

**No. R-399. Joint resolution relating to the annual State lands transactions.**

(J.R.S.54)

By the Committee on Institutions,

*Whereas*, in 1964, in order to provide access, including public access, from Route 155 to the Okemo State Forest in the Town of Mount Holly, the State of Vermont acquired fee ownership of a 50-foot strip of land across three privately owned parcels, and

*Whereas*, two of the parcels' owners, in order to access their respective parcels, have secured an easement across the State-owned strip, and

*Whereas*, the third parcel's owner, Yale University, included in its deed to the State a contingency clause, which has never been acted upon, for an access easement across the State's parcel, and the Commissioner of Forests, Parks and Recreation now seeks to grant an easement to Yale University for access to the University's land, and

*Whereas*, the deeded description of the 50-foot strip of land that the owners of the Coleman, Barber, and Yale University parcels conveyed to the State of Vermont contains scrivener's errors and omits courses and distances, creating confusion as to the location of the rights-of-way conveyed to the owners of the Coleman and Barber parcels and of the right-of-way to be conveyed to Yale University, which the Department desires to correct through the exchange or conveyance of corrective deeds, and

*Whereas*, in September of 2018, Michael and Pamela Kingman filed a civil suit against the State of Vermont seeking a declaratory judgement to determine the boundary line between their land and the northern terminus of Branbury State Park in the Town of Salisbury, and

*Whereas*, the parties have executed a settlement agreement and release of the civil law suit, involving the exchange of quitclaim deeds, the establishment of a new boundary line, and the relinquishment of any claimed rights of Michael and Pamela Kingman to the south of the line and of the State to the north of the line, and

*Whereas*, 10 V.S.A. § 2606(b) provides that the Commissioner of Forests, Parks and Recreation may "sell, convey, exchange, or lease lands, or interests in land, or may amend deeds, leases, and easement interests," with the approval of the General Assembly, *now therefore be it*

***Resolved by the Senate and House of Representatives:***

That the Commissioner of Forests, Parks and Recreation is authorized to convey a right-of-way easement to Yale University across a fifty-foot strip of land in the Town of Mount Holly that is located beginning at a point on the edge of State Highway 155 and traverses the Coleman parcel to the boundary with the Yale University parcel and that Yale University shall use the right-of-way exclusively to access its land. The Department of Forests, Parks and Recreation shall reserve for itself and its successors, licensees, and assigns, the right to use this easement, in common with Yale University, for any type of forest management activity, including those that involve the use of vehicles and equipment, and for public recreational access to Okemo State Forest, including for snowmobiling and

cross-country skiing. Forest management uses shall be a priority to which all other uses shall be subordinate, *and be it further*

**Resolved:** That the Commissioner of Forests, Parks and Recreation may exchange or convey corrective deeds to the owners or successors of the Coleman, Barber, and Yale University parcels abutting or adjacent to Okemo State Forest to correct scrivener's errors in the description of the 50-foot strip of land and right-of-way, and be it further

**Resolved:** That the Commissioner of Forests, Parks and Recreation may exchange quitclaim deeds with Michael and Pamela Kingman for all rights, title, and interests in certain lands in the Town of Salisbury on the northern and southern sides of an agreed-upon boundary line, *and be it further*

**Resolved:** That the Secretary of State be directed to send a copy of this resolution to the Commissioner of Forests, Parks and Recreation.