

Agenda Summary
March 25, 2026

Agenda Item No. A-3

Amendment to Watermain Easement Deed - 354 South Main Street LLC

Summary: The development at 354 South Main Street proposes encroachments within the existing 20' wide water main easement and the formal abandonment of a small branch of water main serving 352 and 354 South Main Street. New water services to both properties are proposed to be relocated. With the proposed construction, access to our abutting interceptor sewer and easement will be limited. The proposed easement amendment exchanges approximately 400 square feet of easement area, relinquishing the encroachment area in exchange for added easement area that creates a connection between our existing sewer and water easements for a future point of access to our interceptor sewer and easement.

Town Plan & Policy Impact: N/A

Fiscal & Human Resource Impact: Town Attorney review of easement documents prepared by Developer. Approximately 30 hours +/- of staff time spent associated with the water service relocation requirements for project and easement modifications proposed.

Recommendation: Move to approve the proposed amendment to the existing watermain easement at 354 So Main Street and authorize the Town Manager to sign on behalf of the Town.

AMENDMENT TO EASEMENT DEED

This Amendment to Easement Deed (“Amendment”) is made by and between the **Town of Stowe**, Vermont (the “Town”) and **354 South Main St., LLC**, a Vermont limited liability company (“354 LLC”). The Town and 354 LLC are each a “Party” and are, collectively, the “Parties.”

Background

1. By Deed of Easement from Parker and Day, LLC to the Town of Stowe dated October 3, 2001 and recorded in Book 441 and Page 275 of the Town of Stowe Land Records (the “Easement Deed”), the Town acquired permanent and temporary easements (the “Water Main Easement”) to “install, construct, reconstruct, inspect, repair, maintain and operate pipelines, conduits and facilities for the carrying of water below the surface of the” real property numbered 354 South Main Street, Stowe, Vermont (“354 South Main”), which is depicted as “Lot #1, 2.70 Acres” on subdivision plat entitled “Subdivision Survey, Parker & Day Realty, LLC, 352 South Main Street, Stowe, Vermont, May 2019” prepared by Grenier Engineering, PC dated July 16, 2019 and recorded in Book 23, Page 34 (Slide 1237B) and Book 23, Page 35 (Slide 1237C) the Town of Stowe Land Records (the “Subdivision Plat”). The Water Main Easement is depicted on the Subdivision Plat.
2. 354 LLC acquired 354 South Main by Warranty Deed from Parker & Day Realty, LLC dated October 30, 2019 and recorded on November 4, 2019 in Book 1061 at Pages 298-299 of the Stowe Land Records, subject to the Water Main Easement.
3. The Parties desire to abandon in place the existing water main running within the Water Main Easement, and to modify the boundaries and location of the Water Main Easement in the manner depicted on the plan entitled “Water Main Easement Plan, 354 South Main Street, LLC, 354 South Main Street, Stowe, Vermont” prepared by Mumley Engineering, Inc. dated January 27, 2026, a copy of which is attached hereto as **Exhibit A** and made a part hereof (the “Mumley Easement Plan”).

NOW, THEREFORE,

In consideration of the foregoing and the mutual covenants and agreements herein set forth, the Parties hereby agree as follows

1. **Relinquishment of Portions of the Water Main Easement.** The Town, by these presents, does hereby remise, release, and forever quitclaim unto 354 LLC and its successors and assigns forever, all of its right, title and interest in and to those portions of the Water Main Easement identified on the Mumley Easement Plan as “Area Removed from Watermain Easement Benefiting Town of Stowe” to have and to hold, all right and title in and to such portions of the Water Main Easement, with the appurtenances thereof, to 354 LLC and its successors and assigns, to their own use and behoof forever. In addition, the Town, by these presents, does hereby remise, release, and forever quitclaim unto 354 LLC and its successors and assigns forever, all of its right, title and interest in and to any portions of the Water Main Easement that overlap or encroach onto any improvements that are constructed or may be constructed on or to 354 South Main pursuant to permits and approvals issued by the Town. The intent of the previous sentence is to narrow the

width of the 20' permanent easement and the 40' temporary easement established by the Easement Deed so that they do not overlap or encroach onto any such improvements.

2. **Addition to Water Main Easement.** 354 LLC, by these presents, does hereby give, grant, bargain, sell and convey to the Town and its successors and assigns, an easement to install, construct, reconstruct, inspect, repair, maintain and operate pipelines, conduits and facilities for the carrying of water below the surface of 354 South Main in the manner established by and subject to the terms and conditions of the Easement Deed within those portions of 354 South Main identified on the Mumley Easement Plan as "Area Added to Watermain Easement Benefiting Town of Stowe" to have and to hold, with the appurtenances thereof, to the Town of Stowe and its successors and assigns, to their own use and behoof forever.

3. **Abandonment of Existing Water Line.** The Town agrees that 354 LLC shall cut and cap the existing water main situated within the Water Main Easement in the location identified on the Mumley Easement Plan as "Existing Water Main to be Cut & Capped, Portions Extending West to be Removed or Abandoned in Place" in accordance with the permits and approvals issued by the Town to 354 LLC in connection with its redevelopment of 354 South Main. 354 LLC shall remove the existing water main from the point where it extends beyond the point at which it will be cut and capped.

4. **Amendments.** No further amendments or modification to the Easement Deed shall be effective without a written agreement executed by the Parties or their successors and assigns, and recorded in the Town of Stowe Land Records.

5. **Rights of Successors and Assigns.** This Amendment shall bind and inure to the benefit of the Parties and their respective successors and assigns.

6. **Entire Amendment.** This Amendment embodies the entire agreement and understanding between the parties with respect to the subject matter hereof, and supersedes any prior agreements or understandings, whether oral or written, between the Parties, except as herein set forth.

Two Signature Pages to Follow

IN WITNESS WHEREOF, the Town of Stowe, as evidenced by the signature of its Duly Authorized Agent, does hereby execute this Amendment this ____ day of January, 2026.

Town of Stowe

By: _____

STATE OF VERMONT
LAMOILLE COUNTY, SS.

This record was acknowledged before me on January ___, 2026 by _____, Duly Authorized Agent of the Town of Stowe.

Notary Public State of Vermont
My Commission Expires: 1.31.2027
My Credential Number:

IN WITNESS WHEREOF, 354 South Main St., LLC, as evidenced by the signature of its Duly Authorized Agent, does hereby execute this Amendment this ____ day of January, 2026.

354 South Main St., LLC

By: _____
Dominick Donza, Member

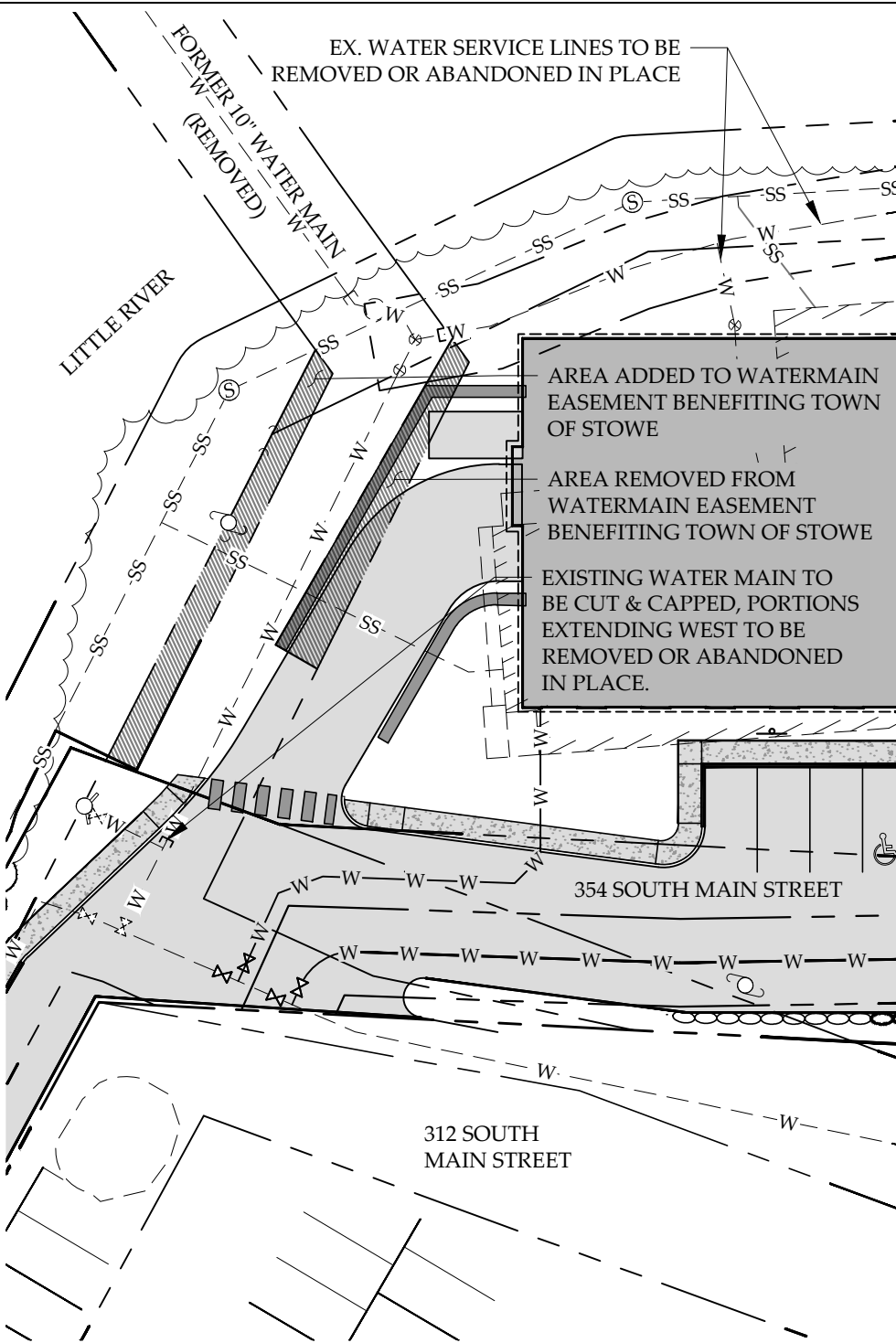
STATE OF VERMONT
LAMOILLE COUNTY, SS.

This record was acknowledged before me on January ____, 2026 by Dominick Donza, Member and Duly Authorized Agent of 354 South Main St., LLC.

Notary Public State of Vermont
My Commission Expires: 1.31.2027
My Credential Number: _____

Exhibit A
Mumley Easement Plan

Attached



PLAN REFERENCES:

- 1) PARCEL & SITE INFORMATION PROVIDED ELECTRONICALLY AND TAKEN FROM PLAN ENTITLED "EXISTING CONDITIONS SITE PLAN, PROPERTY OF 354 SOUTH MAIN STREET, LLC", DATED 11/15/2024, DWG#24095, PREPARED BY GILSON LAND SURVEY, INC.
- 2) EXISTING WATERLINE INFORMATION TAKEN FROM PLAN ENTITLED "EXISTING WATER MAIN DEMOLITION PLAN, LITTLE RIVER CROSSING WATER LINE REPLACEMENT", DATED 5/9/11, PREPARED BY LEACH ENGINEERING CONSULTANTS, P.A.
- 3) EXISTING SEWER LINE INFORMATION TAKEN FROM PLAN ENTITLED "STOWE, VERMONT, WATER POLLUTION ABATEMENT FACILITY, CONTRACT #2 - INTERCEPTOR SEWERS PUMPING STATION & FORCE MAIN", DATED JAN. 1979, AS BUILT 3/25/80, PREPARED BY S.E.A. CONSULTANTS INC.
- 4) EXISTING SITE INFORMATION TAKEN FROM PLAN ENTITLED "SUBDIVISION SITE PLAN, PARKER & DAY REALTY, LLC, 3562 SOUTH MAIN STREET, STOWE", DATED 12-17-18, PREPARED BY GRENIER ENGINEERING, PC.

NOTE:

- 1) THIS DRAWING IS NOT A BOUNDARY SURVEY PLAT. BOUNDARY LINE INFORMATION SHOWN IS BASED ON PLAN REFERENCE #1 WHICH REFERENCES PLAN REFERENCE #4. THE PROPERTY LINES, EASEMENTS AND OTHER REAL PROPERTY DESCRIPTIONS PROVIDED ON THIS DRAWING ARE FOR ILLUSTRATION PURPOSES ONLY. THEY DO NOT DEFINE LEGAL RIGHTS OR MEET LEGAL REQUIREMENTS FOR A LAND SURVEY AS DESCRIBED IN V.S.A. TITLE 27 SECTION 1403 AND SHALL NOT BE USED IN LIEU OF A SURVEY AS THE BASIS OF ANY LAND TRANSFER OR ESTABLISHMENT OF ANY PROPERTY RIGHT.

EXHIBIT A

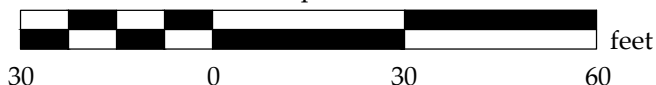
PARTIAL PLAN

1

SK-2

SCALE: 1" = 30'

Graphic Scale



WATER MAIN EASEMENT PLAN

354 SOUTH MAIN STREET, LLC

354 SOUTH MAIN STREET

STOWE, VERMONT



MUMLEY
ENGINEERING, INC.

46 HUTCHINS STREET
MORRISVILLE, VT 05661
WWW.MUMLEYENGINEERING.COM
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PROJECT NO. 19005
DRAWN BY: HKW
CHECKED BY: TRM
SCALE: 1" = 30'
DATE: 01/27/26

SHEET NO.

SK-2