

Land Transfer - Waitsfield

June 16, 2003

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

WHEREAS, it appears that certain land and premises located in the Town of Waitsfield, County of Washington 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 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 to the State of Vermont by Warranty Deed of Patrick J. Collins dated February 12, 1997 and recorded in Book 77, Pages 59 – 64 of the Waitsfield Land Records.

Being part of all and the same land and premises conveyed to Patrick J. Collins by Judgment and Decree of Foreclosure in the matter of Patrick J. Collins v. Robert C. Dowdell, Sandra L. Dowdell, Mariden Corporation d/b/a Solid Seal Systems, National Seal Company and Everett J. Prescott, Inc., Washington Superior Court, Docket No. 536-9-94 Wncvf dated March 20, 1995 and Certificate of Non-Redemption, in the above mentioned matter, dated April 28, 1995 and recorded May 3, 1995 in Book 10, Pages 645-650 of the Waitsfield Land Records.

The land and premises are further described as being part of all and the same land and premises conveyed to Robert C. Dowdell and Sandra L. Dowdell by Warranty Deed of Patrick J. Collins and Richard Mazzella dated September 4, 1987 and recorded in Book 53, Pages 493-494 of the Waitsfield Land Records.

The land and premises are further described as Lot #3 of Valley Park Subdivision as shown on a survey map entitled "Valley Park Subdivision" dated October 31, 1995 prepared by Gregory F. DuBois which survey is recorded on Slide #172 in the Waitsfield Land Records and more particularly described as follows:

Beginning at an iron rod found at the southwesterly corner of Lot #3, thence;

N 40° 31' 25" W 279.95 feet to a calculated point, thence;
N 50° 42' 18" E 27.09 feet to a calculated point, thence;
N 44° 32' 06" W 387.45 feet to a calculated point, thence;
N 41° 11' 06" E 26.79 feet to a calculated point, thence;
N 41° 11' 06" E 57.82 feet to a calculated point, thence;
N 19° 38' 00" E 316.68 feet to a calculated point, thence;
S 40° 54' 00" E 843.48 feet to an iron rod found, thence;
S 50° 42' 21" W 364.02 feet to the point of beginning.

There was included in said Warranty Deed of Patrick J. Collins dated February 12, 1997 and recorded in Book 77, Pages 59 – 64 of the Waitsfield Land Records a fifty foot wide right-of-way and easement in common over Lot 1 for the benefit of Lots 2 and 3 for all forms of transportation, utility and transmission purposes as shown on the above referenced survey map. Unless otherwise agreed, maintenance and repair of said right-of-way shall be shared equally.

Said conveyance of Patrick J. Collins includes a right-of-way and easement for a sewer line over Lot 1 and to an existing and approved common septic system located on Lot 1 to be shared by Lots 1, 2 and 3 (Lot 2 subject to state and local approval). By acceptance of this deed, the lot owners herein agree to pay the costs of maintaining and repairing the common septic system and appurtenant facilities. The easements provided for herein shall be subject to all state permit requirements and neither the Grantors herein nor the Grantees herein nor their respective heirs, successors or assigns, shall do anything in the easement areas herein provided for, which shall in any way infringe upon the use of the land for the septic system herein provided for. The easement areas included herein shall include sufficient lands surrounding the septic system and appurtenant facilities so that necessary construction, maintenance and repair work can be carried out, all work to be done in a good and workmanlike manner. Access to the easement areas shall be over Lot 1 for any construction, maintenance or repair of the septic system easement areas and appurtenant facilities.

Maintenance of any common elements of the common septic system shall be shared equally by the users thereof. Lot owners shall be individually responsible for any portions and elements of said system which are not shared and are individually owned, and which shall be individually maintained.

Said conveyance of Patrick J. Collins includes an undivided one-third interest in an existing drilled well located on Lot 1 to be shared by Lots 1, 2 and 3 (Lot 2 subject to state and local approval) including waterline easements for the purpose of supplying an adequate water supply to Lot 3 to comply with the requirements of Water Supply and Wastewater Disposal Permit WW-5-0327 dated October 22, 1991 and any amendments thereto and Subdivision Permit EC-5-2534

dated July 12, 1995 and including the right to enter upon Lot 1 to construct and maintain Lot 3's portion of the water distribution system. The owner of Lot 1 shall be responsible for maintaining and repairing said well. Lot owners shall be individually responsible for any portions and elements of said system which are not shared and are individually owned, and which shall be individually maintained.

Also included in said conveyance of Patrick J. Collins is the replacement easement as contained in the Easement Deed of Robert C. Dowdell and Sandra L. Dowdell to Patrick J. Collins dated February 1, 1995 and recorded February 16, 1995 in Book 71, Pages 269-271 of the Waitsfield Land Records for the benefit of Lots 1, 2 and 3.

Subject to Land Use Permit 5W0530 recorded April 22, 1979 in Book 33, Pages 296-297, 5W0530-1 recorded in Book 40, Pages 439-440, 5W0530-2 recorded in Book 61, Page 197-200, 5W0530-3 Revised recorded in Book 73, Page 44-46, 5W0530-5 recorded in Book 75, Page 492-494, Deferral of Permit DE-5-2917 recorded July 17, 1995 in Book 72, Pages 517-518, Water Supply and Wastewater Disposal Permits WW- 0629 recorded October 25, 1995 in Book 73, Page 355 and WW-5-0327 recorded October 25, 1995 in Book 73, Page 354 and SW-1-1215 recorded October 25, 1995 in Book 73, Pages 356-358, all in the Waitsfield Land Records. And also subject to Waitsfield Zoning Board of Adjustment Permit No. 2011.

Subject to and with the benefit of all rights, easements, restrictions and rights-of-way of record.

Reference is hereby made to the above-mentioned Deed, the Certificate of Non-Redemption and their records and to the Waitsfield Land Records for a more particular description of the land and premises.

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. 05-03