

State of Vermont
Commissioner's Office
Department of Forests, Parks & Recreation
1 National Life Drive, Davis 2
Montpelier, VT 05620-3801
<http://fpr.vermont.gov>

Agency of Natural Resources
Michael C. Snyder, Commissioner

[phone] 802-828-1534
[fax] 802-828-1399

MEMORANDUM

TO: Senator Joe Benning, Senate Institutions Committee Chair
Representative Alice Emmons, House Corrections and Institutions Committee Chair

FROM: Michael Snyder, FPR Commissioner

DATE: January 14, 2020

SUBJ: **Proposed Joint Resolution Pertaining to State Lands**

The Department submits the following proposal seeking General Assembly approval and authorization for the Commissioner to convey a right-of-way to Yale University across a portion of Government Road in Mt. Holly. Also included in this memorandum is information related to a proposal the Department anticipates submitting this legislative session related to Branbury State Park, and the status of discussions with a landowner in the Town of Plymouth regarding a right-of-way exchange that may result in a request to amend Act No. 261 (J.R.S. 32).

Branbury State Park: Salisbury, VT

In September 2018, Michael and Pamela Kingman filed in Court and served the State of Vermont with a civil action (Docket No. 168-9-18 Ancv) for declaratory judgment on the location of the boundary between the Kingmans' land and the State's land alongside Lake Dunmore in Salisbury, Vermont. The Kingman's land is located at the north line of the Park where the Park meets Lake Dunmore. The Kingmans and the State have negotiated settlement terms that may result in the Department requesting approval of the General Assembly. The Department anticipates having a formal request this legislative session.

SOV to Yale, Government Road ROW: Mt. Holly, VT

In 1964, the State of Vermont acquired fee title to a fifty (50) foot strip of land across three privately owned parcels to provide access to the Okemo State Forest from State Route 155 in the Town of Mount Holly. The parcel abutting Route 155 (Coleman parcel) reserved a right-of-way across the 50-foot strip conveyed to the State. The other two parcels to the north and west (Yale University and Barber) included contingencies in their deeds to the State that required the State to convey a right-of-way easement to them for use of the 50-foot strip and road to access their parcels. The State has never conveyed a right-of-way to Yale University as required by their deed to the State dated April 7, 1964. The State did convey a right-of-way to the Barber parcel. The Department seeks approval to complete this transaction and convey a right-of-way easement to Yale University across a portion of Government Road and thereby preserve the State's access to Okemo State Forest, which includes public access for recreational purposes and for forest management purposes.

Specifically, the Department requests approval to convey to Yale University a right-of-way across the 50-foot strip of land owned by the State of Vermont, to be used in common with the State of Vermont and the owners of the Barber parcel, for the sole purpose of providing access to the land presently owned by Yale University. The Department will specifically reserve the right to use this right-of-way for forest management purposes and to allow the public to use such right-of-way for access to Okemo State Forest for recreational purposes, including the use of the right-of-way for snowmobiles by VAST and cross country skiing by the Catamount Trail Association.

Rangers Road ROW Exchange: Plymouth, VT

The Commissioner of Forests, Parks and Recreation (FPR) was authorized pursuant to Act No. R-261 (J.R.S. 32) of the 2009-2010 Legislative Session to exchange rights of way between the Department and owners living on or near a state forest highway (Rangers Road) at Coolidge State Forest in the Town of Plymouth. The exchange would allow adjacent landowners to access their property via the Rangers Road in exchange for certain development restrictions and other concessions that would protect the State's interest in Coolidge State Forest and Rangers Road and benefit the public. FPR has not heard from any of the landowners along Rangers Road following the last legislative session. If the Department receives an alternative proposal and finds that it contains sufficient public benefit, we will promptly submit a memo outlining a proposed amendment to Act No. 261.

As always, we look forward to meeting with your respective Committees to discuss these proposals at your convenience.

Encl.

cc: Julie Moore, ANR Secretary
Michael Chernick, Legislative Council
Rebecca Wasserman, Legislative Council
Meghan Purvee, FPR Legal Counsel
Rebecca Washburn, Director Lands Administration & Recreation
Danielle Fitzko, Director of Forests

Proposed Joint Resolution for Year 2020 Legislative Session:

Whereas 10 V.S.A. §2606(b) authorizes the Commissioner of Forests, Parks and Recreation to sell, convey, exchange or lease land, or interests in land, or may amend deeds, leases and easement interests, with the approval of the General Assembly, and

Whereas the General Assembly considers the following actions to be in the best interest of the state, now therefore be it

Resolved by the Senate and House of Representatives:

Resolved:

- (a) The Commissioner of Forests, Parks and Recreation is authorized to convey a right-of-way easement to Yale University as follows:
 - (1) 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 owned in fee by the State of Vermont, Department of Forests, Parks and Recreation beginning at a point on the edge of State Highway 155, which is opposite station 376+57 of said Highway. The right-of-way shall be used for the sole purpose of providing access to the land presently owned by Yale University, and shall be used in common with the State of Vermont, Department of Forests, Parks and Recreation and the owners of the so-called Barber lot. The State of Vermont, Department of Forests, Parks and Recreation shall reserve for itself, its successors, licensee, and assigns, the right to use the right-of-way in common with Yale University, including, but not limited to, the right to allow the public to use the right-of-way for recreational access to Okemo State Forest, including for snowmobiling and cross-country skiing, and the right to use the right-of-way for forest management purposes, which includes any and all types of forest management and equipment and vehicles, which use shall be a priority use and all other uses shall be subordinate and shall yield to forest management uses.