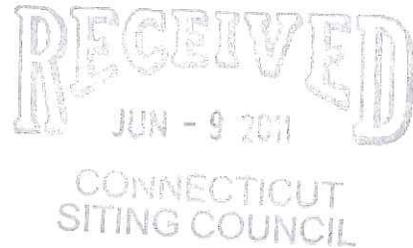


Rovazzi 5

STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

IN RE:  
APPLICATION OF NEW CINGULAR  
WIRELESS PCS, LLC (AT&T) FOR A  
CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY AND PUBLIC NEED FOR  
THE CONSTRUCTION, MAINTENANCE AND  
OPERATION OF A TELECOMMUNICATIONS  
TOWER FACILITY AT 8 BARNES ROAD IN  
THE TOWN OF CANAAN (FALLS VILLAGE)

DOCKET NO. 409



PRE-FILED TESTIMONY OF DAVID M. CUSICK

Q1. What is your profession and experience?

A1. I am an attorney licensed to practice law in the State of Connecticut. I received my law degree from the University of Virginia in 1969. Since 1972, I have been engaged in the practice of real estate law, including performing or reviewing title examinations regarding Connecticut real estate. I am a partner in the Winsted, CT law firm of Howd, Lavieri & Finch, LLP.

Q2. In general, what does a title examination or title search consist of?

A2. Typically, it is a review of the land records in the town in which the property is located (and the review of other relevant public records, if applicable, such as probate records) to determine who owns the property in question and what types of rights others may have with respect to the property in question. Such rights may include, for instance, mortgages, other financial liens, easements, including rights of way.

Q3. What is your involvement in this matter?

A3. I was retained by Patricia Ann Rovezzi and Guy Rovezzi to review the Canaan Land Records concerning a right of way which the Applicant proposes to use to reach property described in the Application as owned by the Estate of Dorothy A. Forino, record title to which now stands in the names of Kathleen A. Christiano, Philip A. Forino and Sandra Forino (the "Forino Property"), upon which the Applicant proposes to construct a cell tower.

I should note at the beginning that part of the right of way consists of an existing roadway which has been variously referred to in different documents recorded in the Canaan Town Clerk's Office as a "private roadway", a "wood road", a "gravel road" and a "roadway". For consistency, I will use the term "private roadway" in my testimony. As discussed in my testimony to follow, for most of its length, the right of way is thirty (30) feet wide, fifteen (15) feet on either side of the centerline of the private roadway as it existed when the right of way was created.

I have marked up the following maps appended to the Applicant's Application to show the general location of the right of way as it leads from Barnes Road across various properties to reach the cell tower site: (a) Abutters Map, Sheet Number C01, which I have labeled Exhibit A to my testimony, (b) Site Access Map, Sheet Number C02A, which I have labeled Exhibit B to my testimony, (c) Site Access Map, Sheet Number C02B, which I have

labeled Exhibit C to my testimony, (d) Site Access Map, Sheet Number C02C, which I have labeled Exhibit D to my testimony and (e) Site Access Map, Sheet Number C02D, which I have labeled Exhibit E to my testimony.

The Forino Property is shown on Exhibits A, D and E to my testimony.

Q4. What did you determine concerning the ownership of the land over which the right of way passes before reaching the Forino Property?

A4. The right of way commences at Barnes Road and crosses property now owned by Michael D. Burke (the "Burke Property"). The Burke Property was previously owned by Joe Baker, who by Grant of Right of Way dated June 12, 1981, and recorded in Volume 42 at Page 194 of the Canaan Land Records, conveyed to Anthony J. Forino ". . . a perpetual easement right of way for all purposes for which a public highway now or hereafter may be used, including public utilities, said right of way being thirty (30) feet in width, fifteen (15) feet on either side of the center line of a roadway [the private roadway] as presently laid out across lands of the Grantor [Joe Baker] leading from Barnes Road across Lot #5 shown on the map hereinafter referred to as lands of the Grantor."

The right of way as it crosses the Burke Property is shown on Exhibits A, B and C to my testimony. I have also attached to this testimony a copy of the 1981 Baker to Forino Grant of Right

of Way referred to above, which I have labeled Exhibit F to my testimony.

Q5. Does anyone else have the right to use the right of way as it passes over the Burke Property?

A5. Yes. By Grant of Right of Way dated June 12, 1981, recorded in Volume 42 at Page 195 of the Canaan Land Records, Joe Baker conveyed to Catherine B. Osborn the same easement rights over what I am referring to as the Burke Property that he conveyed to Anthony J. Forino. The Baker to Osborn Grant of Right of Way is appended to my testimony as Exhibit G.

Q6. Does the right of way pass over anyone else's property after exiting the Burke Property and before reaching the Forino Property?

A6. Historically, after crossing the Burke Property, the private roadway entered property owned by Catherine B. Osborn, a portion of which - including the private roadway - she conveyed to Anthony J. Forino et al, by deed dated June 26, 1981, recorded in Volume 42 at Page 189 of the Canaan Land Records. A copy of this deed is appended to my testimony as Exhibit H, and a copy of a portion of the map referred to in the 1981 Osborn to Forino deed is appended to my testimony as Exhibit I. Specifically, Osborn conveyed to Forino Parcel A - 1.4 acres, more or less, and Parcel B - 0.08 acres, more or less, each as shown on Exhibit I.

At about the same time, Anthony J. Forino et al conveyed to Catherine B. Osborn by deed dated August 4, 1981 and recorded in Volume 42 at Page 192 of the Canaan Land Records a small triangular piece of land referred to as the "Forino Triangle" adjoining the Osborn property. The location of the Forino Triangle is shown on Exhibit I to my testimony. The 1981 Forino to Osborn deed is appended to my testimony as Exhibit J.

Q7. What was the location of the Forino - Osborn boundary line immediately after and as a result of the exchange of parcels between Osborn and Forino occurring in 1981?

A7. As shown on Exhibit I to my testimony, the northeasterly line of the private roadway "as it curves and bends" (see Exhibit G to my testimony) for a distance of approximately 928 feet became the Forino-Osborn boundary line.

In other words, before the 1981 exchange of deeds between Osborn and Forino, the private roadway, after it exited what is now the Burke Property, passed through the property then owned by Catherine B. Osborn. However, as a result of the 1981 Osborn/Forino exchange, that portion of the Osborn Property over which the private roadway passed became owned by Forino. After the 1981 exchange, none of the private roadway was on the Osborn property, but the edge of the private roadway formed the boundary between Osborn's remaining property and the property she conveyed to Forino. To the extent that any of the Applicant's maps - see for instance Exhibit D to my testimony - show there to be any

"gap" between the edge of the private roadway and the Rovezzi boundary line, the maps are wrong since they are inconsistent with the descriptions contained in the deeds (Exhibits H and J to my testimony) exchanged between Osborn and Forino in 1981.

On account of provisions contained in the Osborn to Forino deed (see Exhibit H to my testimony) and in the Forino to Osborn deed (see Exhibit J to my testimony), Osborn nonetheless reserved/acquired the perpetual easement right to use the private road in common with Forino over the entire length of the Osborn/Forino boundary line.

Q8. Who is the present owner of the remaining portion of the Catherine B. Osborn Property?

A8. Patricia M. Rovezzi. The parcel she owns is shown in general on Exhibit A to my testimony (the "Rovezzi Property"). Appurtenant to the Rovezzi Property are (a) the right of way across the Burke Property conveyed to Osborn in 1981 (see Exhibit G to my testimony) and (b) the right to use the private roadway reserved/acquired in 1981 by Osborn in the Osborn and Forino exchange, as discussed in my answer to question 7 above.

Q9. After his exchange of parcels with Catherine B. Osborn in 1981, did Anthony J. Forino retain ownership of all of Parcels A and B formerly owned by Osborn on which the private roadway was located?

A9. No, by virtue of a Boundary Agreement between Anthony J. Forino and Joe Baker dated October 17, 1995, and recorded in Volume 53 at Page 313 of the Canaan Land Records, that portion of the former Osborn Property located northerly and westerly of the agreed upon Forino/Baker boundary line was conveyed by Forino to Baker (hereinafter referred to as the "Baker Property"), resulting in Baker's becoming the owner of that portion of the private roadway lying between the Burke Property and the former Osborn Property retained by Forino and which is now part of the Forino Property. The 1995 Forino/Baker Boundary Agreement is appended to my testimony as Exhibit K. That portion of the private roadway crossing the Baker Property is shown on Exhibits A, C and D to my testimony. That portion of the private roadway located on the former Osborn Property retained by Forino is shown on Exhibits A, D and E to my testimony.

Q10. Can you summarize your testimony concerning who has the right to use the private roadway?

A10. Yes. The Forino, Baker and Rovezzi Properties all have the right to use the private roadway as it passes through the Burke Property. The Rovezzi Property and the Forino Property have the right to use the private roadway as it passes through the Baker Property and the Rovezzi Property additionally has the right to use the private roadway located on that portion of the Forino Property conveyed by Catherine B. Osborn to Forino in 1981, which Forino did not convey to Baker in 1995.

Q11. Does the owner of the Forino Property or the Applicant have any right to use any portion of the Rovezzi Property in connection with the private roadway or the right of way?

A11. No. As described in my answers to questions 6 and 7 above, when Osborn and Forino exchanged land in 1981, the private roadway was no longer located on the Osborn (now Rovezzi) Property. The northerly edge of the private roadway formed the Forino-Osborn (now Rovezzi) boundary line, and no right to use the remaining Osborn Property (now the Rovezzi Property) was given to Forino. Thus, there is no right to cut trees on the Rovezzi Property, no right to grade or otherwise change the slopes existing on the Rovezzi Property and no right even to temporarily place equipment, personnel or materials on the Rovezzi Property while repairing or reconstructing the private roadway. Any such activities taking place on the Rovezzi Property without permission would constitute a trespass.

Q12. Does the reservation by Anthony J. Forino in the 1995 Forino/Baker Boundary Agreement of a "right of way, in common with others, for all purposes for which a public highway may now or hereafter be used, including public utilities, 30 feet in width 15 feet on either side of the center line of said gravel road" create any rights in favor of Forino with respect to the Rovezzi Property?

A12. No. As noted in my answer to Question 11 above, Anthony J. Forino acquired no rights in his 1981 exchange with Osborn to use the former Osborn property (now the Rovezzi Property).

Accordingly, when Forino conveyed to Baker a portion of the property he had acquired from Osborn in 1981, Forino could not reserve any rights over the Rovezzi Property because he did not own any such rights to reserve. This is to say, if the Forino-Rovezzi (formerly Osborn) boundary line was, for instance, 6 feet from the center line of the private roadway, Forino could not reserve any rights extending 15 feet from the center line onto the Rovezzi Property because Forino had no such rights and therefore could not reserve any such rights.

Q13. Does the owner of the Forino property or the Applicant have any right to relocate or widen any portion of the private roadway as it crosses the Baker Property?

A13. At most, within that portion of the property now owned by Baker which is located within 15 feet southerly of the center line of the private roadway as presently located.

Q14. Does the owner of the Forino property or the Applicant have any right to use any portion of the Baker Property which is located more than 15 feet southerly of the center line of the private roadway as present located?

A14. No. Any activities - such as the type discussed in my answer to question 11 above - occurring on the Baker Property

more than 15 feet southerly of the center line of the private roadway as presently located would require Mr. Baker's permission.

Q15. Does the owner of the Forino property or the Applicant have any right to relocate or widen any portion of the private roadway as it crosses the Burke Property?

A15. At most, within that portion of the Burke Property which lies within 15 feet on either side of the center line of the private roadway as presently located.

Q16. Does the owner of the Forino property or the Applicant have any right to use any portion of the Burke Property which is located more than 15 feet on either side of the center line of the private roadway as presently located?

A16. No. Any activities - such as the type discussed in my answer to question 11 above - occurring on the Burke Property more than 15 feet on either side of the center line of the private roadway as presently located would require Mr. Burke's permission.

The statements above are true and accurate to the best of my knowledge.

Date: June 8, 2011



David M. Cusick

CERTIFICATION

I hereby certify that a copy of the foregoing document  
was sent by U.S. mail to the following service list on the 8th  
day of June, 2011.

Christopher B. Fisher, Esq.  
Lucia Chiocchio, Esq.  
Cuddy & Feder LLP  
445 Hamilton Avenue, 14<sup>th</sup> Floor  
White Plains, NY 10601

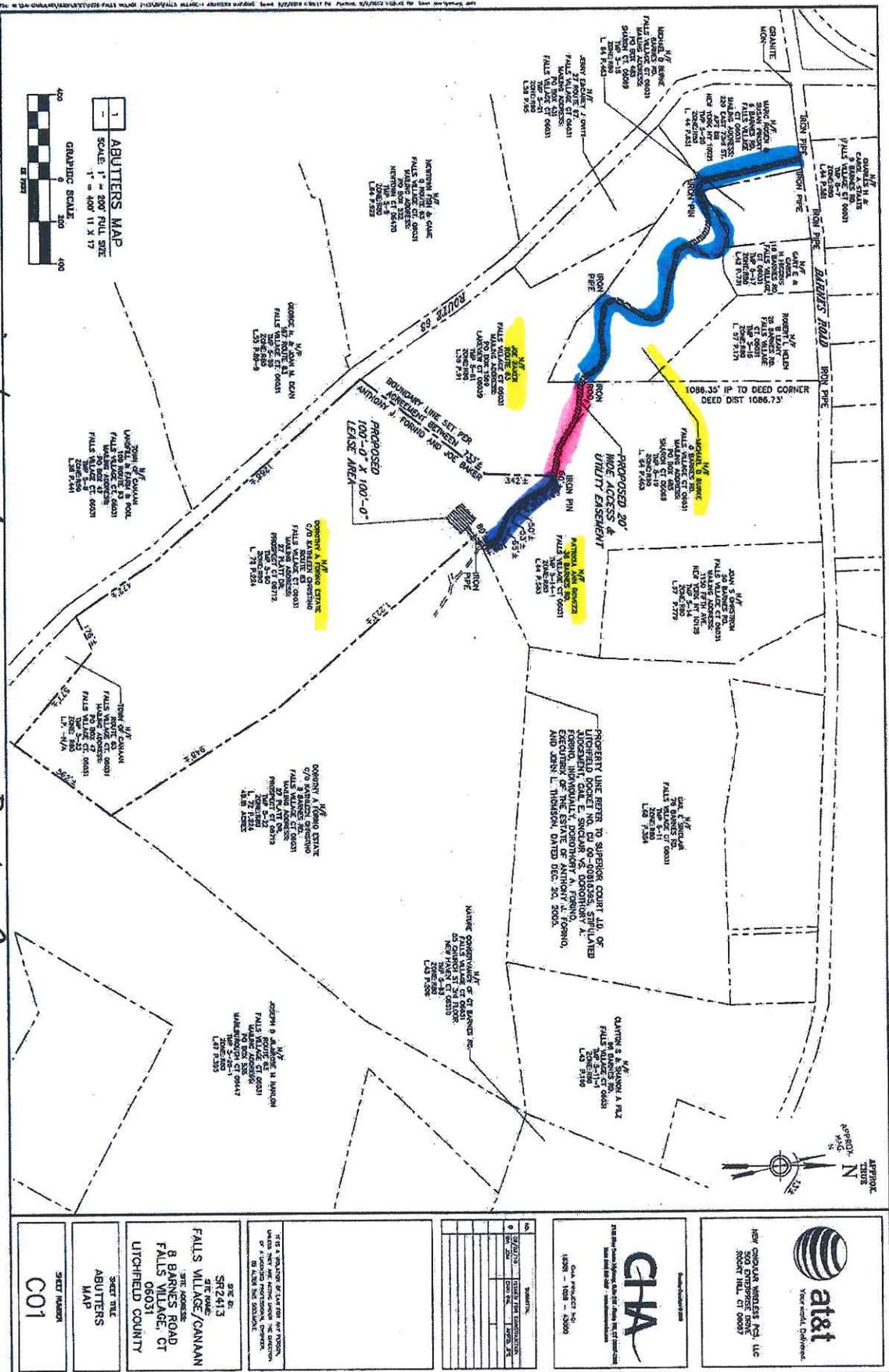
Michele Briggs  
AT&T  
500 Enterprise Drive  
Rocky Hill, CT 06067-3900

Ellery W. Sinclair, Chairman  
Inland Wetlands/Conservation Comm.  
Town of Canaan  
201 Under Mountain Road  
Falls Village, CT 06031

Frederick J. Laser, Chairman  
Planning and Zoning Commission  
Town of Canaan  
Town Hall  
P.O. Box 47  
Falls Village, CT 06031

Patricia Rovezzi  
Patricia Rovezzi

Guy Rovezzi  
Guy Rovezzi



private roadway crossing Burke Property  
 private roadway crossing Baker Property  
 private roadway crossing former Osborn now Ferrino Property



NEW CONCRETE WINDLESS PAVEMENT, LLC  
 500 STATE ST. SUITE 200  
 SOUTH BRITAIN, CT 06053

**CHA**

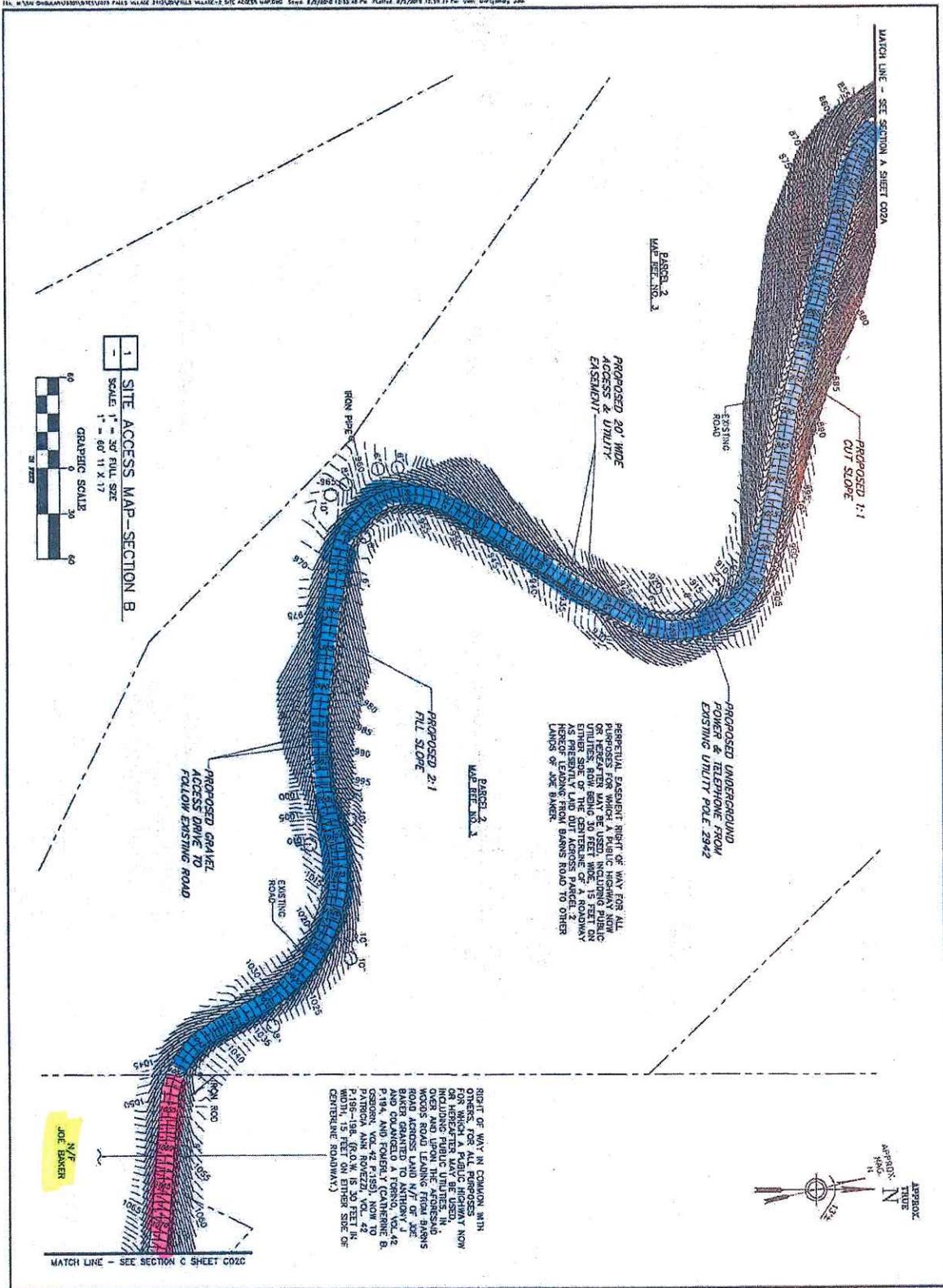
CHA CONSULTANTS, INC.  
 1000 N. MAIN ST.  
 SUITE 1000  
 SOUTH BRITAIN, CT 06053

NO.	DATE	DESCRIPTION
1	07/27/12	ISSUED FOR CONSTRUCTION
2	08/20/12	REVISED
3	09/10/12	REVISED

SITE NO. SR2413  
 SITE NAME: FALLS VILLAGE/CANNAN  
 SITE ADDRESS: 8 BARNES ROAD  
 FALLS VILLAGE, CT 06051  
 LITCHFIELD COUNTY

SHEET TITLE: ABUTTERS MAP  
 SHEET NUMBER: C01

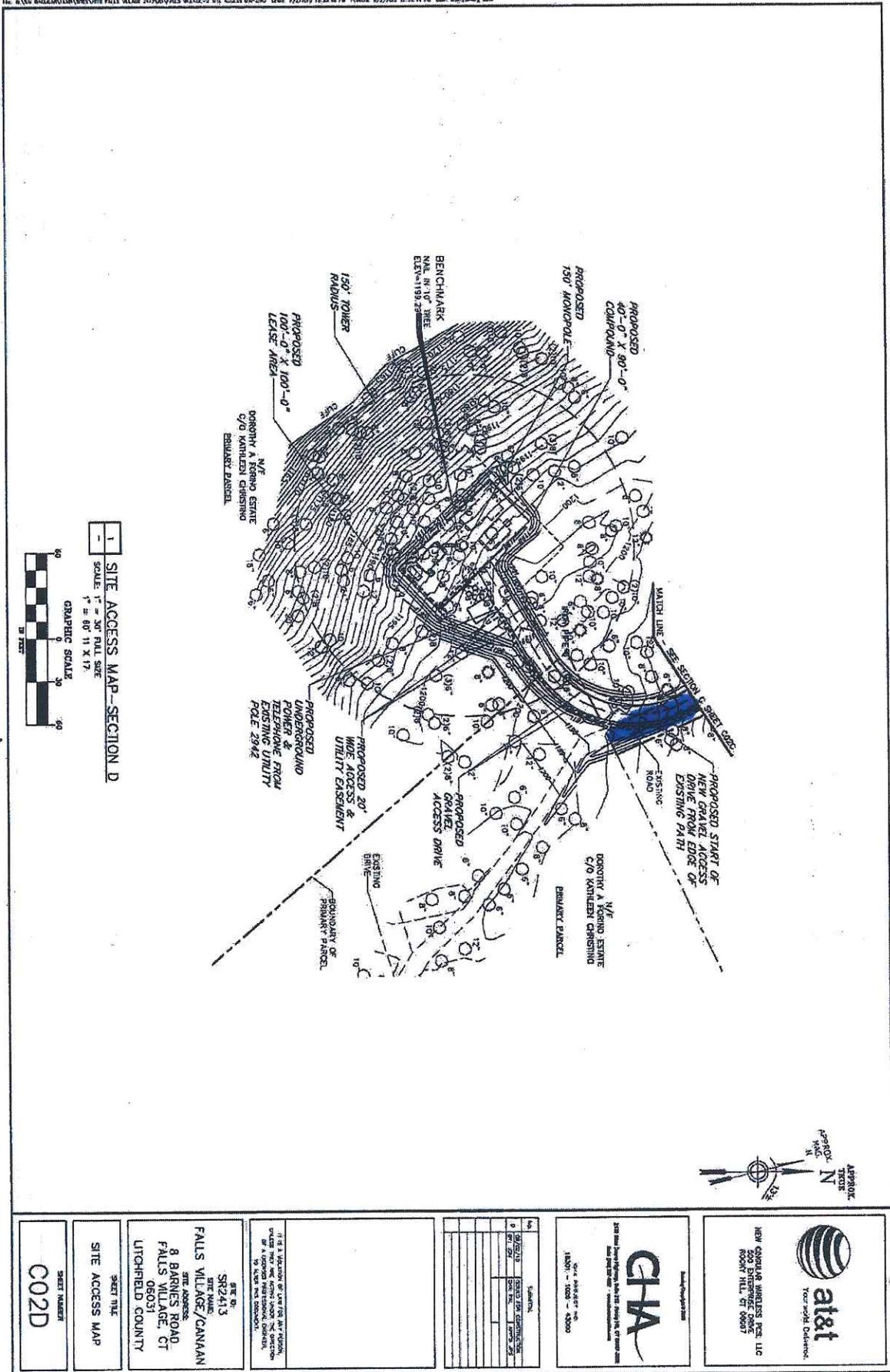




private roadway crossing Baker Property  
 private roadway crossing Baker Property

 <p>at&amp;t Your World. Delivered.</p> <p>NEW CARRIER SERVICES FOR          500+ ENTERPRISE CARRIERS          FROM 100 TO 50000</p>	<p>2018 National Highway Traffic Safety Administration          New Car Safety Award</p> <p><b>GMV</b></p> <p>GMV MEMBER SINCE          1988 - 1989 - 2008</p>	<table border="1"> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> <tr> <td>1</td> <td>ISSUED FOR CONSTRUCTION</td> <td>08/20/2018</td> </tr> <tr> <td>2</td> <td>ISSUED FOR CONSTRUCTION</td> <td>08/20/2018</td> </tr> <tr> <td>3</td> <td>ISSUED FOR CONSTRUCTION</td> <td>08/20/2018</td> </tr> </table>	NO.	DESCRIPTION	DATE	1	ISSUED FOR CONSTRUCTION	08/20/2018	2	ISSUED FOR CONSTRUCTION	08/20/2018	3	ISSUED FOR CONSTRUCTION	08/20/2018	<p>IF A NOTATION OF LIAISON WITH ANY OTHER PROJECTS OR PROJECTS ARE SHOWN ON THIS MAP, THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION SHOWN ON THIS MAP.</p>	<p>SITE NO: SR2413          SITE NAME: FALLS VILLAGE/CANNAN          SITE ADDRESS: 8 BARNES ROAD          FALLS VILLAGE, CT 06031          LITCHFIELD COUNTY</p>	<p>SHEET TITLE: SITE ACCESS MAP          SHEET NUMBER: C02B</p>
NO.	DESCRIPTION	DATE															
1	ISSUED FOR CONSTRUCTION	08/20/2018															
2	ISSUED FOR CONSTRUCTION	08/20/2018															
3	ISSUED FOR CONSTRUCTION	08/20/2018															





private roadway crossing former Osborn now Farina Property

194

Volume 42

## GRANT OF RIGHT OF WAY

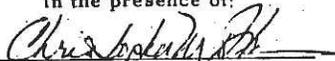
KNOW ALL MEN BY THESE PRESENTS, That I, JOE BAKER, of the Town of Canaan, County of Litchfield and State of Connecticut, for the consideration of One Dollar (\$1.00) and other valuable considerations, received to my full satisfaction of ANTHONY J. FORINO, of the City of Waterbury, County of New Haven and State of Connecticut, do give, grant, bargain, sell and confirm unto the said Anthony J. Forino, his heirs and assigns forever, a perpetual easement right of way for all purposes for which a public highway now or hereafter may be used, including public utilities, said right of way being thirty (30) feet in width, fifteen (15) feet on either side of the centerline of a roadway as presently laid out across lands of the grantor leading from Barnes Road across Lot #5 shown on the map hereinafter referred to as lands of the grantor.

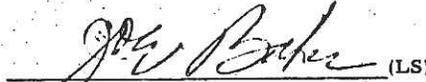
Reference is hereby made to a map entitled "Proposed Subdivision Plan Property Of; Joseph Baker Barnes Road Canaan, Conn. Scale 1" = 50' Dec. 14, 1973" by Howard B. Stearns, Jr., R.L.S. #7035, which map is on file in the Town Clerk's Office in the Town of Canaan.

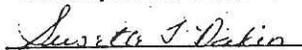
TO HAVE AND TO HOLD the above granted right, privilege and easement unto the said Anthony J. Forino, his heirs and assigns forever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 12<sup>th</sup> day of JUNE, Nineteen Hundred Eighty-One.

Signed, sealed and delivered  
in the presence of:

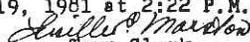
  
Christopher M. Dakin

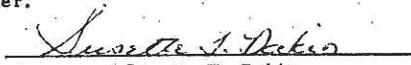
 (LS)  
Joe Baker

  
Susette T. Dakin  
STATE OF CONNECTICUT )

: ss. Town of Salisbury  
COUNTY OF LITCHFIELD )

The foregoing instrument was acknowledged before me this 12th day of June, 1981, by Joe Baker.

Received for recording  
August 19, 1981 at 2:22 P.M.  
  
Town Clerk

  
Susette T. Dakin  
Notary Public

GRANT OF RIGHT OF WAY

KNOW ALL MEN BY THESE PRESENTS, That I, JOE BAKER, of the Town of Canaan, County of Litchfield and State of Connecticut, for the consideration of One Dollar (\$1.00) and other valuable considerations, received to my full satisfaction of CATHERINE B. OSBORN, of said Town of Canaan, do give, grant, bargain, sell and confirm unto the said Catherine B. Osborn, her heirs and assigns forever, a perpetual easement right of way for all purposes for which a public highway now or hereafter may be used, including public utilities, said right of way being thirty (30) feet in width, fifteen (15) feet on either side of the centerline of a roadway as presently laid out across lands of the grantor leading from Barnes Road across Lot #5 shown on the map hereinafter referred to as lands of the grantor.

Reference is hereby made to a map entitled "Proposed Subdivision Plan Property Of; Joseph Baker Barnes Road Canaan, Conn. Scale 1" = 50' Dec. 14, 1973" by Howard B. Stearns, Jr., R.L.S. #7035, which map is on file in the Town Clerk's Office in the Town of Canaan.

TO HAVE AND TO HOLD the above granted right, privilege and easement unto the said Catherine B. Osborn, her heirs and assigns forever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 12<sup>TH</sup> day of JUNE, Nineteen Hundred Eighty-One.

Signed, sealed and delivered in the presence of:

Christopher M. Dakin  
Christopher M. Dakin

Joe Baker (LS)  
Joe Baker

Susette T. Dakin  
Susette T. Dakin

STATE OF CONNECTICUT )  
: ss. Town of Salisbury  
COUNTY OF LITCHFIELD )

The foregoing instrument was acknowledged before me this 12th day of June, 1981, by Joe Baker.

Received for recording  
August 19, 1981 at 2:23 P.M.  
William P. Marshall  
Town Clerk

Susette T. Dakin  
Susette T. Dakin  
Notary Public

# To all People to Whom these Presents shall Come, Greeting:

Know Ye, That I, CATHERINE B. OSBORN, of the Town of Canaan,  
County of Litchfield and State of Connecticut,

for the consideration of ONE (\$1.00) DOLLAR and other value

received to my full satisfaction of ANTHONY J. FORINO and DOROTHY A. FORINO,  
both of 52 Regal Court in the City of Waterbury, County of New Haven  
and State of Connecticut,

do remise, release, and forever QUIT CLAIM unto the said ANTHONY J. FORINO and  
DOROTHY A. FORINO,

and unto the survivor of them, and unto the heirs and assigns of the survivor of them forever, all such  
right, title, interest, claim and demand whatsoever as I the said  
Releasor have or ought to have in or to those two certain pieces or parcels of  
land, with all improvements thereon, situated detached southerly from  
the highway leading from Undermountain Road, so-called, Westerly to the  
Canaan-Cornwall State Highway, which road is sometimes referred to as  
Barnes Road in said Town of Canaan, shown as "PARCEL A" and "PARCEL B"  
on a map entitled "Property of Catherine B. Osborn, Barnes Road, Canaan  
Conn." dated Dec. 17, 1974, Revised May 1980, prepared by Howard B.  
Stearns, R.L.S. #7035, which map is on file in the Clerk's Office of  
said Town of Canaan. Said parcels are more particularly described as  
follows:

**PARCEL A:** BEGINNING at a point in the southeasterly line of  
lands of the Releasor, herein, which line is also the northwesterly  
line of lands of Anthony J. Forino, where said line is intersected  
by the northeasterly line of a wood road; thence S. 80 deg. 53' 06"  
W. approximately 80 feet to a point marked by a heap of stones;  
thence N. 34 deg. 06' 54" W. 801.50 feet, again along a line dividing  
lands of the Releasor from lands of Anthony J. Forino, to a point in  
the northeasterly line of said wood road; thence generally in a  
southeasterly direction along the northeasterly line of said wood  
road, as it curves and bends, a distance of approximately 830 feet  
to the point and place of beginning; containing 1.4 acres of land,  
more or less, and shown as "Parcel A" on the aforesaid map.

**PARCEL B:** BEGINNING at a stone bound marking the southwesterly  
end of the westerly line of lands of the Releasor, herein, the same  
being shown on the aforesaid map as point "A"; thence N. 16 deg.  
21' 44" E., along lands of Joe Baker, approximately 140 feet to a  
point in the northerly line of a wood road; thence easterly, along

- continued -

the northerly line of said wood road a distance of approximately 53 feet to a point in line of lands of the Releasor, and of Anthony J. Forino; thence S. 33 deg. 53' 06" W., along said line dividing lands of the Releasor from lands of Anthony J. Forino, 163.00 feet to the point and place of beginning; said parcel being triangular in shape and containing 0.08 acre of land, more or less, and shown as "Parcel B" on the aforesaid map.

RESERVING, HOWEVER, to the Releasor, her heirs and assigns forever, the perpetual easement right to use, in common with the Releasees and the survivor of them and such survivor's heirs and assigns, for all purposes for which a public highway may now or hereafter be used, including public utilities, the aforesaid wood road situated along the entire northerly portions of said Parcels A and B and shown and delineated on the aforesaid map.

**To Have and to Hold** the premises, with the appurtenances thereof, unto them the said Releasees, and unto the survivor of them, and unto such survivor's heirs and assigns forever, to them and their own proper use and behoof, so that neither I the said Releasor nor any other person or persons in my name and behalf, shall or will hereafter claim or demand any right or title to the premises or any part thereof, but they and every one of them shall by these presents be excluded and forever barred.

**In Witness Whereof,** I have hereunto set my hand and seal this 26<sup>th</sup> day of June A. D. 1981.

Signed, Sealed and Delivered in Presence of:

<u>Henry W. Burgess</u> Henry W. Burgess	<u>Catherine B. Osborn</u> Catherine B. Osborn	
<u>Margaret Bevans</u> Margaret Bevans		

200  
**CONVEYANCE TAX RECEIVED**  
Shirley C. Maston  
 TOWN CLERK OF CANAAN  
 SS.

**State of Connecticut,**  
 County of Litchfield

Salisbury

On this the 26 day of June, 1981, before me,  
 Henry W. Burgess, the undersigned officer, personally appeared  
 Catherine B. Osborn

known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained, as her free act and deed.

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

Received for recording  
 August 19, 1981 at 2:20 P.M.

Henry W. Burgess  
 Henry W. Burgess  
 Commissioner of the Superior Court  
 Title of Officer

Shirley C. Maston  
 Town Clerk

Portion of map entitled  
"Property of Catherine B. Osborn  
Barnes Rd Canada, Conn.  
Scale 1"=100' Dec. 17, 1974

Revised May 1980"

certified substantially correct by  
Howard B. Stearns, R.L.S.

on file in the office of  
the Canada Town Clerk  
in "Red Book" #351

David Curial

Property line from A-B was calculated from old deed descriptions v. 12 pp. 239-240 and v. 10 pg. 14 of the Canada Land Records, Vol. 36 p. 506, conveyance from Florence B. Winters to Catherine B. Osborn mentioned this line as being marked by a wire fence. No traces of wire fence were found.

Old Trailer

Heap of stones (not found)

Anthony J. Forino

Anthony J. Forino

Anthony J. Forino

Notes

Area shown for Parcel A includes area in roadway.

Heap of stones (not found)



192

FORM 45 CONNECTICUT QUITCLAIM DEED

Volume 42

TUTTLEBANK REGISTERED U.S. PAT. OFFICE  
TUTTLEBANK FIRST FIDELITY BUILDING BRIDGE ST. 2078

## To all to Whom these Presents shall Come, Greeting:

Know Ye, That We, ANTHONY J. FORINO, of the City of Waterbury, County of New Haven and State of Connecticut, and COLANGELO A. FORINO, of the Town of Watertown, County of Litchfield and State of Connecticut,

for the consideration of ONE (\$1.00) DOLLAR and other value

received to our full satisfaction of CATHERINE B. OSBORN, of the Town of Canaan in said County of Litchfield and State of Connecticut,

do remise, release, and forever QUIT CLAIM unto the said CATHERINE B. OSBORN, her

heirs and assigns forever, all the right, title, interest, claim and demand whatsoever as

we the said releasors have or ought to have in or to that certain small triangular piece or parcel of land situated detached southerly from the highway leading from Undermountain Road, so-called, Westerly to the Canaan-Cornwall State Highway, which road is sometimes referred to as Barnes Road in said Town of Canaan, shown as a shaded area on a map entitled "Property of Catherine B. Osborn, Barnes Road, Canaan, Conn." dated Dec. 17, 1974, Revised May 1980, prepared by Howard B. Stearns, R.L.S. #7035, which map is on file in the Clerk's Office of said Town of Canaan. Said triangular parcel is referred to on said map as the "Forino Triangle", and is more particularly described as follows:

BEGINNING at a point in the northwesterly line of lands of the Releasors, herein, which line is also a southeasterly line of lands of the Releasee, herein, where said line is intersected by the northeasterly line of a wood road; thence N. 33 deg. 53' 06" E. approximately 35 feet to a point marked by a heap of stones; thence S. 34 deg. 06' 54" E. approximately 40 feet, again along a line dividing lands of the Releasors from lands of the Releasee, to a point in the northeasterly line of said wood road; thence westerly, along the northeasterly line of said wood road, a distance of approximately 45 feet to the point and place of beginning.

TOGETHER WITH the perpetual easement right to use, in common with the Releasors, their heirs and assigns, for all purposes for which a public highway may now or hereafter be used, including public utilities, the aforesaid wood road situated immediately to the south of the aforesaid triangular parcel and abutting the entire southerly and southeasterly line of said parcel, all as shown and delineated on the aforesaid map.

To Have and to Hold the premises, with all the appurtenances, unto the said  
 Releasee her heirs and assigns forever, so that neither we the  
 Releasors 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 are and they are by these presents forever barred and excluded.

In Witness Whereof, we have hereunto set our hands and seals  
 this 4<sup>th</sup> day of August, A. D. 1981.

Signed, Sealed and Delivered in presence of

Anthony A. Forino  
 Anthony A. Forino

Anthony J. Forino  
 Anthony J. Forino

Joanne St. Hilaire  
 Joanne St. Hilaire

Colangelo A. Forino  
 Colangelo A. Forino

NO CONVEYANCE TAX COLLECTED

Lucille C. Martin  
 TOWN CLERK OF CANAAN

State of Connecticut, } ss. Waterbury  
 County of New Haven

On this the 4<sup>th</sup> day of August, 1981, before me,

the undersigned officer, personally appeared

Anthony J. Forino and Colangelo A. Forino,

known to me (or satisfactorily proven) to be the persons

whose names are subscribed to the within instrument and acknowledged that they  
 executed the same for the purposes therein contained, as their free act and deed.

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

Received for recording  
 August 19, 1981 at 2:21 P.M.

Lucille C. Martin  
 Town Clerk

Paul R. Martin  
 PAUL R. MARTIN  
 Notary Public  
 Title of Officer

## BOUNDARY AGREEMENT

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, JOE BAKER, of 214 Taconic Road, Salisbury, Connecticut 06068, and ANTHONY J. FORINO, c/o Nutmeg Welding, 317 South Leonard Street, Waterbury, Connecticut 06708, are the owners of adjoining parcels of land situated on the easterly side of Connecticut Route #63 and the southerly side of Barnes Road, so-called, in the Town of Canaan, County of Litchfield and State of Connecticut; and

WHEREAS, the parties hereto desire to change and establish the location of the division line between said parcels;

NOW, THEREFORE, it is agreed between the said Baker and the said Forino that the division line between the parcels of land owned by them shall be fixed and described as follows:

Beginning at an iron pipe set in the easterly line of said Connecticut Route #63, which iron pipe is located N 27° 39' 24" W of a Connecticut Highway Department Monument; thence N 44° 15' 00" E 733.18 feet to a stone heap at the top of mountain; thence N 8° 57' 44" E 342.33 feet to an iron pipe set in line of lands now or formerly of Guy Rovezzi, which iron pipe is situated easterly of a gravel road located in a 30-foot right of way.

Reference is made to a map entitled "Map Showing Property Of Joseph Baker Route 63 Canaan, Conn. Scale 1" = 60' July 27, 1992," by John L. Thomson, Reg. Land Surveyor.

AND, said Baker does remise, release and forever quitclaim unto the said Forino, his heirs and assigns forever, all his right, title and interest in and to the land lying southerly and easterly of and adjoining the division line above described.

TO HAVE AND TO HOLD the same unto the said Forino, his heirs and assigns forever.

AND, the said Forino does remise, release and forever quitclaim unto the said Baker, his heirs and assigns forever, all his right, title and interest in and to the land lying northerly and westerly of and adjoining the division line above described, RESERVING AND EXCEPTING, HOWEVER, unto the said Forino, his heirs and assigns forever, a right of way, in common with others, for all purposes for which a public highway may now or hereafter be used, including public utilities, thirty (30) feet in width (fifteen (15) feet on either side of the centerline of said gravel road) between the above-described division line and said Barnes Road.

TO HAVE AND TO HOLD the same unto the said Baker, his heirs and assigns forever.

IN WITNESS WHEREOF, the parties hereto have hereunto set their

hands and seals, and to a duplicate of the same tenor and date, this 17<sup>th</sup> day of OCTOBER, Nineteen Hundred Ninety-Five.

Signed, sealed and delivered in the presence of:

Christopher M. Dakin  
Christopher M. Dakin

Joe Baker (L.S.)  
Joe Baker

Susette T. Dakin  
Susette T. Dakin

Christopher M. Dakin  
Christopher M. Dakin

Anthony J. Forino (L.S.)  
Anthony J. Forino

Susette T. Dakin  
Susette T. Dakin

STATE OF CONNECTICUT )  
: ss. SALISBURY  
COUNTY OF LITCHFIELD )

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of OCTOBER, 1995, by Joe Baker.

Christopher M. Dakin  
Christopher M. Dakin  
Commissioner of the Superior Court

STATE OF CONNECTICUT )  
: ss. SALISBURY  
COUNTY OF LITCHFIELD )

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of OCTOBER, 1995, by Anthony J. Forino.

Christopher M. Dakin  
Christopher M. Dakin  
Commissioner of Superior Court

Received for recording  
Town of Canaan Land Records  
October 19, 1995 @ 2:00 P.M.  
Volume 53, Pages 313-314

Mary Mitchell  
Mary Mitchell, Town Clerk