

BK1324 PG019

GRANT OF EASEMENT

01477

THIS INDENTURE, made this 18th day of February,

1987, by and between CENTRAL MAINE POWER COMPANY, a corporation organized and existing under the laws of the State of Maine, and having its principal place of business at Edison Drive, Augusta, Maine 04336, hereinafter referred to as the GRANTOR, and the UNITED STATES OF AMERICA, Washington, DC 20240, hereinafter referred to as the GRANTEE.

WITNESSETH: WHEREAS, the National Trails System Act, Public Law 90-543 (82 Stat. 919), as amended, hereinafter referred to as the ACT, designated the Appalachian National Scenic Trail, hereinafter referred to as the TRAIL, as a part of a national system of trails in order to provide for the ever-increasing outdoor recreational needs of an expanding population and in order to promote public access to, travel within, enjoyment of, and appreciation for the outdoor areas of the Nation, and to provide for the conservation and enjoyment of the nationally significant scenic, historical, natural and cultural qualities of the Trail; and,

WHEREAS, Section 7 of the Act authorizes the Secretary of the Interior, hereinafter referred to as the SECRETARY, to acquire lands or interests in lands within the right-of-way of the Trail sufficient to assure perpetual use and protection for the purposes provided by the Act; and,

WHEREAS, the Secretary, acting by and through the National Park Service, has determined that it is necessary in order to preserve and protect the Trail for the purposes provided in the Act to acquire interests in this certain real property owned by the Grantor;

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NOW THEREFORE, the Grantor, in consideration of the sum of ELEVEN THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$11,500.00), the receipt and sufficiency whereof are hereby acknowledged, does hereby grant, bargain, sell and convey with WARRANTY COVENANTS unto the said Grantee and its assigns, forever, a perpetual, exclusive, and assignable right and easement consisting of the right to control and manage the land only in accordance with the provisions and intent of the National Trails System Act, to construct, manage, use, and maintain the Trail primarily as a public footpath including the right to permit members of the public to traverse the area, and for other purposes as may be required in connection with the construction, management, development, use, and maintenance of said Trail.

IT IS CONCLUSIVELY presumed that any and all rights and uses not specifically hereinafter reserved to the Grantor are to become vested in the United States of America, excepting from the operation of this easement ONLY those rights as may be specifically hereinafter reserved.

Provided, however, the above-granted right and easement shall not be interpreted or exercised to, in any way, interfere with the Grantor, its successors and assigns, erection, construction, maintenance, repair, rebuilding, respacing, replacing, operation, patrol and removal of electric transmission, distribution and communication lines consisting of suitable and sufficient poles and towers with sufficient foundations, together with wires strung upon and extending between the same for the transmission of electric energy and intelligence, together with all

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necessary fixtures, anchors, guys, crossarms, and other electrical equipment and appurtenances, or the clearing and keeping clear Tract 108-04 of all trees, timber and bushes growing on said tract only by such means as the Grantor, its successors and assigns, may select which do not interfere with the footpaths continuity or endanger hiker's passing along the footpath.

The Grantee and its assigns, agree that it will not erect or maintain any building or other structure, or authorize the erection or maintenance of any building or other structure, of any kind or nature, upon Tract 108-04, and will not place, or authorize any material of any kind or nature to accumulate on or be removed from Tract 108-04, any or all of which, in the opinion of the Grantor, its successors and assigns, would endanger or interfere with the operation or maintenance of said line or lines constructed along and across Tract 108-04.

This conveyance is subject to the terms and conditions of the Grantor's license from the Federal Energy Regulatory Commission designated as Project No. 2142, Indian Pond Project, including, but not limited to the Grantor's right to take reasonable remedial action to correct any violation of the terms and conditions of the license.

It is understood and agreed that no mechanized or motorized equipment or vehicles of any nature are allowed on the herein described property except in conjunction with such uses as may be specifically reserved, or for emergency purposes.

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The Grantor, for itself, its successors and assigns, covenants and agrees that ONLY the following uses are hereby reserved to itself, its successors and assigns, on the lands herein designated as Tracts 109-03/21.

The use of the above-described property for noncommercial, passive recreational purposes. It is understood and agreed that no structures are to be erected and no articles of personal property are allowed to be placed on the premises.

It is further understood and agreed that no mechanized or motorized equipment or vehicles of any nature are allowed on the herein described property except in conjunction with such uses as may be specifically reserved, or for emergency purposes.

THE GRANTOR, its successors and assigns, reserves the right to use the land described below in connection with the Wyman Project, Project No. 2329. This includes, but is not limited to, the right to use, lower and control the waters of the Kennebec River or any of its tributaries, as the Grantor, its successors or assigns, may see fit in its or their uncontrolled discretion without liability of any kind or nature on the part of the Grantor, its successors or assigns, to the Grantee and its assigns, and their licensees and permittees, for the uneven handling or control of said waters.

THE GRANTOR also reserves to itself, its successors and assigns, the perpetual right and easement to overflow and flood the interests described below, directly or indirectly by backflow, seepage, erosion, inundation or otherwise, as the same may be overflowed or flooded by the operation, control and discharge of the waters of the Kennebec River, or any of its tributaries, by means of any dam or dams owned or controlled

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by the Grantor, its successors and assigns, as the same are now or hereafter may be constructed across the Kennebec River, without liability on the part of the Grantor, its successors and assigns, to the Grantee, and its assigns.

This conveyance is subject to the terms and conditions of the Grantor's license from the Federal Energy Regulatory Commission designated as Project No. 2329, Wyman Project, including but not limited to the Grantor's right to take reasonable remedial action to correct any violation of the terms and conditions of the license.

The land in which the above interest and estate is conveyed is described as follows:

Tract 108-04

All that certain tract or parcel of land lying and being situated in Bald Mountain Township, T2, R3, B.K.P. E.K.R. and Caratunk Township, Somerset County, State of Maine, and being more particularly described as follows:

BEGINNING at a point on the western property line of subject owner, said point being a corner common to lands, now or formerly, of Skylark, Inc., and Scott Paper Company, and being located North 76° 04' 37" East, 56.89 feet from an iron pin and South 76° 04' 37" West, 7.55 feet from an iron pin, the first-mentioned iron pin being on the common property line between said Scott Paper and said Skylark; thence, with the property line of said Scott Paper, North 30° 29' 30" West, 627.90 feet to a point on the Bald Mountain, T2, R3, B.K.P. E.K.R./Caratunk Township Line, said point being located North 11° 20' 45" West, 34.78 feet from a stake and stones on said Township Line; thence, continuing with the property line of said Scott Paper, North 30° 29' 30" West, 610.21 feet to a point on the property line of said Scott Paper, said point being located South 42° 26' 08" West, 235.37 feet from an iron pin near utility pole number 179; thence, severing the land of subject owner, re-crossing said Township Line, North 68° 26' 00" East, 303.68 feet to a point on the property

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line of other lands of said Scott Paper, said point being located South 63° 19' 40" East, 138.32 feet from said iron pin near utility pole number 179; thence, with the property line of said Scott Paper, South 30° 29' 30" East, 1,180.00 feet to a point on the westerly side of a Scott Paper Company gravel haul road; thence, continuing with the property line of said Scott Paper, crossing said road, South 30° 29' 30" East, 2,220.00 feet to another point on the property line of said Scott Paper; thence, again severing the land of subject owner, South 59° 30' 30" West, 300.00 feet to a point on the property line of the first-mentioned Scott Paper; thence, with the property line of said Scott Paper, in part with the property line of said Skylark, North 30° 29' 30" West, 2,209.00 feet to the point of beginning.

Containing 23.58 acres, more or less, of which 5.70 acres, more or less, lies within Joe's Hole.

The above-described parcel, designated as Tract 108-04, Appalachian National Scenic Trail, is a portion of the same land acquired by Central Maine Power Company from Hollingsworth and Whitney Company by deed dated October 22, 1954 and recorded October 27, 1954 in Deed Book 561, Page 466 and a portion of land acquired from Great Northern Paper Company by deed dated October 30, 1953 and recorded November 19, 1953 in Deed Book 554, Page 474. The above documents are of record in the Somerset County Registry of Deeds, State of Maine.

BEARINGS REFER TO MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE.

Tract 109-03

All that certain tract or parcel of land lying and being situated in Lots 17 and 18 of Carrying Place Plantation, Township 1, Range 3, B.K.P., W.K.R., Somerset County, State of Maine, and being more particularly described as follows:

All that land lying East of the 580 foot contour line of the following described tract:

The North 1,000 feet of Lot 17, Range 1 and the South 1,000 feet of Lot 18, Range 1 of Carrying Place Plantation, Township 1, Range 3, B.K.P., W.K.R.

Containing 32.74 acres, more or less.

The above-described parcel, designated as Tract 109-03, Appalachian National Scenic Trail, is a portion of the same land acquired by Central Maine Power Company from Leona E. Sterling by deed dated August 10, 1959 and recorded August 28, 1959 in Deed Book 615, Page 76; is a portion of Parcel Two acquired from Oscar Clark, et al, by deed dated November 6, 1936

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and recorded in Deed Book 435, Page 389 and is a portion of the same land acquired from Central Securities Corporation by deed dated July 31, 1935 and recorded September 20, 1935 in Deed Book 434, Page 79, all documents are of record in the Somerset County Registry of Deeds, State of Maine.

Tract 109-21

All that certain tract or parcel of land lying and being situated in Caratunk Plantation, Somerset County, State of Maine, and being more particularly described as follows:

BEGINNING at the northwest corner of the lot conveyed by Archie W. and Oscar H. Clark to Walter E. York by deed dated June 8, 1935, recorded Somerset Registry, Book 427, Page 24, which corner is also the southwest corner of the N. P. Brown lot, so called; thence south 31° 50' east along said Brown's southerly line about 320 feet to a post; thence south 40° east 97 feet to a post; thence south 26° 30' west to, and passing through, a post on the northerly bank of Pleasant Pond Stream about 846 feet to said Pleasant Pond Stream; thence westerly down said Stream to Kennebec River; thence northerly of Kennebec River to the point of beginning.

Containing 13.06 acres, more or less.

The above-described parcel, designated as Tract 109-21, Appalachian National Scenic Trail, is all of the same land acquired by Central Maine Power Company from Walter E. York by deed dated November 1, 1938 and recorded in Deed Book 445, Page 525, in the Somerset County Registry of Deeds, State of Maine.

THESE INTERESTS in land are being acquired for the National Park Service of the United States Department of the Interior.

SUBJECT to existing easements for public roads and highways, public utilities, railroads and pipelines.

TO HAVE AND TO HOLD the herein-described estates in land and rights unto the Grantee and its assigns forever.

THE SAID GRANTOR covenants that it has the right to convey such interests in land; that it has done no act to encumber the same; that the said Grantee shall have quiet and peaceful possession of the same, free and clear from any and all encumbrances; that it will warrant generally the estates in the land hereby conveyed; and that it, the said Grantor, will execute such further assurances of the said land as may be requisite.

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IN WITNESS WHEREOF, Central Maine Power Company, has caused this instrument to be sealed with its corporate seal and signed in its corporate name by Dustin W. Creamer, its duly authorized Asst. Vice President Administrative Services, and the same to be duly attested by William M. Finn, its Secretary, on this the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

CENTRAL MAINE POWER COMPANY

Mary M. Nelson
WITNESS

By: [Signature]
Dustin W. Creamer
Assistant Vice President
Administrative Services

Judith Sargent
WITNESS

Attest: [Signature]
William M. Finn
Secretary



CORPORATE SEAL

STATE OF MAINE)
) ss.
COUNTY OF KENNEBEC)

February 18, 1987

Then personally appeared the above named Dustin W. Creamer, Asst. Vice President its Administrative Services of Central Maine Power Company and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

Before me,

A E Newell III
Notary Public



My commission expires:

A. E. NEWELL III
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES MAY 20, 1987

This deed was prepared by the National Park Service, Appalachian Trail Land Acquisition Office, Martinsburg, West Virginia. The precise name and address of the herein-named Grantee is: United States of America, Washington, DC 20240.

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1987 FEB 18 PM 3:00
RECORDED FROM ORIGINAL