

Pierce, Wes,

APPRAISAL REPORT

**CITY OF MIDDLETOWN
LOTS 7 AND 11
MAP 4 BLOCK 20-1
HIGBY MOUNTAIN AT OLD MASSA TOM ROAD
PROPERTY OF JEFFREY & LINDA PIERCE**

2/27/2001

\$753,000.00

**SANTACROCE ASSOCIATES, LLC Real Estate Appraisers & Consultants
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SANTACROCE ASSOCIATES, LLC
REAL ESTATE APPRAISERS AND CONSULTANTS

**68 ERIN STREET EXTENSION
MIDDLETOWN, CONNECTICUT 06457**

Commercial/Industrial/Residential

*David A. Santacroce, CGA
Certified General Appraiser # 544
Office 860-347-5337
Fax 860-347-2215
E-Mail dasantacroce@aol.com*

March 26, 2001

*Mr. James S. Sipperly
Planning & Environmental Specialist
City Of Middletown
245 DeKoven Drive
Middletown, Ct 06457*

Re: *Appraisal of Higby Mountain-Pierce Property only*

Dear Mr. Sipperly:

Pursuant to your request we have completed an Appraisal of the above captioned property, more specifically described herein. The effective date of the Appraisal is 2/27/2001. The Objective of the Appraisal is to estimate Market Value of the Subject for open space acquisition.

We have employed sales that do not involve grantees with the power of eminent domain.

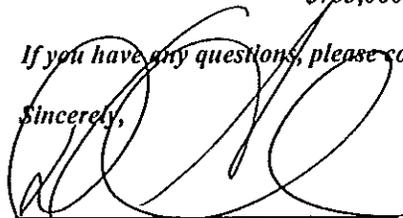
The premises of the Appraisal is a 134.5 acre area comprised of two landlocked parcels on Higby Mountain. The lots have restricted access via an easement appurtenant that grants rights of use exclusively to the owner of Subject Lot 7. Based on our analysis of the data we estimate the Market Value of the Subject lands on Higby Mountain to have a value of about \$5,600 per acre or \$753,200 reflecting the landlocked nature of the Subject, topography, soils and views.

Therefore, our opinion of Value of the Subject Lot 7 and Lot 11 on Map 4 in Block 20-1, in Fee Simple, as of 2/27/2001, to be:

\$753,000.00

If you have any questions, please contact us at our offices.

Sincerely,



*David A. Santacroce, CGA
Santacroce Associates, LLC
Real Estate Appraisers & Consultants
DAS/nmw*

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INTRODUCTION TO THE APPRAISAL

PURPOSE OF THE APPRAISAL

The purpose of this Appraisal is to estimate the Market Value of Lot 7 and Lot 11 on Tax Assessors Map 4 in Block 20-1 at Old Massa Tom Road and Higby Mountain in Middletown, Ct as of 2/27/2001 for the acquisition of private lands for open space.

MARKET VALUE DEFINITION

Market Value is defined as (OCC Rule 12 CFR 34.43 (F)):

The most probable price which a property would bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. Buyer and Seller are typically motivated;
2. Both parties are well informed, or well advised, and both acting in what they consider their own best interests;
3. A reasonable time is allowed for exposure in the open market;
4. Payment is made in terms of cash in United States dollars or in terms of financial arrangements comparable thereto; and,
5. The price reflects the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

EXPOSURE TIME

Exposure Time is defined by the Appraisal Standards Board [ASB] as the estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of sale at Market Value on the Effective Date of the Appraisal; a retrospective estimate based upon an analysis of past events assuming a competitive and open market.

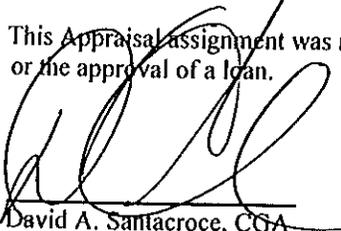
MARKETING TIME

The reasonable marketing time is an estimate of the amount of time it might take to sell a property interest in real estate at the estimated market value during the period immediately after the effective date of the Appraisal as defined by the Appraisal Standards Board.

CERTIFICATION OF THE APPRAISER

I certify, that to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions and conclusions.
- I have no interest, present or prospective, in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved.
- My compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.
- My analyses, opinions, and conclusions were developed, and this report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice.
- I have made a personal inspection of the property that is the Subject of this Appraisal.
- No one provided significant professional assistance to the person signing the report.
- This Appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.



David A. Santacroce, CGA
Certified General Appraiser

RCG # 544

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CONTINGENT AND LIMITING CONDITIONS

The Certification of the Appraiser appearing in this Appraisal Report is subject to the following conditions and to such other specific limiting conditions and assumptions as set forth by the Appraiser:

1. The Appraiser assumes no responsibility in matters of a legal nature affecting the property appraised or the title thereto; nor is the Appraiser rendering a legal opinion as to Title which is assumed to be good and marketable. The property is appraised as though under responsible ownership.
2. Sketches in this report show approximate dimensions and are included to assist the recipient in formulating a reasonable understanding of the property appraised. No survey has been made although maps and sketches are believed to be reasonably and approximately accurate.
3. The Appraiser assumes that there are no apparent conditions to the property such as hazardous wastes, toxic discharges, buried or abandoned underground or above ground storage tanks, or holding devices of similar nature.
We are held harmless from any conditions, direct or consequential, related thereto. We assume no liability for contamination, disposal, testing, removal, treatment or remediation for any such conditions. Environmental analysis is beyond the scope of this Appraisal.
4. All information contained within this report is obtained from sources believed to be reliable. This information is in no sense guaranteed. A personal inspection of the property has been made.
5. Possession of this Report does not give the possessor Right of Publication. The Appraiser reserves the Right to restrict publication of this Report and then only to permit it in a complete and full form.
6. Distribution of the total valuation between land and improvements applies to the present state of utilization or alternative equal use. This study is invalidated under other programs and utilizations.
7. The Appraiser has no present or contemplated interest in the Subject property and our employment as the Appraisers was in no way contingent upon the value conclusion of this Report.
8. Inspection of the Subject property was for the purpose of estimating a specified value. The inspection was in no way related to codes, standards, life safety standards or to the Americans With Disabilities Act of 1/26/92.
It is possible that inspection of the Subject property would reveal conditions not conformal to those codes prevailing as partially enumerated above.
9. Environmental analysis is beyond the Scope of this Appraisal Report. We encourage execution of due diligence via expert analysis.
10. It is assumed that all use and occupancy permits, insurances, and administrative approvals, license and/or authorizations are in effect over the Subject property or are otherwise renewable.

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11. It is assumed that all applicable zoning and use regulations have been complied with; any nonconformities have been stated and considered in this report.
12. Boundaries shown on map abstracts are approximate and are not measured or surveyed by the Appraiser for accuracy or correctness. Mapping is intended to convey an overview only of the properties referenced.
13. The Appraiser is not obligated to provide testimony in a legal proceeding without prior consent.
14. On Appraisals involving proposed construction, the Appraisal Report and value conclusions as to property value are contingent upon completion of the proposed improvements with plans and specifications provided by receipted statement relative to the assignment.
15. Neither all nor any part of the contents of this Report or copy thereof [including conclusions as to property value, the identity of the Appraiser, professional designations, reference to any professional appraisal organizations] shall be used by anyone but the mortgagee or its successors and assigns, mortgage insurers, consultants, professional appraisal organizations, any state or federally approved financial institution, any department, agency or instrumentality of the United States or of the District of Columbia without the previous written consent of the Appraiser; nor shall it be conveyed by anyone to the public through advertising, public relations, news, sales, or other media without the written consent of the Appraiser.

APPROACHES TO VALUE

There are three classical Approaches which are utilized in estimating the Market Value of Real Estate. These Approaches are defined as following:

COST APPROACH TO VALUE

That Approach in Appraisal Practice which is based on the proposition that the informed purchaser would pay no more than the cost of producing a substitute property with the same utility as the Subject property. It is particularly applicable when the property being appraised involves relatively new improvements which represents the Highest and Best Use of the land or when relatively unique or specialized improvements are on site for which there exists no comparable properties on the market.

DIRECT SALE COMPARISON APPROACH

That Approach in Appraisal Practice which is based on the proposition that an informed purchaser would pay no more for a property than the cost to him of acquiring an existing property with the same utility. This Approach is most applicable when an active market provides sufficient quantities of related and reliable sales data which can be verified by authoritative sources. This Approach is relatively unreliable in an inactive market or in the estimation of value of properties for which no comparable sales exist. It is also questionable when sales data cannot be verified with principals to the transaction.

INCOME APPROACH TO VALUE

That procedure in Appraisal Practice which converts anticipated benefits [dollar income or amenities] to be derived from the ownership of the Property into a Value Estimate. The Income Approach is widely applied in appraising income producing property.

HIGHEST AND BEST USE

That reasonable and probable use that will support the highest present value, as defined, as of the effective date of the Appraisal. Alternatively, that use from among reasonable, probable and legal alternative uses, found to be physically possible, appropriately supported, financially feasible, in which results the highest land value.

This definition above applies specifically to the Highest and Best Use of the land. It is recognized that in cases where the site has existing improvements on it, the Highest and Best Use may very well be determined to be different from existing use. The existing use will continue, however, unless and until land value, in its Highest and Best Use exceeds the total value of the property in its existing use.

Implied within these definitions is recognition of the contribution of that specific use to community environment or to community development goals in addition to wealth maximization of individual property owners.

Also implied is that determination of Highest and Best Use resulting from the Appraisers judgement and analytical skills represents an Opinion and not a fact to be found.

In Appraisal practice, the the concept of Highest and Best Use represents the basis upon which Value is estimated.

In the context of Most Probable Selling Price [Market Value] another appropriate term to reflect the the Highest and Best Use would be the Most Probable Use.

In the context of invesment value an alternative term would be Most Profitable Use

The Financial Institutions Reform, Recovery and Enforcement Act [FIRREA] requires an Appraiser to have the knowledge and experience necessary to perform a specific Appraisal assignment. Reference is made to the qualifications, education and experience of the Appraiser cited in the Appraisal Report. These demonstrate a competency commensurate with the requirements to appraise the Subject property.

Qualifications Of The Appraiser

David A. Santacroce, CGA #544, State Of Connecticut

Educational Background

Graduate, University of Massachusetts @ Boston State College, Bachelor of Science, 1973
Real Estate Appraisal I, Middlesex Community College
Real Estate Appraisal II, University of Connecticut
Principals & Practices of Real Estate, Middlesex Community College
Real Estate Brokerage, University of Connecticut
Real Estate Law, Middlesex Community College
Historic & Antique Properties, Middlesex Community College
Real Estate Financial Workout, Real Estate Consortium
Unique & High Value Properties, DARES Institute
Sales Analysis & Market Trends, DARES Institute
Appraisal of Partial Interests, DARES Institute

Mr. Santacroce has experience in tax appeal appraisals, rights of way appraisals, special use property appraisals, eminent domain appraisals and open space appraisals. Santacroce Associates, LLC is experienced in light industrial appraisals

Mr. Santacroce has completed in excess of 200 hours continuing education and has passed both the Residential and General Appraiser examinations as endorsed by the Appraisal Foundation and the Appraisal Qualification Board.

David Santacroce has been in continuous practice since 1984 and has been continuously licensed and Certified by the State of Connecticut since inception in 1989.

Partial Listing of Clients

Pullman & Comley, LLC
Ryan & Ryan, PC
Halloran, Sage, LLC
Farrell, Boccalate & Guarino
Attorney Frances Szewczyk

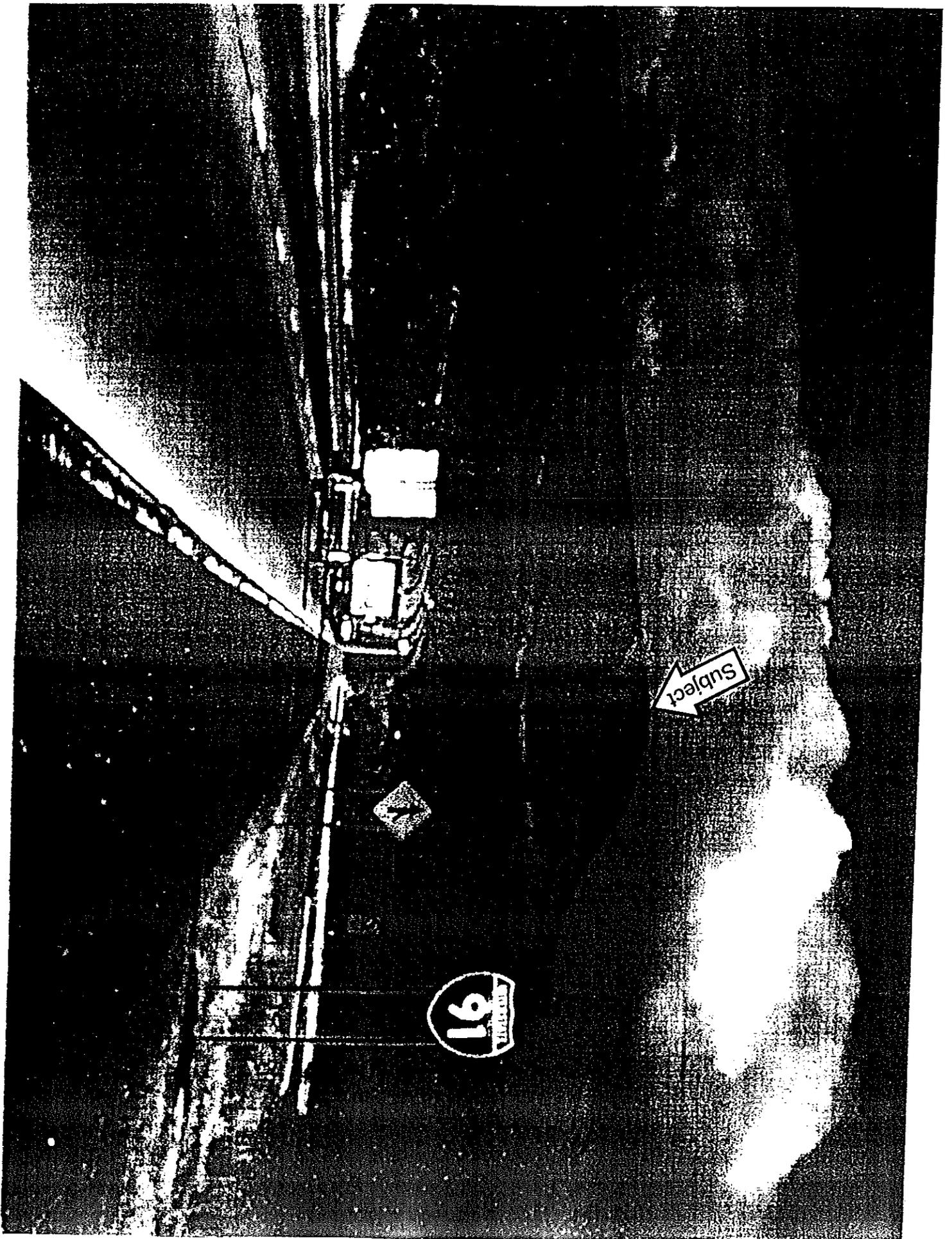
Government Agencies

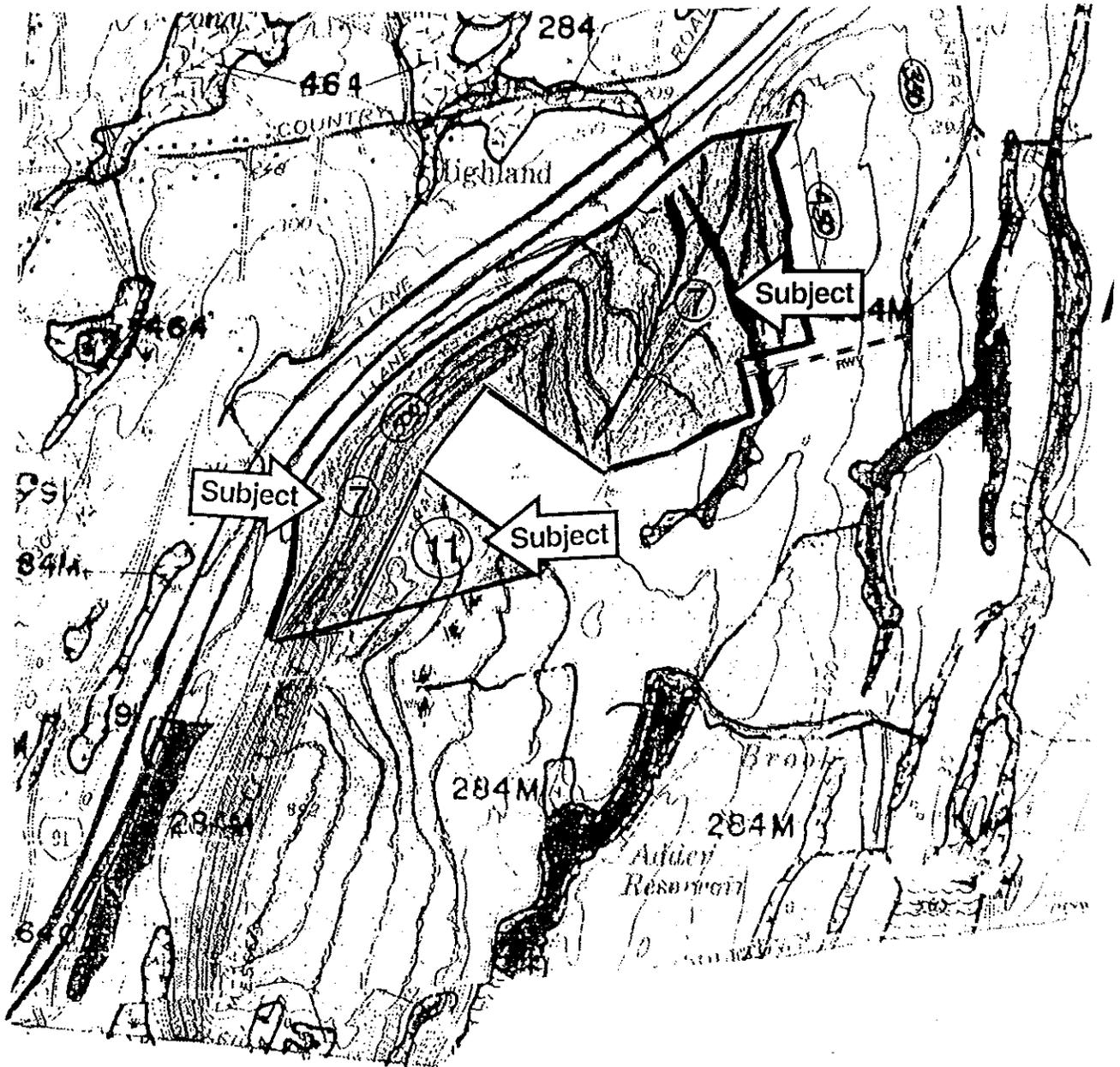
State Of Connecticut Department of Transportation

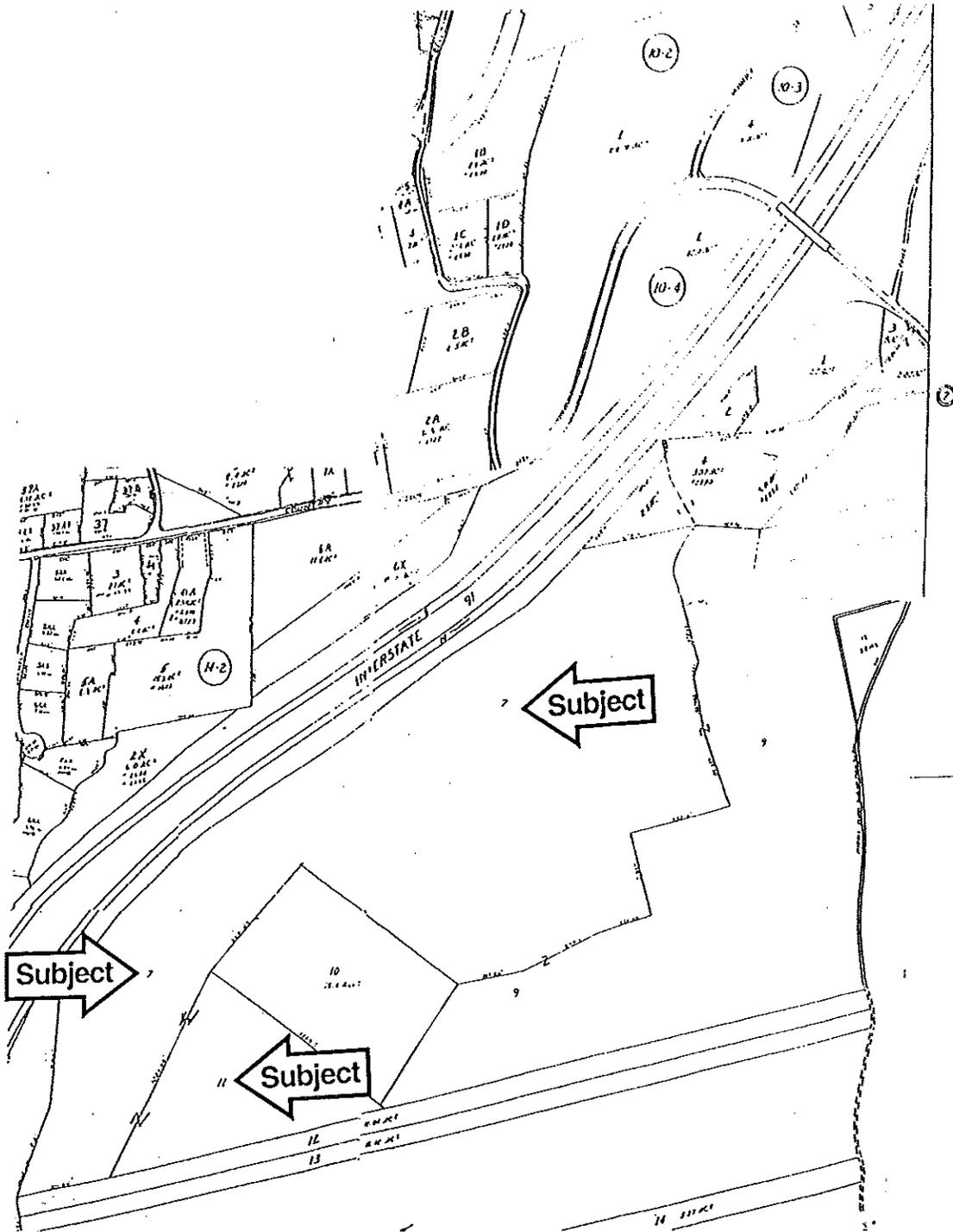
State Of Connecticut Department of Environmental Protection

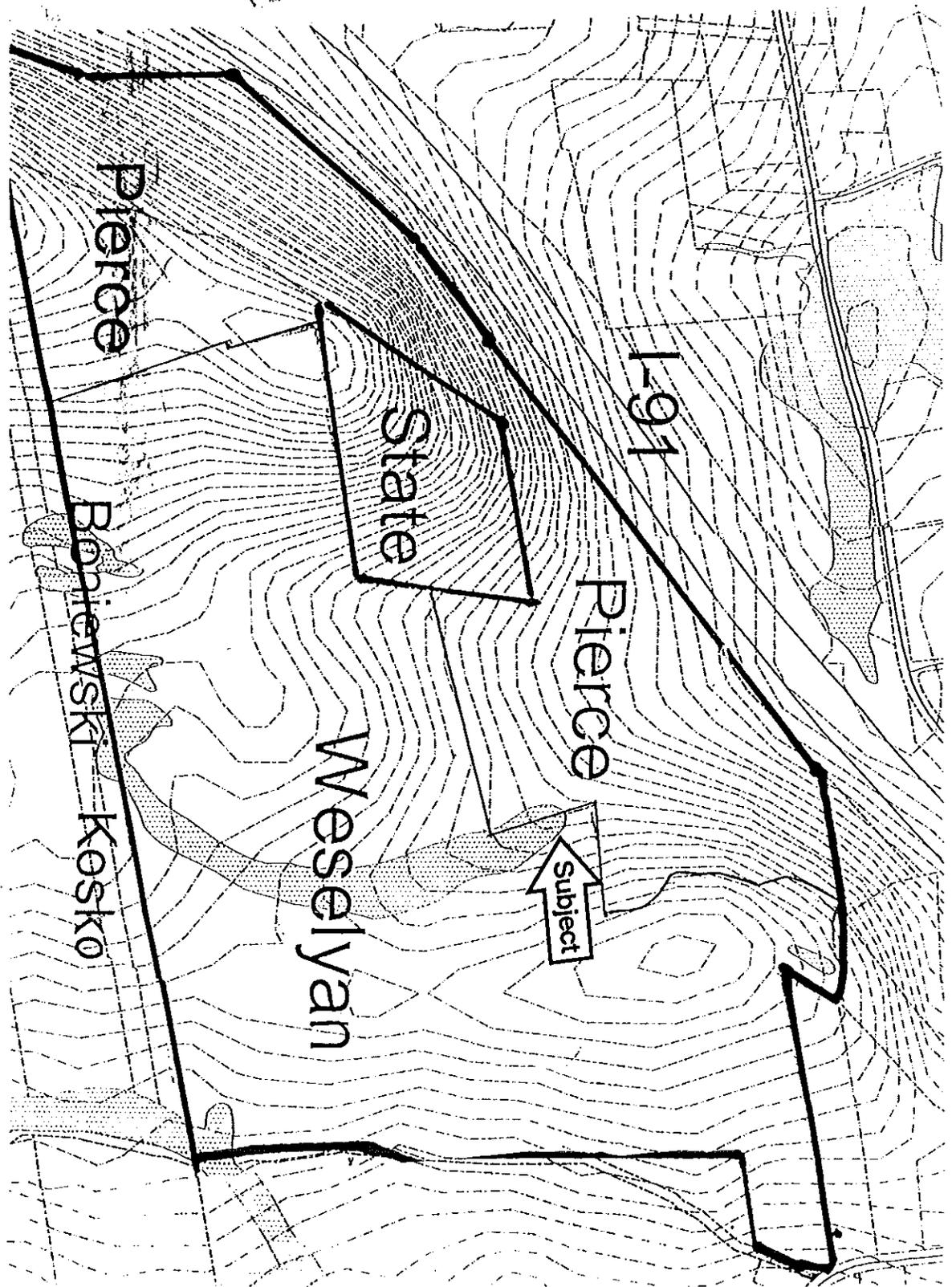
City of Middletown

PREMISES OF THE APPRAISAL



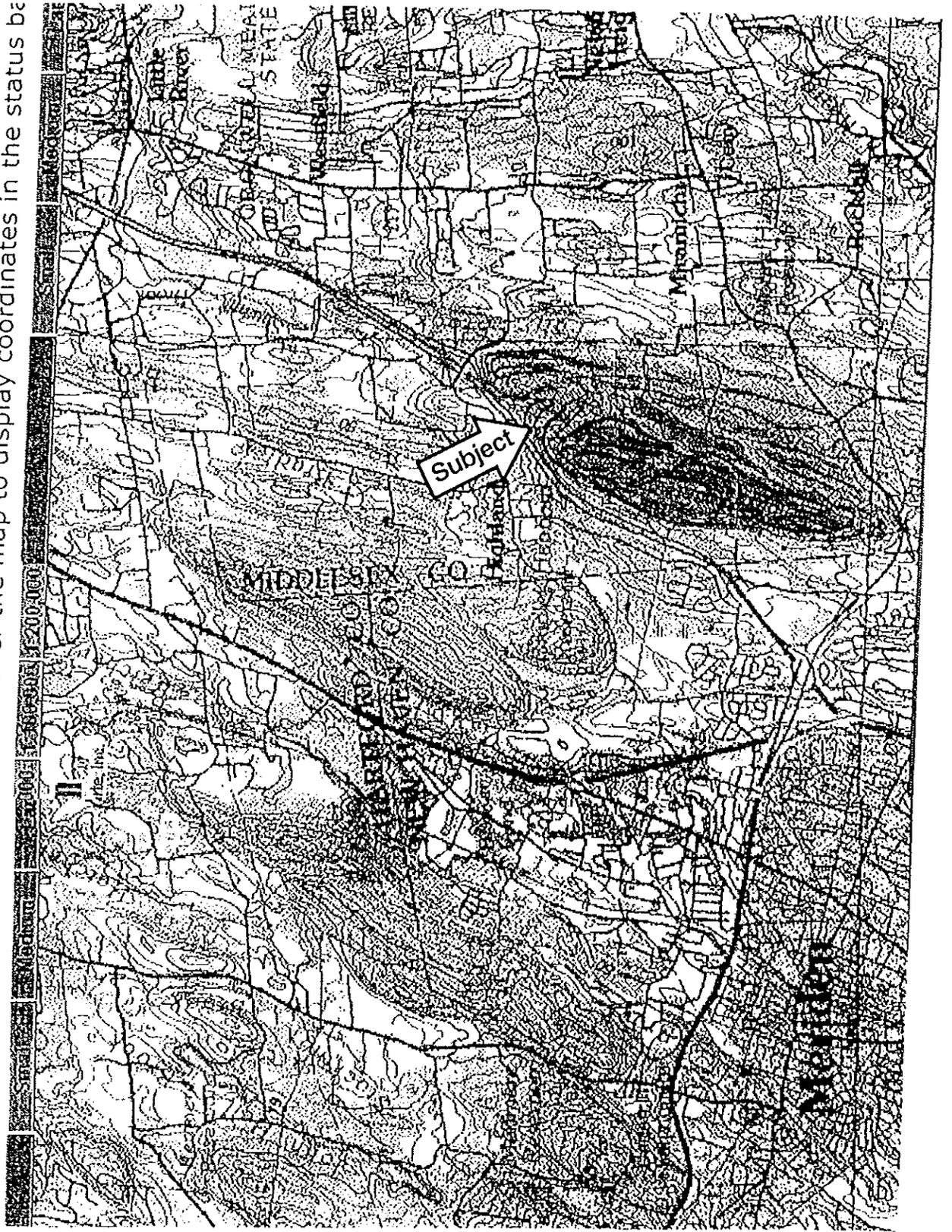


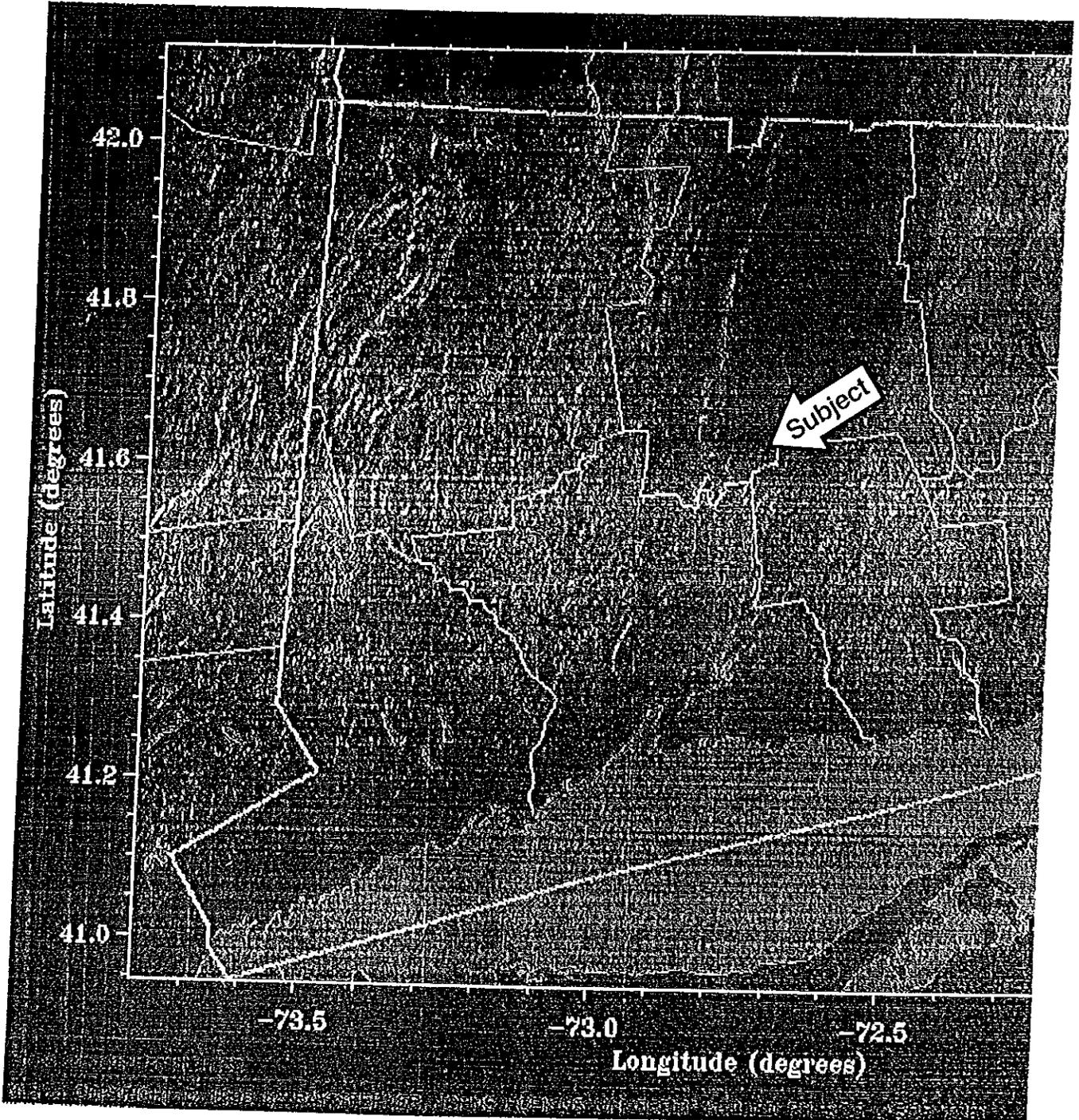




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SUMMARY OF SALIENT FACTS AND IMPORTANT CONCLUSIONS

Scope: *The scope of this Appraisal has involved an on-site inspection on 2/27/2001. A review of public documents, conveyances, financing conditions prevalent, costs and general conditions has been made relative to establishing Market Value of the Subject in Fee Simple, as improved.*

The steps undertaken in this Appraisal are believed to reflect those steps generally undertaken in the appraisal of real property. The Report also follows those steps generally considered necessary to convey a logical and reasonable value conclusion based on the Data collected in the course of the assignment.

The value conclusion is based on the following methods:

1. Direct Sale Comparison Approach;

No data has been compiled, included, or excluded that would tend to support a biased Opinion of Value in the development of the Appraisal.

Diagrams are submitted by the Appraiser to illustrate the basis upon which the Opinion is based. These diagrams are not intended to convey approvals or permits nor have they been examined by local officials. They are believed to be of sufficient accuracy to be considered in support of the value opinion.

The Appraisal represents a Complete Appraisal reported in Self-Contained Appraisal Report format in conformance with the Uniform Standards of Professional Appraisal Practice, [USPAP], as promulgated by the Appraisal Standards Board of the Appraisal Foundation; and, incorporates the requirements set forth by Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of August, 1990.

This Summary of Salient facts and Important Conclusions is a part of the Report and conveys supporting data and elaboration of data employed in the Valuation section.

History: *Map 4 Block 20-1 Lot 7 has no conveyance history by sale since 1983. Map 4 Block 20-1 Lot 11 conveyed to Jeffrey and Linda Pierce about 7/3/1996 for \$32,000 for 15 acres or about \$2,133/Acre.*

Type of Property: *Vacant land[s]; landlocked.*

Location: *The Subject property[s] are located on Tax Assessors Map 4 in Block 20-1 identified as Lot 7 and Lot 11 on Country Club Road [Lot 7] and Country Club Road Rear [Lot 11].*

Ownership: *Lot 7 in Block 20-1 on Assessors Map 4 is recorded under the ownership of Linda B. Pierce. Lot 11 in Block 20-1 of Assessors Map 4 is recorded under the ownership of Jeffrey D. and Linda Pierce; both of 5 George Street in Middletown, Ct.*

Rights Appraised: *This Appraisal is of the Fee Simple Estate of the Subject property.
Fee Simple Estate is defined in The Dictionary of Real Estate Appraisal, American Institute of Real Estate Appraisers, First Edition, 1984, Page 123 as:
"Absolute Ownership unencumbered by other interest or estate; subject only to the limitations of eminent domain, escheat, police power and taxation."*

This Appraisal assumes the following relative to the Subject Fee bundle:

- 1. The existing right of way for Lot 7 is an easement appurtenant and the easement runs with the land.*
- 2. The servient estate in the easement proposed likely would not create a negative easement nor grant rights of conveyance of the easement proposed.*
- 3. Development rights to Lots 7 and 11 appear very limited as residential development does not appear legal, feasible or profitable.*

4. *That Ad Valorem policy of taxation for property on Old Massa Tom Road as "an open city street" is an administrative policy and is not considered as being indicative of economic potential.*

Objective: *Estimate Market Value of the Subject reflecting Market conditions as of 2/27/2001.*

Purpose: *Acquisition of private land[s] for open space.*

Legal Description: *Map 4 Block 20-1 Lot 7 is recorded in Middletown Land Records Volume 640 Page 302 as of about 3/14/1983; Map 4 Block 20-1 Lot 11 is recorded in Middletown Land Records Volume 1102 Page 456 as of 7/3/96.*

Improvements: *None.*

Site Data: *The Subject properties are comprised of 2 parcels as identified and described as follows:*

Map 4 Block 20-1 Lot 7

This site is an irregularly shaped parcel of 119.50 Acres on the northwest side of Higby Mountain and is landlocked. The Subject is accessed by an easement appurtenant from Old Massa Tom Road, a non-public travelway. The Subject has an elevation of about 750' at its peak, a trap rock formation providing a sweeping view in virtually 360 degrees of direction. The Subject site has no roadway frontage and the easement appurtenant has no apparent rights of conveyance or transfer. The Subject has frontage on Interstate Route 91 to which Rights of Access were relinquished 5/8/63 Volume 331 Page 41 of the Middletown Land Records. The site is subject to pole line easements, possible rights of way, rights to construct, maintain, and discharge [water] and certificate of classification as forest land. Soil composition is Rock Outcrop Hollis Complex, Holyoke Rock Outcrop Complex, and Holyoke Cheshire Stony Silt Loams. Soil limitations include shallowness to bedrock, need for blasting and potential effluent seepage. Soil conditions are reported as best suited for woodland use and are rated as poor for community development.

Public utilities are extent in the neighborhood but are not provided to the Subject site. The site is unimproved.

Map 4 Block 20-1 Lot 11

This site is a triangular shaped parcel of 15 Acres on Higby Mountain and is east and adjacent to Lot 7.

This parcel is accessed by right of passway. The Subject has an elevation of about 750 feet similar to Lot 7 with similar view.

The Subject site has no roadway frontage.

Soil composition is Rock Outcrop Hollis Complex, Holyoke Rock Outcrop Complex, and Holyoke Cheshire Stony Silt Loams.

Soil limitations include shallowness to bedrock, need for blasting and potential effluent seepage. Soil conditions are reported as best suited for woodland use and are rated as poor for community development.

Public utilities are extent in the neighborhood but are not provided to the Subject site. The site is unimproved.

Town Data:

Middletown is a city of 44,000 persons in central Connecticut in the Connecticut River Valley with the downtown comprising the urban core. Government is mayor-council and public safety services are provided on a municipal full-time paid basis. Public works are extensive and are provided to the urban core on a uniform basis.

Middletown is the location of a liberal arts college; a major defense contractor, a practicing hospital and is well served by the state and interstate highway network.

The town economy is diverse and incorporates a local business base considered engaged in the community overall.

Neighborhood:

The Subject neighborhood is Higby Mountain and is traversed by footpaths and unimproved trails. The extent of residential development is on the periphery at the base of the mountain with vestigial agricultural uses to the south base. The Middletown boundaries of the neighborhood are Route 66 to the south, Route 91 southwest to northeast; Country Club Road northerly and Higby Road east.

Higby Mountain is a prominent neighborhood feature and is among the higher points in the central state locale.

Zoning: *The site is zoned residentially as R-45 RESIDENTIAL ZONE*

The R-45 residential zoning designation requires a 45,000 square foot lot with 200 front feet on a public roadway in setbacks of 50 foot front yard, 20 foot sideyard and 30 foot rear yard. Maximum building height is 3 stories or 36 feet.

Rear lots are Special Exception Uses.

The Subject sites have no public roadway frontage as per legal opinion of Shipman & Goodwin of 11/29/99.

Real Estate Taxes: *Not developed.*

Highest & Best Use: *This concept is defined in the Dictionary Of Real Estate Appraisal [American Institute of Real Estate Appraisers] 1984, Page 152 as:*

- 1. The reasonable and probable use that supports the highest present value of vacant land or improved property, as defined, of the date of the appraisal.*
- 2. The reasonably probable and legal use of land or sites as though vacant, found to be physically possible, appropriately supported, financially feasible and that results in the highest present land value.*
- 3. The most profitable use.*

In analysis of the Highest and Best Use of a property, the following factors must be considered:

- A. Legally permissible;*
- B. Physically possible;*
- C. Financially feasible.*

In determining the Highest and Best Use of the Subject properties, consideration was given to location, zoning, utility, and the demand for residential land in the Subject Market.

The following observations are made to the Subjects:

- 1. Rights to improve [a roadway] do not appear specified in the current easement to access;*
- 2. Right to convey or grant use of the current easement by Pierce to others is not specified.*
- 3. Soil conditions are rated as poor for community development.*
- 4. The Subject market is dominated by conventional subdivisions wherein cost and profit are within the capacity of the market to afford and absorb. The Subject is an unconventional land formation that presents topographical challenges out of the scope of the local market.*

The Highest and Best Use of the land as if vacant and available for development is its present woodland use. The legal means of access are limited, roadway improvement rights on land of others have not been granted and the easement appurtenant precludes conveyance of use and access by the dominant estate. The Subject sites are landlocked. There are no legal, physically possible or financially feasible means of developing the Subjects in a fashion consistent with the prevailing residential market.

Pollution:

The Value estimated in this Report is based on the assumption that the properties are not negatively affected by the existence of hazardous substances or detrimental environmental conditions. The Appraisers' routine inspection of and inquiries about the Subject properties did not develop any information that indicated any apparent significant hazardous substances or detrimental conditions which would affect the properties negatively.

It is possible that tests and inspections made by a qualified hazardous substance and environmental expert would reveal the existence of hazardous materials and environmental conditions on or about the properties that would negatively affect their value.

Marketing Period: *The Market Value conclusion includes an estimate of reasonable exposure time and marketing time. By definition, exposure time precedes the valuation date while marketing time occurs subsequent to the date of the Appraisal. An exposure time of 12 months is considered reasonable to induce a sale at the Market Value estimate. Analysis of market conditions indicates that the exposure time and marketing time are related to the economic real estate conditions as of the date specified in the Appraisal. The exposure and marketing time assumes reasonable seller expectations and compliance with the definition of Market Value as defined in this Report.*

Value Estimate: 753,000.00 [119.5 x \$5,600 = \$669,200]
[15.0 x \$5,600 = \$ 84,000]

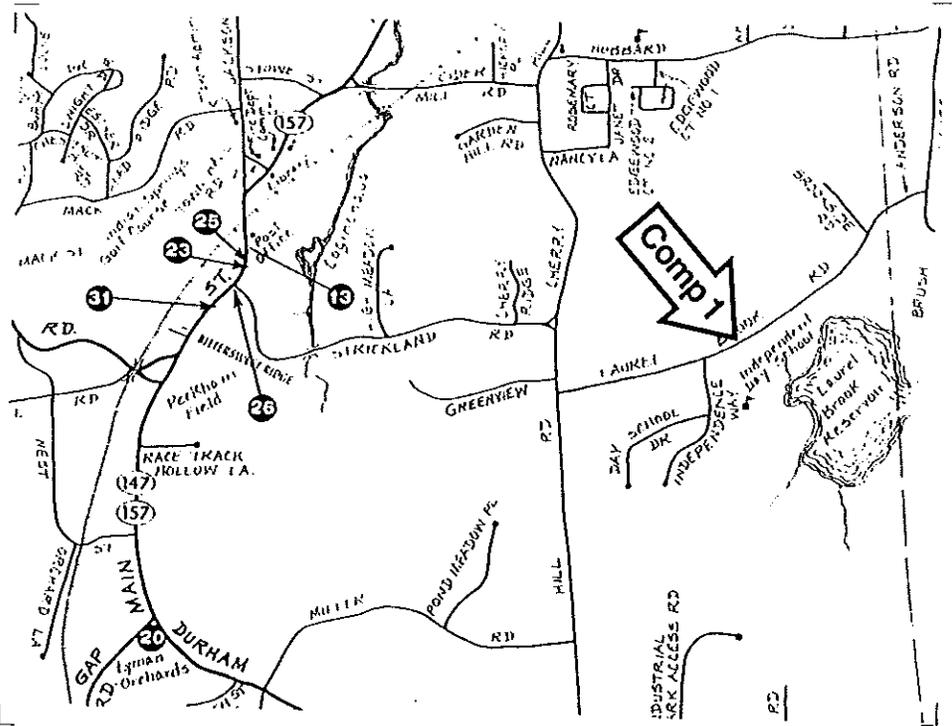
VALUATION OF THE SUBJECTS

DIRECT SALE COMPARISON APPROACH

The following sales are of vacant and partially improved sites generally similar to the Subject in terms of soils, elevations and rear siting. No sales are acquisitions by eminent domain. The sales cover a fairly long period of time and provides a long term analysis of the market.

Sales have undergone no adjustments but have been treated arithmetically in the sale presentation.

The sales have been analyzed on the basis of cost per acre. Direct Sale Comparison recognizes the Subject present use is its most probable use.



ADDRESS: Laurel Brook Road
Middlefield, Ct

GRANTOR: The Independent Day School, Inc.

GRANTEE: Power-Dyne, LLC

DATE OF SALE: 2/4/99

LEGAL DESCRIPTION: Volume 119 Pg 294 Middlefield Land Records

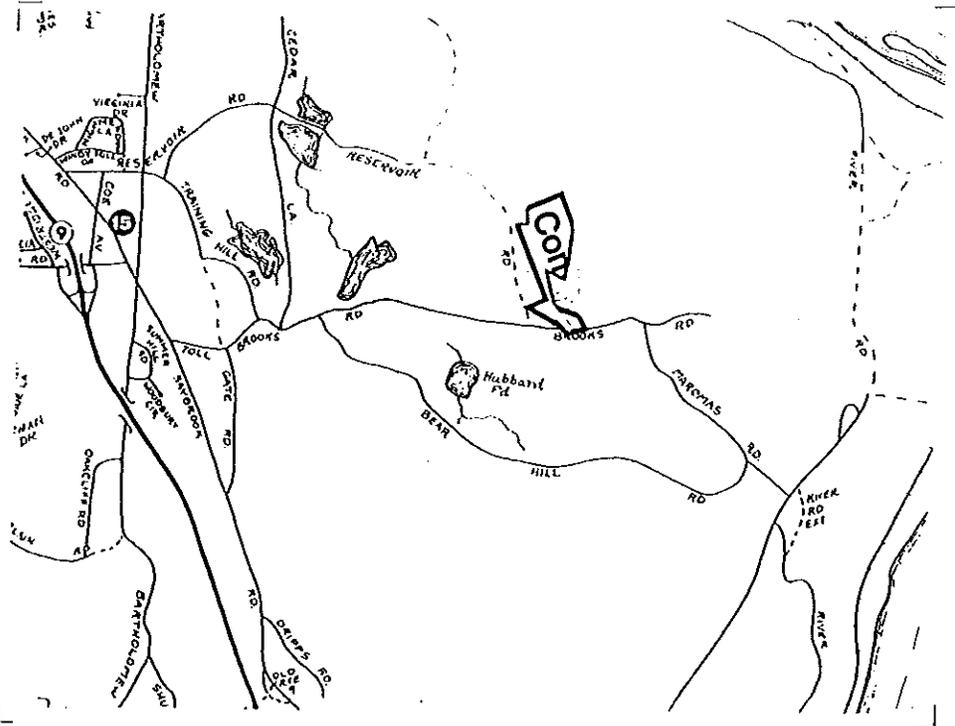
ZONING: AG-1 & AG-2

PARCEL SIZE: 34.23 Acres

SALE PRICE: \$117,000

LAND VALUE/ACRE: \$3,418

REMARKS: Landlocked, open and rolling woodland



ADDRESS: 822 Brooks Road
Middletown, Ct

GRANTOR: Society of Polish Knights

GRANTEE: Edward Hills & Andrea Lee

DATE OF SALE: 1/00

LEGAL DESCRIPTION: Volume 1222 Pg 887 Middletown Land Records

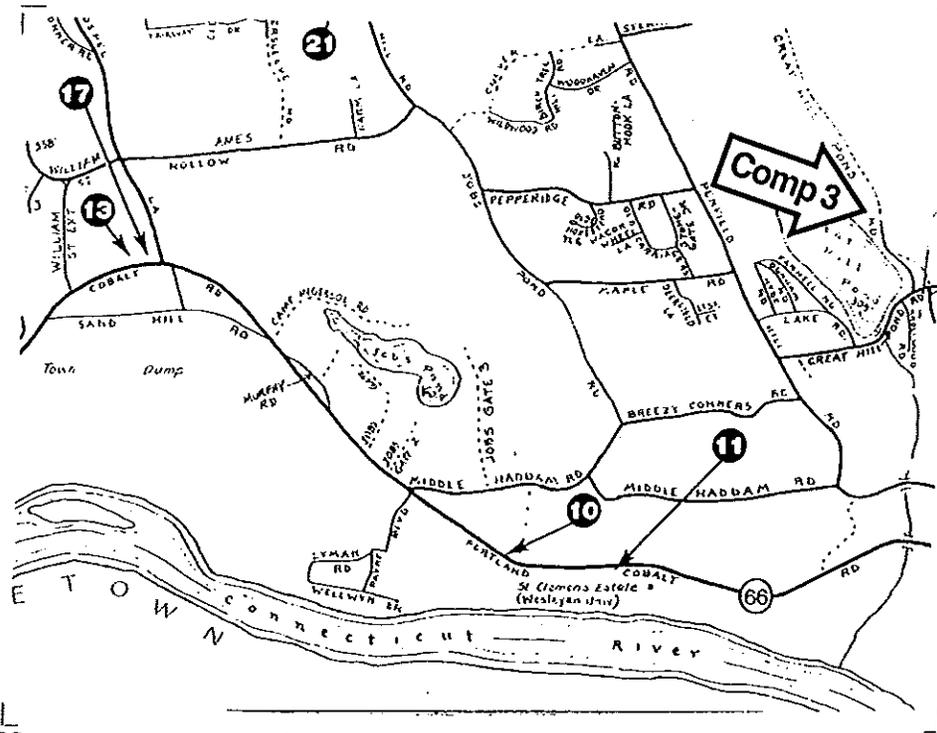
ZONING: R-60

PARCEL SIZE: 15.1 Acres

SALE PRICE: \$82,500

LAND VALUE/ACRE: \$5,464

REMARKS: Hollis Charlton; steep to very steep; poor community development potential. 15%-40% slopes; for agricultural use. Roadway frontage. Garage improvement, 308SF, built 1920; improvement noncontributory. Water and sewer unavailable.



ADDRESS: Map 44 Lots 1, 3 and 4
Great Hill Pond Rd., Portland, Ct

GRANTOR: Marie Louise Platt

GRANTEE: Chatham Ridge Associates, LLC

DATE OF SALE: 1/23/99

LEGAL DESCRIPTION: Volume 383 Pg 63 Portland Land Records

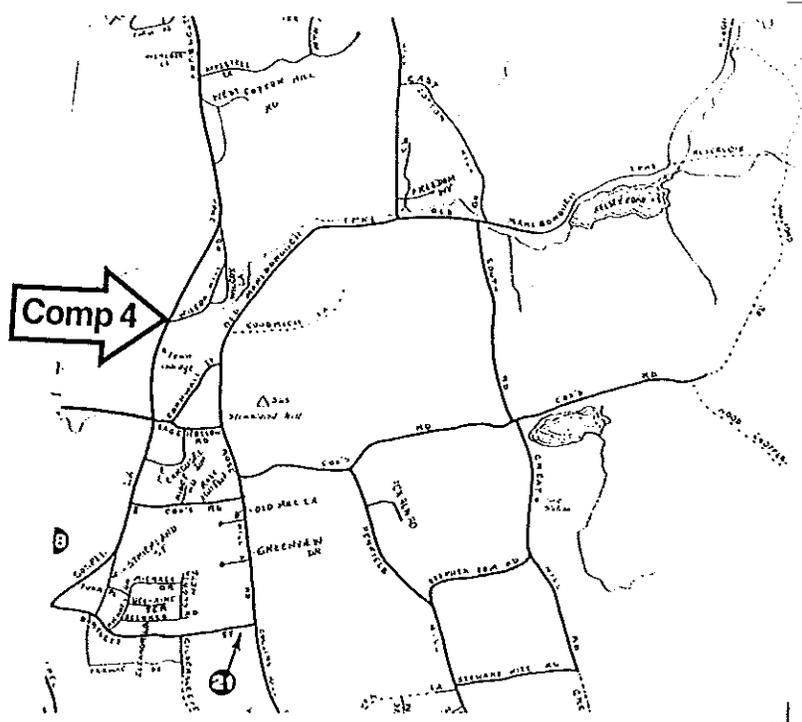
ZONING: 1.0 Acre residential

PARCEL SIZE: 60.59 Acres

SALE PRICE: \$145,000

LAND VALUE/ACRE: \$2,393/Acre

REMARKS: Unimproved roadway access; base of Great Hill; subsequent approval for 16 lots per Portland Zoning officials. Roadway frontage. No improvements. Water and sewer unavailable.



ADDRESS: Wilcox Hill Road
Portland, Ct

GRANTOR: Estate of David Coleman

GRANTEE: Jeffrey & Carol Merk

DATE OF SALE: 2/9/98

LEGAL DESCRIPTION: Volume 363 Pg 280 Portland Land Records

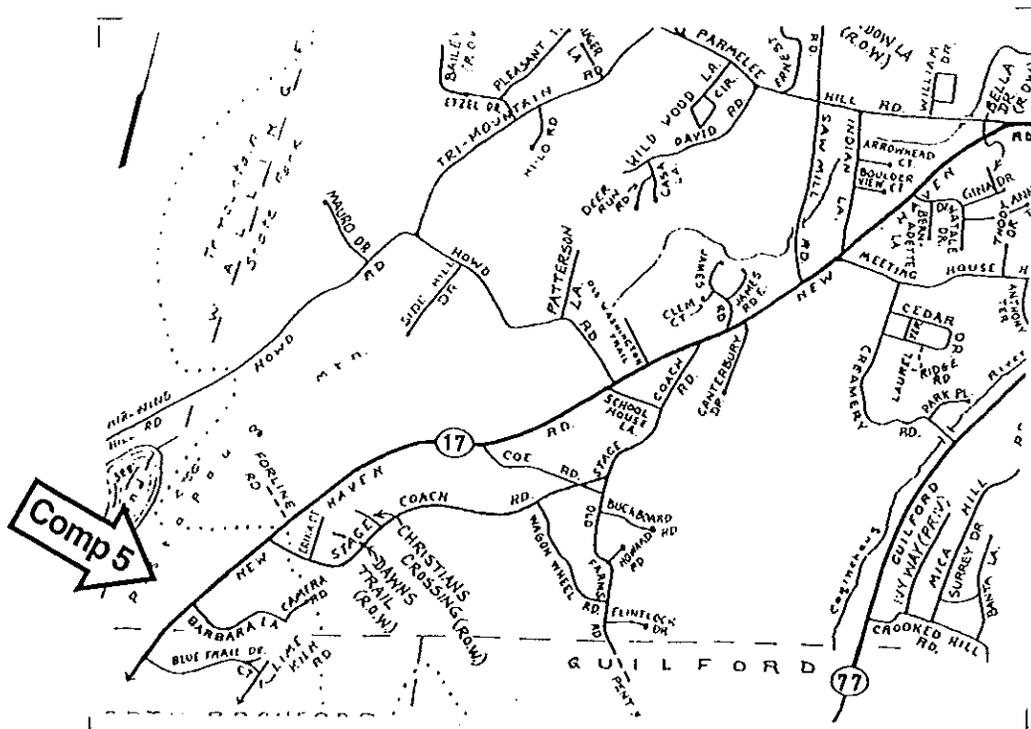
ZONING: 1.0 Acre residential

PARCEL SIZE: 46.30 Acres

SALE PRICE: \$135,000

LAND VALUE/ACRE: \$2,916/Acre

REMARKS: Roadway access; cash sale. Purchased without approvals.
 Site fair to good for community development. No improvements.
 Water and sewer unavailable. Former quarrying site.



ADDRESS: Map 112 Lot 1 New Haven Road
Durham, Ct

GRANTOR: Donald Clark

GRANTEE: Debra Russell

DATE OF SALE: 8/26/97

LEGAL DESCRIPTION: Volume 154 Pg 773 Durham Land Records

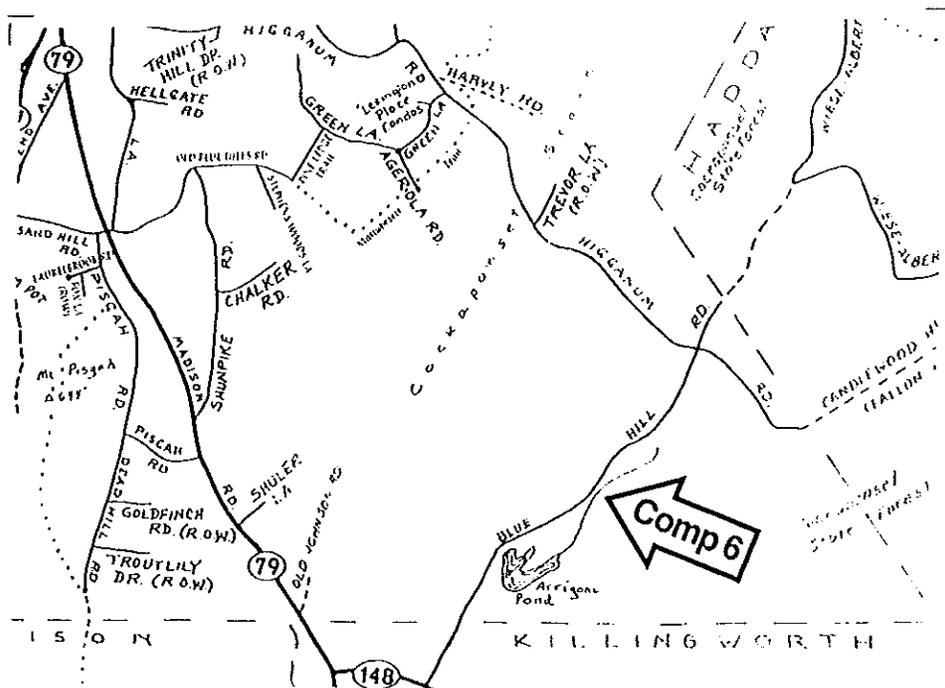
ZONING: FR Farm Resid 1.0 Acre residential

PARCEL SIZE: 51.02 Acres

SALE PRICE: \$200,000

LAND VALUE/ACRE: \$3,920/Acre

REMARKS: Roadway access. Rolling to steep wooded parcel. Soil type is Holyoke Rock; poorly suited for residential development. Water and sewer unavailable. Septic limitations. Equal to Subject in composition.



ADDRESS: Map 118 Lot 5 Blue Hill Road
Durham, Ct

GRANTOR: Allan & Carolyn Adams

GRANTEE: Richard & Kathryn Spero

DATE OF SALE: 12/22/99.

LEGAL DESCRIPTION: Volume 166 Pg 609 Durham Land Records

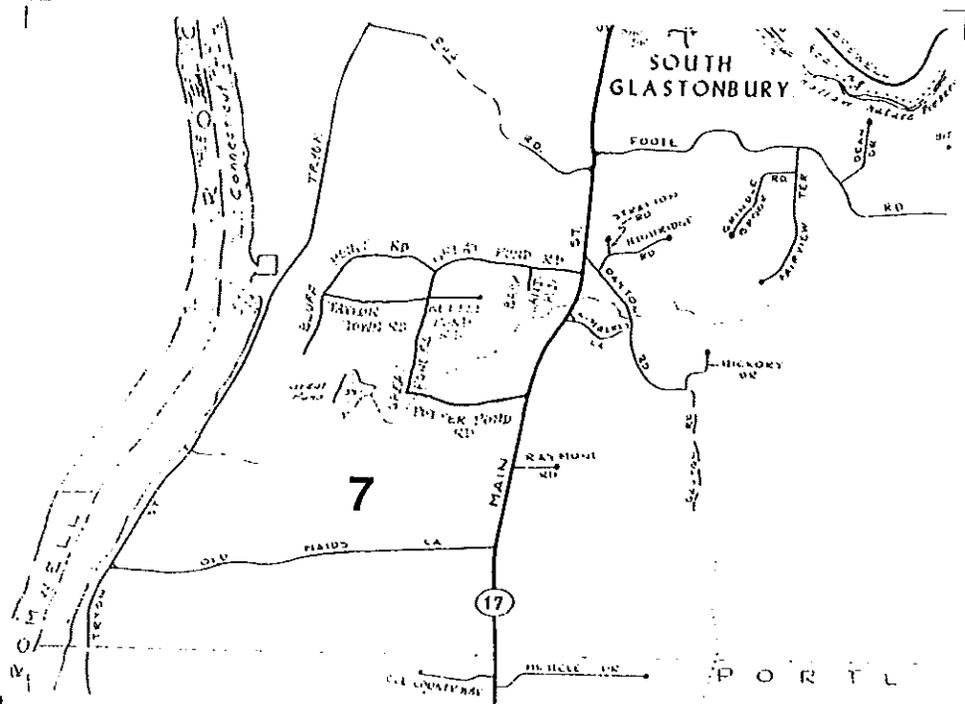
ZONING: FR Farm Resid 1.0 Acre residential

PARCEL SIZE: 33.44 Acres

SALE PRICE: \$275,000

LAND VALUE/ACRE: \$8,224/Acre

REMARKS: Roadway access. Rolling to steep wooded parcel. Soil type is Hollis Rock; poorly suited for residential development. Water and sewer unavailable. Septic limitations. Equal to Subject in composition.



ADDRESS: West Main St; Old Maids Lane & Tryon Street
 Glastonbury, Ct

GRANTOR: Kogut Enterprises

GRANTEE: Old Maids, LLC
 36 Wall Street, Torrington, Ct

DATE OF SALE: 3/1/99

LEGAL DESCRIPTION: Volume 1246 Pg 230 Glastonbry Land Records

ZONING: CR, AA, RR [commercial, agricultural and residential]

PARCEL SIZE: 171.84 Acres

SALE PRICE: \$2,100,000

LAND VALUE/ACRE: \$12,221/Acre

REMARKS: Roadway access. Level and open parcel. Acquired with expired development approvals; none pending at sale. Water and sewer unavailable. Agricultural buildings not Highest and Best Use of land.

Laurel Brk Rd Middlefield, Ct	2/99	\$117K	34.23Ac	\$3,418/Ac	AG-1/AG2 Rolling Landlocked woodland
822 Brooks Rd Middletown, Ct farmland, open	1/00	\$82.5K	15.1Ac	\$5,464/Ac	R60 Residential 15%-40% slopes Hollis Charlton
M44 L1,3,4 Great Hill Pond Portland, Ct	1/99	\$145K	60.59Ac	\$2,393/Ac	1.0 Ac Resid Zone Unimproved roadway
Wilcox Hill Rd Portland, Ct	2/98	\$135K	46.3Ac	\$2,916/Ac	1.0 Ac resid Zone Fair to good soil Former quarry site
M112 L1 Rte 17 Durham, Ct	8/97	\$200K	51.02Ac	\$3,920/Ac	1.0Ac resid zone Steep wooded Holyoke Rock soil
M118L5 Blue Hills Road Durham, Ct	12/99	\$275K	33.44Ac	\$8,224/Ac	1.0Acre resid zone Steep wooded Hollis Rock
West Main St Glastonbury, Ct	3/99	\$1.2K	171.84Ac	\$12,221/Ac	Mixed resid/agricultural Level, flat

Sales 1, 5, and 6 tend to indicate landlocked, steep and wooded sites transact in a range of \$3,500/Ac to \$8,200/Ac with an average sale value of about \$5,200/Acre with Sale 6 having a site equal to the Subject. Sales 5 and 6 of equal soil condition have an average value of \$6,072 per acre. In employing numeric averages we have used sales that are landlocked and of equal soil and topographical character to the Subject to reflect access, view and topography in the value conclusion. Therefore, the numeric average of sales 1, 5 and 6 [\$5,200] and the numeric average of sales 5 and 6 [\$6,072] results in an average value of \$5,600/acre to the Subjects area of 134.5 acres in total. This is expressed as 134.5 Acres X \$5,600/Acre = \$753,200 rounded to \$753,000.

ADDENDA TO THE APPRAISAL

MIDDLETOWN CT PROPERTY DESCRIPTION CARD

COUNTRY CLUB RD
 ACCOUNT NUMBER: R09197
 MAP/BLOCK/LOT # 4 20-1 7
 CLASS: R STATE CLASS: 130 CARD #: 1 OF 1
 ZONING: R-60
 ROUTING # 04/033
 DISTRICT: 3 LIVING UNITS: 0 CENSUS TRACT: 5414

PIERCE LINDA B
 S. GEORGE ST
 MIDDLETOWN
 DEED VOLUME: 640
 DEED PAGE: 302
 DEED DATE: 19830314
 VAC OR OBY

OWNER HISTORY:
 DEED VOL/Pg: 06457
 CT 06457
 * ASSESSMENT INFORMATION -
 Effective Date of Value: 10/01/98
 VALUE ASSESSMENT
 Land: 59,750 41,830
 Dwelling:
 Outbdgs:
 Total: 59,750 41,830

LAND DATA:
 TYPE SIZE
 UNDEVELOPED 119,500

INFLUENCE FACTORS (%) LAND VALUE
 -90 59,750
 TOTAL ACREAGE: 119,500 TOTAL LAND VALUE: 59,750

PERMIT DATA:
 Date Permit # Amount Purpose
 Lower Level First Floor Second Floor Third Floor Area

ADDITION DATA:
 Lower Level First Floor Second Floor Third Floor Area

NOTE: LANDLOCKED
 NOTE:

SALES DATA:
 Date Type Price

*DWELLING DATA:
 Style: Story Ht.
 Walls: Bedrooms:
 Total Rooms:
 Basement:
 Attic:
 Full Baths:
 Half Baths:
 Addl Baths:
 Heating System:
 Type: NONE
 Fin. Bsmt. Living Area:
 Basement Rec Room Area:
 Total Fireplace:
 Basement Garage (# Cars)
 Total Living Area:
 Quality Grade:
 Year Built:
 Condition:
 Total RCNLD: CDU

OUTBUILDING DATA
 Type Qty Yr Size1 Size2 Grd Cond Value

Forest 120

Vol 640 No 294

To all People to Whom these Presents shall Come Greeting:

Know Ye, That We, Ruth H. Cascelow and Milton H. Cascelow, husband and wife, both of the City of Meriden, County of New Haven and State of Connecticut

for the consideration of Thirty Thousand (\$30,000.00) Dollars received to our full satisfaction of Jeffrey D. Pierce and Linda B. Pierce, husband and wife, both of the City of Middletown, County of Middlesex and State of Connecticut

do give, grant, bargain, sell and confirm unto the said Jeffrey D. Pierce and Linda B. Pierce, their heirs and assigns forever, a certain piece or parcel of land, bounded and described as follows and subject to encumbrances enumerated in Schedule B annexed hereto: Said premises are also conveyed subject to taxes on the list of 1981 which the grantees herein assume and agree to pay as part consideration for this deed.

Reserve For Stamp

FOR DESCRIPTION SEE ANNEXED SCHEDULE A

\$ 33.00 Conveyance Tax received

William J. ...
Town Clerk of Middletown

To Have and to Hold the above granted and bargained premises, with the appurtenances thereof, unto the said grantees, their heirs and assigns forever, to them and their own proper use and behoof. And also, we the said grantor do for ourselves and our heirs, executors, and administrators, covenant with the said grantees, their heirs and assigns, that at and until the

sealing of these presents, we are well seized of the premises, as a good indefeasible estate in FEE SIMPLE; and have good right to bargain and sell the same in manner and form as is above written; and that the same is free from all incumbrances whatsoever, except as hereinbefore mentioned.

And Furthermore, we the said grantor do by these presents bind our selves and our heirs forever to WARRANT AND DEFEND the above granted and bargained premises to the said grantees, their heirs and assigns, against all claims and demands whatsoever, except as hereinbefore mentioned.

In Witness Whereof, we have hereunto set our hand and seal this 21st day of October in the year of our Lord nineteen hundred and eighty one.

Signed, Sealed and Delivered in presence of
Wayne W. Sargent
George V. Lawler

Ruth H. Cascelow
Ruth H. Cascelow
Milton H. Cascelow
Milton H. Cascelow

State of Connecticut, } 88. Meriden
County of NEW HAVEN } October 21st A. D. 1981

Personally Appeared Ruth H. Cascelow and Milton H. Cascelow
Signer and Sealer of the foregoing Instrument, and acknowledged the same to be their free act and deed before me.
John F. ...
Commissioner of the Superior Court Justice of the Peace

Received LAND RECORDS Vol 19 At Page . M. Recorded in Town Clerk

A certain piece or parcel of land in the City of Middletown, County of Middlesex and State of Connecticut on the southeasterly side of Interstate Route 91 as shown on two certain maps or plans entitled "Plan of Property South of Interstate 91 claimed by Milton M. & Ruth M. Castelov Middletown, Conn. Scale 1"=500' Sept 1964" on file in the Office of the Middletown Town Clerk as Map Number 2718 and "Town of Middletown Map Showing land acquired from Milton M. Castelov et al by the State of Connecticut Safety Rest Area on Interstate Route 91 (Limited Access Highway) Scale 1"=100' April 1977 Karl F. Crawford Transportation Chief Engineer-Bureau of Highways Revision 5-4-77 access denied, Property Line E N/F" on file in the Office of the Middletown Town Clerk as Map Number 91B and being more particularly bounded and described as follows:

Beginning at a point marking the southwesterly corner of the herein described premises, said point being in the northerly line of property now or formerly of Stanley Boniewski and the easterly line of property now or formerly of the State of Connecticut, thence running in an easterly direction along land now or formerly of Stanley Boniewski a distance of 548.5 feet more or less to a point; thence turning and running in a northeasterly direction along land now or formerly of Agnes MacDonnell and Frederick and Myrtle Congdon and John J. MacDonnell a distance of 2,200 feet more or less to a point; thence turning and running in an easterly direction along land now or formerly of said John J. MacDonnell a distance of 800 feet more or less to a point; thence turning and running in a southerly direction along land now or formerly of said John J. MacDonnell and land now or formerly of Frederick and Myrtle Congdon a distance of 460 feet more or less to a point; thence turning and running in an easterly direction along land now or formerly of Victor Butterfield a distance of 1,060 feet more or less to a point; thence turning and running in a northwesterly direction along a brook marking the boundary of land now or formerly of Victor Butterfield a distance of 500 feet more or less to a point; thence turning and running in an easterly direction along land now or formerly of said Victor Butterfield a distance of 450 feet more or less to a point; thence turning and running in a northerly direction along land now or formerly of Elizabeth M. Burr a distance of 1,050 feet more or less to a point; thence turning and running in a westerly direction along land now or formerly of The Hartford Electric Light Company a distance of 629.3 feet more or less to a point; thence turning and running in a southwesterly direction along land now or formerly of the State of Connecticut being Interstate Route 91 a distance of 550 feet more or less to a point; thence continuing in a southwesterly direction along said land of the State of Connecticut and Interstate Route 91 a distance of 561 feet more or less to a point; thence continuing in a southwesterly direction along said land of the State of Connecticut and Interstate Route 91 a distance of 705 feet more or less to a point; thence continuing in a southwesterly direction along said land of the State of Connecticut and Interstate Route 91 a distance of 935 feet more or less to a point; thence continuing in a southwesterly direction along said land of the State of Connecticut and Interstate Route 91 a distance of 533 feet more or less to a point; thence continuing in a southwesterly direction along said land of the State of Connecticut and Interstate Route 91 a distance of 821 feet more or less to a point; the foregoing courses all as shown on Map Number 2718 above mentioned; thence turning and running in a southerly direction along land now or formerly of the State of Connecticut a distance of 644 feet more or less to a point; thence continuing in a southerly direction a distance of 523 feet more or less to the point and place of beginning, the last two courses as shown on Map Number 91B above mentioned.

SCHEDULE B

SAID PREMISES ARE CONVEYED SUBJECT TO THE FOLLOWING:

1. SNET Pole Line Easement as shown on Map Number 2718 above mentioned;
2. Possible Right of Way as shown in a warranty deed from Eben W. Bacon to Seymour G. Baldwin dated May 9, 1912 recorded May 13, 1912 in Volume 145 at Page 623 of the Middletown Land Records;
3. Pole Line Easement from Eben W. Bacon to the Southern New England Telephone Company dated December 12, 1929 recorded December 28, 1929 in Volume 180 at Page 659 of the Middletown Land Records;
4. Pole Line Easement from Milton M. and Ruth M. Castelow to Southern New England Telephone Company dated and recorded July 17, 1957 in Volume 284 at Page 982 of the Middletown Land Records;
5. Rights to construct and maintain a paved channel and right to discharge water as described in a certificate of taking by the State of Connecticut dated November 6, 1962 and recorded November 9, 1962 in Volume 327 at Page 509 of the Middletown Land Records;
6. Pole Line Easement from Milton M. and Ruth M. Castelow to Southern New England Telephone Company recorded February 5, 1963 in Volume 329 at Page 301 of the Middletown Land Records;
7. Pole Line Easement from Milton M. and Ruth M. Castelow to Southern New England Telephone Company dated and recorded April 5, 1963, in Volume 330 at Page 95 of the Middletown Land Records;
8. Relinquishment of Rights of Access as described in a warranty deed from Milton M. and Ruth M. Castelow to the State of Connecticut dated May 8, 1963 and recorded June 5, 1963 in Volume 331 at Page 41 of the Middletown Land Records;
9. Easement from Milton M. and Ruth M. Castelow to Hartford Electric Light Company dated February 20, 1964 and recorded February 27, 1964 in Volume 335 at Page 311 of the Middletown Land Records;
10. Certificate of Classification as forest land dated September 10, 1965 and recorded September 24, 1965 in Volume 344 at Page 16 of the Middletown Land Records;
11. Pole Line Easement from Estate of S.G. Baldwin to Southern New England Telephone Company dated December 14, 1929 recorded December 28, 1929 in Volume 180 at Page 660 of the Middletown Land Records.
12. Easement from Malcolm Barton to Southern New England Telephone Company dated and recorded July 17, 1957 in Volume 284 at Page 484 of the Middletown Land Records.

GRANTEE'S LATEST ADDRESS:

5 GEORGE ST.
MIDDLETOWN, CT. 06459And'd. for Record July 14 1963 11/11/60 P. M.
Recorded by C. H. [Signature]
Town Clerk

Know All Men By These Presents

That I, JEFFREY D. PIERCE, of the Town of Middletown, County of Middlesex and State of Connecticut

for divers good causes and considerations thereunto moving, especially for One Dollar and other valuable consideration received to my full satisfaction of

LINDA B. PIERCE, of the Town of Middletown, County of Middlesex and State of Connecticut

have remised, released, and forever quitclaimed, and do by these presents, for myself and my successors and heirs, justly and absolutely remise, release, and forever QUIT CLAIM unto the said Releasee

LINDA B. PIERCE, her

successors, heirs and assigns forever, all such right and title as I the said Releasor JEFFREY D. PIERCE has or ought to have in or to

See Schedule A Attached Hereto

"No Conveyance Tax collected

Christina...
Town Clerk of Middletown"

Northerly by land now or formerly of William Wilcox and John Lamb;
Easterly by a highway;
Southerly by land now or formerly of Michael Rohan; and
Westerly by land now or formerly of Eben Bacon.

FIFTH PIECE: Situated in the Westfield District of said Town of Middletown, containing twelve (12) acres, more or less, and bounded:

Northerly by land of John Lamb and land of Joel E. Bacon;
Easterly by the highway;
Southerly by land now or formerly of Joel E. Bacon; and
Westerly by land now or formerly of Sebut Bacon.

SIXTH PIECE: Situated on Highby Mountain, so-called, and consisting of three (3) acres, more or less, bounded:

Northerly by land now or formerly of Phineas Bacon;
Easterly by land now or formerly of John Lamb and wife;
Southerly by land now or formerly of E. Reynolds and Giles Wilcox and Sebut Bacon; and
Westerly by land now or formerly of Sebut Bacon.

SEVENTH PIECE: Situated in said Town of Middletown, containing two (2) acres, more or less, and bounded:

Northerly by land now or formerly of William H. Wilcox;
Easterly by a well divided mountain road;
Southerly and
Westerly by land now or formerly of Sebut Bacon.

EIGHTH PIECE: A certain piece or parcel of land situated on the west side of Middle Street in the Town of Middletown, containing twelve (12) acres, more or less, bounded and described as follows:

Northerly by land now or formerly of Albert Bacon;
Easterly by highway; and
Southerly by land now or formerly of Ichabod M. Roberts.

The above described premises are a portion of the premises conveyed to Victor L. Butterfield and Katharina Butterfield by Quit-Claim Survivorship Deed from Antoinette L. Strycharz dated October 4, 1962, and recorded in the Middletown Land Records, Volume 327, page 28.

To Have and to Hold the premises, with all the appurtenances, unto the said Releasee

its successors and assigns forever, so that neither we, the Releasee nor our heirs nor any other persons under us or them shall hereafter have any claim, right or title in or to the premises, or any part thereof, but therefrom we and they are by these presents forever barred and excluded.

In Witness Whereof, we have hereunto set our hands and seals

this 22nd day of September, A. D. 1967.

Signed, Sealed and Delivered in presence of

Call P. Butler
Antoinette L. Strycharz
Victor L. Butterfield
Katharina Butterfield

State of Connecticut,

County of Middlesex,

RR. Middletown,

On this the _____ day of September, 1967, before me,

Antoinette L. Strycharz, the undersigned officer, personally appeared:

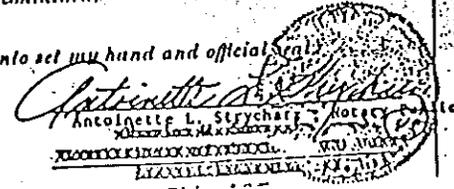
Victor L. Butterfield and Katharina Butterfield,

known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and official seal

Received for Record Sept 24 1967 1:15 P.M.

Recorded by Louis J. Lucia Tom Clark



On all Deeds to Whom these Presents shall Come. Greeting:

Know Ye, That we, VICTOR L. BUTTERFIELD and KATHARINA BUTTERFIELD, both of the Town of Middletown, County of Middlesex, and State of Connecticut,

for the consideration of one dollar and other valuable considerations, but less than One Hundred Dollars,

received to our full satisfaction of WESLEYAN UNIVERSITY OF MIDDLETOWN, CONNECTICUT, an institution incorporated under the General Assembly of the State of Connecticut and located in the Town of Middletown, County of Middlesex, and said State,

do remise, release, and forever QUIT-CLAIM unto the said Wesleyan University of Middletown, Connecticut, its successors and assigns,

~~hereunto~~ forever, all the right, title, interest, claim and demand whatsoever as

we, the said releasors, have or ought to have in or to eight (8) certain pieces or parcels of land located in the Town of Middletown, County of Middlesex, and State of Connecticut, and more particularly bounded and described as follows:

FIRST PIECE: Bounded:

Northerly by land now or formerly of Sherman Roberts and land now or formerly of August Dreher;
 Easterly by land now or formerly of said Dreher;
 Southerly by land now or formerly of Benjamin Bacon; and
 Westerly by land now or formerly of Sherman Roberts and the land now or formerly of Ebenezer Bacon.

SECOND PIECE: Located in the Westfield District, comprising sixteen (16) acres, more or less, and bounded:

Northerly by land now or formerly of E. S. Parmelee and S. C. Baldwin, partly by each;
 Easterly by "Hessa Tom" Road;
 Southerly by land now or formerly of Seth J. Hall, John Rohan and Waldo Twiss, partly by each; and
 Westerly by land now or formerly of John Bowers and Edward Reynolds, partly by each.

Said Second Piece above described is subject to building, building line, and zoning restrictions as appear of record.

THIRD PIECE: Containing thirty (30) acres, more or less, bounded and described as follows, viz:

Northerly by lands formerly of Timothy Carey, Albert Bacon, and Edward Reynolds, in part by each;
 Easterly by Massacon Road, so-called;
 Southerly by lands formerly of Albert Bacon, et al.; and
 Westerly by lands formerly of Edward Reynolds and one Carter, in part by each.

FOURTH PIECE: Situated in the Westfield District and consisting of fifteen (15) acres, more or less, and more particularly bounded and described as follows:

MIDDLETOWN CT PROPERTY DESCRIPTION CARD

COUNTRY CLUB RD REAR ACCOUNT NUMBER: R02588 MAP/BLOCK/LOT # 4 20-1 11 CLASS: R STATE CLASS: 130 CARD #: 1 OF 1

CURRENT OWNER/ADDRESS: PIERCE JEFFREY D & LINDA DEED VOLUME: 1102 DEED PAGE: 456 DEED DATE: 19960703 DEED TYPE: CT 06457 ZONING: R-60 ROUTING # 04/034 DISTRICT: 3 LIVING UNITS: 0 CENSUS TRACT: 5474

OWNER HISTORY: DEED VOL/PG: 04/034 DEED VOL/PG: 04/034

LAND DATA: TYPE UNDEVELOPED 15.000 INFLUENCE FACTORS (%) -10 LAND VALUE 67,500

NOTE: LANDLOCKED NOTE: PERMIT DATA: DATE PERMIT # AMOUNT PURPOSE

SALES DATA: DATE TYPE PRICE 19960701 LAND ONLY 32,000

ASSESSMENT INFORMATION: Effective Date of Value: 10/01/98 VALUE 67,500 ASSESSMENT 47,250

DEED VOL/PG: 04/034 DISTRICT: 3 LIVING UNITS: 0 CENSUS TRACT: 5474

ASSESSMENT INFORMATION: Effective Date of Value: 10/01/98 VALUE 67,500 ASSESSMENT 47,250

NOTE: LANDLOCKED NOTE: PERMIT DATA: DATE PERMIT # AMOUNT PURPOSE

SALES DATA: DATE TYPE PRICE 19960701 LAND ONLY 32,000

ASSESSMENT INFORMATION: Effective Date of Value: 10/01/98 VALUE 67,500 ASSESSMENT 47,250

DEED VOL/PG: 04/034 DISTRICT: 3 LIVING UNITS: 0 CENSUS TRACT: 5474

ASSESSMENT INFORMATION: Effective Date of Value: 10/01/98 VALUE 67,500 ASSESSMENT 47,250

ADDITION DATA:

Lower Level First Floor Second Floor Third Floor Area

*DWELLING DATA:

Style: Story Ht.
 Walls: Bedrooms:
 Total Rooms:
 Basement:
 Attic:
 Full Baths:
 Half Baths:
 Addl. Fixtures:
 Heating System: NONE
 Type: 8sm, Living Area:
 Basement Rec Room Area:
 Total Fireplace:
 Basement Garage (# Cars):

Total Living Area:

Quality Grade: COU
 Year Built:
 Condition:
 Total RCALD:

OUTBUILDING DATA

Type Qty Yr Size1 Size2 Grd Cond Value

STATUTORY FORM WARRANTY DEED

We, FLORENCE R. COURTRIGHT and JOSEPH COURTRIGHT, both of the City of Middletown, County of Middlesex and State of Connecticut, for THIRTY-TWO THOUSAND AND 00/100 (\$32,000.00) DOLLARS, grant to JEFFREY D. PIERCE and LINDA PIERCE, both of the City of Middletown, County of Middlesex and State of Connecticut, AS JOINT TENANTS with WARRANTY COVENANTS:

One certain piece of land situated in "Society of Westfield" so-called, in said Town of Middletown, bounded and described as follows: bounded West on Top of Mountain called "Higby Mountain", North on lands now or formerly owned by William and Harley Bowers and Sherman Roberts; East on land now or formerly owned by Rhoda Cook; South on land now or formerly owned by Curtis or William Bacon or however otherwise bounded and described as of record may appear, and containing fifteen (15) acres more or less.

With a right of passway to said premises in the usual way.

Said premises are conveyed subject to the following:

1. Real estate taxes to the Town of Middletown which the Grantees herein assume and agree to pay.
2. Any and all provisions of any ordinance, municipal regulation or public or private law.
3. Any state of facts which an accurate survey or personal inspection of the premises would disclose.
4. Easements, covenants and restrictions, if any.

Signed this 2nd day of July, 1996.

Witnessed by:

Vincent M. Manno
Vincent M. Manno

Florence R. Courtright L.S.
FLORENCE R. COURTRIGHT

James M. Gallagher
James M. Gallagher

Joseph Courtright L.S.
JOSEPH COURTRIGHT

STATE OF CONNECTICUT :

: ss. Middletown

July 2, 1996

COUNTY OF MIDDLESEX :

Personally appeared FLORENCE R. COURTRIGHT and JOSEPH COURTRIGHT, Signers and Sealers of the foregoing Instrument and acknowledged the same to be their free act and deed, before me.

Vincent M. Manno
Commissioner of the Superior Court

GRANTEES' MAILING ADDRESS:
5 George Street
Middletown, CT 06457

Rec'd for Record JUL 03 1996 12:30 P
Recorded by Linda P. Burton
Town Clerk

HALLORAN & SAGE

35-20
Conveyance Tax received, ST. TX # 160.00
Linda P. Burton
Town Clerk of Middletown

TO HAVE AND TO HOLD the above granted and bargained premises, with the appurtenances thereof, unto him the said grantee his heirs and assigns forever, to him and their own proper use and behoof.

AND ALSO, they the said grantors do for themselves and their heirs, executors, and administrators, covenant with the said grantee his heirs and assigns, that as and until the enselling of these presents, they are well seized of the premises, as a good indefeasible estate in fee simple; and have good right to bargain and sell the same in manner and form as is above written; and that the same is free from all encumbrances whatsoever, except as above stated.

AND FURTHERMORE, they the said grantors do by these presents bind themselves and their heirs forever to WARRANT AND DEFEND the above granted and bargained premises to him the said grantee his heirs and assigns, against all claims and demands whatsoever, except as above stated.

THE CONDITION OF THIS DEED IS SUCH, that whereas the said grantors are justly indebted to the grantee in the sum of Thirty-five Thousand and 00/100 (\$35,000.00) -----Dollars.

as is evidenced by a promissory note of even date herewith payable to the order of the grantee with 12% interest and due and payable on July 2, 1997, as more particularly appears in the copy of the note attached hereto.

TO HAVE AND TO HOLD the above granted and bargained premises, with the appurtenances thereof, unto him the said grantee his heirs and assigns forever, to him and their own proper use and behoof.

AND ALSO, they the said grantors do for themselves and their heirs, executors, and administrators, covenant with the said grantee his heirs and assigns, that at and until the enrolling of these presents, they are well seized of the premises, as a good indefeasible estate in fee simple; and have good right to bargain and sell the same in manner and form as is above written; and that the same is free from all encumbrances whatsoever, except as above stated.

AND FURTHERMORE, they the said grantors do by these presents bind themselves and their heirs forever to WARRANT AND DEFEND the above granted and bargained premises to him the said grantee his heirs and assigns, against all claims and demands whatsoever, except as above stated.

THE CONDITION OF THIS DEED IS SUCH, that whereas the said grantors are justly indebted to the grantee in the sum of Thirty-five Thousand and 00/100 (\$35,000.00) Dollars.

as is evidenced by a promissory note of even date herewith payable to the order of the grantee with 12% interest and due and payable on July 2, 1997, as more particularly appears in the copy of the note attached hereto.

COPY

\$35,000.00

Dated: July 2, 1996

FOR VALUE RECEIVED, the undersigned (the "Makers"), hereby promise to pay to the order of JOSEPH R. PAOLELLA (the "Holder"), at 58 Middletown Avenue, New Haven, Connecticut, or at such other place as may be designated in writing by the Holder of this Note, the sum of Thirty-five Thousand (\$35,000.00) Dollars with interest at the rate of twelve (12%) percent per annum, due and payable July 2, 1997. Interest shall be payable monthly in arrears beginning on August 1, 1996. Payments are due on the first day of each month and must be paid on or before the 10th day of each month.

The remedies of the Holder shall be cumulative and concurrent and may be pursued singularly, successively, or together, at the sole discretion of the Holder, and may be exercised as often as occasion therefor shall arise. No act or omission of the Holder, including specifically any failure to exercise any right, remedy or recourse, shall be deemed to be effected unless through a written document executed by the Holder and then only to the extent specifically recited therein. A waiver of release with reference to any one event shall not be construed as continuing, or as a bar to or waiver of release of any subsequent right, remedy or recourse as to a subsequent event.

The Makers, for themselves and their heirs, successors and assigns hereby expressly waive presentment for payment, notice of dishonor, protest and notice of nonpayment or protest and agrees in the event of a default hereunder, to pay the reasonable attorney's fees incurred by the Holder hereof in enforcing the provisions of or collecting the balance due on this Note.

This Note shall be governed and construed under the laws of the State of Connecticut.

This Note is secured by a mortgage on property within the area known as

"Society of Westfield" on the top of Higby Mountain

IN WITNESS WHEREOF, this Note has been executed and delivered by the Makers hereof on the date first herein mentioned.

Joseph R. Paolella

COPY

HOME | SEARCHSubstitute House Bill No. 5528

PUBLIC ACT NO. 98-105

AN ACT CONCERNING A MODEL RIVER PROTECTION
ORDINANCE AND PROTECTION OF RIDGELINES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) The Commissioner of Environmental Protection, in consultation with the Rivers Advisory Committee, shall prepare a model river protection ordinance which may be used by any municipality in this state in adopting ordinances or regulations for the protection of rivers. Such model ordinance may include, but need not be limited to, recommendations for the modification of municipal plans of development and zoning, subdivision, site plan and wetlands regulations as necessary to allow implementation of a river protection ordinance or regulation. Such recommendations may concern tourism, navigation, utility and transportation rights-of-way and water-dependent recreational, industrial, commercial, agricultural and other uses, as well as proposals for specific setbacks from the river, dimensions of new lots and buildings, restrictions on cutting of vegetation, restrictions on earth-moving for mining or other purposes, prohibited activities and regulation of paving and other forms of impervious ground cover. Such plan may also include recommendations for incentives for property owners to protect lands within the river corridor and to develop such lands in a manner that is compatible with resource protection. Such incentives may include tax credits for donation to appropriate parties of open space easements or land development rights and incentives for cluster development.

Sec. 2. Section 8-1aa of the general statutes is repealed and the following is substituted in lieu thereof:

As used in section [8-2i] 8-2:

- (1) "Traprock ridge" means Beacon Hill, Saltonstall Mountain, Totoket Mountain, Pistapaug Mountain, Fowler Mountain, Beseck Mountain, Higby Mountain, Chauncey Peak, Lamentation Mountain, Cathole Mountain, South Mountain, East Peak, West Peak, Short Mountain, Ragged Mountain, Bradley Mountain, Pinnacle Rock, Rattlesnake Mountain, Talcott Mountain, Hatchett Hill, Peak Mountain, West Suffield Mountain, Cedar Mountain, East Rock, Mount Sanford, Prospect Ridge, Peck Mountain, West Rock, Sleeping Giant, Pond Ledge Hill, Onion Mountain, The Sugarloaf, The Hedgehog, West Mountains, The Knolls, Barndoor Hills, Stony Hill, Manitook Mountain, Rattlesnake Hill, Durkee Hill, East Hill, Rag Land, Bear Hill, Orenaug Hills;
- (2) "AMPHIBOLITE RIDGE" MEANS HUCKLEBERRY HILL, EAST HILL, RAYTHUM HILL, HOAR HILL,

MEMORANDUM

TO: City of Middletown
Mayor Dominique S. Thornton
Debra Moore, Administrative Aid to the Mayor

FROM: Arnold Shimelman, Esq.
Catherine Intravia, Esq.
Shipman & Goodwin, LLP

DATE: November 29, 1999

RE: City of Middletown
Lamentation Mountain and Mount Higby Unimproved Roads

I. ISSUE:

Whether seven unimproved roads located on Lamentation Mountain and Mount Higby in the western portion of the city of Middletown are public highways.

II. BRIEF ANSWER:

The facts support the conclusion that the seven referenced roads on Lamentation Mountain and Mount Higby are not municipal public highways. As such, the city does not have responsibility for their maintenance or improvement.

III. BRIEF FACTS:

Debra Moore, Administrative Aide to Middletown Mayor Dominique S. Thornton, requested that Shipman & Goodwin LLP determine whether a group of old roads on Lamentation Mountain and on Mount Higby are municipal public highways. Specifically, various citizens have referred to the roads by the following names:

- 1) on Lamentation Mountain - Stantack Road (north from the last residence to the Berlin town line), Middle Road, Lower Road, Topper Road, Old Lamentation Mountain Road
- 2) Mount Higby - Massa Tom Road (also known as Massatom Road, Middle Street and Middle Street South) and an unnamed road network.

Ms. Moore's request is in response to Mr. Lawrence Buck's numerous appearances before the Common Council requesting, inter alia, that the city make improvements to the above referenced roads.

Shipman & Goodwin LLP caused to be conducted an extensive search of the Land Records of the city for recorded public records regarding the roads in question, interviewed town officials, reviewed public records in various administrative city departments, and conducted a visual examination of the Lamentation Mountain area. The city's public records and conversations with municipal employees disclosed limited factual information or data on the roads in question. Many, if not most, of the issues that pertain to and govern the legal status of roads are questions of fact. Therefore, Shipman & Goodwin LLP will employ the considerable body of highway law regarding dedication and acceptance and their applicability to the facts ascertained to determine if the roads in question are private ways or public highways.

IV. LEGAL DISCUSSION:

A. Introduction

In order to make a determination as to whether a road is a public highway, it is necessary to lay out the law under which such a determination must be made. An

mountain bikes and off road vehicles. As in Ventres, this use does not indicate an implied acceptance. Therefore, Topper Road on Lamentation Mountain is not a public highway.

5. Old Lamentation Mountain Road

a. Dedication - Shipman & Goodwin LLP found no evidence that an owner dedicated Old Lamentation Mountain Road on Lamentation Mountain for public use.

b. Acceptance - Dedication is only effective when acceptance has occurred. Since the road was never dedicated, the city and the public cannot have accepted it. Alternatively, there is no evidence that the municipality has formally accepted this road. Further, the city has not demonstrated any activity that would support an implied acceptance. The city has not cleared debris, paved, placed street signs, plowed, installed sewers, or exerted control over this road. Additionally, the general public has not accepted this road. The general public's is limited to occasional hikers, mountain bikes and off road vehicles. As in Ventres, this use does not indicate an implied acceptance. Therefore, Old Lamentation Mountain Road on Lamentation Mountain is not a public highway.

B. Mount Higby

1. Massatom Road

a. Dedication - Shipman & Goodwin LLP found no evidence that a previous owner or the present owner - the municipal water company- dedicated Massatom Road on Mount Highby for public use.

b. Acceptance - Dedication is only effective when acceptance has occurred.

Since the road was never dedicated, the city and the public cannot have accepted it as a public highway. Further, there is no evidence that the city has formally accepted this road as a public highway.

Further, analysis of the facts do not conclusively support the finding of implied acceptance by the municipality. An old undated map does show a Massa Tom Road, as well as a network of other roads, on Mount Highby. See Exhibit K. However, a D.O.T. map dated December 31, 1998, does not show any roads in the Mount Highby area. See Exhibit L. As courts have stated, lines on a map are not conclusive evidence that a road is a public highway.

As to the assessment of the real property in the immediate vicinity, the present Middletown Assessor's map shows only a broken line road called Massa Tom Road, parallel in some places to a solid line road, with no other connecting or independent network of roads on Mount Highby. See Exhibit M. However, the Assessor, in a letter dated March 4, 1999 stated that "Middle Road, also known as Massa Tom Road, that portion of land south of Country Club Road, in an R-45 zone, is being taxed as an open city street in such zone." See Exhibit N. The assessment of a road as a city street can be evidence of implied acceptance by a municipality, although it must be balanced against other municipal acts. For example, here, as in Ventres, no formal layout of a municipal road was found in the city records. Also, while the present abutting fee owner, the municipal water company, has maintained this road as a service road for its own private use, there is no evidence that the city has held this road out to the general public to be more than a restricted access road. Further, it is our

understanding that this road is not maintained to the level of accepted public highways. Thus, the balance of the evidence supports a conclusion that the town has not impliedly accepted the road.

Additionally, the general public has not accepted this road. Specifically, while the abutting property owners may use this road for alternative access to their properties, the general public's use is limited to occasional hikers and, possibly, off road vehicles. As in Ventres, this use does not indicate an implied acceptance. Therefore, Massatom Road is not a public highway. This finding is consistent with the opinion of the Middletown Department of Public Works. See Exhibit O.

2. Unnamed Road Network on Mount Higby

a. Dedication - Shipman & Goodwin LLP found no evidence that an owner dedicated the unnamed road network on Mount Higby for public use.

b. Acceptance - Dedication is only effective when acceptance has occurred. Since the road network was never dedicated, the city and the public cannot have accepted it. Also, there is no evidence that the city has formally accepted this road network. Further, the city has not demonstrated any activity that would support an implied acceptance. A network of roads does appear on an old undated map of the Mount Higby area. See Exhibit K. However, the Middletown Assessor's map shows no roads in the area. See Exhibit M. A recent D.O.T. map does not show roads in the area. See Exhibit L. As courts have stated, lines on a map are not conclusive evidence that a road is a public highway. Further, the municipality has not cleared debris,

paved, placed street signs, plowed, installed sewers, or exerted control over this road network. Therefore, the city has not implied acceptance.

Additionally, the general public has not impliedly accepted this road network.

While the neighboring property's owners, to access their property, may have used these roads, the general public's use has been limited to occasional hikers and, possibly, off road vehicles. As in Ventres, this use does not indicate the public's implied acceptance. Therefore, the unnamed road network on Mount Higby is not a public highway.

V. CONCLUSION:

After a careful and deliberate examination of all available facts gathered from our investigation of the public records and related activities, the evidence supports the conclusion that the seven roads discussed above are not public highways. As such, the City of Middletown does not have responsibility for their maintenance or improvement.

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SWEETHEART HILL AND ONION HILL IN CANTON;

[(2)] (3) ["Traprock ridgeline"] "RIDGELINE" means the line on a traprock OR AMPHIBOLITE ridge created by all points at the top of a fifty per cent slope, which is maintained for a distance of fifty horizontal feet perpendicular to the slope and which consists of surficial basalt geology, identified on the map prepared by Stone et al., United States Geological Survey, entitled "Surficial Materials Map of Connecticut";

[(3)] (4) "Ridgeline setback area" means the area bounded by (A) a line that parallels the ridgeline at a distance of one hundred fifty feet on the more wooded side of the ridge, and (B) the contour line where a ridge of less than fifty per cent is maintained for fifty feet or more on the rockier side of the slope, mapped pursuant to section 8-2;

[(4)] (5) "Development" means the construction, reconstruction, alteration, or expansion of a building; and

[(5)] (6) "Building" means any structure other than (A) a facility as defined in section 16-50i or (B) structures of a relatively slender nature compared to the buildings to which they are associated, including but not limited to chimneys, flagpoles, antennas, utility poles and steeples.

Sec. 3. Subsection (c) of section 8-2 of the general statutes is repealed and the following is substituted in lieu thereof:

(c) In any municipality where a traprock ridge, as defined in section 8-1aa, OR AN AMPHIBOLITE RIDGE AS DEFINED IN SECTION 8-1aa, is located the regulations may provide for development restrictions in ridgeline setback areas, as defined in said section. The regulations may restrict quarrying and clear cutting, except that the following operations and uses shall be permitted in ridgeline setback areas, as of right:

(1) Emergency work necessary to protect life and property; (2) any nonconforming uses that were in existence and that were approved on or before the effective date of regulations adopted under this section; and (3) selective timbering, grazing of domesticated animals and passive recreation.

Approved May 22, 1998

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