

STATE OF VERMONT  
AGENCY OF TRANSPORTATION

June 9, 2021

Re: Williston CMG Park (29)  
Parcel # 13 – Martin, Nicholas & Botnari-Martin, Ludmila  
05k166

JUSTIFICATION OF ADMINISTRATIVE SETTLEMENT

In reviewing negotiations on this parcel, a settlement was affected, subject to the Agency's approval, in the amount of \$16,725.00. This exceeds by \$13,425.00 the Right of Way Acquisition Chief's determination of Fair Market Value of \$3,300.00.

Justification for the settlement is based on consideration to the following:

The fair market value offer of \$3,300.00 was made to the owner. The offer included an explanation of the construction and the rights needed from their property to complete this work. Mr. Martin was very opposed to the project and indicated early on he did not plan to negotiate with the State. He was especially concerned about losing a row of large (20') cedars that provide his rental property with protection from weather, road noise, and dust. Negotiations continued and eventually a counteroffer of \$23,303.00 was received. This included \$20,000.00 to pay for an 8' fence to replace the cedar hedge. The negotiator indicated to him that this would be too expensive for the State to accept. Before officially declining his counteroffer, Mr. Martin lowered his counteroffer to \$16,725.00. The State considered this and accepted. The acceptance by both parties of compensation in the amount of \$16,725.00 concludes negotiations.

This settlement eliminates further negotiations and incidental costs and the need for the eminent domain process. The settlement would also eliminate a potential costly condemnation and compensation appeal. Therefore, this settlement is deemed reasonable, prudent, and in the public interest under the provisions of 49CFR, Part 24, 24.102(I).

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Trey Polk, Right of Way Acquisitions and Utilities Manager

Orig - ROW Property Owner File  
Patrick Kirby, FHWA