

TOWN COUNCIL
TOWN OF FALMOUTH, MAINE

ORDER AUTHORIZING THE TOWN MANAGER TO EXECUTE CERTAIN
AGREEMENTS IN CONNECTION WITH THE CONSTRUCTION, USE AND FUTURE
MAINTENANCE OF HAT TRICK DRIVE

Be it ORDERED by the Town Council of the Town of Falmouth, Maine in Town Council assembled:

That the Town Manager be authorized to execute and deliver on behalf of the Town the following agreements in substantially the form attached hereto, to expend amounts stated therein and to take all such other actions and to execute and deliver such other documents as may be necessary and appropriate to consummate the construction of Hat Trick Drive from Depot Road to Clearwater Dive in the Town of Falmouth as a joint project with Falmouth Plaza, LLC and Wal-Mart Real Estate Business Trust:

1. Public-Private Limited Development Agreement by and between the Town of Falmouth, Falmouth Plaza, LLC, Family Ice and Wal-Mart Real Estate Business Trust;
2. Easement Agreement by and between the Town of Falmouth, Falmouth Plaza, LLC and J.E.P., LLC;
3. Easement Agreement by and between the Town of Falmouth and Falmouth Plaza, LLC;
4. Mortgage Subordination Agreement by and between The Guardian Life Insurance Company of America, Falmouth Plaza, LLC and the Town of Falmouth; and
5. Agreement by and between the Town of Falmouth and Family Ice.