

TRANSPORTATION BOARD  
118 State Street  
Montpelier, Vermont  
Tel.: (802) 828-2669

503



STATE OF VERMONT

Mailing Address:  
120 State Street  
Montpelier, VT 05620-4601

COLCHESTER, VT.  
RECEIVED FOR RECORD  
10/18 AD. 2001 AT  
P O'Clock 30 Min. 8 AM  
Recorded in Vol. 365 Page 503/504  
of the Land Records.  
Attest Elizabeth Perceat  
Asst. Town Clerk

Re: Highway Project Williston-Essex-Colchester PB 033-1(1)

REVISED CONDEMNATION ORDER OF STATE TRANSPORTATION BOARD FIXING  
COMPENSATION TO BE PAID FOR THE TAKING OF LAND AND/OR RIGHTS  
THEREIN IN THE TOWN OF COLCHESTER

The Condemnation Order dated June 4, 2001 is hereby revised to include a statement of the Board's reasoning. The June 4, 2001 Order otherwise is unchanged.

In accordance with 19 V.S.A. Chapters 1 and 5, and in accordance with the Notice of Hearing dated February 9, 2001, after hearing duly held at the Chittenden Superior Court, City of Burlington, on March 7, 2001, the State Transportation Board at the time and place of hearing examined the premises, heard the parties interested in the land therein described regarding compensation, and has fixed the compensation to be awarded as follows:

The land and premises acquired by this Order must be vacated and possession given up to the State Agency of Transportation on the date of filing of this Order with the Town Clerk of the town in which the land and premises are located.

Any owner or interested person affected by this Order who is dissatisfied with the amount of damages awarded by the State Transportation Board as set forth in this Order may, within ninety days after the date this Order is filed with the Town Clerk, institute an appeal to the Chittenden Superior Court by filing a Notice of Appeal with the Executive Secretary of the State Transportation Board, as provided in Rule 74 of the Vermont Rules of Civil Procedure. Any such owner or interested person will be entitled to trial by jury pursuant to 19 V.S.A. § 513(b), provided that demand for trial by jury is made in accordance with Rules 38 and 74(e) of the Vermont Rules of Civil Procedure. The Notice of Appeal should be accompanied by a check, made payable the Clerk of the Superior Court, for the entry fee required by 32 V.S.A. § 1431(b).

For further information of premises and rights acquired by this Order, reference is hereby made to plans of Highway Project Williston-Essex-Colchester PB 033-1(1), sheets 32, 43 and 44 of 77, as filed in the office of the Clerk of the Town of Colchester or any revisions thereto subsequently filed therein.



Munson Earth Moving Corporation:

\$1,046,500.00

Parcel #0826A:

Title in Fee:

8.7 acres, more or less, land

Stations: 70+00 Rt. - 91+15 Rt.

Permanent Drainage Easement:

Station: 69+43 Rt.

Parcel #0826B:

Title in Fee:

2.5 acres, ore or less, land

Stations: 75+60 Lt. - 90+79 Lt.

Based upon the evidence the parties introduced at the hearing, the Board makes the following decision about the compensation that the State owes the Munson Earth Moving Corporation.

The highest and best use of the vacant land before the taking is for the development of a residential housing subdivision. The State claims that the fair market value of the property before the taking is \$1,095,000, and that the fair market value of the remainder after the taking is \$205,000. Munson's before and after values are \$1,602,634 and \$0.

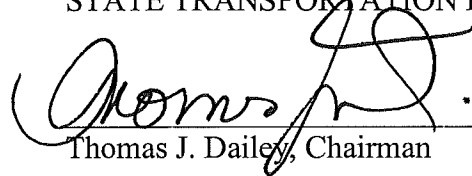
Town zoning affects the ability to develop the property. Because of the high cost of building a second access point, which could result in the development of 63 lots, the value of the total parcel before the taking should be based on the 46 lots that could be built with just one access. The Board finds that value to be \$1,135,000.

After the taking, Munson is left with a remainder of 59.28 acres. The highest and best use of the remainder is low utility or residual land, because of the prohibitive cost of developing access. The Board finds that low utility land is worth approximately \$1500.00 per acre, which results in a fair market value for the remainder of \$88,500.

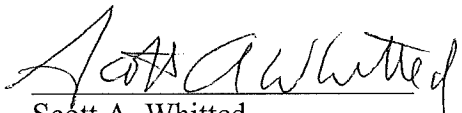
The State owes Munson the difference between the before and after values, which is \$1,046,500.

Dated at MONTPELIER, Vermont this 11<sup>th</sup> day of October, 2001.

STATE TRANSPORTATION BOARD

  
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Thomas J. Dailey, Chairman

Approved as to legal form:

  
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Scott A. Whitted  
Assistant Attorney General