



RIGHT OF WAY

TO: Peter Shumlin, Governor of Vermont c/o Sarah London

FROM:

Christopher J. Hunt, Supervisor – Documents Division

DATE: December 6, 2016

SUBJECT: Deed of Property Involving Railroad Land (5 V.S.A. § 3406 (b)(2)(B))
Governor's Approval Required

Governor Shumlin,

Enclosed with this Memorandum is a Quit-Claim Deed from the State of Vermont to Fred and Bethany Budzyn conveying approximately 12.40 acres of land between U.S. Route 302 and Vermont Route 62 in the Town of Berlin. The land to be conveyed includes land defined as a "highway" for purposes of 19 V.S.A. § 26(b), and land defined as a "railroad" for purposes of 5 V.S.A. § 3406(b)(2)(B), and to comply with these statutes the Deed requires your approval. You previously signed this Deed in July of this year, however shortly before closing the purchasers informed us that they are using this purchase as part of an I.R.C. § 1031 exchange and therefore need to take title as tenants by the entirety.

If you have any questions or there is anything I can clarify please do not hesitate to contact me at 828-2578 or email me at chris.hunt@vermont.gov. Otherwise, please sign at the bottom of page two and have your Office notify me when the Deed is ready to be picked up.

Thank you.

Enclosures:
Quit-Claim Deed State of Vermont to Fred and Bethany Budzyn;

VERMONT AGENCY OF TRANSPORTATION

QUIT-CLAIM DEED

KNOW ALL TO WHOM THESE PRESENTS COME:

THAT the State of Vermont, a sovereign state, Grantor, acting by and through its Agency of Transportation, pursuant to and as authorized by 19 V.S.A. § 26(b) and 5 V.S.A. § 3406(b)(2)(B), and in consideration of Eighteen Thousand and No/100 Dollars (\$18,000.00) paid to its full satisfaction by Frederick H. Budzyn and Bethany A. Budzyn, of the Town of Thetford, in the County of Orange and State of Vermont, Grantees, has REMISED, RELEASED AND FOREVER QUIT-CLAIMED unto Frederick H. Budzyn and Bethany A. Budzyn, as tenants by the entirety, their heirs, successors and assigns, all right, title and interest which it, the State of Vermont, or its successors, have in and to a certain parcel of land located in the Town of Berlin, in the County of Washington, and State of Vermont and more particularly described as follows, viz:

12.40 acres, more or less, of unimproved land, with no buildings or structures thereon located adjacent to and southwesterly of U.S. Route 302 in the Town of Berlin, Vermont, as depicted on the survey plan entitled "Survey in Aid of Conveying Certain Lands Belonging to the State of Vermont Between U.S. Route 302 and Vermont Route 62 in the Town of Berlin, Washington County – State of Vermont" dated September 29, 2015, revised January 20, 2016, by Vermont Survey and Engineering, Inc. (hereinafter the "Property"). A copy of this survey plat is provided and incorporated herein as Attachment A.

The Grantor hereby excepts and reserves from this conveyance the following permanent easements:

Permanent easements to discharge water onto the Property from pipes, culverts, drains, underdrain carrier pipe, and all appurtenances, replacements, repairs and improvements thereto serving Vermont Route 62 located at or near and left of approximate stations: 120+24; 120+50; 120+54; and 124+50, all stations are of the Vermont Route 62 centerline as shown on the above-described survey plat (Attachment A).

A permanent easement to install, construct, reconstruct, operate, repair maintain, replace, patrol and remove overhead or underground cable, lines, conduits, poles, guys, anchors, braces, fixtures, and appurtenances thereto, hereinafter referred to as facilities, as necessary for the transmission of power and telecommunications under, upon, or across the property. This easement also includes the perpetual right to cut, trim, and remove all trees, shrubs, bushes, underbrush, and other items, as determined necessary by the State of Vermont for the safe and efficient operation and maintenance of the facilities. The Grantees, for themselves and their heirs, administrators and assigns, will not, without the prior written permission of the State of Vermont, erect or permit the erection of any building or any other structure; plant or permit the growth of any trees or bushes; change the grade or permit the change of grade, or fill or excavate within this easement area which will adversely affect the maintenance and operation by the State of Vermont. The easement is thirty (30) feet in width and runs alongside and adjacent to the common boundary line of the Property and U.S. Route 302 as shown on the above-described survey plat (Attachment A).

This conveyance is also subject to any existing utilities and other easements that may be of record in Town of Berlin land records.

TO HAVE AND TO HOLD all its right, title and interest in and to said quit-claimed premises, with the appurtenances, thereof, to the said Frederick H. Budzyn and Bethany A. Budzyn, as tenants by the entirety, their heirs, executors, administrators and assigns, forever.

AND FURTHERMORE, it, the said State of Vermont, does for itself, its successors and assigns, covenant with the said Frederick H. Budzyn and Bethany A. Budzyn, their heirs, executors, administrators and assigns, that from and after the ensealing of these presents, it, the said State of Vermont, will have and claim no right in, or to, the quit-claimed parcel of land and buildings thereon.

IN WITNESS WHEREOF, the State of Vermont has caused its name to be subscribed this 5th day of December, 20 16, by Christopher J. Cole/Richard M. Tetreault, its [Deputy] Secretary of Transportation and duly authorized agent.

STATE OF VERMONT
AGENCY OF TRANSPORTATION

By:



Christopher J. Cole/Richard M. Tetreault, its
[Deputy] Secretary of Transportation and
Duly Authorized Agent

STATE OF VERMONT


Washington County, ss

At Montpelier, this 5th day of December, 20 16, personally appeared Christopher J. Cole/Richard M. Tetreault, [Deputy] Secretary of Transportation, and acknowledged the foregoing instrument by him, as [Deputy] Secretary of Transportation and duly authorized agent of the STATE OF VERMONT executed, to be his free act and deed and the free act and deed of the STATE OF VERMONT.

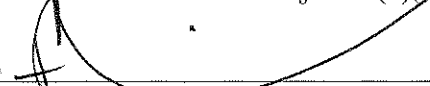
APPROVED AS TO FORM:

Before me,

DATED: 12/2/2016


ASSISTANT ATTORNEY GENERAL
Notary Public
(My commission expires Feb. 10, 2019)

APPROVED PER 5 V.S.A. § 3406(b)(2)(B):


Peter Shumlin
Governor of Vermont