

QUITCLAIM DEED

73505

KNOW ALL PERSONS BY THESE PRESENTS: That the UNITED STATES OF AMERICA, GRANTOR, acting by and through the SECRETARY OF TRANSPORTATION, under and pursuant to the powers and authority contained in sec. 31 of Pub. L. 102-241, Dec. 19, 1991 and delegation contained in 49 Code of Federal Regulations, Part 1, to the Commandant, U.S. Coast Guard, and further delegation, without payment of consideration, does hereby remise, release and quitclaim unto the The Town of Cape Elizabeth, Maine, GRANTEE, all of the GRANTOR'S right, title and interest in: Portland Head Lighthouse located on: See Schedule A, attached hereto and made a part hereof.

This conveyance is subject to the following conditions: The purposes of this conveyance are to establish and maintain a nonprofit center for public benefit. In connection therewith, the property may be used for educational, historic, recreational, and cultural programs open to and for the benefit of the general public. Theme displays, museum, gift shop, open exhibits, meeting rooms, and an office and quarters for personnel in connection with security and administration of the property and the adjacent Fort Williams Park, owned and operated by the Town of Cape Elizabeth, are expressly authorized. Other uses not inconsistent with the foregoing uses are permitted unless the Secretary shall reasonably determine that such uses are incompatible with the historic nature of the property or with other provisions of this deed.

If the property, or any part of the property, ceases to be used for the purposes intended, title to all of the property shall immediately revert to the United States.

The light, antennae, sound signal, and associated equipment which are active aids to navigation shall continue to be operated and maintained by the United States.

The GRANTEE will not interfere or allow interference in any manner with navigational aids without express written permission from the United States.

The GRANTEE shall not have any obligation to maintain any active aid-to-navigation equipment on the property conveyed.

There is reserved to the United States the right to relocate, replace, or add any navigational aids, or make any changes on any portion of the property as may be necessary for navigation purposes.

The United States shall have the right, at any time, to enter the property with notice to maintain navigational aids.

The United States shall have the right, in emergency circumstances, to enter the property without notice to maintain navigational aids.

The United States shall have an easement for access to the property to maintain navigational aids.

The United States shall have an easement for utility services to operate the navigational aids.

HISTORIC PRESERVATION COVENANT

The GRANTEE covenants for itself, its successors, and assigns and every successor in interest to the Portland Head Lighthouse hereby conveyed, or any part thereof that the real property above described is hereby conveyed subject to the conditions, restrictions, and limitations hereinafter set forth which are covenants, that the GRANTEE, its successors, and assigns, covenants and agrees, that in the event that the Lighthouse is sold or otherwise disposed of, these covenants and restrictions shall be inserted in the instruments of conveyance.

1. The structures and archeological resources situated on said real property will be preserved and maintained in accordance with plans approved in writing by the State of Maine Historic Preservation Officer (SHPO).
2. No physical or structural change or changes of color or surfacing will be made to the exterior of the structures and architecturally or historically significant interior features as determined by the SHPO without the written approval of the SHPO.
3. No new construction of any kind whatsoever on the property shall be undertaken without prior approval of the SHPO.
4. In the event of violation of the above restrictions, the SHPO may institute a suit to enjoin such violation or for damages by reason of any breach thereof.
5. These restrictions shall be binding on the Parties hereto, their successors, and assigns in perpetuity; however, the SHPO may, for good cause, and with the concurrence of the Advisory Council on Historic Preservation (ACHP) modify or cancel any or all of the foregoing restrictions upon written application of the GRANTEE, its successors or assigns.

The acceptance of the delivery of this Deed shall constitute conclusive evidence of the agreement of the GRANTEE to be bound by the conditions, restrictions, and limitations and to perform the obligations herein set forth.

The sound signal cited in Schedule A can be a source of noise pollution and could cause hearing impairment. The signal will automatically activate when fog is detected. The GRANTEE and its assigns, shall keep and maintain warning signs at: (1) all access points to the conveyed property by land or vessel, and (2) in the interior of the structure at the exits to warn of the sound signal.

(1) The warning signs at access points shall read:

"DANGER. ENTRY NOT AUTHORIZED WHEN THE SOUND SIGNAL IS OPERATING."

(2) The warning signs in the buildings shall read:

"DANGER. WHEN THE SOUND SIGNAL IS OPERATING, YOU MAY NOT LEAVE THIS BUILDING WITHOUT WEARING PROPER OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION APPROVED HEARING PROTECTION."

In compliance with Pub. L. 96-510, Title I, sec. 120, Dec. 11, 1980, as added by Pub. L. 99-499, Title I, sec. 120(a), Oct. 17, 1986, a search of U.S. Coast Guard agency files does not show the presence of any hazardous substances. Any remedial action necessary after transfer, attributable to the U.S. Coast Guard shall be conducted by the United States.

This deed is executed and delivered to the Town of Cape Elizabeth, Maine, c/o Town Manager, Town Hall, Cape Elizabeth, Maine 04107, and its assigns, without any other covenants whatsoever, either express or implied.

In WITNESS WHEREOF, the UNITED STATES OF AMERICA, acting by and through the SECRETARY OF TRANSPORTATION, or his delegee has caused these presents to be executed in its name and behalf this 13th day of October 1993.

UNITED STATES OF AMERICA
ACTING BY AND THROUGH THE
SECRETARY OF TRANSPORTATION

[Signature]
P. A. BUNCH, Rear Admiral
U. S. COAST GUARD

Sworn to before me and subscribed
in my presence this 13th
day of OCTOBER 19 93
At Washington, D.C.

[Signature]

SEAL

Otto R. Argibay
Notary Public, District of Columbia
My Commission Expires Sept 14, 1997

My Commission Expires

SCHEDULE A

"Portland Head Lighthouse" means the Coast Guard lighthouse located at Cape Elizabeth, Maine, including the attached keeper's dwelling, several ancillary buildings, the associated fog signal, and such lands as may be necessary to enable the Town of Cape Elizabeth to operate at that lighthouse a nonprofit center for public benefit; and being more particularly described as follows:

Beginning at a point bearing N 0° 24' 30" E and distant forty-nine (49) feet, more or less, from a concrete monument marked "U.S." located on the westerly boundary line of the Light House Reservation, thence S 0° 24' 30" W, two hundred thirty-nine and five tenths (239.5) feet along said boundary line to a point at the top of a bluff, thence S 40° 20' 00" E eighty-six (86) feet, more or less, to a point at the low water line, thence easterly and then westerly around Portland Head following the low water line of Casco Bay to the point of beginning containing 1.2 acres more or less.

The "Portland Head Lighthouse" does not include the historical artifacts, title of which remains in the United States. The Coast Guard may loan the historical artifacts to the GRANTEE.

Recorded
Cumberland County
Registry of Deeds
11/10/93 10:50:10AM
John B. O'Brien
Register