

**DEED RESTRICTIONS FOR LOWER WHARF**

The Town of Fairfield, acting herein by Kenneth A. Flatto, its First Selectman, gratefully acknowledges receipt of donations by the Sasquanaug Association for Southport Improvement, Inc. and ten individuals named hereafter which have been used to fund a portion of the purchase price for the property located at 1085 Harbor Road, formerly known as the "Trefz Property" which is to be known henceforth as "Lower Wharf" and is further described on Schedule A annexed hereto. In consideration for the substantial donations made by Sasquanaug and the individuals named hereafter, the Town of Fairfield hereby agrees to and by recording of these deed restrictions shall be bound to the following limitations of use on Lower Wharf.

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1. No buildings or structures of any character or any picnic tables, playground equipment or equipment or facilities for sports or games shall be erected or maintained at the premises, except for not more than three benches none of which shall be longer than six feet.
2. No portion of the premises shall be used for vehicular parking, and no vehicles shall be permitted on the premises except for maintenance vehicles and equipment.
3. A plaque shall be placed at the premises naming the premises "Lower Wharf."
4. No concessions to operate at the premises shall be granted to any vendors of goods, food products, merchandise or services and no facilities of any character to be erected or maintained.
5. The premises shall be used as a public green for the benefit and enjoyment of the people of Fairfield and others for walking, viewing, and recreational fishing and shall be maintained as unimproved open space. No portion of the premises shall be paved, and no shrubbery, trees, or other plantings shall be permitted which are higher than three feet.
6. No light or illumination of any kind shall be permitted.
7. No use shall be made of the premises before sunrise or after sundown.
8. Other than docking of boats at the dock and access to the dock by foot, no portion of the premises shall be used as a boat yard or for marina operations or for storage or equipment. The term "boats" includes watercraft of any description.
9. The assignment of dock space shall be given with preference first to Fairfield Residents and then to the general public.
10. The existing or similar dock configuration is to be maintained by the Fairfield Harbor Management Commission and no changes are to be made thereto without consultation with the Sasquanaug Association for Southport Improvement, Inc., provided however that a dock for the Fairfield Community Sailing Association or other group approved by the Harbor Management Commission may be installed.

11. Responsibility for management of the premises shall rest with the Fairfield Harbor Management Commission.
12. The Town of Fairfield shall use its best efforts to maintain its sole jurisdiction and control over the property and dock facilities.

Each of the individuals named hereafter has contributed financially to the purchase of the premises by the Town of Fairfield and each of them (other than H. Barclay Morley and Annette Morley) owns property, and resides in close proximity to the premises. They therefore have a specific and special interest in the preservation of the premises and the use thereof as a public green.

It therefore is expressly understood and agreed that each and every of the following named individuals, or any of them, and their respective heirs and successors of their respectively identified properties, shall have standing to bring and maintain any action as may be necessary or appropriate, either in law or equity, in order to enforce or interpret the aforesaid restrictions or any of them:

J. Maxwell Soper  
1074 Harbor Road  
Southport, Ct. 06490

Annette Morley  
P.O. Box 579  
Southport, Ct. 06490

H. Barclay Morley  
P.O. Box 579  
Southport, Ct. 06490

Jean Lee  
1100 Harbor Road  
Southport, Ct. 06490

Ruth E. Glendenning  
1088 Harbor Road  
Southport, Ct. 06490

Lucy D. Roberts  
1060 Harbor Road  
Southport, Ct. 06490

Virinia K. Cargill  
P.O. Box 44  
Southport, Ct. 06490

Rolando E. Pantoja  
1000 Harbor Road  
Southport, ct. 06490

Berkeley Soper  
1074 Harbor Road  
Southport, Ct. 06490

Rosemary Q. Barry  
1000 Harbor Road  
Southport, Ct. 06490

In addition, the Sasquanaug Association for Southport Improvement, Inc., a non-profit corporation, comprised primarily of residents of Southport and a recognized representative and spokesman of the residents of Southport, has contributed financially to the purchase of the premises by the Town of Fairfield, and therefore it is further understood and agreed that the said Association shall also have standing to bring and to maintain any action as may be necessary or appropriate, either in law or equity, in order to enforce or interpret the aforesaid restrictions or any of them, and that if any question shall arise with respect to the intent and meaning of any of the foregoing restrictions or the uses permitted or prohibited thereby special weight shall be given to the views or wishes of said Association in such controversy.

Signed, sealed and delivered  
in the presence of:

Richard H. Saxl THE TOWN OF FAIRFIELD  
Richard H. Saxl

By Kenneth A. Flatto  
John E. Wroble Kenneth A. Flatto  
Its First Selectman  
Duly authorized

STATE OF CONNECTICUT )  
  ) ss. Fairfield     Nov 1, 1999  
COUNTY OF FAIRFIELD )

Personally appeared, KENNETH A. FLATTO, First Selectman of the Town of Fairfield,  
duly authorized signer and sealer of the foregoing instrument and acknowledged the same to be  
his free act and deed and that of said Town of Fairfield

Richard H. Saxl  
Richard H. Saxl  
Commissioner of the Superior Court

RECEIVED FOR RECORD  
NOV - 1 1999 AT 3:44P M  
ATTEST: Marguerite A. Jett  
TOWN CLERK