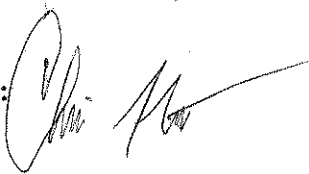


RIGHT OF WAY

TO: Peter Shumlin, Governor of Vermont

FROM: 

Christopher J. Hunt, Supervisor – Documents Division

DATE: July 19, 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 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. The railroad land in question was severed from operating railroad use through sell-offs by the previous railroad carrier and by the State's construction of VT 62, therefore there is no possibility of this land reverting to active railroad use. Also, as you can see in the enclosed Survey, because of the narrow distance between US 302 and VT 62 at this location, the "railroad" land conveyed in this Deed would not be suitable for any kind of future rail trail usage.

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 Budzyn;
Survey of proposed conveyance.

ORIGINAL

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 Fred Budzyn, of the Town of Post Mills, in the County of Orange and State of Vermont, Grantee, has REMISED, RELEASED AND FOREVER QUIT-CLAIMED unto Fred Budzyn, his heirs, administrators and assigns, all right, title and interest which it, the State of Vermont, or its successors and assigns, 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 Grantee, for himself and his 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 Fred Budzyn, his heirs, administrators and assigns, forever.

AND FURTHERMORE, it, the said State of Vermont, does for itself, its successors and assigns, covenant with the said Fred Budzyn, his heirs, 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 ____ day of _____, 20____, 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 ____ day of _____, 20____, 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,

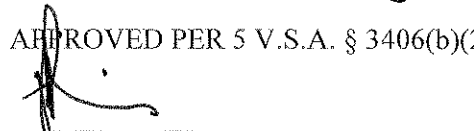
DATED: 7/15/2016



ASSISTANT ATTORNEY GENERAL

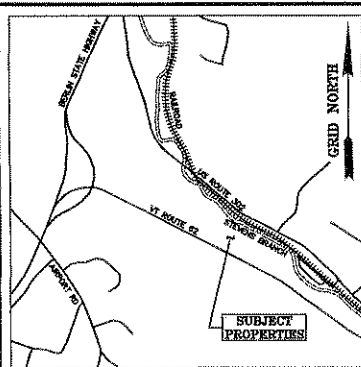
Notary Public
(My commission expires Feb. 10, 2019)

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



Peter Shumlin
Governor of Vermont

ORIGINAL DRAWING—INK ON POLYESTER FILM MEETING THE REQUIREMENTS OF 27 VSA 1403(b)(7)



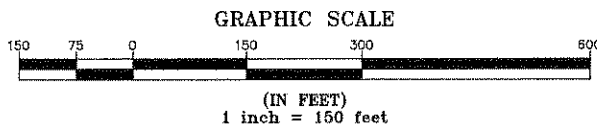
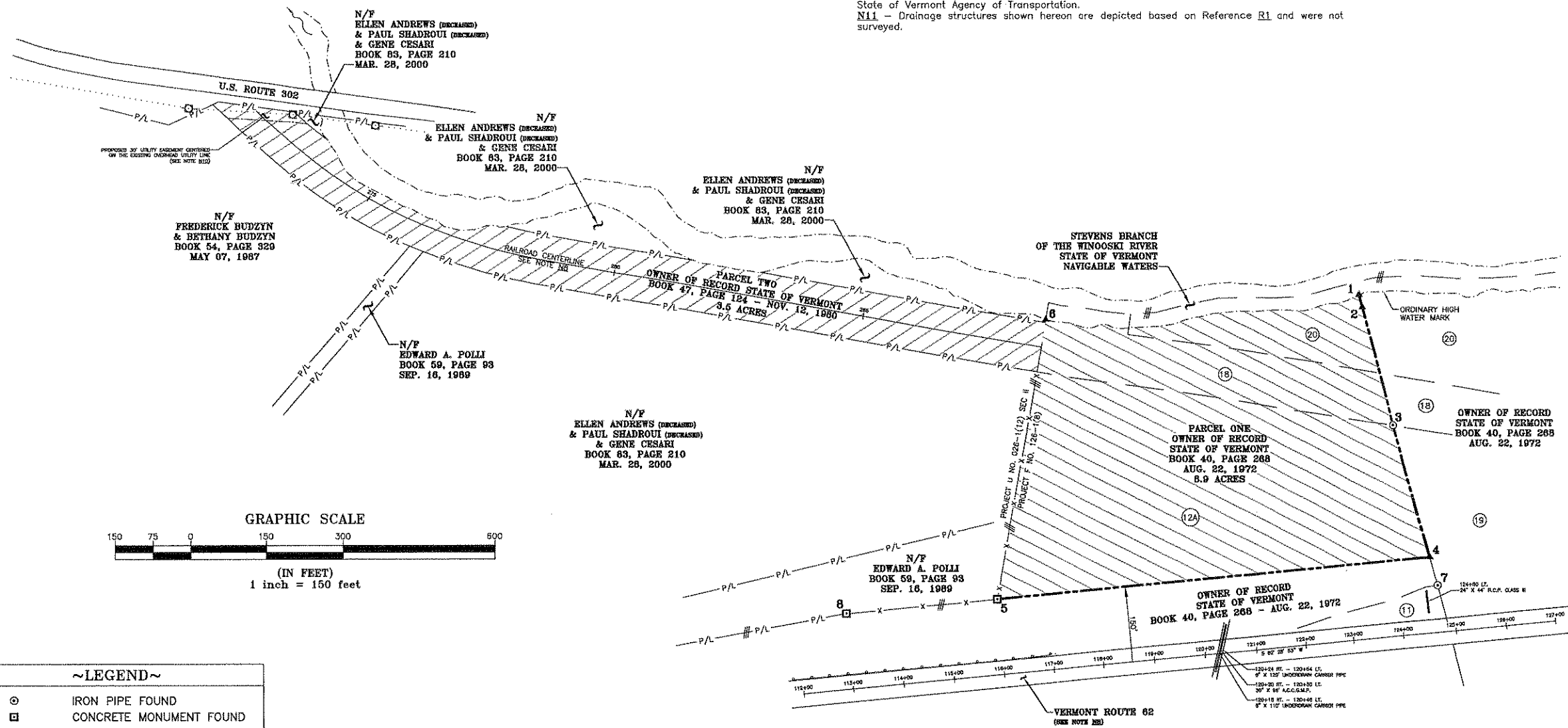
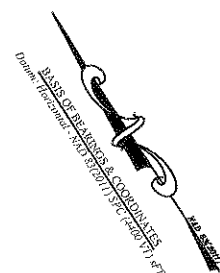
LOCUS MAP

REFERENCES:

- R1 - A right of way plan entitled "STATE OF VERMONT DEPARTMENT OF HIGHWAYS PROPOSED IMPROVEMENT FEDERAL PROJECT F126-1(8) TOWN OF BERLIN COUNTY OF WASHINGTON INTERSTATE 89-BARRE-MONTPELIER-EXPRESSWAY ROAD", dated 2/10/1971, filed in Drawer A of the Town of Berlin Land Records.
- R2 - A right of way plan entitled "STATE OF VERMONT DEPARTMENT OF HIGHWAYS PROPOSED IMPROVEMENT TOWN OF BERLIN COUNTY OF WASHINGTON R.O.W. PLANS", Project U No. 026-1(12) Sec II, dated 4/23/1971, filed in Drawer A of the Town of Berlin Land Records.
- R3 - A plan entitled "MONTPELIER & BARRE RAIL ROAD CO. INC. RIGHT-OF-WAY PLAN STATION 228+36 TO STATION 102+80 V-BA/5", dated 5/6/1980, filed in Drawer A of the Town of Berlin Land Records.

NOTES:

- N1 - The purpose of this survey is to assist in the conveyance of State of Vermont lands lying between U.S. Route 302 and line 1-2-3-4-5 shown hereon. Unmonumented point number 6 and tie lines 5-6 & 6-1 are shown to provide a closed figure and should not be construed to represent property lines. Areas are shown for reference only and are based on approximate lines.
- N2 - This is not a subdivision plat; the subdivision process and setting of monuments will be completed by the purchaser.
- N3 - This survey was performed using an electronic total station to traverse between control points established using dual frequency GPS receivers, resulting in a closure with a relative precision that exceeds 1:10000.
- N4 - A combined factor of 0.99993965 was used for grid distance computations. All bearings, distances and coordinates are shown as Vermont Grid, NAD83 in U.S. Survey Feet.
- N5 - Approximate property lines and abutting owner information shown hereon were not a part of this survey and are depicted based on the Town of Berlin parcel mapping. The location of U.S. Route 302 and the Stevens Branch shown hereon are taken from ortho photos and were not surveyed.
- N6 - Underground utilities not located.
- N7 - No right of ways or easements are shown.
- N8 - Vermont Route 62 stationing shown hereon based on monument number 5 and the centerline of the existing traveled way.
- N9 - The former Montpelier & Barre Rail Road Co. Inc. (formerly Central Vermont Railway Co.) centerline is based on Reference R3 and was not surveyed.
- N10 - The location of the combination poles and the overhead utility lines were provided by the State of Vermont Agency of Transportation.
- N11 - Drainage structures shown hereon are depicted based on Reference R1 and were not surveyed.



~LEGEND~

- ⊙ IRON PIPE FOUND
- ⊠ CONCRETE MONUMENT FOUND
- ▲ UNMONUMENTED POINT
- ⊕ COMBINATION POLE
- ② STATE OF VERMONT PROJECT F126-1(8) PARCEL NUMBER
- LIMITED ACCESS
- - - PROPOSED PROPERTY LINE
- - - PROPOSED EASEMENT LIMIT
- - - APPROXIMATE PROPERTY LINE
- - - PARCEL LINE FROM STATE OF VERMONT PROJECT F126-1(8)
- - - EDGE OF WATER
- - - EDGE OF PAVEMENT
- - - GUARD RAIL
- - - OVERHEAD UTILITY LINE
- - - WOVEN WIRE FENCE
- ▨ PARCEL ONE
- ▩ PARCEL TWO

COORDINATE TABLE			
MON. NO.	DESCRIPTION	COORDINATE	STATION
1	UNMONUMENTED POINT	N 62°51'19.1" E 162°140.05	123+78.07 679.85 LEFT
2	UNMONUMENTED POINT	N 62°49'19.1" E 162°132.15	123+82.03 655.17 LEFT
3	2" O.D. IRON PIPE FOUND 1.4' ABOVE GROUND LEANING & STABLE	N 62°26'4.97" E 162°9055.83	124+20.25 416.82 LEFT
4	UNMONUMENTED POINT	N 62°00'8.78" E 162°8970.53	124+62.97 150.00 LEFT
5	4"x4" CONCRETE MONUMENT FOUND 0.5' ABOVE GROUND STABLE	N 62°40'7.51" E 162°8205.19	119+00.00 150.00 LEFT
6	UNMONUMENTED POINT (SEE NOTE N1)	N 62°18'18.02" E 162°8588.05	117+50.87 691.38 LEFT
7	2" O.D. IRON PIPE FOUND 1.5' ABOVE GROUND LEANING & STABLE	N 62°04'5.08" E 162°8952.32	124+72.08 93.08 LEFT
8	4"x4" CONCRETE MONUMENT FOUND 1.5' ABOVE GROUND MARKED "VT HD" - STABLE	N 62°40'7.57" E 162°8205.38	112+89.99 150.58 LEFT

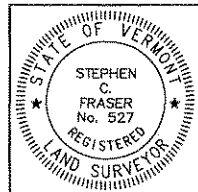
LINE TABLE		
LINE	BEARING	DISTANCE
1-2	S 18° 24' 57" W	25.00'
2-3	S 18° 24' 57" W	241.59'
3-4	S 18° 24' 57" W	270.02'
4-5	N 62° 28' 53" W	862.97'

TIE LINE TABLE		
LINE	BEARING	DISTANCE
5-6	N 43° 04' 15" E	551.98'
6-1	S 51° 25' 43" E	627.52'

I certify that this plat is based on information abstracted from documents, parcel evidence, and physical evidence. The survey work identified hereon is consistent with this information.

I certify that this plat meets the requirements of 27 VSA Section 1403 and complies with Vermont Board of Land Surveyors Rules, Part 5.4 and 5.5, adopted under 26 VSA Section 2544(a)(9).

Signed: *Stephen C. Fraser*
Stephen C. Fraser, L.S. #527



REVISED: 1-20-2016 ~ ADDED DRAINAGE & UTILITY EASEMENT

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

SCALE: 1"= 150' PLAT COMPIATION DATE: 9-29-2015
VSE PROJECT #: 14056-10 DRAWN BY: JMR SHEET 1 OF 1
Vermont Survey and Engineering, Inc.
79 River Street, Montpelier, Vermont
(802) 229-9138 ~ info@vermontsurvey.com