

EASEMENT DEED

KNOW ALL MEN BY THESE PRESENTS, That JUDY FINDEISEN, of Killington in the County of Rutland and State of Vermont, Grantor, in the consideration of TEN OR MORE DOLLARS paid to my full satisfaction by TOWN OF KILLINGTON, a municipal corporation in the County of Rutland and State of Vermont, Grantee, by these presents do freely GIVE, GRANT, SELL, CONVEY AND CONFIRM unto the said Grantee, TOWN OF KILLINGTON, and its successors and assigns, forever, an Easement over a certain parcel of land in the Town of Killington in the County of Rutland and State of Vermont, which easement is described as follows, viz:

A perpetual easement for the construction, reconstruction, replacement, enlargement, use, maintenance and repair of a municipal recreation path and/or sidewalk, together with such bridges, culverts, ramps and cuts as may be necessary, and together with the right to enter onto the property of the Grantor for the purpose of accomplishing any such construction, reconstruction, replacement, enlargement, use, maintenance and repair. Said recreational path and/or sidewalk when completed will be open to the general public.

Also included is the right to construct, reconstruct, replace, maintain and repair improvements incidental to a municipal recreation path and/or sidewalk, including but not limited to lighting and signs.

Said easement shall be Twenty (20) feet in width, the easterly line of said area being the westerly line of lands of the Grantee (Killington Road) and the westerly line of said area being a line Twenty (20) feet westerly of and at all times parallel to the easterly line, and is more particularly described on the sheets 4, 5, & 11 entitled "Town of Sherburne, VT. Killington Road Walkway The Garlic (Restaurant) to School House Road" prepared by Roberts & Franzoni, Inc., dated 2/26/99 and last revised 1/12/05 (sheets 4 & 5) and 7/27/04 (sheet #11) and on file in the map records of the Town of Killington (the "Plans"). Said sheets of the Plans are incorporated herein by reference.

Grantor, for itself, and its successors and assigns, conveys, by this deed, the sole and exclusive right to construct, reconstruct, enlarge, maintain and repair the aforesaid recreational path and/or sidewalk, and the slopes, embankments, and other associated improvements in connection therewith; Grantor does not retain, and shall have no right to maintain, construct, reconstruct, enlarge, or repair any of the aforesaid improvements in any manner or fashion whatsoever, all of which activities shall be exclusively the right and obligation of the Grantee, herein and its successors and assigns. Each and every one of such activities, as well as the design and nature of the improvements to be constructed and the manner of installation are, and shall at all times, be within the sole jurisdiction of the Town of Killington, under the general supervision and control of the Selectboard, in the same fashion and to the same extent as for municipal highways (but only for the purposes and uses described herein).

For reference to the title of Grantor reference may be had to the deed of Richard Clark Smith to said Grantor dated August 22, 1963, and recorded in Book 22 at Page 170 of the Killington Land Records.

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TO HAVE AND TO HOLD said granted easement and rights, with all the privileges and appurtenances thereof, to the said Grantee, TOWN OF KILLINGTON, its successors and assigns, to their own use and behoof forever;

And the said Grantor, for herself and her successors and assigns, do covenant with the said Grantee, TOWN OF KILLINGTON and its successors or assigns, that until the ensealing of these presents, is the sole owner of the premises, and has good right and title to convey said easement in manner aforesaid, that it is FREE FROM EVERY ENCUMBRANCE, except as above stated;

And she hereby engages to WARRANT AND DEFEND the same against all lawful claims whatever, except as above stated.

IN WITNESS WHEREOF, I set my hand and seal this 14 day of February A.D. 2005.

IN PRESENCE OF:

Shari Wong

By: Judy Findeisen L.S.
Judy Findeisen

STATE OF VERMONT
RUTLAND COUNTY, SS.

At Killington this 14th day of February A.D. 2005, Judy Findeisen personally appeared and she acknowledged this instrument, by her sealed and subscribed, to be her free act and deed.

Before me

Shari Wong
Notary Public

Received for record February 23 A.D., 2005 at 9:00 a.m.
Attest: Shari Wong Killington Town Clerk