#### District

CERTIFICATE OF HIGHWAY MILEAGE YEAR ENDING FEBRUARY 10, 2020

Certcode 0406-0

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2020 to: Vermont Agency of Transportation, Division of Policy, Planning and Intermodal Development, Mapping Section 219 N. Main Street, Barre, VT 05641.

We, the members of the legislative body of ESSEX

in CHITTENDEN

County

Policy, Planning & Intermodel Development Division

Receive

on an oath state that the mileage of highways, according to Vermont Statutes Annotated, Title 19, Section 305, added 1985, is as follows:

PART I - CHANGES TOTALS - Please fill in and calculate totals...

Town Highways	Previous Mileage	Added Mileage	Subtracted Mileage	Total	Scenic Highways
Class 1	0.000	i+i++==\$4%==6###################################		0.000	0.000
Class 2	10.830			10.830	0.000
Class 3	65.30	0.7868		66.087	0.000
State Highway	22.312	2		22.312	0.000
Total	98.442			99.229	0.000
* Class 1 Lane	0.000		•	0.000	ď
* Class 4	3.40		0.027	3.373	0.000
* Legal Trail	0.50			. 0.50	

<sup>\*</sup> Mileage for Class 1 Lane, Class 4, and Legal Trail classifications are NOT included in total.

#### PART II - INFORMATION AND DESCRIPTION OF CHANGES SHOWN ABOVE.

- 1. NEW HIGHWAYS: Please attach Selectmen's "Certificate of Completion and Opening". Corporate drive (Sta. 23+50 to Sta. 33+40) Evergreen Drive (Sta. 10+15 to Sta. 15+65) Red Pine Circle (Sta. 10+15 to Sta. 7+32.63) Stonebrook Circle (Sta. 26+33 to Sta. 31+65) Thompson Drive (Sta. 25+06.20 to Sta. 37+27.81)
- 2. DISCONTINUED: Please attach SIGNED copy of proceedings (minutes of meeting).

3. RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings (minutes of meeting).

West Sleepy Hollow Road (Sta. 0+00 to Sta. 1+41.4)

4. SCENIC HIGHWAYS: Please attach a copy of order designating/discontinuing Scenic Highways.

IF THERE ARE NO	CHANGES IN MILEAGE:	Check box and sign below.	1

PART III - SIGNATURES - PLEASE SIGN.

Selectmen/ Aldermen/ Trustees Signatures:

Date Filed:

T/C/V Clerk Signature:

Please sign ORIGINAL and return it for Transportation signature,

AGENCY OF TRANSPORTATION APPROVAL: Signed copy will be returned to T/C/V Clerk.

DATE:

APPROVED:

Representative, Agency of Transportation



81 MAIN STREET, ESSEX JUNCTION, VERMONT 05452 Fax: 878-1353 • E-mail: manager@essex.org • Website: www.essex.org

February 19, 2020

Vermont Agency of Transportation Attn: Kerry Alley, Mileage Certificate Specialist Division of Policy, Planning and Intermodal Development Mapping Section 1 National Life Drive Montpelier, Vermont 05633-5001

Re:

2020 Highway Acceptance

Dear Ms. Alley,

The Town of Essex has enclosed the 2020 Certificate of Highway Mileage, and the Certificates of Completion and Opening with additional documentation describing the following new road segments;

Corporate Drive

Stonebrook Circle

**Evergreen Drive** 

Red Pine Circle

Thompson Drive

All the road segments listed above will be new Class III Town Highways, and been accepted by the Town of Essex. Also included with this year's Highway Certificate of Mileage is the reclassification of a 0.027 Mile section of West Sleepy Hollow Road, a Class 4 Road, to a Class 3 road.

Please feel free to contact the Town Clerks office if you have any questions or comments after review of the information submitted.

Sincerely,

Susan McNamara – Hill

Town Clerk

Aaron Martin, P.E.,

Utilities Director / Town Engineer

CC: Evan Teich, Unified Manager

> Dennis Lutz, P.E., Public Works Director Rick jones, Village Highway Superintendent

Aaron Martin, P.E., Utilities Director / Town Engineer

Shannon Lunderville, GIS Coordinator

File

Attachments



### TOWN OF ESSEX SELECTBOARD REGULAR MEETING AGENDA

81 Main Street Essex Junction, VT 05452 Tuesday, February 18, 2020 7:00 PM

E-mail: manager@essex.org

www.essex.org

Phone: (802) 878-1341

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE TO FLAG

[7:00 PM]

- 2. AGENDA ADDITIONS/CHANGES
- 3. APPROVE AGENDA
- 4. PUBLIC TO BE HEARD
  - a. Comments from Public on Items Not on Agenda

#### 5. **BUSINESS ITEMS**

- a. \*Interview and appointment: RaMona Sheppard, Channel 17 Trustees
- b. Presentation of Fiscal Year 2019 audit report—Bill Keyser of Kittell Branagan & Sargent
- c. Decide whether to take position on voter-backed petition for six-member Selectboard

#### 6. **CONSENT ITEMS**

- a. Accept 2020 Certificate of Highway Mileage
- b. Approve Document PVR-4155, "Certificate—No Appeal or Suit Pending"
- c. Approve minutes: February 3, 2020; February 3, 2020—Joint
- d. Check Warrant #17690—01/31/2020; #17692—02/07/2020; #17695—02/14/2020

#### 7. READING FILE

- a. Selectboard Comments
- b. Q&A re: voter-backed petition for six-member Selectboard
- c. Champlain Water District bond vote and fiscal year 2020-2021 budget
- d. Email from Charles Baker re: I-89 Study initial public meetings
- e. Vermont League of Cities & Towns Selectboard Trainings
- f. Memo from Dennis Lutz re: Status of Winter Operations through 23 January 2020
- g. Email from Elaine Haney re: Municipal share of cannabis sales taxation
- h. Upcoming meeting schedule

#### 8. **EXECUTIVE SESSION**

a. \*An executive session may be required for appointment of public officials

#### 9. ADJOURN

Mambars of the public are ensourced to speak dur	ing the Public to Be Heard agenda item, during a Public Hearing, or, when recognized by the Chair,
during consideration of a specific agenda item. To	he public will not be permitted to participate when a motion is being discussed except when
specifically requested by the Chair. This agenda is a	available in alternative formats upon request. Meetings of the Selectboard, like all programs and
activities of the Town of Essex, are accessible to peop	ple with disabilities. For information on accessibility or this agenda, call the Town Manager's office
at 878-1341.	
Certification: Mutchell)	02/14/2020

### CERTIFICATE of COMPLETION and OPENING of a HIGHWAY for PUBLIC TRAVEL

VTrans Use O	nlý
Certificate Year:	
Highway Class:	
Town Highway #:	
Mileage:	

SUSAN MICNAMARY - HILL, TON	and me a his many	
(Clerk's Name)	Ologic of the first of the	G .
E55EX , Vermont	(City/Town/Village)	•
(City/Town/Vilage Name)	ne e	
Pursuant to Title 19, V.S.A., Chapter 7, this is to	certify that the following described section of C	llass
	and the second s	(1,2,3 or 4)
		) OPENED
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(Month - Day)	14, <u>Z019</u> .	
,	(Teal)	1
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(Include road name and intersecting town highway nur	mbers): (Sto 26122 to 21165)	}
in the same and th	(Sta. 20733 to 31703)	
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beginning at the dead end	portion of Stonebrook Circle, (TH# 803), ex	xtending from the
terminus of the existing roa	ad, for a distance of approximately 532 0' ((	0.101 miles) See
attached deed for further de	escription.	7.101 mmcs). Sec
and as shown on a Highway Map of the CollyTownVillag	<u>'N</u> of 55EX	· .
dated and	ge) (City/Town/Village Name)	
the (City/Town/Village) (City/Town/Village Name)	filed in Book on page (Page #)	of the Records of
the Town of ESSEX	by the Town Clerk of said	ESSEX
(City/Town/Village) (City/Town/Village Name)	(City/Town Millson)	(City/Town/Village)
incorporated herein by reference and attested to on		(,
	(City/Town/Village)	
Dated at Town of ESSEX, Cou	unty of CHITTENDEN and SI	
(City/Town/Village Name)	(County Name) and St	tate of Vermont,
this day of, A	A.D. '	
(Date - Day) (Date - Month)	(Date - Year)	BOARD
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(Selectman/Alderman/Trustee Signature)	(Selectman/Alderman/Trustee Signature)	or TRUSTEES
	·	
(Manager/Mayor Signature)		
and the Manager/Mayor of the City/Town/Village of	f	
•	(City/Town/Village Name)	
<u> </u>	Sile .	
**************	*************	******
(City/Town/Vilsoe Name) , VERMONT		<i>a</i>
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THE ABOVE IS A TRUE COPY OF THE DESCRIPT	TON OF CLASS WICHWAY COMP	
	FION OF CLASS HIGHWAY COMPL	LIEU AND OPENED
FOR PUBLIC TRAVEL, RECORDED IN BOOK	ON PAGE OF THE	RECORDS
OF THE OF	Transfer all	
(City/Town/Village) (City/Town/Village Name)	ON THE DAY OF (Date - Day)	2
O'CLOCK,	.M.	,
(Date - Year) (Time) (A	orP)	•
	A TEMPLE COR.	
•	ATTEST: (Clerk's Name)	
Revision 12/2014	CLERK OF	VERMONT
	(City/Town/Village) (City/Town/Village Name)	,verivion1

### CERTIFICATE of COMPLETION and OPENING of a HIGHWAY for PUBLIC TRAVEL

VTrans Use Only
Certificate Year:
Highway Class:
Town Highway #;
Mileage:

Sugget Walley and Herri		
SUSAW MCNAMANY - HILL TOWN (Clerk's Name) (CityTown	Clerk of the Town of (City/Town/Village)	8
- ESSEX Vermont	(City/Town/village)	ă.
(City/Town/Vilage Name)		
Pursuant to Title 19, V.S.A., Chapter 7, this is to c	ertify that the following described section of Clas	\$\$
Highway in the Town of Es	was COMPLETED AND	(1.2.3 or 4)
FOR PUBLIC TRAVEL on APILL ZA	nMilane Name)	JI DINED
FOR PUBLIC TRAVEL on APILI ZA	(Year)	
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DESCRIPTION OF RIGHT OF WAY: (Include road name and intersecting town highway num	Evergreen Drive	
(	loers) (Sta. 10+15 to 15+65)	60
Beginning at the intersection	of Stonebrook Circle, (TH# 803), extending	- Diram dha
intersection of Stonebrook C	Circle, (TH#803), for a distance of approxima	; 110m uie tely 550° (0 104
miles). See attached deed for	further description.	tery 550 (0.104
	. ~	
and as shown on a Highway Map of the Tow		
(Month - Day)	filed in Book on page of	the Records of
the Town of ESSEX	1, 494.47	ESSEX
(City/Town/Village Name) incorporated herein by reference and attested to on s	(Cib. Course & File - + )	(City/Town/Village)
	aid map by said Town Clerk.	
Dated at Town OF ESSEX CONT	nty of CHITTENDEN and State	
(City/Town/Village Name)	40	of Vermont,
this day of, A.	.D., (Date - Year)	BOARD
9/101/101/document		
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Path My	(Selectman/Alderman/Trustee Signature)	ALDERMAN,
(Selectman/Alderman/Trustee Signature)	(Selectman/Alderman/Trustee Signature)	or TRUSTEES
(Manager/Mayor Signature)		
and the Manager/Mayor of the City/Town/Village of	15.	
©	(Clty/Town/Village Name)	
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	от подравания по	*******
(City/Town/Village Name) , VERMONT		1.000
	(Month - Day) (Year)	- 12
THE ABOVE IS A TRUE COPY OF THE DESCRIPTI		ED AND OPENED
FOR PUBLIC TRAVEL, RECORDED IN BOOK	(1,2,3 or 4) OF THE	RECORDS
OF THEOF	ON THE DAY OF	KECOKDS
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(Oate - Year) AT O'CLOCK, (A or	IVI. P)	2
	ATTEST:	
Revision 12/2014	(Clerk's Name)	
Keylold 12/2014 .	CLERK OF (City/Town/Village Name)	,VERMONT
•		

#### **IRREVOCABLE OFFER OF DEDICATION**

Offer made this 18 day of December, 2018 by Pinewood Development, LLC with its office and principal place of business in the Town of Essex, County of Chittenden and State of Vermont (the "Owner") to the Town of Essex, a Vermont municipality located in the County of Chittenden and State of Vermont (the "Town").

#### WITNESSETH:

WHEREAS, the Town of Essex Planning Commission, by written decision dated May 25, 2006, granted final approval of a 39 lot subdivision north of the existing development with entrance on Windridge Road (Phase H) based on the Findings and Stipulations documented in Planning Commission Approval PC-2001-40;

WHEREAS, the final approval obligates Owner to dedicate to the Town certain roads within the development identified as "Stonebrook Circle" and "Evergreen Drive" on a Plat recorded in Slide #431 of the Town of Essex Land Records, said roads to be constructed in segments, and offered in a series of deeds, and;

WHEREAS, Stonebrook Circle and Evergreen Drive are to be dedicated to the Town free and clear of all encumbrances pursuant to final approval and as depicted on the aforementioned Plat, and;

WHEREAS, the Owner has a Warranty Deed of conveyance to the Town for a further portion of Stonebrook Circle and a portion of Evergreen Drive;

NOW THEREFORE, in consideration of the Town of Essex Planning Commission Final Approval, and in further consideration of TEN AND MORE DOLLARS paid by the Town to the Owner, and for other good and valuable consideration, Owner hereby grants and conveys to the Town the following:

- The Owner herewith delivers to the Town a Warranty Deed, a copy of which is set forth as
   Exhibit "A" attached hereto, said delivery being a formal offer of dedication to the Town, to
   be held by the Town until the acceptance or rejection of such offer of dedication by the
   Town;
- 2. The Owner agrees that said formal offer of dedication is irrevocable and can be accepted by the Town at any time;
- 3. Owner or its successors and assigns shall construct the roads in accordance with the final approval of the Town;
- 4. Owner agrees that maintenance of the improvements, including landscaping, shall be its sole responsibility prior to acceptance of ownership by the Town;
- 5. This irrevocable offer of dedication shall run with the land and be binding upon the Owner and its successors and assigns;

IN WITNESS WHEREOF the Owner hereby executes this Irrevocable Offer of Dedication as of the date first written above.

In presence of:
Witness

PINEWOOD DEVELOPMENT, LLC

By Brian J. Marcotte, Manager and Duly
Authorized Agent of Pinewood Development,
LLC

STATE OF VERMONT CHITTENDEN COUNTY, SS

At TO Bould on this 18 day of December, 2018 personally appeared Brian J. Marcotte individually and as Manager and duly authorized agent of Pinewood Development, LLC and he acknowledged this instrument by him sealed and subscribed to be his free act and deed and the free act and deed of Pinewood Development, LLC.

Before me:

(Print name)

My commission expires: 2/10/2019

Khonda

RHONDA DEE RUSSIN Notary Public State of Vermont My Commission Expires Feb. 10, 2019

#### Exhibit "A"

#### **WARRANTY DEED**

KNOW ALL PERSONS BY THESE PRESENTS, That PINEWOOD DEVELOPMENT, LLC a Vermont Limited Liability Company with its principal place of business in the Town of ESSEX, in the County of CHITTENDEN and State of VERMONT, GRANTOR, in the consideration of TEN AND MORE DOLLARS paid to its full satisfaction by the TOWN OF ESSEX, a Vermont municipality in the County of Chittenden, GRANTEE, by these present, does freely GIVE, GRANT, SELL, CONVEY AND CONFIRM unto the said GRANTEE, TOWN OF ESSEX and its successors and assigns forever, a certain piece of land in the Town of Essex, County of Chittenden and State of VERMONT, described as follows, viz:

Commencing at a concrete monument at the intersection of Stonebrook Circle and Evergreen Drive and being the northern most corner of Lot H35 marked on sketch (portion of property plat) as POC (Point of Commencment), heading along a bearing S15°38'35"E a distance of 24.48' along the frontage of Lot H35 to a monument, thence continuing along an arc to the left with a radius of 330.00' a distance of 52.33' to a monument, thence continuing along the frontage of Lot H35 with a line S24°43'45"E a distance of 51.02' to a rebar, then continuing along Evergreen Drive and frontage of Lot H34 heading S24°43'45"E a distance of 130.60' to a rebar, thence continuing along the frontage of Lot H33 heading S24°43'45"E a distance of 128.10' to a monument, thence turning to the right along an arc with a radius of 170.00' a distance of 2.50' (corrected) to a rebar, thence continuing along same arc with a radius of 170.00 a distance of 23.40' to a monument, thence continuing along the frontage of Lot H32 heading S16°09'05"E a distance of 72.64' to a monument, thence turning to the left along an arc with a radius of 230.00' a distance of 49.63' more or less to a temporary unmarked point of Evergreen Drive southerly portion previously conveyed for last phase of construction, thence turning to the left and proceeding 60' across with a bearing of N61°29'10"E and more or less perpendicular to Evergreen Drive to the other side of the Right of Way to a temporary unmarked point, thence turning to the left and heading along an arc turning to the right with a radius of 170.00' a distance of 36.68' (a portion of the total arc heading southerly was formerly conveyed) more or less to a monument marking the right of way along the frontage of Lot H19, thence proceeding N16°09'05"W a distance of 72.64' to a monument, thence turning to the left along an arc with a radius of 230.00' a distance of 34.43' to a monument, thence continuing along the frontage of H19 heading N24°43'45"W a distance of 55.77' to a rebar, thence continuing along the frontage of Lot H18 heading N24°43'45"W a

distance of 162.03' to a rebar, thence continuing along the frontage of Lot H17 heading N24°43'45"W a distance of 92.36' to a monument, thence continuing along an arc turning to the right with a radius of 270.00' a distance of 42.82' to a monument, thence continuing N15°38'35"W a distance of 26.16' to a monument (said monument marking the southeast intersection of Evergreen Drive & Stonebrook Circle), thence turning to the right and heading N74°21'25"E along the northerly frontage of Lot H17 to a rebar, thence turning to the left and proceeding N15°38'35"W a distance of 60' across the end of the phase of Stonebrook Circle to a unmarked point, thence turning to the left along remaining lands of Pinewood Manor proceeding S74°21'25"W a distance of 156.45' to a rebar, thence continuing S74°21'25"W a distance of 43.20' along the frontage of lot H16 to a monument, thence turning to the left along an arc with a radius of 330.00' a distance of 32.40' to a monument, thence continuing on a line heading S68°43'51"W a distance of 44.38' to a rebar, thence continuing S68°43'51"W a distance of 119.71' along the frontage of Lot H15 to a rebar, thence continuing S68°43'51"W a distance of 58.38' along the frontage of Lot H14 to a rebar, thence turning to the right along an arc with a radius of 970.00' a distance of 47.88' to a rebar, thence continuing along the same arc with a radious of 970.00' a distance 61.66' to a monument along the frontage of Lot H13, thence continuing on a line heading S75°12'04"W a distance of 38.36' to a rebar, thence continuing S75°12'04"W a distance of 57.03' along the frontage of Lot H12 to a monument, thence turning to the left along an arc with a radius of 180.00' a distance of 42.97' to a rebar, thence continuing along same arc with a radius of 180.00' a distance of 100.00' along the frontage of Lot H11 to a rebar, thence continuing along the same arc with a radius of 180.00' a distance of 22.08' along the frontage of Lot H10 to a monument (said point being the approximate connection to a previous conveyance of Stonebrook Circle), thence turning to the left across the road heading S67°20'10"E a distance of 60.00' to a monument, thence turning to the left and proceeding along an arc turning to the right with a radius of 120.00' a distance of 110.03' along the frontage of Lot H36 to a monument, thence proceeding N75°12'04"E a distance of 76.82' to a rebar, thence continuing N75°12'04"E a distance of 18.58' along the frontage of Lot H35 to a monument, thence turning to the left along an arc with a radius of 1030.00' a distance of 116.32' to a monument, thence proceeding N68°43'51"E a distance of 218.57' to a monument, said point being the point of commencement (POC) referenced above.

TO HAVE AND TO HOLD all said granted premises, with all the privileges and appurtenances thereof, to the said GRANTEE, TOWN OF ESSEX and its successors and assigns forever to their own use and behoof forever;

And the said PINEWOOD DEVELOPMENT, LLC for itself and its successors and assigns, does covenant with the said GRANTEE, TOWN OF ESSEX and its successors and

the sole owner of the premises, and has good right and title to convey the same in manner aforesaid, that they are FREE FROM EVERY ENCUMBRANCE, except as aforesaid, and except for all easements, rights of way and other rights as may appear of record, provided that such exception shall not reinstate any such rights or encumbrances previously extinguished by Title 27, Vermont Statutes Annotated, Chapter 5, Subchapter 7; and Grantor hereby engages to WARRANT AND DEFEND the same against all lawful claims whatever, except as aforesaid.

IN WITNESS WHEREOF, we he	ereunto set our hand and seal this day of
, 2017.	
IN THE PRESENCE OF	
	Pinewood Development, LLC, by Brian J. Marcotte, its manager and duly authorized agent
STATE OF VERMONT CHITTENDEN COUNTY, SS	
manager and duly authorized agent of P	day of, 2017, Brian J. Marcotte, inewood Development, LLC personally appeared and ealed and subscribed to be his free act and deed and elopment, LLC.
	Notary Public My commission expires 2/10/2019

#### **WARRANTY DEED**

KNOW ALL PERSONS BY THESE PRESENTS, That PINEWOOD DEVELOPMENT, LLC a Vermont Limited Liability Company with its principal place of business in the Town of ESSEX, in the County of CHITTENDEN and State of VERMONT, GRANTOR, in the consideration of TEN AND MORE DOLLARS paid to its full satisfaction by the TOWN OF ESSEX, a Vermont municipality in the County of Chittenden, GRANTEE, by these present, does freely GIVE, GRANT, SELL, CONVEY AND CONFIRM unto the said GRANTEE, TOWN OF ESSEX and its successors and assigns forever, a certain piece of land in the Town of Essex, County of Chittenden and State of VERMONT, described as follows, viz:

Commencing at a concrete monument at the intersection of Stonebrook Circle and Evergreen Drive and being the northern most corner of Lot H35 marked on sketch (portion of property plat) as POC (Point of Commencment), heading along a bearing S15°38'35"E a distance of 24.48' along the frontage of Lot H35 to a monument, thence continuing along an arc to the left with a radius of 330.00' a distance of 52.33' to a monument, thence continuing along the frontage of Lot H35 with a line S24°43'45"E a distance of 51.02' to a rebar, then continuing along Evergreen Drive and frontage of Lot H34 heading S24°43'45"E a distance of 130.60' to a rebar, thence continuing along the frontage of Lot H33 heading S24°43'45"E a distance of 128.10' to a monument, thence turning to the right along an arc with a radius of 170.00' a distance of 2.50' (corrected) to a rebar, thence continuing along same arc with a radius of 170.00 a distance of 23.40' to a monument, thence continuing along the frontage of Lot H32 heading S16°09'05"E a distance of 72.64" to a monument, thence turning to the left along an arc with a radius of 230.00' a distance of 49.63' more or less to a temporary unmarked point of Evergreen Drive southerly portion previously conveyed for last phase of construction, thence turning to the left and proceeding 60' across with a bearing of N61°29'10"E and more or less perpendicular to Evergreen Drive to the other side of the Right of Way to a temporary unmarked point, thence turning to the left and heading along an arc turning to the right with a radius of 170.00' a distance of 36.68' (a portion of the total arc heading southerly was formerly conveyed) more or less to a monument marking the right of way along the frontage of Lot H19, thence proceeding N16°09'05"W a distance of 72.64' to a monument, thence turning to the left along an arc with a radius of 230.00' a distance of 34.43' to a monument, thence continuing along the frontage of H19 heading N24°43'45"W a distance of 55.77' to a rebar, thence continuing along the frontage of Lot H18 heading N24°43'45"W a

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TO HAVE AND TO HOLD all said granted premises, with all the privileges and appurtenances thereof, to the said GRANTEE, TOWN OF ESSEX and its successors and assigns forever to their own use and behoof forever;

And the said PINEWOOD DEVELOPMENT, LLC for itself and its successors and assigns, does covenant with the said GRANTEE, TOWN OF ESSEX and its successors and

the sole owner of the premises, and has good right and title to convey the same in manner aforesaid, that they are FREE FROM EVERY ENCUMBRANCE, except as aforesaid, and except for all easements, rights of way and other rights as may appear of record, provided that such exception shall not reinstate any such rights or encumbrances previously extinguished by Title 27, Vermont Statutes Annotated, Chapter 5, Subchapter 7; and Grantor hereby engages to WARRANT AND DEFEND the same against all lawful claims whatever, except as aforesaid.

IN WITNESS WHEREOF, we hereunto set our hand and seal this $\frac{18 + 1}{100}$ day of
December, 2017.
IN THE PRESENCE OF  Ilata Carka Mulu  4 Main St, TO BANK  Pinewood Development, LLC, by  Brian J. Marcotte, its manager and duly authorized agent
STATE OF VERMONT CHITTENDEN COUNTY, SS  At

### CERTIFICATE of COMPLETION and OPENING of a HIGHWAY for PUBLIC TRAVEL

VTrans Use Only

Certificate Year:

of a HIGHWAY for PUBLIC TRAVEL	Highway Class:
W (4)	Town Highway #:
Second Maller Hur	Mileage:
SUSAW MCNAMANY - HILL, TOWN Clerk of the Town of (City/Town/Village) (City/Town/Village) (City/Town/Village) (City/Town/Village)	3
(City/Town/Village) (City/Town/Village)	TH- 801
(City/Town/Vilage Name)	111 001
Pursuant to Title 19, V.S.A., Chapter 7, this is to certify that the following described section of Class	0.19
Highway in the Town of ESSEX was COMPLETED AND OF (City/Town/Village Name)  FOR PUBLIC TRAVEL on SEPTEMBER 17, 2015.  (Month - Day) (Year)	Horace
(City/Town/Village) (City/Town/Village Name)	THEFT
FOR PUBLIC TRAVEL on SEPTEMBER 17, 2015.	
DESCRIPTION OF RIGHT OF WAY: Corporate Drive	41
(Include road name and intersecting town highway numbers) (Sta. 23+50 to 33+40)	a positive
Positivity at the 1 CC	
Beginning at the end of Corporate drive, (TH #802), extending from the to	erminus of the
existing road, for a distance of approximately 990' (0.1875 miles), termin	ating at a cul de
sac. See attached deed for further description.	
and as shown on a Highway Map of the Town of ESSEX  (City/Town/Village) (City/Town/Village Name)	. •
dated (City/Town/Village) (City/Town/Village Name)  (Month - Day) of (Year) , and filed in Book on page (Page #)  (City/Town/Village)	
dated	e Records of
the Town of ESSEX by the Town Clerk of said 2	SSEX
incorporated herein by reference and attested to on said map by said (City/Town/Village) (City/Town/Village) (City/Town/Village) (City/Town/Village)	y/Town/Village)
(City/Town/Village)	
Dated at TOWN OF FSSEX OF CHITTENINEN!	
Dated at Town OF ESSEX, County of CHITTENDEN and State of (Cluy/Town/Village Name)	of Vermont,
this day of, A.D.,	
(Date - Month) (Date - Year)	BOARD
allul Haney Cof With	OF
(Selection/Adderman/Trustee-Signature) (Selection/Adderman/Trustee-Signature)	SELECTMEN,
(Selectmon/Alderman/Trustee Signature) (Selectman/Alderman/Trustee Signature)	ALDERMAN,
School will like in the last	•
(Selectman/Alderman/Trustee Signature)	or TRUSTEES
(Manager/Mayor Signature)	
and the Manager/Mayor of the City/Town/Village of	
(City/Town/Village Name)	
*************	9
· · · · · · · · · · · · · · · · · · ·	*****
VERMONT	•. ::::::::::::::::::::::::::::::::::::
(City/Town/Village Name) (Year)	
THE ABOVE IS A TRUE COPY OF THE DESCRIPTION OF CLASS HIGHWAY COMPLETES	D AND ORDATED
FOR PUBLIC TRAVEL, RECORDED IN BOOK ON PAGE OF THE	
(Book #) (Page #)	RECORDS
OF THE OF (Clty/Town/village Name) ON THE DAY OF (Date - Month)	
, ATO'CLOCKM.	S.
(Date – Year) (Time) (A or P)	
ATTEST:	
Revision 12/2014 (Clerk's Name) CLERK OF	177777
(City/Town/Village Name)	,VERMONT

#### **IRREVOCABLE OFFER OF DEDICATION**

THIS AGREEMENT is made this **2001** day of August, 2004, by and between

Forestdale Heights, Inc. 164 North Willard Street Burlington, VT 05401

a Vermont corporation (the "Owner"); and

Town of Essex 81 Main Street Essex Jct., VT 05452

a Vermont municipality situated in Chittenden County, Vermont (the "Town").

#### Recitals

- A. The Owner is the owner of lands and premises conveyed to it pursuant to a warranty deed, dated August 15, 1978, from the Village of Essex Junction, recorded in Volume 141, Page 68-- of the Land Records of the Town of Essex.
- B. The Owner has received final subdivision approval from the Town's Planning Commission for the subdivision and development of a portion of the Saxon Hill Industrial Park known as Parcel "C."
- C. In connection with its approval, the Town has requested a deed to a portion of a roadway to serve certain lots in Parcel "C."
  - D. The Owner is willing to convey ownership of the requested portion of the roadway.
- E. The portion of the roadway to be dedicated to the Town shall be free and clear of all encumbrances.
- F. The Owner has, with delivery of this Agreement, delivered a warranty deed to the Town for the portion of the roadway.

#### Promises and Covenants

NOW, THEREFORE, in consideration of the sum of One Dollar in lawful money paid by the Town to the Owner and other good and valuable consideration, it is covenanted and agreed as follows:

- 1. The Owner herewith delivers to the Town a warranty deed for the portion of the roadway depicted on Exhibit A, the delivery being a formal offer of dedication to the Town to be held by the Town until the acceptance or rejection of such offer of dedication by the Selectmen of the Town.
- 2. The Owner agrees that said formal offer of dedication is irrevocable and can be accepted in whole or in part by the Town at any time.

Offer of Dedication - Page 1

3. This irrevocable offer of dedication shall run with the land and shall be binding upon all assignees, grantees, successors and/or heirs of the Owner. IN THE PRESENCE OF: FORESTDALE HEIGHTS, INC. TOWN OF ESSEX Town Manager and Its Duly Authorized Agent STATE OF VERMONT CHITTENDEN COUNTY, SS. At Burlington in said County and State on this 30 day of August, 2004, personally appeared Hector LeClair, duly authorized agent of FORESTDALE HEIGHTS, INC., and he acknowledged this instrument by him signed and sealed to be his free act and deed and the free act and deed of FORESTDALE HEIGHTS, INC. Before/me -Notary Public STATE OF VERMONT CHITTENDEN COUNTY, SS. At Essex in said County and State on this 13 day of August, 2004, personally appeared Patrick C. Scheidel, being the Town Manager and duly authorized agent of the Town of Essex, and he acknowledged this instrument by him signed and sealed to be his free act and deed and the free act and deed of the Town of Essex. Before me Lynn Romero

Notary Public

Com, Exp. 2-10-07 s:\23549\001\legal\offer of dedication

# Exhibit A Attachment to Offer of Dedication, Dated August 30, 2004 from Forestdale Heights, Inc. to Town of Essex

Being a portion only of the lands and premises conveyed to Forestdale Heights, Inc. pursuant to a warranty deed, dated August 15, 1978, from the Village of Essex Junction, recorded in Volume 141, Page 68-- of the Land Records of the Town of Essex, more particularly described as follows:

Being a parcel of land, having a uniform width of 60 feet, and bounded on the east by the westerly sideline of Allen Martin Drive and on the west at station 23+50 as depicted on the plat hereinafter referred to.

The lands and premises are depicted on a plan entitled

Saxon Hill Industrial Park Allen Martin Drive Essex, VT 13 Lot Subdivision Property Plat

2000 RB

dated October 04, 200, prepared by O'Leary-Burke Civil Associates, PLC, recorded in Map Slide 367 of the Land Records of the Town of Essex (the Plat").

#### PARTIAL DISCHARGE

KNOW ALL MEN BY THESE PRESENTS: That The Merchants Bank, a banking corporation having a place of business in South Butlington, Vermont, in consideration of TEN AND MORE DOLLARS (\$10.00) and other valuable consideration, paid to its satisfaction by Forestdale Heights, Inc., does hereby discharge from the following mortgages

- Forestdate Heights, Inc. to The Metchants Bank, dated June 28, 1983, recorded in Volume 173, Page 535-of the Land Records of the Town of Essex, as modified by a Modification to Commercial Mortgage, dated May 21, 1999, recorded in Volume 410, Page 144- of the Land Records of the Town of Essex;
- Forestdale Heights, Inc. to The Merchants Bank, dated March 13, 1992, recorded in Volume 282, Page 655of the Land Records of the Town of Essex, as modified by a Modification to Commercial Mortgage, dated
  May 21, 1999, recorded in Volume 410, Page 147- of the Land Records of the Town of Essex; and
- Forestdale Heights, Inc. to The Marchants Bank, dated June 27, 1996, recorded in Volume 354, Page 412of the Land Records of the Town of Essex;

the lands and premises in the Town of Essex, County of Chittenden and State of Vermont described as follows:

Being a portion only of the lands and premises conveyed to Forestdale Heights pursuant to a warranty deed, dated August 15, 1978, from the Village of Essex Junction, recorded in Volume 141, Page 68- of the Land Records of the Town of Essex, more particularly described as follows:

Being a parcel of Jand, having a uniform width of 60 feet, and bounded on the east by the westerly sideline of Allen Martin Drive and on the west at station 23+50 as depicted on the plat hereinafter referred to.

The lands and premises are depicted on a plan entitled

1 1

Saxon Hill
Industrial Patk
Allen Martin Drive Essex, VT
13 Lot Subdivision
Property Plat

Property Plat

dated October 04, 2005, prepared by O'Leary-Burke Civil Associates, PLC, recorded in Map Slide 367 of the
Land Records of the Town of Essex.

Reference is hereby made to the aforementioned instruments, the records thereof and the references therein in further aid of this description.

This Partial Discharge is intended to release and discharge ONLY that parcel of land and interests described herein and no other land and interests whatsoever, the mortgages on the rest of the lands and premises described in said mortgage deeds now held by The Merchants Bank to be and remain in full force and effect.

IN WITNESS WHEREOF, The Merchants Bank, has caused this Partial Discharge to be executed this 20 day of August, 2004.

IN PRESENCE OF:
Ryan & Busky

THE MERCHANTS BANK
BY Dily Authorized A State

STATE OF VERMONT CHITTENDEN COUNTY, SS.

At South Burlington in said County and State on this day of August, 2004, personally appeared instrument, by him/her signed and sealed to be his/her free act and deed and the free act and deed of The Merchants Bank.

Before me Notary Public

13549000Acjahko népadal

#### WARRANTY DEED

KNOW ALL BY THESE PRESENTS: That Forestdale Heights, Inc., a Vermont corporation having a place of business in Essex, in the County of Chittenden, and State of Vermont (the "Grantor"), in consideration of TEN AND MORE DOLLARS paid to the Grantor's full satisfaction by the Town of Essex, a Vermont municipality having a place of business in Essex in the County of Chittenden, and State of Vermont (the "Grantee"), by these presents, does freely GIVE, GRANT, SELL, CONVEY AND CONFIRM unto the Grantee, and its successors and assigns, forever, a certain piece of land in Essex, in the County of Chittenden, and State of Vermont, described as follows, viz:

Being a portion of the lands and premises conveyed to the Grantor pursuant to a warranty deed, dated August 15, 1978, from the Village of Essex Junction, recorded in Volume 141, Page 68 of the Land Records of the Town of Essex.

Being all of Corporate Drive, so-called, not previously conveyed to the Grantee, as shown and depicted on a plan entitled

Saxon Hill
Industrial Park
Lot C Subdivision - Phase II
Corporate Drive
Essex, VT

by O'Leary-Burke Civil Associates, PLC, dated August 1, 2006, last revised February 3, 2008, recorded in Map Slide 443 of the Land Records of the Town of Essex.

By this deed, the Grantor hereby conveys to the Grantee, and its successors and assigns, ownership of and title to all water, stormwater and wastewater lines, pipes and appurtenances located within the right of way of Corporate Drive and so much of the hydrant that lies outside the western sideline of the cul-de-sac portion of Corporate Drive.

Reference is hereby made to the above-mentioned instruments, the record thereof, the references therein made, and their respective records and references, in further aid of this description.

TO HAVE AND TO HOLD said granted premises, with all the privileges and appurtenances thereof, to the Grantee and the successors and assigns of the Grantee, to its and their own use and behoof forever;

And the Grantor, for itself and its successors and assigns, covenants with the Grantee, and its successors and assigns that, until the ensealing of these presents it is sole owner of the premises,

and has good right and title to convey the same in manner aforesaid, that it is FREE FROM EVERY ENCUMBRANCE; and that it hereby engages to WARRANT AND DEFEND the same against all lawful claims whatever, except as aforesaid.

IN WITNESS WHEREOF, the Grantor has caused this deed to be executed this 11 day of December, 2019.

FORESTDALE HEIGHTS, INC.

STATE OF VERMONT

CHITTENDEN GOUNTY, SS.

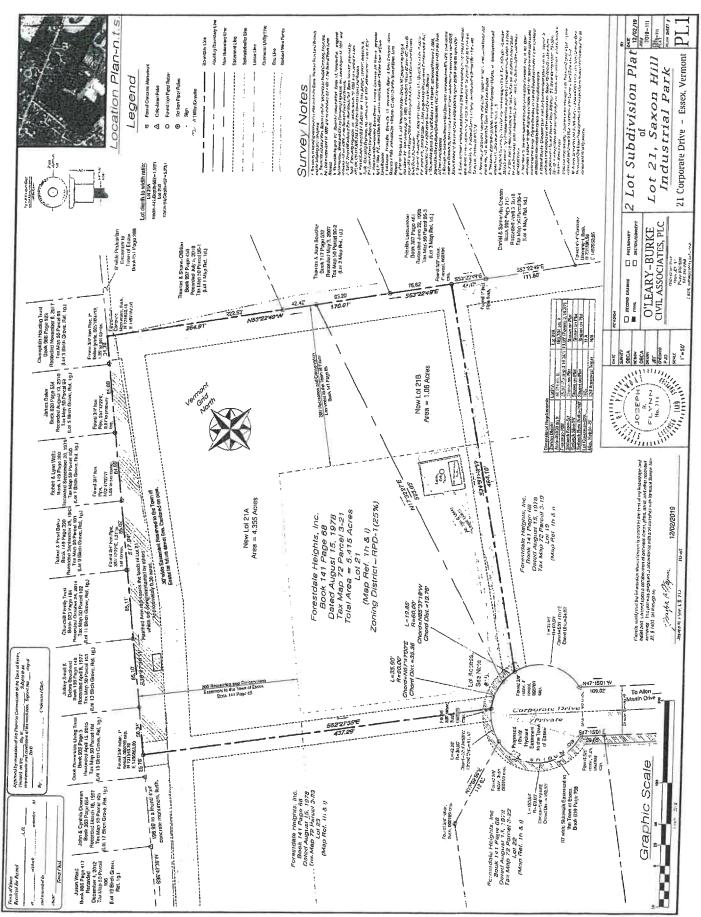
Coller Coung

This record was acknowledged before me at Essex on December 11, 2019 by Hector Leclair, duly authorized agent of Forestdale Heights, Inc.

Notary Public

23549\001

Notary Public State of Florida Viral Patel My Commission GG 354350 Expires 07/22/2023



#### EASEMENT DEED

That Forestdale Heights, Inc., a Vermont corporation having a place of business in Essex in the County of Chittenden and State of Vermont (the "Grantor"), in consideration of TEN AND MORE DOLLARS paid to the Grantor's full satisfaction by Town of Essex, a Vermont municipality having a place of business in Essex in the County of Chittenden and State of Vermont (the "Grantee"), does freely GIVE, GRANT, SELL, CONVEY AND CONFIRM unto the Grantee, and its successors and assigns forever, a certain piece of land in the Town of Essex, County of Chittenden and State of Vermont, described as follows:

Being a portion of the lands and premises conveyed to the Grantor pursuant to a warranty deed, dated August 15, 1978, from the Village of Essex Junction, recorded in Volume 141, Page 68 of the Land Records of the Town of Essex.

Being an easement, 30 feet in width, for the laying, constructing, building, installing, maintaining, repairing, rebuilding, replacing and operating of sewer pipes, mains and conduits on, under and through Lots 21 and 23 in the location as shown and depicted on a plan entitled

Saxon Hill
Industrial Park
Lot C Subdivision - Phase II
Corporate Drive
Essex, VT

by O'Leary-Burke Civil Associates, PLC, dated August 1, 2006, last revised February 3, 2008, recorded in Map Slide 443 of the Land Records of the Town of Essex.

By this deed, the Grantor hereby conveys to the Grantee, and its successors and assigns, ownership of and title to all wastewater lines, pipes and appurtenances located within the area of the easement as so shown and depicted.

Reference is hereby made to the aforementioned instruments, the records thereof and the references therein in further aid of this description.

TO HAVE AND TO HOLD said granted premises, with all the privileges and appurtenances thereof, to the Grantee and the successors and assigns of the Grantee, to its and their own use and behoof forever;

And the Grantor, for itself and its successors and assigns, covenants with the Grantee, and its successors and assigns that, until the ensealing of these presents it is sole owner of the premises, and has good right and title to convey the same in manner aforesaid, that it is FREE FROM EVERY ENCUMBRANCE: and that it hereby engages to WARRANT AND DEFEND the same against all lawful claims whatever, except as aforesaid.

IN WITNESS WHEREOF, the Grantor has caused this deed to be executed this // day of December, 2019.

Fes

FORESTDALE HEIGHTS, INC.

Duly Authorized Agent

PC

STATE OF VERMONT

CHITTENDEN COUNTY, SS. Coller

his record was acknowledged before me at Essex on December 11, 2019 by Hector Leclair, duly authorized agent of Forestdale Heights, Inc.

Before me,

23549\001



## CERTIFICATE of COMPLETION and OPENING of a HIGHWAY for PUBLIC TRAVEL

VTrans Use C	)nlv
Certificate Year:	. (
Highway Class:	-
Town Highway #:	
Mileage:	-

Susant McAlaman - Huc		
SUSAN MICNAMANA - HILL, TOW	Clerk of the Vouv of (Cly/Town/Village)	Ē
(CityTown/ Vermont,	Village) (City/Town/Village)	•
(Cily/Town/Niage Name)		12
7		
Pursuant to Title 19, V.S.A., Chapter 7, this is to o	certify that the following described section of	7 11 - 177
Highway in the Town of Es	SSEX was COMPLETED A	- 1
(City/Town/Village) (City/Tow	(emell analil/An	and
FOR PUBLIC TRAVEL on July 2	5, <u>2019</u> .	0 - 0
(monin - pay)	•	TH- 8087
DESCRIPTION OF RIGHT OF WAY:	Thompson Drive	
(Include road name and intersecting town highway num	obers) (Sta. 25+06.20 to 37+27.81)	
	•	
Beginning at the end of	Thompson Drive, (TH #802), extending fr	om the terminus of th
calsing road, for a dista	nce of approximately 1.221 6' (0.231 mile	s) to a hammer head
turn around. See attache	d deed for further description.	, , , , , , , , , , , , , , , , , , , ,
and as shown on a Highway Map of the ColytownVillage	N of E 53EX	8
dated		-Cal Di a n
(Year)	(Book #) (Page #)	of the Records of
(City/Town/Village) (City/Town/Village) (City/Town/Village)	by the Clerk of said-	ESSEX
incorporated herein by reference and attested to on s	said map by said Town Clerk.	(City/Town/Village)
	(City/Town/Village)	
Dated at Town OF ESSEX Com	nty of CHITTENDEN and Si	
(City/Town/Villaga Name)	(County Name)	tate of Vermont,
this day of A	.D.,	26
Francisco (Coate - Month)	(Date - Year)	BOARD
Alle Harrey	Colo Watt	OF
(Setectifian/Aiderman/Frustee Signature)	(Selectman Adderman Frustee Signature)	SELECTMEN,
(Sglectmgn/Algerman)Trustee Signature)	(Selectman/Trustee Signature)	
Patr Muy	(Opticulian procedulativa rusted 2/dualtica)	— ALDERMAN,
(Selectmen/Alderman/Trustee Signature)	(Selectman/Alderman/Trustee Signature)	— or TRUSTEES
(Manager/Mayor Signature)		
and the Manager/Mayor of the City/Town/Village of	* ,	
die City/10wib village of	(City/Town/Village Name)	
*************	Ru	,
	************	*****
, VERMONT		•
(City/Town/Village Name)	(Month - Day) (Year)	
TUE ABOVE IS A TRUE CORY OF THE	, , , , , , , , , , , , , , , , , , ,	•
THE ABOVE IS A TRUE COPY OF THE DESCRIPTI	ON OF CLASS (1,2,3 or 4) HIGHWAY COMPL	ETED AND OPENED
FOR PUBLIC TRAVEL, RECORDED IN BOOK	ON PAGE OF THE	RECORDS
OF THEOF	ON THE DAY OF	
(City/Town/Village) (City/Town/Village Name)	(Date - Day) (Date - Monti	h) .
(Oate - Year), AT O'CLOCK,	M. rP)	*
	ATTEST:	
Revision 12/2014	(Clerk's Name)  CLERK OF	VED MONTE
e g	(City/Town/Village) (City/Town/Village.Name)	,VERMONT

# CERTIFICATE of COMPLETION and OPENING of a HIGHWAY for PUBLIC TRAVEL

VTrans Use O	nly
Certificate Year:	. 1
Highway Class:	-
Town Highway #:	· .
Mileage:	

	Mileage:
SUSAN MCNAMARY - HILL Town Clerk of the Town of	
SUSAN McNamany - HILL, Town Clerk of the Town of (Clerk's Name) (Clystown/Village) Vermont.	
(City/Town/Vilage Name) Vermont.	
Pursuant to Title 19, V.S.A., Chapter 7, this is to certify that the following described section of Class	•
Highway in the Tallette College	(1.2.3 or 4)
Highway in the Town of E55EX was COMPLETED AND O	PENED
FOR PUBLIC TRAVEL on 75 7010	
(Month Day) (Year)	
Pursuant to Title 19, V.S.A., Chapter 7, this is to certify that the following described section of Class Highway in the Town of ESEX was COMPLETED AND OF Chyrown/Village) (City/Town/Village Name)  FOR PUBLIC TRAVEL on Survey 7.5, 7.019  (Month: Day)  Red Pine Circle	
(Include road name and intersecting town highway numbers) (Sta. 0+15 to 7+32.63)	
Dest to add to interest CTI	
Beginning at the intersection of Thompson Drive, (TH# 777), extending	for a distance of
approximately 717.63° (0.136 miles) to a cul de sac. See attached deed for	r further
description.	
and as shown on a Highway Man of the Town of Town	
and as shown on a Highway Map of the Town of Essex	
dated, and filed in Book on page of the	he Records of
the Tour of ESSEX by the Tour Clerk of said.	•
the Clerk of said (City/Town/Village) by the Clerk of said (City/Town/Village Name)	ity/Town/Village)
incorporated herein by reference and attested to on said map by said Town Clerk.	ay, roma image)
(City/Town/Silage)	
Dated at Town OF ESSEX, County of CHITTENDEN and State of Child (Clay/Town/Village Name)	CIE
(City/Town/Village Name) (County Name)	of Vermont,
this day of, A.D.,(Date - Day) (Date - Month) (Date - Year)	· · DOARD
C. L.	BOARD
Tillunginey , at wat	OF
(Selecting Addengen Truster Sign (ture) (Selecting Addengen Trustee Signature)	SELECTMEN,
(Selectman/Alderman/Trustee Signature) (Selectman/Alderman/Trustee Signature)	ALDERMAN,
Take They	
(Selectman/Alderman/Trustee Signature) (Selectman/Alderman/Trustee Signature)	or TRUSTEES
Abana and to min The store is	
(Manager/Mayor Signature) and the Manager/Mayor of the City/Town/Village of	
(City/Town/Village Name)	
**************************************	*****
	840
(City/Town/Village Name) (Month - Day)	•
(100)	•
THE ABOVE IS A TRUE COPY OF THE DESCRIPTION OF CLASS HIGHWAY COMPLETE	D AND OPENED
FOR PUBLIC TRAVEL, RECORDED IN BOOK ON PAGE OF THE	DECORDO
OF THE (Book #) (Page #)	RECORDS
OF THE ON THE DAY OF (City/Town/Village) (City/Town/Village Name) ON THE DAY OF	
, AT O'CLOCK,M.	9
(Data – Year) (Time) (A or P)	
ATTEST:	
Povision 13/2014 (Clerk's Name)	
CLERK OF (City/Town/Village) (City/Town/Village Name)	_,VERMONT

#### IRREVOCABLE OFFER OF DEDICATION

This Irrevocable Offer of Dedication (the "Irrevocable Offer") is by and between ALLEN BROOK DEVELOPMENT INCORPORATED, a Vermont corporation, with an office in the City of South Burlington, Vermont ("Owner") and the TOWN OF ESSEX, a Vermont municipality in the County of Chittenden and State of Vermont (the "Town").

#### Background

- 1. Owner owns approximately 162.76 acres of land, more or less, off of Thompson Drive in Essex, Vermont (the "<u>Property</u>") as shown on the plat entitled: "Final Subdivision Plat, Allen Brook Development, 31 Allen Martin Drive, Essex, Vermont," prepared by Trudell Consulting Engineers dated December 20, 2016, last revised November 3, 2017 and recorded in Map Slide 50 fthe Town of Essex Land Records (the "<u>Plat</u>").
- 2. On February 9, 2017, the Town of Essex Planning Commission issued Final Plan Approval # PC:2017-2 for the approval of a nine-lot subdivision on a portion of the Property (the "Project").
- 3. As part of the Project, Owner plans to construct and subsequently dedicate to the Town of Essex the roadways and associated improvements over the lands owned and controlled by Owner, consisting of an extension of Thompson Drive and Red Pine Circle as shown on the Plat (the "Public Roadways").
- 4. Owner now proposes, according to the terms of this Irrevocable Offer, to dedicate to the Town, free and clear of all encumbrances, the Public Roadways in two deeds as more particularly described on Exhibit A and Exhibit B.

#### NOW, THEREFORE,

In consideration of the final approval of the Planning Commission and for other good and valuable consideration, it is covenanted and agreed as follows:

- Section 1. Owner herewith delivers to the Town Warranty Deeds for the Public Roadways, the descriptions of which are set forth as Exhibit A and Exhibit B attached hereto, said delivery constituting a formal irrevocable offer of dedication to the Town of the Public Roadways, to be held by the Town until the acceptance or rejection of such irrevocable offer of dedication by the Town.
- Section 2. Owner agrees that this Irrevocable Offer is irrevocable and the Warranty Deeds may be accepted or rejected by the Town in whole or in part at any time.
- Section 3. This Irrevocable Offer shall run with the land and be binding upon Owner and its respective successors and assigns.
- Section 4. This Irrevocable Offer shall serve as notice to any and all utility companies that the Town has an interest in the Public Roadways, which interest shall be first and superior to any easements granted to said utility companies, and all work within the area of the Public Roadways shall be in accordance with the Town's public works standards as they may be amended from time to time.

IN WITNESS WHEREOF, the par Agents, do hereby execute this Irrevocable	rties, as evidenced by the signatures of their Duly Authorized Offer as of the zir day of
IN PRESENCE OF:	ALLEN BROOK DEVELOPMENT INCORPORATED
Witness	By: Authorized Agent
Shan L. Kelley Witness	By: Duly Authorized Agent
STATE OF VERMONT COUNTY OF CHITTENDEN, SS.	
the person who executed the foregoing instrum	DEVELOPMENT INCORPORATED, to me known to be nent, and he acknowledged this instrument, by him signed, to act and deed of ALLEN BROOK DEVELOPMENT  Before me,
STATE OF VERMONT COUNTY OF CHITTENDEN, SS.	
Duly Authorized Agent of the TOWN OF E	, 2020, personally appeared Evan Teich & Alked Senecal Sesex, to me known to be the person who executed the d this instrument, by him/her signed, to be his/her free act NOF ESSEX.
STON NO OF VERMINING OF VERMINING	Before me, Sulland Public  Notary commission issued in Chittenden County My commission expires: 1/31/21

#### Exhibit A

### PROPERTY DESCRIPTION FOR IRREVOCABLE OFFER OF DEDICATION

#### THOMPSON DRIVE EXTENSION

Being a strip of land for public roadway and related utility purposes over a strip of land, being a sixty-foot wide (60°) strip of land depicted as "Thompson Drive" as shown on a plat entitled: "Final Subdivision Plat, Allen Brook Development, 31 Allen Martin Drive, Essex, Vermont," prepared by Trudell Consulting Engineers dated December 20, 2016, last revised November 2, 2017 and recorded in Map Slide Town of Essex Land Records (the "Plat"). Said roadway strip extends from the current terminus of the public portion of Thompson Drive at the line labeled "L6" on the Plat, to the line labeled "L3" on the Plat.

The Premises are conveyed to Grantee for use for municipal road, sidewalk, utility and stormwater drainage purposes. This Deed shall act as a bill of sale and does hereby convey all improvements located on, over and under the Premises, including but not limited to all roadway improvements, sidewalks, water mains and/or lines, sewer lines and force mains, stormwater pipes, catch basins, and appurtenances thereto depicted on the Plat.

By acceptance and recording of this Warranty Deed, Grantee acknowledges that it has received the necessary "as-built" certifications and test results, and has performed the investigations it deems necessary to accept the above-mentioned improvements in their "as is - where is" condition.

Said strip of land is a portion of the lands and premises conveyed to Allen Brook Development Incorporated by Warranty Deed of Saxon Hill Corporation dated November 24, 2014 and recorded in Volume 925 at Page 875 of the Town of Essex Land Records.

The Premises are subject to: (a) all rights-of-way, easements, conditions and covenants of record or as depicted on the Plat, not meaning to reinstate any claims barred by operation of the Vermont Marketable Record Title Act, 27 V.S.A. §§ 601-611, both inclusive; and (b) the provisions of municipal ordinances, public laws, and special acts.

Reference is hereby made to the above-mentioned plan and deeds and the records thereof, and the references therein made all in further aid of this description.

#### Exhibit B

### PROPERTY DESCRIPTION FOR IRREVOCABLE OFFER OF DEDICATION

#### RED PINE CIRCLE

Being a strip of land for public roadway and related utility purposes over a strip of land, being a sixty-foot wide (60') strip with a cul-de-sac depicted as "Red Pine Circle" as shown on a plat entitled: "Final Subdivision Plat, Allen Brook Development, 31 Allen Martin Drive, Essex, Vermont," prepared by Trudell Consulting Engineers dated December 20, 2016, last revised November 3, 2017 and recorded in Map Slide Scapof the Town of Essex Land Records.

The Premises are conveyed to Grantee for use for municipal road, sidewalk, utility and stormwater drainage purposes. This Deed shall act as a bill of sale and does hereby convey all improvements located on, over and under the Premises, including but not limited to all roadway improvements, sidewalks, water mains and/or lines, sewer lines and force mains, stormwater pipes, catch basins, and appurtenances thereto depicted on the Plat.

By acceptance and recording of this Warranty Deed, Grantee acknowledges that it has received the necessary "as-built" certifications and test results, and has performed the investigations it deems necessary to accept the above-mentioned improvements in their "as is - where is" condition.

Said strip of land is a portion of the lands and premises conveyed to Allen Brook Development Incorporated by Warranty Deed of Saxon Hill Corporation dated November 24, 2014 and recorded in Volume 925 at Page 875 of the Town of Essex Land Records.

The Premises are subject to: (a) all rights-of-way, easements, conditions and covenants of record or as depicted on the Plat, not meaning to reinstate any claims barred by operation of the Vermont Marketable Record Title Act, 27 V.S.A. §§ 601-611, both inclusive; and (b) the provisions of municipal ordinances, public laws, and special acts.

Reference is hereby made to the above-mentioned plan and deeds and the records thereof, and the references therein made all in further aid of this description.

#### WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, that ALLEN BROOK DEVELOPMENT INCORPORATED, a Vermont corporation, with an office in the City of South Burlington, County of Chittenden and State of Vermont ("Grantor"), in consideration of Ten and More Dollars paid to its full satisfaction by the TOWN OF ESSEX, a Vermont municipality in the County of Chittenden and State of Vermont ("Grantee"), by these presents does freely GIVE, GRANT, SELL, CONVEY, AND CONFIRM unto Grantee, TOWN OF ESSEX, and its successors and assigns forever, a parcel of land for the purpose of using and maintaining a public roadway located in the Town of Essex in the County of Chittenden and State of Vermont described as follows, (hereinafter the "Premises") described as follows, viz:

Being a strip of land for public roadway and related utility purposes over a strip of land, being a sixty-foot wide (60') strip of land depicted as "Thompson Drive" as shown on a plat entitled: "Final Subdivision Plat, Allen Brook Development, 31 Allen Martin Drive, Essex, Vermont," prepared by Trudell Consulting Engineers dated December 20, 2016, last revised November  $\frac{1}{2}$ , 2017 and recorded in Map Slide of the Town of Essex Land Records (the "Plat"). Said roadway strip extends from the current terminus of the public portion of Thompson Drive at the line labeled "L6" on the Plat, to the line labeled "L3" on the Plat.

The Premises are conveyed to Grantee for use for municipal road, sidewalk, utility and stormwater drainage purposes. This Deed shall act as a bill of sale and does hereby convey all improvements located on, over and under the Premises, including but not limited to all roadway improvements, sidewalks, water mains and/or lines, sewer lines and force mains, stormwater pipes, catch basins, and appurtenances thereto depicted on the Plat.

By acceptance and recording of this Warranty Deed, Grantee acknowledges that it has received the necessary "as-built" certifications and test results, and has performed the investigations it deems necessary to accept the above-mentioned improvements in their "as is - where is" condition.

Said strip of land is a portion of the lands and premises conveyed to Allen Brook Development Incorporated by Warranty Deed of Saxon Hill Corporation dated November 24, 2014 and recorded in Volume 925 at Page 875 of the Town of Essex Land Records.

The Premises is subject to: (a) all rights-of-way, easements, conditions and covenants of record or as depicted on the Plat, not meaning to reinstate any claims barred by operation of the Vermont Marketable Record Title Act, 27 V.S.A. §§ 601-611, both inclusive; and (b) the provisions of municipal ordinances, public laws, and special acts.

Reference is hereby made to the above-mentioned plan and deeds and the records thereof, and the references therein made all in further aid of this description

TO HAVE AND TO HOLD the said granted Premises, with all the privileges and appurtenances thereto, to Grantee, TOWN OF ESSEX, and its successors and assigns, to their own use and behoof forever; and Grantor, for itself and its successors and assigns, does covenant with Grantee, and its successors and assigns, that until the ensealing of these presents, Grantor is the sole owner of the Premises, and has good right and title to convey the same in the manner aforesaid, that the said Premises are FREE FROM EVERY ENCUMBRANCE, except as aforementioned; and it hereby engages to WARRANT and DEFEND the same against all lawful claims whatsoever, except as aforementioned.

ALLEN BROOK DEVELOPMENT INCORPORATED

Duy Authorized Agent

STATE OF VERMONT COUNTY OF CHITTENDEN, SS.

On this 21 day of 2000, personally appeared Access States.

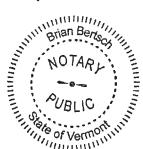
Duly Authorized Agent of ALLEN BROOK DEVELOPMENT INCORPORATED, to me known to be the person who executed the foregoing instrument, and he acknowledged this instrument, by him signed, to be his free act and deed and the free act and deed of ALLEN BROOK DEVELOPMENT INCORPORATED.

Before me,

Notary commission issued in Chittenden County

Notary Public

My commission expires: 1/31/21



#### WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, that ALLEN BROOK DEVELOPMENT INCORPORATED, a Vermont corporation, with an office in the City of South Burlington, County of Chittenden and State of Vermont ("Grantor"), in consideration of TEN AND MORE DOLLARS paid to its full satisfaction by the TOWN OF ESSEX, a Vermont municipality in the County of Chittenden and State of Vermont ("Grantee"), by these presents does freely GIVE, GRANT, SELL, CONVEY, AND CONFIRM unto Grantee, TOWN OF ESSEX, and its successors and assigns forever, a parcel of land for the purpose of using and maintaining a public roadway located in the Town of Essex in the County of Chittenden and State of Vermont described as follows, (hereinafter the "Premises") described as follows, viz:

Being a strip of land for public roadway and related utility purposes over an unimproved strip of land, being a sixty-foot wide (60') strip with wider tapered curbs and a cul-de-sac depicted as "Red Pine Circle" as shown on a plat entitled: "Final Subdivision Plat, Allen Brook Development, 31 Allen Martin Drive, Essex, Vermont," prepared by Trudell Consulting Engineers dated December 20, 2016, last revised November 3, 2017 and recorded in Map Slidescept the Town of Essex Land Records.

The Premises are conveyed to Grantee for use for municipal road, sidewalk, utility and stormwater drainage purposes. This Deed shall act as a bill of sale and does hereby convey all improvements located on, over and under the Premises, including but not limited to all roadway improvements, sidewalks, water mains and/or lines, sewer lines and force mains, stormwater pipes, catch basins, and appurtenances thereto depicted on the Plat.

By acceptance and recording of this Warranty Deed, Grantee acknowledges that it has received the necessary "as-built" certifications and test results, and has performed the investigations it deems necessary to accept the above-mentioned improvements in their "as is - where is" condition.

Said strip of land is a portion of the lands and premises conveyed to Allen Brook Development Incorporated by Warranty Deed of Saxon Hill Corporation dated November 24, 2014 and recorded in Volume 925 at Page 875 of the Town of Essex Land Records.

The Premises is subject to: (a) all rights-of-way, easements, conditions and covenants of record or as depicted on the Plat, not meaning to reinstate any claims barred by operation of the Vermont Marketable Record Title Act, 27 V.S.A. §§ 601-611, both inclusive; and (b) the provisions of municipal ordinances, public laws, and special acts.

Reference is hereby made to the above-mentioned plan and deeds and the records thereof, and the references therein made all in further aid of this description

TO HAVE AND TO HOLD the said granted Premises, with all the privileges and appurtenances thereto, to Grantee, TOWN OF ESSEX, and its successors and assigns, to their own use and behoof forever; and Grantor, for itself and its successors and assigns, does covenant with Grantee, and its successors and assigns, that until the ensealing of these presents, Grantor is the sole owner of the Premises, and has good right and title to convey the same in the manner aforesaid, that the said Premises are FREE FROM EVERY ENCUMBRANCE, except as aforementioned; and it hereby engages to WARRANT and DEFEND the same against all lawful claims whatsoever, except as aforementioned.

IN WITNESS WHEREOF, ALLEN BROOK DEVELOPMENT INCORPORATED, has set its hand and seal by its Duly Authorized Agent this 24 day of 2020.

ALLEN BROOK DEVELOPMENT INCORPORATED

By: My Authorized Agent

STATE OF VERMONT COUNTY OF CHITTENDEN, SS.

On this Line day of January, 2020, personally appeared Action Sources, Duly Authorized Agent of ALLEN BROOK DEVELOPMENT INCORPORATED, to me known to be the person who executed the foregoing instrument, and he acknowledged this instrument, by him signed, to be his free act and deed and the free act and deed of ALLEN BROOK DEVELOPMENT INCORPORATED.

fore me, Notary Pu

Notary commission issued in Chittenden County My commission expires: 1/31/21



#### EASEMENT DEED

KNOW ALL PERSONS BY THESE PRESENTS, that ALLEN BROOK DEVELOPMENT INCORPORATED, a Vermont corporation, with an office in the City of South Burlington, County of Chittenden and State of Vermont ("Grantor"), in consideration of Ten and More Dollars paid to its full satisfaction by the TOWN OF ESSEX, a Vermont municipality in the County of Chittenden and State of Vermont (the "Grantee"), by these presents does freely GIVE, GRANT, SELL, CONVEY, AND CONFIRM unto the Grantee, TOWN OF ESSEX, and its successors and assigns forever, certain perpetual non-exclusive easements over certain lands and premises located in the Town of Essex in the County of Chittenden and State of Vermont (the "Easements") described as follows, viz:

#### **Emergency Access Easement**

Being an easement and right of way twenty (20) feet in width for emergency ingress and egress, for the benefit of the Grantee and those given direct permission by the Grantees, over the lands of the Grantor (the "Emergency Access Easement"). The Emergency Access Easement shall be located within the area designated as "20' Emergency Access" as shown on a plat entitled: "Final Subdivision Plat, Allen Brook Development, 31 Allen Martin Drive, Essex, Vermont," prepared by Trudell Consulting Engineers dated December 20, 2016, last revised November \_\_\_\_\_\_, 2017 and recorded in Map Slides@s of the Town of Essex Land Records (the "Plat").

The Emergency Access Easement is conveyed to Grantee for use for as means of secondary access for emergency vehicles.

#### Sewer Easement

Being an easement and right of way ten (10) feet in width for the purpose of laying, maintaining, repairing and replacing an underground sewer line (the "Sewer Easement") in multiple locations on the south side of Thompson Drive Extension, on the north side of Thompson Drive Extension and on the south side of Red Pine Circle and depicted as "10' Sewer & Pedestrian Easement" and "10' Sewer Easement" on the Plat.

The Sewer Easement is conveyed to Grantee for municipal sewer line purposes. This Deed shall act as a bill of sale and does hereby convey all improvements located on, over and under the Sewer Easement, including but not limited to all pipes, lines, mains and related appurtenances; provided, however, that Grantor reserves for itself and its successors and assigns, the right to connect to such conveyed lines and mains for the development of its subdivision, as more particularly shown on the Plat.

By acceptance and recording of this Easement Deed, Grantee acknowledges that it has received the necessary "as-built" certifications and test results, and has performed the investigations it deems necessary to accept the above-mentioned improvements in their "as is - where is" condition.

#### Trail Easement

Being an easement fifteen (15) feet in width for Grantee and its successors and assigns to construct, reconstruct, maintain, replace, patrol, level, fill, and drain, including all necessary bridges, culverts, cuts, and ramps, at its sole cost and expense, a primitive trail which is depicted as the "15' Trail Easement to Town of Essex" on the Plat (the "Trail Easement").

Said Trail Easement shall be used by the public as a passive recreational trail subject to the condition that no motorized traffic, including but not limited to motorcycles, all-terrain vehicles and snowmobiles, shall be allowed to use the trail except motorized vehicles used by Grantee or its agent for purposes of constructing, repairing, maintaining and patrolling the Trail Easement. It is acknowledged by Grantee that Grantor has no obligation to construct any improvements within said Trail Easement.

#### Pedestrian Easement

Being a ten-foot (10') wide easement for the construction, operation, use, maintenance, repair and replacement of sidewalks (the "Pedestrian Easement" and collectively with the Emergency Access Easement, the Sewer Easement and the Trail Easement, the "Easements") depicted as "10' Pedestrian Easement" and "10' Sewer & Pedestrian Easement" on the Plat.

By its recording of this Deed, Grantee agrees, for itself and its successors and assigns, that any premises of Grantor lying outside the scope of the Easements disturbed or affected by Grantee's exercise of the rights granted it hereunder, shall be restored as near as reasonably practical to their condition prior to such entry at Grantee's own cost and within a reasonable time, and acknowledges that it will indemnify and hold Grantor and its successors and assigns harmless, to the full limits of liability insurance that Grantee customarily maintains, for any injury or damage resulting from the public use of said right of way not attributable to acts of the Grantor. Grantee, by the recording of this Deed, acknowledges that this easement has been donated to the Town of Essex, at no cost to the Town, with the intent that Grantor and its successors and assigns shall receive the full benefit and protection of 19 V.S.A. Section 2309.

Grantor, its successors and assigns, shall have the right to make use of the surface of so much of its property as is encumbered hereby, such as shall not be inconsistent with Grantee's use of said Easements, but specifically shall place no structures, landscaping or other improvements within said Easements which shall prevent or interfere with the Grantee's ability to use said Easements.

The Easements are a portion of the lands and premises conveyed to Allen Brook Development Incorporated by Warranty Deed of Saxon Hill Corporation dated November 24, 2014 and recorded in Volume 925 at Page 875 of the Town of Essex Land Records.

The Easements are subject to: (a) all rights-of-way, easements, conditions and covenants of record or as depicted on the Plat, not meaning to reinstate any claims barred by operation of the Vermont Marketable Record Title Act, 27 V.S.A. §§ 601-611, both inclusive; and (b) the provisions of municipal ordinances, public laws, and special acts.

Reference is hereby made to the above-mentioned plan and deeds and the records thereof, and the references therein made all in further aid of this description

TO HAVE AND TO HOLD the said granted Easements, with all the privileges and appurtenances thereto, to the Grantee, TOWN OF ESSEX, and its successors and assigns, to their own use and behoof forever; and Grantor, for itself and its successors and assigns, does covenant with Grantee, and its successors and assigns, that until the ensealing of these presents, Grantor is the sole owner of the Easements, and has good right and title to convey the same in the manner aforesaid, that the said Easements are FREE FROM EVERY ENCUMBRANCE, except as aforementioned; and it hereby engages to WARRANT and DEFEND the same against all lawful claims whatever, except as aforementioned.

IN WITNESS WHEREOF, ALLEN BROOK DEVELOPMENT INCORPORATED, has set its hand and seal by its Duly Authorized Agent this 20 day of \_\_\_\_\_\_\_\_, 2020.

ALLEN BROOK DEVELOPMENT INCORPORATED

Duly Authorized Agent

STATE OF VERMONT COUNTY OF CHITTENDEN, SS.

On this 21 day of <u>Navan</u>, 2020, personally appeared <u>Navan</u>, Duly Authorized Agent of ALLEN BROOK DEVELOPMENT INCORPORATED, to me known to be the person who executed the foregoing instrument, and he/she acknowledged this instrument, by him/her signed, to be his/her free act and deed and the free act and deed of ALLEN BROOK DEVELOPMENT INCORPORATED.

Before me,

Printed Name: BRIAN BERTSUNT

Notary commission issued in Chittenden County My commission expires: 1/31/21

