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**Resolution Relating to**

**RESOLUTION**  
Sponsor(s): ~~Councilors Keogh,~~  
~~Wright, Paul, Mulvaney-Stanak. Bd. of Finance~~

Introduced: 10/03/11  
Referred to: \_\_\_\_\_  
Action: \_\_\_\_\_  
Date: \_\_\_\_\_  
Signed by Mayor: \_\_\_\_\_

AUTHORIZATION TO EXECUTE EASEMENT DEED  
Re: RIVER'S EDGE CONDOMINIUM ASSOCIATION

**CITY OF BURLINGTON**

In the year Two Thousand Eleven.....  
Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, a group of four (4) properties on Riverview Drive have utilized a private  
easement which crosses what is now the River's Edge Condominium Association's land for their  
waterline since 1962; and

WHEREAS, the City has negotiated an agreement with these property owners to take on  
legal ownership of said waterline (conditioned on the homeowner's payment for installation of a  
new line); and

WHEREAS, in order for the City to own and maintain said waterline, a grant of easement  
for the waterline across the River's Edge Condominium Association's land is required; and

WHEREAS, on September 26, 2011, the Board of Finance discussed, reviewed and  
unanimously voted to recommend City Council approval of a resolution to authorize execution  
of the easement (attached);

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby reauthorizes  
Mayor Bob Kiss to execute the attached Easement Deed on behalf of the City, subject to the  
prior review and approval of the City Attorney.

## EASEMENT DEED

KNOW ALL PERSONS BY THESE PRESENTS, that the RIVER'S EDGE CONDOMINIUM ASSOCIATION (GRANTOR), owner of certain lands located in the City of Burlington, County of Chittenden and State of Vermont, in consideration of One Dollar and other consideration in hand paid by the CITY OF BURLINGTON (GRANTEE), the receipt whereof is hereby acknowledged, does by these presents Give, Grant, Assign, Convey, and Transfer to GRANTEE, its successors and assigns, the right in perpetuity to enter into and upon a certain piece of land now owned by GRANTOR and described in two (2) prior Right of Way Agreements; the first being by and between Howard G. and Ruth W. Millington and John L. and Joanne Saltus, recorded in the State of Vermont, Chittenden County, July 19, 1961, in vol. 156, p. 589, and the second being by and between Leo Smith and John L. and Joanne Saltus, recorded in the State of Vermont, Chittenden County, August 17, 1961, in vol. 156, p. 616, with the right of way, in total, being from a point on the easterly side of North Avenue, opposite 2027 North Avenue, and terminating at the point of the existing water line's junction at Riverview Drive, as depicted on the plan at map 219D in the office of the City Clerk for the City of Burlington. This easement is granted for the purpose of entering and reentering upon said property to construct, reconstruct, repair, and maintain a water pipe from North Avenue to Riverview Drive. This water pipe is to belong to, be paid for, and be the property of GRANTEE, which must permit the reconnection to it by houses with existing connections.

To have and to hold these rights to the City of Burlington, its heirs and assigns forever.

In witness whereof, the parties have executed this Agreement or caused this Agreement to be executed as of the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

IN PRESENCE OF:

CITY OF BURLINGTON

\_\_\_\_\_

\_\_\_\_\_  
Duly authorized representative of  
City of Burlington  
(Grantee)

STATE OF VERMONT  
CHITTENDEN COUNTY, SS.:

At Burlington, Vermont, on this \_\_\_\_\_ day of \_\_\_\_\_, 2011, personally appeared, \_\_\_\_\_, and he/she acknowledged the foregoing instrument by him/her as duly authorized agent of the CITY OF BURLINGTON, subscribed, to be his/her free act and deed and the free act and deed of the CITY OF BURLINGTON.

Before me,

\_\_\_\_\_  
Notary Public  
(My commission expires February 10, 2012)

IN PRESENCE OF:

RIVERS EDGE CONDOMINIUM  
ASSOCIATION

\_\_\_\_\_

\_\_\_\_\_  
Duly authorized representative of  
River's Edge Condominium Association  
(Grantor)

STATE OF VERMONT  
CHITTENDEN COUNTY, SS.:

At Burlington, Vermont, on this \_\_\_\_\_ day of \_\_\_\_\_, 2011, personally appeared, \_\_\_\_\_, and he/she acknowledged the foregoing instrument by him/her as duly authorized agent of the RIVER'S EDGE CONDOMINIUM ASSOCIATION, subscribed, to be his/her free act and deed and the free act and deed of the RIVER'S EDGE CONDOMINIUM ASSOCIATION.

Before me,

\_\_\_\_\_  
Notary Public  
(My commission expires February 10, 2012)

lb/RWH 2011/River's Edge condominium – Easement for Water Line