

From: [Todd Odit](#)
To: [Renee L. Mobbs](#)
Cc: [Mitchel Cypes](#); [Jason Barnard](#); [Ryan Mobbs](#); [Patrick Miner](#)
Subject: Re: PR&R Development, LLC/Observatory Road
Date: Wednesday, July 26, 2023 1:39:06 PM
Attachments: [image001.png](#)

Hi Renee,

I am doubtful the Selectboard would give up ownership of the southern end in exchange for a limited easement based on the fact that they wanted to preserve public access.

As for dedication and acceptance, I am not sure if that applies as we know the town owns the fee. Since the town never went through the process of opening it as a highway (even if the town did go through the process of laying it out as a new road, I think it would be hard to make a finding that doing so is in town's best interest), I think it could be argued that it is a driveway and the town has maintained it as such and could choose to stop doing so or scale back maintenance and plowing.

In case that occurs, it seems there should be some maintenance agreement that if the town stops maintenance, then that becomes the responsibility of the new lots/homeowners collectively.

Todd

From: "Renee L. Mobbs" <rmobbs@sheeheyvt.com>
To: "Todd Odit" <todithvt@gmavt.net>
Cc: "Mitchel Cypes" <mcypes@hinesburg.org>, "Jason Barnard" <jason@barnardandgervais.com>, "Ryan Mobbs" <mobbsmasonry@gmail.com>, "Patrick Miner" <ptminer83@gmail.com>
Sent: Wednesday, July 12, 2023 1:42:06 PM
Subject: RE: PR&R Development, LLC/Observatory Road

Hi Todd,

Thanks for your email. Apologies for the delayed response.

We would consider ownership of the portion of the road that runs adjacent to the landfill, subject to a *private* easement to the Town for purposes of accessing/maintaining the landfill. Any private easement would have to contain language requiring the Town to repair any damages caused by its use, among other things.

We are not willing to take over that portion of the road subject to a public easement. The road dead-ends at private property, and we don't see why the Town would want the landfill or soon-to-be-installed solar field freely accessible to the general public. Presumably the solar field is going to have to be fenced-in once it's completed.

As for the portion of Observatory that runs from North Road to the observatory's gate, I don't see how we could take over that portion. The Goodriches conveyed the road to the Town in 1991, and

the Town has maintained and plowed that main section of the road for over 30 years. I'm sure Judy Cardinal and the observatory group would strenuously object to being charged for road maintenance and plowing at this point. I'm not asserting a position on this one way or the other, but I think one could argue that that portion of the road has long since become a public road by dedication and acceptance.

Having said that, we are happy to engage in ongoing conversations with you, the Selectboard, and/or the Town attorney on this. I'm hopeful we can negotiate a mutually agreeable solution.

Thanks again,

Renee L. Mobbs

Direct: 802.865.6323

Email: rmobbs@sheeheyvt.com



From: Todd Odit <todithvt@gmavt.net>
Sent: Tuesday, June 27, 2023 11:00 AM
To: Renee L. Mobbs <rmobbs@sheeheyvt.com>
Cc: Mitchel Cypes <mcypes@hinesburg.org>; Jason Barnard <jason@barnardandgervais.com>
Subject: Re: PR&R Development, LLC/Observatory Road

Hi Renee,

Sorry that I did not get back to you. The Town's attorney didn't disagree with your letter. I'm not sure thought if that (meaning the current situation) is satisfactory to both parties. I'm curious if you would be open to owning the full length of Observatory Rd (from North Rd to the end of the landfill) subject to an easement to the town? My assumption is that you want control of the road and the Selectboard wants to maintain public access. Perhaps this would be a workable solution?

Todd

From: "Renee L. Mobbs" <rmobbs@sheeheyvt.com>
To: "Mitchel Cypes" <mcypes@hinesburg.org>, "Todd Odit" <todithvt@gmavt.net>
Cc: "Jason Barnard" <jason@barnardandgervais.com>
Sent: Friday, June 23, 2023 9:21:22 AM
Subject: RE: PR&R Development, LLC/Observatory Road

As a follow-up, it looks like Todd did acknowledge receipt of my letter about the road back in February, and indicated he would forward it to the Town attorney. We haven't yet received any response.

Let me know if you have any questions.

Thanks.

Renee L. Mobbs

Direct: 802.865.6323

Email: rmobbs@sheeheyvt.com



From: Renee L. Mobbs <rmobbs@sheeheyvt.com>

Sent: Friday, June 23, 2023 6:32 AM

To: Mitchel Cypes <mcypes@hinesburg.org>; Todd Odit <todithvt@gmavt.net>

Subject: Fwd: PR&R Development, LLC/Observatory Road

Mitch and Todd,

Please see below and attached regarding Observatory Road.

I thought that I sent this to Todd back in February, but it looks like there might have been an issue with my email—although it's in my sent mail I don't see Todd's email address. Todd, did you get this in February?

Renee Mobbs

SHEEHEY FURLONG & BEHM P.C.

Sent from my iPhone

Begin forwarded message:

From: "Renee L. Mobbs" </O=FIRST ORGANIZATION/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=RENEE L. MOBBSAEF>

Date: February 10, 2023 at 1:03:00 PM EST

Subject: PR&R Development, LLC/Observatory Road

Good afternoon Todd,

Attached please find a letter to the Selectboard regarding Observatory Road. Please keep us posted as to when this will be on the Selectboard's agenda.

Thanks.

Renee L. Mobbs
SHEEHEY FURLONG & BEHM P.C.
30 Main Street, 6th Floor
PO Box 66
Burlington, VT 05402-0066
(802) 864-9891 (main office)
(802) 865-6323 (direct line)
(802) 864-6815 (fax)
rmobbs@sheeheyvt.com
www.sheeheyvt.com

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