

NORMAN C. SMITH, ESQ.

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April 12, 2012

Via e-mail

David Crawford, Village Manager
Village of Essex Junction
2 Lincoln Street
Essex Junction, VT 05452

Re: Property Owner: Nancy A. Radley
Property Address: 25 South Street

Dear David:

I have reviewed with Nancy the two options that you have presented. In either case, the Buyer is demanding a \$16,500 reduction in the price. This is a nearly 10% reduction in price. This is not acceptable to Nancy.

The Board asked us to have a Boundary Survey prepared, which was done. After we reviewed the Survey with you and George Tyler, you asked that Mark review it with Rick Hamlin's surveyor. Mark spoke with Mike Magoon, Mr. Hanlon's surveyor. Mr. Magoon suggested a few slight changes to Mark's survey, which Mark has made.

We view this as a valid Boundary Survey and would like to record it. To avoid controversy with the Village, however, we have the following proposal:

1. That we will record the Boundary Survey as prepared by Mark Ward which shows frontage of 57.5 feet. This puts the driveway entirely on the Lot so that no further easements or adjustments need to be made. In addition, the shed remains on the Lot so it does not need to be moved.
2. Nancy will pay \$3000 to the Village of Essex Junction to reimburse the Village for expenses it has incurred during this process.
3. The Trustees would authorize your signature of a Statement saying that it will not challenge the Boundary Survey prepared by Mark Ward. We would record the Statement in the land records.

I realize that this may go against the advice provided by you, the Village Attorney, and the Village Engineer. Nevertheless, we would appreciate a hearing before the Board by Monday. This would be for an up or down vote on our proposal.

David Crawford, Village Manager
April 12, 2012
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I am going into a meeting right now, but will try to draft the proposed Statement for your consideration before the end of the day.

I look forward to hearing from you.

Very truly yours,

/s/ Norman C. Smith

Norman C. Smith

c: David Barra, Esq.
Richard Hamlin, P.E.
Nancy A. Radley
Jay Pasackow
Mark Ward



I CERTIFY THAT THIS PLAT IS BASED UPON A TOTAL STATION SURVEY, PHYSICAL EVIDENCE FOUND, RECORD RESEARCH AND PLANS AS NOTED. THIS PLAT MEETS THE REQUIREMENTS OF TITLE 27 V.S.A. SECTION 1403.

BASIL & JANE HENNESSEY
O.C. VOL. 579 PG. 435 9/19/2008
VOL. 26 PG. 201, VOL. 23 PG. 161

THIS APPROXIMATE LINE BASED UPON SURVEY TO THE EAST BY WARREN ROBERTSON FOR
N. & N. CHAMBERLAIN DATE 9/12/2003 RECORDED SLIDE #410 173'

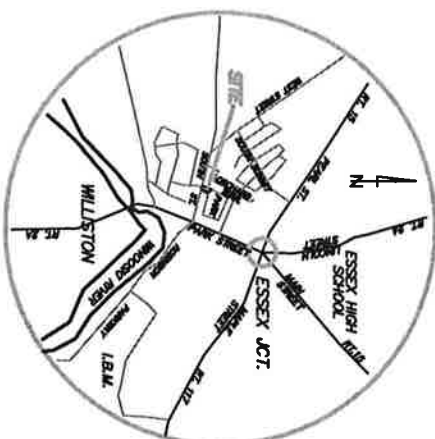
VILLAGE OF ESSEX JUNCTION
VOL. 113 PG. 160 11/30/73
STEVENS PARK

- LEGEND**
- 1" IRON PIPE TO BE SET
 - IPFO IRON PIPE FOUND
 - G GAS LINE
 - W WATER SERVICE
 - E OVERHEAD UTILITY LINE
 - UTILITY POLE

- BOUNDARY NOTES:**
1. NANCY A. RADLEY ACQUIRED HER PROPERTY IN WARRANTY DEED VOL. 419 PG. 279 DATED 10/15/89. THE ORIGINAL CONVEYANCE APPEARS TO BE IN QUIT CLAIM DEED VOL. 33 PG. 387 DATED 7/3/20. THIS DEED CALLS FOR A FRONTAGE OF 3 RODS (49.5'), A DEPTH OF 12 RODS (198') AND RIGHT ANGLE AT THE SOUTHEAST CORNER WHICH DOES NOT MATCH THE OCCUPATION OF SAID LOT. THE UNIT OF MEASUREMENT PRECISION OF THE CONTROLLING DESCRIPTION THAT WAS PROVIDED TO THE NEAREST ROD (16.5') AND THAT A LINE BEGINNING EAST OF THE DRIVE WOULD BE WITHIN THE MEASURING TOLERANCE OF 1/2 ROD. ALSO SUCH LINE WOULD ENCOMPASS THE USE AREA OR BETTER REPRESENT THE OBSERVED LINE. THE SAME TOLERANCE CAN BE APPLIED TO THE DEPTH OF THE OBSERVED LINE TO THE IRON PIPE FOUND.
 2. MAGNETIC NORTH USED FOR THIS SURVEY. PREVIOUS SURVEYS OF ORCHARD TERRACE APPEAR TO USE TRUE NORTH. MAGNETIC NORTH IN THIS CASE IS 14 DEGREES WEST OF TRUE NORTH.

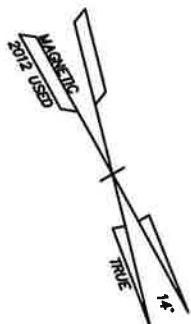
1/2" IRON ROD FOUND 2" TALL

1.5" IRON PIPE FOUND 12" TALL



JOHN & BARBARA SMITH
VOL. 184 PG. 651 9/27/84
SEE SURVEY ORCHARD TERRACE II
BY R. EMERSON DATED 7/21/66
RECORDED VOL. 73 PG. 75

JASON CHARRON
W.D. VOL. 510 PG. 679 11/15/02
VOL. 110 PG. 129, VOL. 119 PG. 143, 146
SEE SURVEY OF ORCHARD TERRACE
BY L. WILLIS DATED 5/20/65
RECORDED VOL. 71 PG. 7



VERMONT LAND SURVEYORS, INC.

P.O. BOX 115
JERICHO, VERMONT 05465
(802) 899-2278

BOUNDARY SURVEY FOR
NANCY A. RADLEY
25 SOUTH STREET
ESSEX JCT., VERMONT

DATE: MARCH 26, 2012
SURVEYED: M.W. & B.H.
DRAWN: MARK V. WARD
CHECKED: MARK V. WARD

PROJECT
201238