $66^{\circ}05'46''$ West, along the southerly side of Broadturn Road, a distance of 123.34 feet to the point of beginning.

Meaning and intending to describe a parcel of land shown as Project Phase III on the Master Subdivision Plat. Bearings herein are referenced to Grid North, Maine West Zone 1802.

Meaning and intending to convey and hereby conveying all of the land known as Project Phase III as shown on the Master Subdivision Plat, also known as and consisting of Lots #19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40 and 41, Condominium Land Phase - Lot #E, Open Space Land – Lot F, Open Space Land – Lot G, Alley #3, Larry Falls Drive, and the entire remaining McCann Way located in Project Land Phase III and shown on the Master Subdivision Plat or as described herein.

Reference is made to the deed from ALC Development Corporation to Raynan Properties, LLC dated May 3, 2006 and recorded in the Cumberland County Registry of Deeds in Book 23952, Page 299.

Subject to the matters and notes set forth on or referred to in the Master Subdivision Plat, including without limitation the requirements of the Town of Scarborough, and subject to the requirements of the Maine Department of Environmental Protection.

Reference is made to the Master Subdivision Plat as it may be amended with the approval of the Town of Scarborough and Raynan Properties, LLC, provided that neither the recording of the Master Subdivision Plat nor the reference to them in this description shall establish any rights in Project Phase IV or the streets and ways located therein retained by Raynan Properties LLC, whether by implication or otherwise, and all portions of Project Phase IV are hereby reserved.

Prior to the initial sale of a residential housing unit or lot in Project Phase III, Chamberlain Construction, Inc. hereby covenants and agrees to subject the foregoing Project Phase III land to the Master Declaration of Covenants, Conditions and Restrictions for Dunstan Crossing dated May 17, 2007 and recorded in said Registry of Deeds in Book 25113, Page 119 with such revisions as may be approved by Raynan Properties LLC as evidenced by its joinder therein, which approval shall not be unreasonably withheld or delayed, reference being made to a Development Agreement of even or recent date between Raynan Properties LLC and Chamberlain Construction, Inc., which shall survive the closing and be binding on each of the parties, their successors and assigns.

Without limiting the foregoing, Chamberlain Construction, Inc. shall have the continuing rights to alter the tentative locations and numbers of the potential duplex sites on Condominium Land Phase – Lot E.

Reference is also made to the "Master Schematic Plans" referenced in said Master Declaration of Covenants, Conditions and Restrictions, provided that the reference to them in this description shall not establish any rights in Project Phase IV retained by Raynan Properties LLC, whether by implication or otherwise, and all rights to Project Phase IV are hereby reserved.

Excepting and reserving to Raynan Properties LLC, its successors and assigns, the following perpetual easements over, under and across Project Phase III extending to Broadturn Road, subject to the terms of said Master Declaration of Covenants, Conditions and Restrictions for Dunstan Crossing dated May 17, 2007 and recorded in said Registry of Deeds in Book 25113, Page 119 when made applicable to Project Phase III:

(i) A nonexclusive right and easement of access, ingress and egress over Alley #3, Larry Falls Drive, McCann Way, and the sidewalks forming a part of such streets located in Project Phase III on the Master Subdivision Plat in common with the Chamberlain Construction, Inc.

and others herein, subject to the Chamberlain Construction, Inc.'s rights to transfer fee title to such areas to the Town of Scarborough;

(ii) A non-exclusive right and easement in common with the Chamberlain Construction, Inc., its successor and assigns over said streets, alley and all utility easements as shown on the Master Subdivision Plat and/or the Master Schematic Plans to use and connect into all common utilities, provided that (i) that no such easement shall run under any existing building or proposed building footprint which is not part of a designated easement area, (ii) that such connections shall minimize the disruption and damage to the surface of the land and hazards to public safety, (iii) a separate meter or sub-meter for such utility service shall be installed at the sole cost or expense of the user, and (iv) utility connections shall be consistent with the Master Subdivision Plat, the Master Schematic Plans. All such utility easements are subject to the Chamberlain Construction, Inc.'s rights to transfer such improvements to the Town of Scarborough, the Scarborough Sanitary District, the Portland Water District and/or to any other public utility or governmental body, and to the Dunstan Crossing Master Association, a Maine nonprofit corporation.

(iii) A non-exclusive right and easement in common with the Chamberlain Construction, Inc. herein through the access and drainage areas and facilities depicted on the Master Subdivision Plat and Master Schematic Plans and over the surface of the earth generally for surface water drainage from natural water flow and for the artificial collection and diversion of surface waters which may occur as a result of the construction of improvements, including, without limitation, building and building expansion, curbs, drives and paving, and sidewalks provided that that no such easement shall run under any existing building or proposed building footprint which is not part of a designated easement area and subject to the Chamberlain Construction, Inc.'s rights to transfer such improvements to the Town of Scarborough, the Scarborough Sanitary District, the Portland Water District and or to any other public utility or to the Dunstan Crossing Master Association pursuant to said Master Declaration of Covenants, Conditions and Restrictions dated May 17, 2007 and recorded in said Registry of Deeds in Book 25113, Page 119, and as it may be amended.

Further continuing to except and reserve to Raynan Properties, LLC, its successor and assigns perpetual easements over, under and across Project Phases I and II and the "Potential Duplex Site" to be added to Project Phase II, all as set forth in its prior deeds to Chamberlain Construction, Inc. dated January 24, 2007 and recorded in said Registry of Deeds in Book 24792, Page 155, dated March 17, 2010 and recorded in said Registry of Deeds in Book 27657, Page 82, and dated January 11, 2013 and recorded in said Registry of Deeds in Book 30307, Page 259.

By its acceptance of this deed, Chamberlain Construction, Inc. hereby further covenants and agrees that in the event that it fails to construct and complete said Project Phase III streets, utilities, drainage facilities and infrastructure as shown on the Master Subdivision Plat and/or the Master Schematic Plans in accordance with the Development Agreement or fails to transfer title to said Streets and related utility and infrastructure improvements to the Town of Scarborough or other applicable government entities or the Dunstan Crossing Master Association, then Raynan Properties, LLC shall have the right but not the obligation to do so

and to require that title to the Streets, utilities and infrastructure be so transferred to the Town of Scarborough or other applicable government entities or the Dunstan Crossing Master Association, which obligations shall run with the land and be binding on the parties hereto, their successors and assigns.

Received
Recorded Register of Deeds
Jul 25, 2014 12:08:11P
Cumberland County
Pamela E. Lovley