

From: Charles Storrow <chuck@leoninepublicaffairs.com>
Date: Monday, January 20, 2020 at 1:48 PM
To: "Matt.Chapman@vermont.gov" <matt.chapman@vermont.gov>
Cc: "bshupe@vnrc.org" <bshupe@vnrc.org>
Subject: Proposed Act 250 Legislation/Road Rule

Dear Matt,

This is to follow up on our conversation the other day about our client Vermont Attorneys Title Corporation's concerns about the "road rule" feature in the Act 250 legislation ANR is proposing.

VATC takes no position on the policy merits of the new proposed jurisdictional threshold. Instead, if the proposal moves forward VATC would like to see language requiring survey plats for parcels of land created by acts of subdivision after the effective date of the legislation and accessed by roads (or with structures accessed by roads) to show the roads and their length.

VATC makes this request because it insures the marketability of title to real estate based on title opinions rendered by attorneys. The Supreme Court has ruled that in opining on the marketability of title to real estate attorneys must determine whether the subject real estate is in compliance with state's subdivision rules and other state and local land use laws. *See e.g., Hunter Broadcasting, Inc. v. City of Burlington*, 164 Vt. 391 (1995); *Bianchi v. Lorenz*, 166 Vt. 555 (1997). In reviewing a survey plat recorded in the land records (or otherwise on file in a state office) it may be difficult for an attorney to determine the length of the road, especially if the road is curved, and thus be able to determine whether the property complies with Act 250.

For now I just want to bring this issue to your attention. If and when the proposed legislation moves forward I can submit some proposed bill language.

I am copying Brian Shupe at VNRC as I understand VNRC is partnering with the administration on this proposal.

Thanks—Chuck Storrow

Charles Storrow, Partner
Leonine Public Affairs, LLP
1 Blanchard Court, Suite 101
Montpelier, VT 05602
Cell: (802) 371-7863 – Direct Office: 802-552-4470

chuck@leoninepublicaffairs.com