

Land Transfer - Brandon

June 16, 2003

[Transfer of Land from Agency of Administration, Department of Buildings and General Services to Agency of Transportation in Brandon]

WHEREAS, it appears that certain land and premises located in the Town of Brandon, County of Rutland and State of Vermont, hereinafter described and presently under the jurisdiction and control of the State of Vermont, Agency of Administration, Department of Buildings and General Services, has become and is no longer necessary for purposes of the Department of State Buildings and General Services; and

WHEREAS, the Agency of Transportation, desires the use of said land and premises for its purposes;

NOW THEREFORE, I, James H. Douglas, by virtue of the powers vested in me as Governor of Vermont, do hereby transfer and set over from the Agency of Administration, Department of Buildings and General Services to the jurisdiction and control of the Agency of Transportation for its purposes the following described land and premises, to wit:

Being all the same land and premises conveyed by the Brandon Industrial Corporation to the State of Vermont by Limited Warranty Deed dated May 9, 1997 and recorded in the Land Records of the Town of Brandon at Book 128, Pages 210 - 212.

Also being a portion of the lands and premises conveyed by the State of Vermont to Brandon Industrial Corporation by Warranty Deed dated June 30, 1993 and recorded in the Land Records of the Town of Brandon at Book 114, Pages 350 - 352 and being more particularly described as follows:

Beginning at a point marked (or to be marked) by a capped rebar, which said point marks the northeasterly corner of said lands and premises conveyed by said State of Vermont to said Brandon Industrial Corporation and the northeasterly corner of the lands and premises hereby conveyed, which said point is located in the supposed westerly line of the right of way of State Aid Highway No. 7 (the Arnold District Road, so-called);

thence proceeding in and along the supposed westerly line of the right of way of said State Aid Highway No. 7 S 10° 22' 08" E a distance of 360 feet to a point marked (or to be marked) by a capped rebar, which said point marks the southeast corner of the lands and premises hereby conveyed, which said point is located in the northerly line of a road or roadway (the "Park Drive") constructed or to be constructed in the Edward K. Denecke Industrial Park, Brandon, Vermont;

thence, proceeding in and along the northerly line of said Park Drive the following four courses and distances: S 79° 37' 52" W a distance of 198.03 feet to a point; S 83° 43' 14" W a distance of 91.41 feet; thence turning to the right in an arc with a radius of 318.19 feet a distance of 58.19 feet; thence N 68° 41' 52" W a distance of 85.19 feet to a point marked (or to be marked) by a capped rebar, which said point marks the southwest corner of the lands and premises hereby conveyed;

thence, proceeding N 18° 00' 27" E a distance of 444.86 feet to a point marked (or to be marked) by a capped rebar, which said point is located in the line of lands now or formerly of Barbarise;

thence, S 72° 09' 37" E a distance of 229.59 feet to the point and place of beginning.

The parcel of land described above is said to contain 3.13 ± acres and is denominated Lot B on a plan by Bruno Associates, Inc., P.C. entitled "Lot Layout Plan for Brandon Industrial Corp. in Brandon, Vermont, scale 1 inch equals 150 feet, dated September 11, 1996".

The within conveyance is made subject to the sewer and water easements, the pump station and easements, and all other common elements, and the rights of others therein, shown on said Lot Layout Plan. The within conveyance also is made subject to the following:

1. The Declaration of Protective Covenants for the Edward K. Denecke Industrial Park, Brandon, Vermont recorded in the Land Records of the Town of Brandon at Book 125, Page 610, as modified by the Modification to Declaration of Protective Covenants for Vermont Tubbs, Inc., dated May 21, 1996 and recorded in the Land Records of the Town of Brandon at Book 126, Page 30;
2. State of Vermont, Subdivision Permit No. EC-1-1329-1, dated June 28, 1996;
3. State of Vermont, Subdivision Permit No. EC-1-1329-2, dated June 28, 1996; which, by its terms, supersedes Subdivision Permit No. EC-1-1329 dated March 4, 1992;
4. State of Vermont Subdivision Permit No. E.C.-1-1329-3, dated September 11, 1996;
5. Land Use (Act 250) Permit No. 1R0712, as amended.

Together with the right, in common with others, to use said Park Drive, the sewer and water lines and easements, the pump station and easements, and all other common elements, now existing or to be constructed, of, in and a part of said Edward K. Denecke Industrial Park and subject also to the rights of others to use all of same in common with the Brandon Industrial Corporation.

This Executive Order shall take effect upon execution.

Witness my name hereunto subscribed and the Great Seal of the State of Vermont hereunto affixed at Montpelier, this 16th day of June, 2003.

James H. Douglas, Governor

By the Governor:

Neale F. Lunderville, Secretary of Civil and Military Affairs

Executive Order No: 06-03