

WARRANTY DEED
With Conservation Restrictions

KNOW ALL PERSONS BY THESE PRESENTS, that **FRYE ISLAND, INC.**, a Maine corporation, for consideration paid, GRANTS TO the **TOWN OF FRYE ISLAND, MAINE**, a Maine municipal corporation, whose mailing address is #1 Sunset Road, Frye Island, ME 04071, with WARRANTY COVENANTS, the land in the Town of Frye Island (formerly a part of the Town of Standish), Maine, described as follows:

See Exhibit A attached hereto and made a part hereof for a description of the Protected Property.

SUBJECT TO the following perpetual conservation restrictions in perpetuity pursuant to the Maine Uniform Conservation Easement Act at 33 M.R.S.A. Section 476 et seq. for the benefit of all lot owners located on Frye Island

- i) No development for commercial, industrial, or residential purposes shall be allowed;
- ii) No tree cutting will be allowed, except for the trails and other improvements specifically contemplated as permitted activities under these restrictions and subject to the right to mow, cut, prune, alter, remove and otherwise manage vegetation on the Protected Property to reduce safety hazards for the uses permitted hereunder; to enhance the substantially natural and scenic character of the Protected Property, including the maintenance and establishment of views from trails and picnic areas, and the improvement of wildlife habitat; to combat active fire and prevent fire, disease or non-native intrusive species;
- iii) No construction of any kind of building will be allowed, except for the right to locate foot trails no wider than 4 feet and minor structures to enhance the opportunity for low-impact outdoor recreation, nature observation and study, such as hiking, bird watching, cross-country skiing, picnicking, outdoor education and scientific study, including but not limited to such structures as small unlighted informational and interpretive signs including commemorative plaques and monuments, seats, benches, picnic tables, privies, temporary tents for non-commercial camping and events; trail improvements such as handicapped access trails, boardwalks, markers, steps, foot bridges, wetland crossings, water bars, and railings; wildlife habitat structures and observation blinds; barriers, low fences and rock walls to protect fragile areas, important natural resources, ongoing environmental or archeological research, and to discourage access by motorized vehicles; and minor structures necessary for public safety and erosion control; provided that all such structures shall be located, installed carefully, and limited in size, height, color and design to blend with or complement the natural surroundings but only after written authority is given by Board of Island

Trustees or if so designated by the Board of Island Trustees, by the Conservation Commission of the Town of Frye Island;

- iv) Use of motorized vehicles is not allowed at anytime;
- v) No storage of any vehicles, trailers, boats, etc. will be allowed;
- vi) The area between Quail Circle and Island Road can continue to be used for docking boats, related parking of vehicles and access to those docks (i.e. lots #230, #231, #232, #235, #236,) as a part of the Yacht Club operation of the Town of Frye Island.
- vii) The area East of the Long Beach area that has been historically used to launch the Town of Frye Island 4th of July fireworks display may continue.
- viii) Parking spaces adjacent to a Town road, access structures and facilities for public use of the Protected Property as a nature preserve, such as but not limited to fencing, parking barriers, gates, unlighted signs, registration boxes, informational kiosks, lights, septic waste disposal, dog sanitation devices, fresh drinking water supply, and any structures necessary for safety, erosion control and protection of fragile resources; provided that all such structures must be of a scale, design, and materials that complement the natural surroundings, and protect and preserve important natural resources can be created with the recommendation of the Conservation Commission and the approval at least five members of the Executive Committee at a meeting that was called with that purpose, showing on the meeting agenda posted a minimum of seven days in advance, .

This Conservation Easement is intended to protect the natural, scenic and undeveloped character of the Protected Property, and to promote the conservation of its forests, shoreland and their associated wildlife habitat values. It is also intended to balance the community need for open land available for quiet daytime non-motorized public outdoor recreation, nature observation and study, with restrictions that will ensure that the experience of the public on the Protected Property will continue to be one of relatively unstructured quiet contemplation and reverence for the natural world.

The foregoing properties are conveyed SUBJECT TO the further perpetual restrictive covenant that they shall be used for the exclusive benefit of the owners of real property located on Frye Island in said Town, and the guests and invitees of said owners, subject to such ordinances, rules, restrictions, regulations and fees of general application as may be adopted and amended from time to time by the grantee.

These restrictive covenants shall be exclusively enforced and administered on behalf of all lot owners by the Executive Committee of the Board of Island Trustees established and elected pursuant to Article VI, Section #1 of the Charter of the Town of Frye Island as it may be amended, and any successor thereto. The Grantor hereby grants Rights of Enforcement of the terms of this Conservation Easement to said Board of Island Trustees. Exceptions and amendments to these covenants can be made, if recommended by a majority of the Executive Committee and approved by a two-thirds (2/3) majority vote of the Board of Island Trustees at a meeting that was called with that purpose, showing on the meeting agenda posted a minimum of seven days in advance.

Generally being a portion of the premises described in a deed from Frye Island Estates, Inc. to the grantor herein dated January 31, 1977 and recorded in the Cumberland County Registry of Deeds in Book 3820, Page 243, subject to the exceptions, reservations and restrictions set forth therein.

IN WITNESS WHEREOF, the undersigned have/has caused this instrument to be signed and sealed on _____, 2004.

FRYE ISLAND, INC.

Witness

By: _____
Wayne Fournier, its Manager

THIRD PARTY ACCEPTANCE

The BOARD OF ISLAND TRUSTEES, Third Party with rights of enforcement, does hereby accept its rights and obligations under this Conservation Easement by and through _____, its _____ hereunto duly authorized on _____, 2004.

BOARD OF ISLAND TRUSTEES

BY: _____
_____, its _____

State of Maine

County of Cumberland, ss

_____, 2004

Then personally appeared before me the above named Wayne Fournier 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,

Notary Public/Attorney at Law

Name: _____

EXHIBIT A

- 1) Retention Pond (41 lots of land located between Birch Road and Harbor Road, just East of the Quail Circle area) consisting of the following lots as shown on the Subdivision Plan of Sebago Lake Shores, Frye Island, Sebago Lake" complied by Wright, Pierce, Barnes and Wyman as recorded in the Cumberland County Registry of Deeds in Plan Book #100, Page 40 (the "Subdivision Plan"):
 - a) Birch Road –#1505, #1506, #1507, #1508, #1519 & #1520;
 - b) Birch Road (Critical Tupelo Area) –#1279, #1509, #1510, #1511, #1512, #1513, #1514, #1515, #1516, #1517 & #1518;
 - c) Pine Circle –#1521, #1527, #1530 & #1531;
 - d) Harbor Lane –#1532, #1533 & #1534;
 - e) Harbor Road –#1536, #1537, #1538, #1539, #1540, #1541, #1542, #1543, #1544, #1546, #1547, #1548, #1549, #1550 & #1551; and
 - f) Leisure Lane –#336 & #339.

- 2) Resource Protection Area (6 lots located on Ridge Road on the Southeast portion of the Island) consisting of the following lots as shown on the Subdivision Plan:
 - a) Ridge Road –#1607, #1608, #1609, #1610, #1611 & #1612.

- 3) Long Beach Buffer Area (19 lots & 2 blocks of land located North & East of the Long Beach) consisting of the following lots as shown on the Subdivision Plan:
 - a) b) Access Drive off Ridge Road –Small block of land North of Priest Lot (a/k/a lot 508), West of access drive and easterly of the northerly extension of the the westerly boundary of the Priest Lot; and
 - c) Birch Road –1362, #1363, #1364, #1365, #1366, #1367, #1368, #1369, #1370, #1371, #1372, #1373, #1374, #1375, #1376, #1377, #1378, #1379 & #1380

- 4) Quail Circle Area (11 lots & #1 block of land located on the West side of the Island) consisting of the following lots as shown on the Subdivision Plan:
 - a) Quail Circle –#1501, #1502, and #1503; and
 - b) Leisure Lane –#226, #227, #228 & block of land South of lot #228.

- 5) West Central Watershed Area (17 lots located on the Western side of the Island) consisting of the following lots as shown on the Subdivision Plan:
 - a) Lower South Beach Road –1#070, #1071, #1072, #1073, #1156 & #1158;

- b) Middle Beach Road –#1041, #1042, #1043, #1062, #1063, #1064, #1065 & #1067;
 - c) North Beach Road –#1077 & #1078; and
 - d) Leisure Lane –#309.
- 6) Southeast Watershed Area (8 lots consisting of waterfront and interior land in the Twin View Circle and Ridge Road area on the Southeast part of the Island) consisting of the following lots as shown on the Subdivision Plan:
- a) Twin View Circle –#1773, #1796, #1797, #1798 & #1799; and
 - b) Ridge Road –#1801, #1802 & #1803.
- 7) Northeast Watershed Area (2 lots of interior land on Leisure Lane directly across from Beach 2 on the Northeast part of the Island) consisting of the following lots as shown on the Subdivision Plan:
- a) Leisure Lane –#103 & #104.
- 8) Leisure Lane West Central (10 lots located below the Western bluff) consisting of the following lots as shown on the Subdivision Plan:
- a) Leisure Lane –#321, #322, #324, #325, #326, #327, #328, #329, #330 & #332.
- 9) Trail Access Points (4 lots of interior land on Ridge Road) consisting of the following lots as shown on the Subdivision Plan:
- a) Ridge Road –#1696, #1830, #1885 & #1886.
- 10) Ball Field Conservation (10 lots & 5 blocks of land) consisting of the following lots as shown on the Subdivision Plan:
- a) Leisure Lane –#128, #131, #132, #133 & #137;
 - b) Beachview –#804, 805, 807, the Picnic & Barbeque Area, the Playground Area, and the two nearby Saddle Club Riding Areas, subject to the right to maintain, repair and replace the existing a septic system in the Western Saddle Club Riding Area; and
 - c) Paddock Lane –#919, #926 and the un-numbered lot between lots #925 and #926.