

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone:(802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

*David White, AICP, Director
vacant, Assistant Director
vacant, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Senior Planner
Anita Wade, Zoning Clerk
Elsie Tillotson, Department Secretary*



TO: Development Review Board
FROM: Scott Gustin *SD*
DATE: September 1, 2015
RE: 15-1386FC; 281 Shelburne Street

Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Zone: RL Ward: 5S

Owner/Appellant: Barry W. Heath, M.D. & Jennifer S. Laurent

Request: Appeal of zoning permit denial for installation of fence around portion of front yard.

Overview:

The property owners sought zoning permit approval for a fence that was installed without a zoning permit. An informal warning letter of zoning violation issued by the Code Enforcement Office prompted the zoning permit application. Much of the fence was installed within the Shelburne Street/U.S. Rte. 7 right-of-way, and portions of fencing installed by the driveways on the subject and neighboring properties exceeded the 3' clear sight triangle height limit. Therefore, the zoning permit application was denied. The property owners have appealed that denial.

Recommendation: Uphold zoning permit denial based on the following findings and conditions:

I. Findings:

Sometime in spring 2015 a new metal fence was installed at 281 Shelburne Street. The metal fence runs parallel to Shelburne Street and down alongside the driveway. A new section of wooden fence was also installed. This section of wooden fence essentially extends an existing wooden fence running alongside the service driveway to Champlain School.

The Code Enforcement Office issued an informal warning letter to the property owners on June 9, 2015 noting the alleged fence installation without a zoning permit. No formal notice of zoning violation has yet been issued.

On June 23, 2015, the property owners applied for a zoning permit for the recently installed fencing.

Following application, staff contacted the property owners via voicemail and then again via email on July 13, 2015 noting the problems with the fence as installed – specifically that the fence was installed within the Shelburne Street/U.S. Rte. 7 right-of-way (ROW) and that it exceeded the 3' height limit within the driveways' clear sight triangles.

On July 16, 2015, staff met onsite with the property owner to view the fence and discuss possible modifications and appeal rights. Following that site visit, the property owners decided to pursue leaving the fence in place.

On July 20, 2015, the zoning permit application was denied per the following reasons:

1. Both the metal fence and the single section of new wooden fence exceed 3 feet in height and both encroach into clear sight triangles per Sec. 6.2.2, *Review Standards, (m) Landscaping and Fences*, of the Comprehensive Development Ordinance. The metal fence encroaches into the clear sight triangle for the property's driveway and Shelburne Street/U.S. Route 7, and the wooden fence encroaches into the clear sight triangle for the Champlain School's service driveway and Shelburne Street/U.S. Route 7. For driveways, clear sight triangles extend 15 feet along the driveway into the property and 25 feet away from the driveway along the front property line. Within the clear sight triangle, fences shall be limited in height to just 3 feet above the curb.
2. The entire length of metal fence that parallels Shelburne Street/U.S. Route 7 is located within the public street right-of-way. This public street right-of-way extends approximately 7 feet from the sidewalk towards the home. As a result, approximately 6 feet of the fence that parallels the property's driveway and the new section of wooden fence are also located within this public street right-of-way. The permit application form contains no signature from the Vermont Agency of Transportation or the U.S. Department of Transportation as co-applicant. Per Sec. 3.2.2, *Application Types and Submission Requirements (b) Awning and Fence Applications, item 1 A*, of the Comprehensive Development Ordinance, such co-application is required as the right-of-way extends beyond the subject private property and is under the jurisdiction of said transportation agencies.

On August 3, 2015, the property owners appealed the zoning permit denial to the Development Review Board. The appeal was filed within the 15-appeal period.

The appeal asserts that the fence was installed consistent with advice from the Planning & Zoning office. It does not articulate what that "advice" was, but written correspondence from the owner submitted with the permit application states that they were advised to place the fence 1' inside the property line. There is, however, no written record of such comment being provided by Planning & Zoning and, in any event, no zoning permit application was filed prior to installing the fence.

Sec. 6.2.2, *Review Standards, (m) Landscaping and Fences*, of the Comprehensive Development Ordinance limits the height of fences installed within clear sight triangles to just 3' tall above the curb. There are two types of clear sight triangles: 1) street/street corners and 2) street/driveway corners. In this case, there are two street/driveway corners, one for the subject property's driveway and Shelburne Street and the other for Champlain School's service driveway and Shelburne Street. For street/driveway corners, clear sight triangles extend 15 feet along the driveway into the property and 25 feet away from the driveway along the front property line. Newly installed fencing exceeds the 3' height limit within both clear sight triangles. The appeal alludes to modifying the fence to achieve compliance but is not specific and also asserts that doing so would not make sense for the subject property.

A zoning permit is for a specific property. It does not extend beyond the boundaries of a particular property. If more than one property is involved in a permit application, more than one zoning permit is needed. The zoning permit application must be signed by the property owner of each property involved. For fence applications, see Sec. 3.2.2, *Application Types and Submission Requirements (b) Awning and Fence Applications*, item A. In this case, the fencing as installed spans the property at 281 Shelburne Street and also the Shelburne Street/U.S. Rte. 7 corridor. Typically, zoning does not extend into public street ROW's – that is generally the jurisdiction of the Department of Public Works. Planning & Zoning correspondence with Public Works notes no flexibility in approving an obstruction agreement within U.S. Rte. 7 given its status as a class 1 federal highway (see June 30, 2015 email between Scott Gustin & Laura Wheelock). Written correspondence from VT Agency of Transportation (Richard Hosking, PE) relative to an encroachment request at 495 Colchester Ave (also part of U.S. Rte. 7) recommends that the city not allow encroachment and cites 23 CFR Sec. 1.23 (b) that requires all real property within the right-of-way of a highway improved with federal aid must be used exclusively for highway purposes. Additional correspondence from VT Agency of Transportation (John Dunleavy) notes that the ROW is under the city's jurisdiction but notes that restrictions relative to federal aid remain (i.e. such as prohibition of new encroachments). Public Works has not signed a separate zoning permit application, nor is it willing to issue an obstruction approval under its jurisdiction.

The appeal notes that the application need only be signed by a property owner, not a holder of the right-of-way, and it asserts that there is only anecdotal evidence that the fence is installed within the street ROW. Indeed, a zoning permit must be signed by the property owner. The property at 281 Shelburne Street is 100' wide along Shelburne Street and 125' deep according to deed research. According to the city's street inventory, the Shelburne Street ROW is 99' wide. The parcel boundaries in the city's GIS reflect the correct property dimensions of 100' X 125'. The 99' ROW measures only 96'. From the centerline of Shelburne Street to the front property line at 281 Shelburne Street measures 43' in the GIS. It measures 7' from the edge of the sidewalk to the front property line. A measurement by Code Enforcement (see July 6, 2015 email from Theodore Miles to Scott Gustin) based on an existing survey marker found the front property line to be 9' from the edge of the sidewalk. The front property line depicted in the GIS may simply be a bit too close to the sidewalk. This would explain most of the 96' wide versus 99' wide ROW discrepancy. In any event, the fence as installed is 2.5' from the edge of the sidewalk and clearly stands outside the boundaries of 281 Shelburne Street. The zoning permit application for 281 Shelburne Street does not extend into the street ROW. The fence within the ROW remains without valid permit application or approval, whether by the Dept. of Planning & Zoning or the Dept. of Public Works.

In sum, the fence as installed is too tall within the two clear sight triangles affecting the property, and it extends beyond the property boundaries of 281 Shelburne Street and into the Shelburne Street/U.S. Rte. 7 ROW. The zoning permit application for the fence as installed, therefore, cannot be approved.

II. Recommended Motion:

Uphold the denial of zoning permit application 15-1386FC.

Scott Gustin

From: Laura Wheelock
Sent: Wednesday, August 26, 2015 10:53 AM
To: Scott Gustin
Subject: FW: Burlington - US7 Right of Way - 281 Shelburne St
Attachments: Shelburne findings.conclusions.pdf

Scott,

Please see the attached regarding the historic US7 ROW width that indicates ownership within the 99 feet as being the Municipalities. As well as the responses below from the two assistant attorney generals at VTrans and the District 5 VTrans manager who oversees Chittenden County.

Honestly all I think is left is proving where the ROW line is as the land inside the ROW is the City's; unless some other easement exists with the property owner and the city for ownership. I have Lisa looking into the land records for that property.

Thanks,

Laura K. Wheelock P.E.
Public Works Engineer

Burlington Department of Public Works
645 Pine Street
Burlington, VT 05401
PH: 802-540-0397
M: 802-338-2125
LWheelock@burlingtonvt.gov

From: Hosking, Dick [mailto:Dick.Hosking@vermont.gov]
Sent: Wednesday, August 26, 2015 7:54 AM
To: Dunleavy, John <John.Dunleavy@vermont.gov>; Laura Wheelock <lwheelock@burlingtonvt.gov>
Cc: Rice, Bill <Bill.Rice@vermont.gov>
Subject: RE: Burlington - US7 Right of Way

District 5 does not allow any NEW fences in our ROW except for barb wire/electric fences for agriculture purposes. We have had some cases where an older fence was found to be in the ROW and we allow it to remain until it has to be replaced and then it must be moved outside the ROW line.

Richard Hosking, P.E.

District Project Manager
PO Box 168
Essex Junction, VT 05453
802-654-1722
802-655-6642 (fax)

Email: dick.hosking@vermont.gov

bill.rice@vermont.gov

From: Laura Wheelock [<mailto:lwheelock@burlingtonvt.gov>]
Sent: Monday, August 24, 2015 5:40 PM
To: Hosking, Dick; Dunleavy, John; Rice, Bill
Subject: Burlington - US7 Right of Way

Dick/John/Bill,

I hate to have to ask such a similar question but here it goes again.

We have a property owner at 281 Shelburne St. Who installed a fence without getting proper permits first. They were clearly cited by several City departments regarding the fence and told to seek a planning and zoning permit to start. Upon review, their application was denied citing a few issues, one being the fence location appears to be within the right-of-way for US7 and it is a non-transportation use of the ROW. They have sought legal representation as they appeal the planning and zoning permit.

What I need assistance with is who owns the ROW for US7 within the City of Burlington, what rights/easements VTrans/FHWA or other parties might have in that ROW, and how a fence might impact our federally funded assistance. The attached indicates the property owner's attorney has been in contact with William Rice with regards to the ownership of the right of way.

I know John has previously supplied this reference: 23 C.F.R. § 1.23(b) requires that all real property within the right-of-way of a highway improved with federal aid must be used exclusively for highway purposes. Which is what we used as just one of the reasons we denied the permit, they have other aspects of the fence that do not comply with our regulations.

Any insight/clarity you can provide would be greatly appreciated.

Thank you,

Laura K. Wheelock P.E.
Public Works Engineer

Burlington Department of Public Works
645 Pine Street
Burlington, VT 05401
PH: 802-540-0397
M: 802-338-2125
LWheelock@burlingtonvt.gov

with the raised median design. The most current studies conclude that raised medians provide better traffic safety than TWLTLs, and will reduce total numbers of accidents by 40-66%. The types of accidents that will be reduced the most in the project corridor with the implementation of the raised median design are rear end, broadside, head on and angle collisions by vehicles turning in opposite directions.

34. Some owners of abutting properties not directly served by median openings are worried that potential customers will drive past their or their tenant's businesses. These concerns are overstated. There are an adequate number of median openings to provide access to nearby properties. Drivers will learn where they must turn to reach the businesses. The nearby Dorset Street project -- completed in 1993 -- provides an instructive example of how businesses exist in the presence of a raised median.

Width of the preexisting right-of-way

35. Another point of dispute is the width and location of the existing highway right-of-way for this segment of U.S. 7. The original survey for this portion of the highway was made in 1797, and ran from Vergennes north into Burlington. (South Burlington was part of the old Town of Burlington until 1865.) The survey set out the westerly limit of a six-rod (99 feet) right-of-way. It is undisputed that the original survey was to establish a six-rod wide right-of-way. AOT claims that dimension as the pre-existing right-of-way width.

36. The parties disagree about the location of the right-of-

way in Shelburne. The location and width of the six-rod right-of-way in South Burlington are well-monumented, and are not in dispute.

37. The 1797 survey is technically flawed in the vicinity of the LaPlatte River in Shelburne, most likely because some bearings and distances were erroneously transcribed or were omitted from the written description of the survey. It is not at all unusual to find surveys that are incomplete or otherwise flawed. In that event, the task of a surveyor who is attempting to recreate the original survey is to work with the remaining portions of the written description to determine the intent of the original survey.

38. Vincent Lamark, an employee of AOT's design consultant Erdman Anthony and Associates, performed the work to recreate, or retrace, the 1797 survey and AOT's Chief of Survey, Paul Hodge, independently reviewed that work. As part of their work, they consulted the description of the 1797 survey; relevant portions of plans for highway projects on this portion of U.S. 7 in 1919, 1924, 1949 and the relocation of the LaPlatte River bridge in 1955 westerly to the location of the current, newly-rebuilt bridge; private survey plats and deed descriptions of abutting parcels, which consistently recognized a six-rod wide right-of-way; records of surveys of other highway rights-of-way in Shelburne; and other monumentation such as buildings, culverts and natural features such as ledge formations and water bodies. The highway itself is a monument and there was no evidence that it ever has existed other than in its current corridor. Particularly, the ledge outcropping

on the west side of the right-of-way at the top of a rise near the LaPlatte River provides a clear line of sight almost straight to the South Burlington line and the outcropping was most likely the west side of the six rod historic right-of-way.

39. The 1797 survey of the project corridor consists primarily of two long, straight lines, or tangents. One of these tangents runs north more than two miles, beginning in the vicinity of the above described ledge outcropping near the intersection of Webster Road and U.S. 7 (approximately Station 271 of the project plans). Near the town/city line between Shelburne and South Burlington (approximately Station 375 of the project plans), it intersects with the other tangent, which extends north into Burlington.

40. 1949 and 1955 highway plans of the highway indicate that the centerlines of the traveled ways (that is, the paved portions of the highway, which carry traffic) of those projects were in the center of the right-of-way where they merged in Shelburne, and that the centerline of the 1949 highway project in South Burlington also was in the center of the right-of-way. In between those locations, the centerline of the traveled way bows to the west. The 1797 survey describes the angle of deflection formed by the intersection of the two long tangents as 8 degrees and 45 minutes (in those days, angles were measured only to the nearest 15 minutes). The angle of deflection for the intersection of the tangents for the 1949 traveled way centerlines was 8 degrees, 43 minutes and 9 seconds, well within the standard of performance for 1797. Mr.

Hodge utilized a different methodology than Mr. Lamark, but also computed the angle of deflection at the intersection of the two tangents. He measured an angle of 8 minutes, 43 degrees and 35 seconds, remarkably close to Mr. Lamark's calculation and also well within the standard of performance of the 1797 survey.

41. Having determined the centerline of the right-of-way depicted in the 1797 survey, Mr. Lamark measured three rods to the west to establish the parallel line that is the westerly edge of the right-of-way and three rods to the east to establish the parallel line that is the easterly edge of the right-of-way. Those are the best fit with the 1997 and the present location of highway and neighboring lands. Those are the right-of-way limits that are depicted on the project plans. They are consistent with the 1797 survey.

42. Regardless of the width of the preexisting right-of-way, the land that AOT proposes to acquire is required for the project.

CONCLUSIONS OF LAW

1. "The necessity specified by the statute for the condemnation of land for highways does not mean an imperative or indispensable or absolute necessity but only that the taking provided for be reasonably necessary for the accomplishment of the end in view under the particular circumstances." *Latchis v. State Highway Board*, 120 Vt. 120, 123 (1957). Accord. *Agency of Transportation v. Wall Management*, 144 Vt. 640, 643 (1984); *Cerosimo v. Town of Townshend*, 139 Vt. 594, 597 (1981).

2. 19 V.S.A. Section 501(1) contains the statutory elements

survey. See, e.g., Welch v. Barrows, 125 Vt. 500, 504 (1966) ("The intention of the parties, not the language used, is the dominating factor, and the circumstances existing at the time of the execution of the deed, the situation of the parties and the subject matter are to be considered."). Stewart Morrow, a land surveyor, was the expert witness for a number of the objecting property owners. Mr. Morrow claims, among other things, that a serious discrepancy in the survey is that the distance to the Shelburne/now-South Burlington (the survey refers to Burlington, because in 1797 Burlington and South Burlington had not been chartered as separate communities) town line cannot be determined through the distance measurement expressed in the survey ("...thence north eleven degrees and fifteen minutes east one chain and seventy-four links to a stake and stones in Burlington line..."). The reference to the town line, however, establishes it as a monument, which takes precedence over a metes-and-bounds description. "Accordingly, distances must be lengthened or shortened and courses varied so as to conform to the monument description." See Monet v Merritt, 136 Vt. 261, 265-266 (1978). There was no indication at trial that the location of the town line is in dispute.

15. The court concludes that AOT has determined the intent of the 1797 survey, has accurately located its termination and boundaries (including the existing right-of-way limits), and has properly described the land and rights in land it proposes to acquire. These items all are properly depicted on the project plans.

AOT was not obligated to follow the process set forth in 19 V.S.A. Section 32, because it was able to ascertain the terminations and boundaries of the original survey. Therefore, it did not need to conduct a resurvey. As the Supreme Court stated when it construed a similar statute in *Culver v. Town of Fair Haven*, 67 Vt. 163, 166 (1895): "To say that the word "resurvey," as used in the statute, means nothing more than to locate the lines of the boundaries in their original location, is to give the word too narrow a construction. If the terminations and boundaries can be ascertained according to the original survey, there is no need of a resurvey."

16. This court fails to understand why the AOT fails to comply with Vermont Rules of the Board of Land Surveyors for the required precision of surveys. The AOT merely rounds limits of the right-of-way to the nearest foot. However, that does not mean the lack of measurement precision misleads the property owner as to what is to be taken, nor does it cause the court to determine that necessity must be denied for that reason. The property interests to be acquired are sufficiently described to meet the requirements of law.

17. A description of a proposed taking must not mislead a property owner, *Vermont Electric Power Co., Inc. v. Anderson*, 121 Vt. 72, 78 (1958), and the respondents do not claim they have been misled. The project plan specifically identifies the affected parcels and describes the land and rights that AOT wishes to condemn:

In addition to the narrative description of the perimeter of the taking, the plan includes what are called layouts and detail sheets. The layout sheets show, in relation to the affected properties, the names of the property owners, the existing and proposed right-of-way limits, the temporary and permanent rights, the approximate private property lines and a variety of miscellaneous details. The detail sheets also include the names of the property owners, the beginning and ending stations ("stations" are reference points for the designers and are measured in 100' intervals: for example, Station 264 is 100' north of Station 263; Station 264+17 is 17' north of Station 264) for the fee takings and the amounts of those takings; and, the stations and amounts of all additional rights to be acquired. This plan accurately and adequately identifies the land and interests that AOT wants to acquire, and complies with the plain text of Section 506(a).

18. There are other pertinent statutes, outside of Title 19, which support AOT's position. See Shepard, 155 Vt. at 357 ("The statutory scheme on highways is complex, constituting all of Title 19 as well as portions of other titles, with many interrelated provisions."). As a further indication that the mandates generally applicable to land surveyors do not pertain to the preparation of highway plans, the legislature has exempted the latter from the requirement that they be signed and sealed by a surveyor. 27 V.S.A. Section 1403(b)(6) requires that private survey plats shall contain "the land surveyor's certification as outlined in Section 2596 of Title 26 and a certification that the plat conforms with the

requirements of this section. These certifications shall be accompanied by the responsible land surveyor's seal, name and number, and signature." 27 V.S.A. Section 1404(a) states, however, that "Survey plats prepared and filed by municipal and state government agencies shall be exempt from Section 1403 (b) (6) of this title." In addition, AOT's plans need not meet the remaining requirements of 27 V.S.A. ch. 17 until after the agency has completed the condemnation process of which the necessity hearing is merely the first step: "This chapter does not apply to layout plats of highways or other transportation facilities prepared by or for the agency of transportation, other than plats of individual parcels, before that agency issues a right-of-way clearance certificate for a transportation project." See 27 V.S.A. Section 1405. After AOT issues the right-of-way clearance certificate, "it also shall file with the appropriate municipal clerk one set of plans that conforms to the requirements of this chapter, with instructions to the clerk to dispose of all previously filed plats for that particular project." Id. AOT will properly monument the right-of-way as per Section 1405. Monumentation is not required of highway projects before they are completed, so it is not germane to a necessity hearing.

JUDGMENT

1. The necessity of the State requires the taking of title in fee or easements or other lesser rights where title in fee is not

Scott Gustin

From: Laura Wheelock
Sent: Monday, August 24, 2015 5:23 PM
To: Scott Gustin
Subject: RE: 281 Shelburne St

Hi Scott,

For proof if the fence is within the ROW I would be open to a 'loser buys agreement' where whoever is wrong pays for the boundary survey. So if the fence is indeed outside the ROW the City would pay for the survey. If it is not then the property owner has to buy. However I still fail to see where it is not the burden of proof of the property owner to identify their property boundary when installing such infrastructure that defines the boundary. If I was to install a new sidewalk I would be required to prove it was in the ROW and if questioned provide a boundary survey to support it; I do not see how this would be different.

As for the ROW ownership I will certainly seek an opinion directly from VTTrans as to this property. I do believe the appeal is correct that the land is owned by the City, and we do control the ROW. However I thought the state had rights, as it was explained to me that the City could buy out the state's rights and allow what we want. Not to mention the funding it jeopardizes.

Here is the exact wording got with regards to a request for an encroachment request at 495 Colchester Ave:

"I have recommend to the City that they do not allow the encroachment of the porch as it may affect Federal Funds for Colchester Avenue.

Thanks

Richard Hosking, P.E.

District 5 Project Manager

PO Box 168

Essex Junction, VT 05453

802-654-1722

802-655-6642 (fax)"

"23 C.F.R. § 1.23(b) requires that all real property within the right-of-way of a highway improved with federal aid must be used exclusively for highway purposes. While there are many pre-existing encroachments around the State, neither VTTrans (as to state highways) nor municipalities (as to town highways) should allow *new* encroachments.

John K. Dunleavy, Assistant Attorney General

Vermont Agency of Transportation

National Life Building (Mailing Address)

One National Life Drive

Montpelier, VT 05633-5001

(802) 828-3430 / (802) 828-2817 (fax)

john.dunleavy@state.vt.us"

LWheelock@burlingtonvt.gov

From: Scott Gustin
Sent: Tuesday, June 30, 2015 3:58 PM
To: Laura Wheelock
Subject: RE: 281 Shelburne St

Thanks! So the twist here is that if it's in the ROW, they'd need an encroachment permit/agreement. I'll send them your way if they'd like to pursue that.

Scott

Scott Gustin, AICP, CFM
Senior Planner
Dept. of Planning & Zoning
149 Church Street
Burlington, VT 05401
(802) 865-7189

From: Laura Wheelock
Sent: Tuesday, June 30, 2015 3:56 PM
To: Scott Gustin
Subject: RE: 281 Shelburne St

Hi Scott,

I had our excavation inspector review the fence location and it is ~2.5' off the back of the sidewalk. The ROW from GIS shows/measures 7' from the back of the sidewalk. When I look at the GIS vs the unmodified existing fence it looked good see the photo below. The new fence should start back at that old end of fence location (at minimum). This would put it exactly on the ROW.

Thanks for checking in on this. If they need to speak with us/DPW please send them my way.



Laura K. Wheelock P.E.
Public Works Engineer

Burlington Department of Public Works

Scott Gustin

From: Theodore Miles
Sent: Monday, July 06, 2015 12:17 PM
To: Scott Gustin
Cc: Mary O'Neil
Subject: 281 Shelburne st

Scott,
I put these notes in AMANDA for the fence permit that has been applied for at this address. A photo is attached to show the new wood section of fence that is referenced.

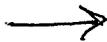
“Ted: Did some measuring of the right of way on Shelburne st. The ROW is 99 feet. There is a survey marker across the street that identifies where the property line exists. In measuring from this point to the 99 feet, the right of way goes 9 feet from the sidewalk on the west side of the road. This would coincide with the location of the wooden fence that was installed a number of years ago that lines the access drive to the school department. The fence would have to be moved back to the line of the old fence. The new wood section of fence and the new metal fence is in the right of way.”

Ted Miles
Code Enforcement
City of Burlington, Vermont
(802)863-0442
(802)865-7563

ACCEPTED & UNACCEPTED STREETS

ACCEPTED STREET	ROW	WIDTH		
A	ADAMS CT & EXT	40.00	26	
A	ADAMS ST	57.75	30	
A	ADSIT CT	32.00	20	
A	ALDER LANE	50.00	30	
A	ALEXIS DRIVE	0.00	0	
A	ALFRED STREET	40.00	26	
UNAC	ALFRED TERR	0.00	0	
A	ALGIRD ST	50.00	30	
A	ALLEN ST	50.00	28	
PRVT	AMBROSE PL	0.00	0	
UNAC	APPLETREE PT LN	0.00	0	
UNAC	APPLETREE PT RD	0.00	0	
A	ARCHIBALD ST	49.50	30	
A	ARLINGTON CT	50.00	30	
A	ARTHUR CT	0.00	0	
A	AUSTIN DR	60.00	30	
UNAC	AVE A			0.00 0
UNAC	AVE B	0.00	0	
UNAC	AVE C	0.00	0	
UNAC	AVE C NO	0.00	0	
UNAC	AVE C SO	0.00	0	
UNAC	BAIRD ST	0.00	0	
A	BALSAM ST	50.00	30	
A	BANK ST	66.00	35	
A	BARLEY RD	60.00	30	
A	BARRETT ST	49.50	30	
A	BATCHEDLER ST	60.00	30	
A	BATTERY PK DR	0.00	0	
A	BATTERY ST	99.00	37.5	
A	BAYVIEW ST	46.00	26	
A	BEACHCREST DR	60.00	30	
UNAC	BEACHCREST LN	50.00	30	
PVT	BEAUMOUNT DR			
A	BEECH ST	33.00	18	
A	BENNINGTON CT	50.00	30	
A	BERRY ST	43.00	26	
A	BILLINGS CT	60.00	30	
A	BILODEAU CT	50.00	26	
A	BILODEAU PKWY	40.00	26	
A	BIRCH CT	41.00	40	

PRVT	RAYMOND PL	0.00	0		
UNAC	REDSTONE TERR	0.00	0		
A	REVERE CT	60.00	30		
A	RICHARDSON ST	60.00	30		
A	RIDGEWOOD DR	50.00	30		
PRVT	RIVER VIEW DR	0.00	0		
UNAC	RIVEREDGE DR	0.00	0		
A	RIVERMOUNT TERR			60.00	30
A	RIVERSIDE AVE	66.00	40		
A	ROBINSON PKWY	46.00	26		
UNAC	ROCK PT	0.00	0		
A	ROCKLAND ST	60.00	30		
A	ROSE ST	49.50	26		
A	ROSEADE PKWY	60.00	30		
UNAC.	RUMSEY LN	0.00	0		
A	RUSSELL ST	49.40	26		
A	SANDRA CIRCLE	60.00	30		
A	SANDY LN	0.00	30		
A	SARATOGA AVE	50.00	30		
A	SCARFF AVE	70.00	30		
A	SCHOOL ST	50.00	28		
A	SEARS LN	50.00	30		
A	SHELBURNE ST	99.00	35		
A	SHERMAN ST	66.00	35		
A	SHORE RD			0.00	30
UNAC	SIMMS ST			50.00	30
A	SKY DR			60.00	30
A	S CHAMPLAIN ST				66.00 30
A	S COVE RD			60.00	30
A	S CREST DR			50.00	30
UNAC	S MEADOW DR			0.00	0
A	S PROSPECT ST			63.00	32
A	S UNION ST			57.75	30
A	S WILLARD ST			66.00	34
A	S WILLIAMS ST	49.50	30		
A	S WINOOSKI AVE			57.75	30
A	SOUTH ST			50.00	30
UNAC	SOUTHWIND DR			60.00	30
A	SPRING ST			0.00	26
A	SPRUCE CT	35.00	24		
A	SPRUCE ST	57.75	30		
A	ST LOUIS ST	50.00	28		
A	ST MARY'S ST	50.00	26		
A	ST PAUL ST	85.00	40		
A	STANBURY RD	50.00	30		



658 252

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS that I , **SUSAN DOUGLAS**, of, Burlington, in the County of Chittenden, and State of Vermont, Grantor, in the consideration of TEN OR MORE Dollars, paid to my full satisfaction by **BARRY W. HEATH** and **JENNIFER S. LAURENT**, of Burlington, County of Chittenden and State of Vermont, Grantees, by these presents, do freely GIVE, GRANT, SELL, CONVEY and CONFIRM unto the said, **BARRY W. HEATH** and **JENNIFER S. LAURENT**, as joint tenants with right of survivorship, and their heirs and assigns forever, a certain piece of land in the City of Burlington, in the County of Chittenden and State of Vermont, described as follows:

Being all and the same lands and premises conveyed to Susan Douglas by Quit Claim Deed of Kenneth E. Douglas and Susan Douglas dated January 16, 1994 and recorded on January 21, 1994 in Volume 501 at Pages 58 of the City of Burlington Land Records and being more fully described as follows:

Being all and the same lands and premises conveyed to Kenneth E. Douglas and Susan Douglas by Warranty Deed of Bertha H. Beardsley dated July 13, 1978 and recorded in Volume 254 at Page 404 of the City of Burlington Land Records.

A parcel of land with residence thereon, situated on the westerly side of Shelburne Street, the dwelling house thereon being known and designated as number 281 Shelburne Street.

The property is conveyed subject to all rights of way, easements, covenants, conditions, permits and restrictions of record.

Reference is hereby made to the aforementioned instruments and Land Records and to the references contained therein and records thereof in further aid of this description.

TO HAVE AND TO HOLD said granted premises, with all the privileges and appurtenances thereof, to the said, **BARRY W. HEATH** and **JENNIFER S. LAURENT**, as joint tenants with right of survivorship, and their heirs and assigns, to their own use and behoof forever; and I the said, **SUSAN DOUGLAS**, for myself and my heirs, executors and administrators, do

②
 RECEIVING OFFICE
 9-1-2008 2:15 P.M.
 of Burlington, Vol. 501, Page 58
 Vermont Property Transfer Records
 -ACKNOWLEDGED
 A. Chap. 231
 Return, Certificate & Payment Received

Attest
 Jo LaMarche, Asst. City Clerk

Henry Bacon and
Belle R. Bacon
TO
Roland O. Layfield and
Winona M. Layfield

R

WARRANTY DEED

Know All Men by These Presents That

We, Henry Bacon and Belle R. Bacon,
husband and wife,

of Burlington in the County of Chittenden and State of Vermont Grantor s.
in the consideration of Ten and more - - - - - Dollars paid to our full satisfaction by
Roland O. Layfield and Winona M. Layfield, husband and wife,

of Burlington in the County of Chittenden and State of Vermont Grantee s, by these presents
do freely Give, Grant, Sell, Convey and Confirm unto the said Grantee s, Roland O. Layfield and Winona M. Layfield, as husband
and wife, and their heirs and assigns forever, a certain piece of land in
Burlington, in the County of Chittenden and State of Vermont, described as follows, viz.:

A lot of land with buildings thereon situated on the
westerly side of Shelburne Street, the dwelling house being
known and designated as No. 281 Shelburne Street having a
frontage thereon of one hundred (100) feet and a depth of one
hundred twenty-five (125) feet and being all and the same
land and premises conveyed to us, said Henry and Belle R.
Bacon, by Warranty Deed of John J. Flynn dated May 24, A.D.
1923 and recorded in Vol. 83, Page 322, of the Land Records
of said Burlington.

Reference is made to said deed and its record and to
the deeds therein mentioned in aid of this description.

Possession of said premises is to be given October 1,
1943.

To Have and to Hold said granted premises, with all the privileges and appurtenances thereof, to the said Grantee s, Roland O.
Layfield and Winona M. Layfield, as husband and wife, their heirs and assigns, to
their own use and behoof forever. And we, the said Grantor s, Henry Bacon and Belle R. Bacon,
for ourselves and our heirs, executors, and administrators do covenant with the said Grantee s, Roland O. Layfield
and Winona M. Layfield, their heirs and assigns, that until the ensealing of these presents
we are the sole owners of the premises; and have good right and title to convey the same in manner aforesaid, that they are Free from
every encumbrance, except taxes on said premises from and after October 1, 1943 which taxes the said
grantees assume and agree to pay and we
hereby engage to Warrant and Defend the same against all lawful claims whatever except as above stated.

In Witness Whereof, we hereunto set our hand s and seal s this 26th day of August, A. D. 1943.