

STATE OF VERMONT
EXECUTIVE DEPARTMENT
EXECUTIVE ORDER NO. 08-13

[Transfer of Certain Land and Permanent Easements in the Town of Swanton
from the Agency of Natural Resources to the Agency of Transportation]

WHEREAS, the Agency of Transportation (“VTRANS”) has constructed Transportation Project Alburgh-Swanton BRF 036-1(1), which involved the replacement of the bridge carrying a state highway known as Vermont Route 78 over Lake Champlain’s Missisquoi Bay, and which affected land under the jurisdiction of the Agency of Natural Resources, Department of Fish and Wildlife (“ANR”); and

WHEREAS, VTRANS and ANR desire to complete the transfer of the necessary exchange of land and/or rights and easements from ANR to VTRANS, as set forth in a Memorandum of Agreement between VTRANS and ANR dated December 11, 2003.

NOW THEREFORE, I, Peter Shumlin, by virtue of the power vested in me as Governor of the State of Vermont, do hereby transfer and set over to VTRANS jurisdiction and control of certain land and permanent easements over land of ANR for its purpose, said land and permanent easements being more particularly described as follows:

Being part of the same land and premises conveyed to the State of Vermont, acting through its Department of Fish and Game of the Agency of Environmental Conservation by Warranty Deed of John A. Carman and Erma H. Carman, dated October 20, 1976, which is recorded in Book 89, Pages 230-232 of the Town of Swanton land records and is more particularly described as:

Being Parcel #15 consisting of 0.12 hectare (0.30 acre), more or less, land and rights therein, as shown on right-of-way sheets 27, 35, 36, and 37 of the plans of Transportation Project Alburgh-Swanton BRF 036-1(1) (“the Transportation Project”) and filed on February 7, 2003, in the office of the clerk of the Town of Swanton.

In connection with the above parcel the following easement and/or rights are conveyed:

Permanent easements to discharge water on land of ANR as such water may hereafter be discharged or flow at or near and left of approximate stations 12+305.0 and 12+667.5 of the established centerline of the Transportation Project.

A permanent easement in an area of 0.15 hectare (0.37 acre), more or less, and located left of and between approximate stations 12+535.1 and 12+764.0 of the established centerline of the Transportation Project; 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 land of ANR. This easement also includes the perpetual right to cut, trim, and remove all trees, shrubs, bushes, underbrush, and other items, as determined necessary by VTRANS, for the safe and efficient operation and maintenance of the facilities. ANR and its successors and assigns will not, without the prior written permission of VTRANS, 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 VTRANS, its successors and assigns.

Permanent easements to install and maintain guy wire at or near and left of approximate stations 12+545.9 and 12+763.7 of the established centerline of the Transportation Project.

This Order shall take effect upon signing.

Dated October 2, 2013.

Peter Shumlin
Governor

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