

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That I, Elinor H. Means, unmarried, of Middlebury, in the County of Addison and State of Vermont, Grantor, in the consideration of One Dollar paid to my full satisfaction by Town of Middlebury, a municipal corporation, situated in the County of Addison and State of Vermont, Grantee, by these presents, do freely GIVE, GRANT, SELL, CONVEY AND CONFIRM unto the said Grantee, Town of Middlebury, its successors and assigns forever, a certain piece of land in Middlebury, in the County of Addison, and State of Vermont, described as follows, viz:

Starting at the northeasterly corner of lands of the herein Grantor, Elinor H. Means, located in the center of the "Old Town Road" which runs northerly from Seminary Street Extension to Washington Street Extension, thence along the center of said "Old Town Road" 13 courses as follows: S 09° 32' W 23.10 feet; S 09° 05' W 81.60 feet; S 13° 03' W 154.60 feet; S 04° 30' W 166.00 feet; S 01° 19' W 212.70 feet; S 03° 02' W 122.60 feet; S 14° 04' W 216.70 feet; S 17° 21' W 128.30 feet; S 10° 57' W 184.60 feet; S 00° 14' W 120.30 feet; S 08° 41' W 119.20 feet; S 15° 02' W 73.10 feet; S 20° 18' W 80.30 feet; to the center of Seminary Street Extension; thence along the center of Seminary Street Extension 11 courses as follows: N 31° 32' W 577.00 feet; N 32° 22' W 50.00 feet; N 33° 56' W 50.00 feet; N 37° 42' W 50.00 feet; N 43° 23' W 50.00 feet; N 49° 22' W 50.00 feet; N 55° 43' W 50.00 feet; N 61° 54' W 50.00 feet; N 68° 02' W 50.00 feet; N 73° 22' W 50.00 feet; N 76° 31' W 81.85 feet; a reference stake is N 13° 29' E and 25.00 feet from the termination point of said last mentioned course; thence along lands of the herein Grantor, Elinor H. Means, not conveyed, 7 courses as follows: N 02° 18' W 357.70 feet; N 31° 18' W 137.30 feet; N 13° 11' E 216.40 feet; N 28° 21' E 111.40 feet; N 11° 37' E 101.50 feet; N 21° 41' E 165.30 feet; N 21° 11' E 225.26 feet; said last 6 mentioned courses being in part along a blazed and painted line and along a fence line; thence S 64° 27' E 892.83 feet to the place of beginning.

The above described parcel contains 29.40 acres of land by including one-half of said "Old Town Road" and one-half of said Seminary Street Extension which form the easterly and southerly boundary lines.

MEANS" on file at the Office of the Middlebury Town Clerk and prepared by J. R. Widli and A. K. D. Healy, Jr.

This gift is made upon the following terms and conditions which the Town of Middlebury, by accepting this deed, agrees to and the Town of Middlebury covenants with the Donor, Elinor H. Means, her heirs and assigns to perform the same.

ACCESS:

1. The south side of the aforesaid property bounded by Seminary Street Extension shall remain open except for:
 - a. Decorative or protective fencing (i.e.-post and rail or cyclone fences).
 - b. Access parking area complimentary to that now extant for access to Battell Woods.
2. The trail depicted on survey as "Old Town Road" is to remain open with encroachment into woodland limited to not more than thirty (30) feet from center line of "Old Town Road." It is desired that the Town of Middlebury will reestablish its proprietorship of the full length of said "Old Town Road" from Seminary Street Extension to Washington Street Extension, declare it to be open for public usage and classify the right of way as a "trail" or footpath for the remainder of this century.

USAGE:

1. This grant of land is made with the understanding that the above described property will form a "green" area within the Town of Middlebury in conjunction with the Battell Woods and Chipman Hill for the enjoyment of future generations and to insure the availability of a natural woodland recreation ground to these future citizens.
2. It is desired the use of this land for ecological, biological, zoological and botanical educational purposes be encouraged, including its intensive use by the schools of the Town of Middlebury, the State of Vermont and Middlebury College.
3. Said land shall be managed to insure the preservation of its present character. Such sums as are realized from the sale of timber or fire wood, dictated by sound forestry management procedure shall be expended upon the improvement of the area by the Board of Selectmen in accordance with basic recommendations of the "D. M. Means Memorial Woods Trustees."
4. The "D. M. Means Memorial Woods Trustees" shall report the status of the area, usage, monies earned and expended, improvements and the like to the Board of Selectmen annually for approval and for inclusion in the Annual Town Report.

The "D. M. Means Memorial Woods Trustees" shall consist

of:

1. Ex officio: Chairman of the Board of Selectmen of the Town of Middlebury and Chairman of the Biology Department of Middlebury College.

2. The Board of Selectmen of the Town of Middlebury shall appoint three citizens of said Town, one of whom shall be a conservationist, one of whom shall be an educator and one of whom shall be a public spirited citizen.

RESTRICTIONS:

1. No hunting or trapping shall be permitted except to secure the removal of diseased or rabid animals by competent State of Vermont authority.

2. No picking or transplanting of local flora shall be permitted except by direction of the "D. M. Means Memorial Woods Trustees" and for preservation and educational purposes.

TO HAVE AND TO HOLD said granted premises, with all the privileges and appurtenances thereof, to the said Grantee, its successors and assigns, to their own use and behoof forever; And I the said Grantor for myself and my heirs, executors and administrators, do covenant with the said Grantee, its successors and assigns, that until the ensealing of these presents I am sole owner of the premises, and have good right and title to convey the same in manner aforesaid, that they are FREE FROM EVERY ENCUMBRANCE except an electric line easement, a water line easement, zoning ordinances of the Town of Middlebury and the terms and conditions hereinbefore set forth. The areas of the above land that are in either of the aforesaid highways are conveyed by quit claim deed only and the covenants of warranty herein contained shall not apply to such areas.

And I do hereby engage to WARRANT AND DEFEND the same against all lawful claims whatever except as aforesaid.

S. H. W.

IN WITNESS WHEREOF, I have hereunto set my hand and seal
this 15th day of August, 1969.

In Presence of 388-250

Helen I. Baldwin
Helen I. Baldwin

Elinor H. Means L.S.
Elinor H. Means

Charles O. Adams
Charles O. Adams

STATE OF VERMONT

Addison County, ss.

At Middlebury, in said County, this 15th day of August, 1969, Elinor H. Means personally appeared, and she acknowledged this instrument, by her sealed and subscribed, to be her free act and deed.

Before me Charles O. Adams
Charles O. Adams Notary Public

Middlebury Town Clerk's Office
November 8, 1969 10:00 a.m.
Received for Record

Attest: _____ TOWN CLERK