

Fish and Wildlife Department

Barre District Natural Resources Office

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*Agency of Natural Resources***MEMORANDUM**

To: Sarah London, Office of the Governor

From: Jane Lazorchak, Land Acquisition Coordinator, Vermont Fish and Wildlife Department

Date: January 12, 2012

RE: Governor's Approval Requested for a Quitclaim Deed in the Town of Walden

Enclosed is an approval to be signed by Governor Shumlin for the granting of a quitclaim deed, for an approximately 0.36-acre parcel and 50' right of way, to Benjamin Huffman and Kristen Glaser from the State of Vermont. This action is necessary to correct an error in the original survey of the Steam Mill Brook Wildlife Management Area (WMA) in which a portion of the private land now owned by Huffman/Glaser was mistakenly mapped as State Land. This error has been acknowledged and agreed to by the ANR State Lands Surveyor, the ANR State Lands Director, and the Department of Fish & Wildlife. This error has been at issue since 1991 and ANR and the new owners are both anxious to finally put it to rest.

If you have any questions regarding this easement project, please contact me directly at 479-4405 or at jane.lazorchak@state.vt.us, thank you.

cc: Patrick Berry, Commissioner
John M. Austin, Habitat Section Supervisor



Department of Fish and Wildlife
Commissioner's Office
103 South Main Street
10 South
Waterbury, VT 05671-0501
802-241-3730

TO: Peter Shumlin, Governor

THROUGH: Deb Markowitz, Secretary, Agency of Natural Resources

FROM: Patrick H. Berry, Commissioner, Department of Fish and Wildlife

SUBJECT: Quitclaim Deed to Huffman/Glaser Property, Walden, VT

Recommendation That you approve the granting of a quitclaim deed to correct an error in the 1977 survey of the Steam Mill Brook Wildlife Management Area.

Description of Project

The granting of a quitclaim deed to an approximately 0.36-acre parcel and 50' right of way to Benjamin Huffman and Kristen Glaser from the State of Vermont. This property is located near Coles Pond in the Town of Walden and was previously assumed by the State as lying within 10,400-acre Steam Mill Brook Wildlife Management Area (WMA).

Need and Cost

This action is necessary to correct an error in the original survey of the Steam Mill Brook Wildlife Management Area (WMA) in which a portion of the private land now owned by Huffman & Glaser was mistakenly mapped as State Land. This error has been acknowledged and agreed to by the ANR State Lands Surveyor, the ANR State Lands Director, and the Department of Fish & Wildlife.

We have been dealing with this issue since October 1991 when a private camp was discovered and thought to be illegally-built on the WMA. The owner of the camp, Richard Cantwell, was contacted and he produced a survey map and deed that apparently showed his title to the parcel in question.

Coincidentally, in June of 1992 Cantwell sold the property and camp to the present owners, Benjamin Huffman and Kristin Glaser. Huffman & Glaser have been working intermittently ever since in an attempt to correct the record, and have expended much of their personal time and money to that end.

Huffman & Glaser and their attorney have prepared, at their expense, a Confirmatory Quitclaim Deed and have signed and submitted a Vermont Property Transfer Tax Return Form PT-172. The quitclaim deed has been reviewed and deemed appropriate by both

the ANR State Lands Surveyor and ANR attorney. The proposed deed includes the granting by the State of a legal right of way over the State-owned portion of an established and traveled road which passes by the Huffman/Glaser property. ANR has no concerns over granting this right of way, and even if we did, the title history of the subject lands indicates that Huffman/Glaser would likely be awarded a right of way by necessity over State Lands to access their camp property.

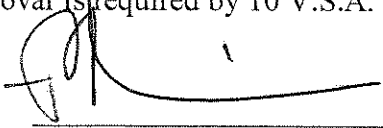
There is virtually no cost to the State in carrying out this transaction other than routine staff time.

Your approval of this transaction is required by 10 V.S.A. §4144, which states in part "the secretary, with approval of the governor, may exchange, sell or lease lands under the secretary's jurisdiction when, in his or her judgment, it is advantageous to the state to do so ...".

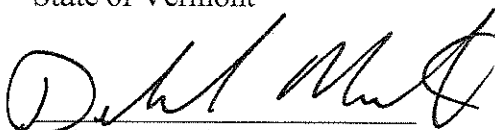
APPROVAL FOR QUITCLAIM OF LAND AND ROW

We the undersigned, hereby approve the quitclaim of an approximately 0.36-acre parcel of land and 50' right of way thereto in Walden, Vermont owned by the Agency of Natural Resources, Department of Fish and Wildlife, to legalize ownership of said parcel by the rightful owners, Benjamin Huffman and Kristen Glaser, and provide them with a legal right of way over the State-owned portion of an established and traveled road which passes by the Huffman/Glaser property. This approval is required by 10 V.S.A. §4144.

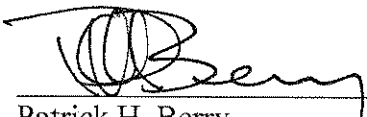
1/31/12
Date


Peter Shumlin
Governor
State of Vermont

1-23-12
Date


Deb Markowitz
Secretary
Agency of Natural Resources

1/23/12
Date


Patrick H. Berry
Commissioner
Fish and Wildlife Department