

**MEMORANDUM OF DIRECT ACCESS AGREEMENT
BETWEEN
STATE OF VERMONT
AGENCY OF TRANSPORTATION
AND
TOWN OF DANVILLE**

STATE	State of Vermont, Agency of Transportation Division of Policy, Planning & Intermodal Development Rail & Aviation Bureau 219 North Main Street Barre, Vermont 05641
RAIL TRAIL	Lamoille Valley Rail Trail (“LVRT”) formerly the St. Johnsbury and Lake Champlain Railroad Company
USER	Town of Danville 36 Route 2 West Danville, Vermont 05828
DATE OF EXECUTION	_____, 2024
DATE OF COMMENCEMENT	_____, 2024
DATE OF TERMINATION	_____, 2049
TERM	This Agreement shall continue in force for an initial term of five (5) years.
RIGHT OF RENEWAL	After initial term, USER has the right to renew license for four (4) additional successive terms of five (5) years each, for a total of twenty-five (25) years.
DESCRIPTION OF DIRECT ACCESS	One (1) private, at-grade Direct Access from the southerly side of the rail trail, twenty feet (20.0’) in width, upon and across the property of STATE at or near a point identified as valuation station 595+06.949, approximate railroad milepost 11.270, in the Town of Danville, County of Caledonia and State of Vermont. The sole purpose of the Direct Access is to provide bicyclist and pedestrian access from USER’s adjacent land/trailhead on the southerly side of the Line. No vehicles shall access or be parked within the State-owned railroad right-of-way. STATE may require USER, at USER’s sole cost and expense, to install an eighteen-inch diameter by twenty-foot long (18” dia. x 20’) corrugated high density polyethylene (HDPE) culvert pipe to the reasonable satisfaction of STATE. Culvert end sections which more efficiently channel water into and out of culverts, in addition to protecting surrounding soils from erosion, scouring and reduce sedimentation problems are not likely needed at this location but shall be installed to the reasonable satisfaction of STATE if the STATE determines they are necessary.
OPTION TO PURCHASE OR RIGHT OF FIRST REFUSAL	USER does <i>not</i> have the right to purchase the subject property or to exercise a right of first refusal with respect to the subject property.
RESTRICTIONS ON ASSIGNMENT	USER may <i>not</i> assign this Agreement without the prior written consent of the STATE.
LOCATION OF ORIGINAL AGMT.	An original Agreement is kept at the STATE’s offices and may be inspected during STATE’s regular business hours.

IN WITNESS WHEREOF, the STATE OF VERMONT has caused this instrument to be subscribed, this ____ day of _____, 2024, by Joe Flynn, its Secretary of Transportation and duly authorized agent.

STATE OF VERMONT
("STATE")

By: _____
Joe Flynn, Its Secretary of Transportation
and Duly Authorized Agent

STATE OF VERMONT)
WASHINGTON COUNTY, ss.)

At Barre City, this ____ day of _____, 2024, personally appeared Joe Flynn and acknowledged the foregoing instrument, by him as Secretary of Transportation and duly authorized agent of the STATE OF VERMONT subscribed, to be his free act and deed and the free act and deed of the STATE OF VERMONT.

Before me,

Signature of Notary Public

Type or print name of Notary Public

Commission No. _____
(My commission expires Jan. 31, 2025)

APPROVED AS TO FORM:

DATED: 6/12/2024

DocuSigned by:
Trini Brassard

ASSISTANT DIRECTOR

IN WITNESS WHEREOF, the **TOWN OF DANVILLE** has caused this instrument to be subscribed this ____ day of _____, 2024, by Eric Bach, its Selectboard Chair and duly authorized agent.

**TOWN OF DANVILLE
("USER")**

By: _____
Eric Bach, Its Selectboard Chair and Duly
Authorized Agent

STATE OF VERMONT)
CALEDONIA COUNTY, ss.)

At Danville, this ____ day of _____, 2024, personally appeared Eric Bach and acknowledged the foregoing instrument, by him as Chair and duly authorized agent of the **TOWN OF DANVILLE** subscribed, to be his free act and deed and the free act and deed of the **TOWN OF DANVILLE**.

Before me,

Signature of Notary Public

Type or print name of Notary Public

Commission No. _____
(My commission expires _____)