

Martha R. Lang, Ph.D.
138 Colchester Avenue
Burlington, VT 05401
(802) 862-1094

August 12, 2013

Dear City Councilors:

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TREASURER'S OFFICE

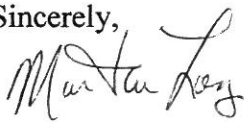
Documents Not Properly Researched for School Building on Colchester Avenue

1. There are two parcels of land in the real estate transaction for the school building on Colchester Avenue: 148 Colchester Avenue (exhibit 1), a small lot adjacent to 146 Colchester Avenue, and 150 Colchester Avenue (exhibit 2), a 1.75 acre lot. On July 16th the school board wasn't aware there were two parcels. Alan Matson asked me to leave the maps and documents I had with them so their lawyers could look at them. Why didn't their lawyers have these documents? Why hasn't the necessary legal work been done?
2. The school board has mislabeled the building they are attempting to sell. The Ira Allen Building is located at 34-38 Fletcher Place (exhibit 3) and belongs to UVM. The building at 150 Colchester Avenue is The Early Essential Education Building (exhibit 4). Why didn't the lawyers representing the school board properly identify this building before they let their client enter into negotiations?

Limits of Authority for Burlington School Board and Burlington City Council

1. **The city council cannot legally sell city property below fair market value.** How can 148 and 150 Colchester Avenue, a 1.84 acre lot (two parcels) with a 16,000 sq foot building (\$60 a sq ft low estimate), only be worth 2 million dollars when two acres of land made up of several contiguous parcels, about 100 yards from 150 Colchester Avenue, was just purchased for 2 million dollars? Has the city council been given copies of the appraisal? Have they asked to look at it?
2. **The city council cannot legally sell Taft School.** Is leasing the Taft School for 80 years with a onetime, upfront payment of 1.6 million dollars really a clever, but poor, attempt to disguise a sale as a long term lease?

Sincerely,



Martha R. Lang.

Vol 33
P. 434

KNOW ALL MEN BY THESE PRESENTS, THAT
John H. Byrnes of the City of Burlington

Exhibit 1

TO
The City of Burlington

City of Burlington in the County of Chittenden in the State of Vermont
in consideration of Twenty Two Hundred dollars paid to my satisfaction by
The City of Burlington a municipal corporation situated
in the County of Chittenden in the State of Vermont
do freely give, grant, bargain, sell, alien and convey unto the said City of Burlington, and its successors,
and assigns forever, the following described piece or parcel of land situated in said City of Burlington in said county, viz

1/4 Vermont, vizg The land and premises with house thereon numbered 2148 situated on the North side of Colchester Avenue in said Burlington.

Said land is bounded as follows: Beginning in the North line of said Avenue at the Southeast corner of the land conveyed to Elizabeth P. Foley by Henry C. Smith by Deed dated July 5, 1883, and recorded in Vol. 20, page 42 of the Land Records of said Burlington and of which she died seized. Thence running Northerly in the East line of said Foley lot ten rods. Thence Easterly in a line parallel with said North line of said Avenue a distance of fifty (50) feet. Thence Southerly in a line parallel with the Easterly line of said Foley lot ten (10) rods to said North line of said Avenue. Thence Westerly in said North line of said Avenue fifty (50) feet to the point or place of beginning.

Being the same land and premises conveyed to said Byrnes by Edward Simpson by Deed dated March 24, 1893, and of record in Vol. 33, page 70, of the Land Records of said Burlington, reference being had to said Deeds and the references therein cited and their respective records in aid of this description.

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To Have and to Hold, the above granted and bargained premises, with all the privileges and appurtenances thereof, and thereto belonging unto the said
The City of Burlington, its successors, heirs, executors and administrators, covenant to and with the said John H. Byrnes the City of Burlington
do for myself and my heirs, executors and administrators, covenant to and with the said John H. Byrnes the City of Burlington
its undersigned and assigns, that at and until the ensueing of these presents I am well seized of the premises in fee simple that I have good right and lawful authority to bargain and sell the same in manner and form as is above written; that they are free and clear of all incumbrance,

and that I will warrant and defend the same against all lawful claims and demands of any person or persons whomsoever.

In Witness Whereof, hereunto set my hand and seal this 9th day of May A. D. 1894

IN PRESENCE OF
A. Barre
Charles E. Allen
State of Vermont,

John H. Byrnes
Personally appeared at Burlington
John H. Byrnes

Chittenden County, ss. I, his free agent and deed, this 9th day of May A. D. 1894
Before me Charles E. Allen, Notary Public
Received for record May 9th 1894 at 9 o'clock P. M., and recorded.
Attest, Charles E. Allen City Clerk

David Walker
and wife
The City of Burlington

KNOW ALL MEN BY THESE PRESENTS, THAT
We, David Walker of Burlington in the County of Chittenden in the
State of Vermont and Anna Walker wife of said David Walker

in her right
in consideration of thirty three Hundred dollars paid to our satisfaction by
the City of Burlington

do freely give, grant, bargain, sell, alien and convey unto the said City of Burlington its successors
and assigns forever, the following described piece or parcel of land situated in Burlington in said county, viz:

Premised on the North and East by land of Louis de Goebriand, on the West by land of C. B. Read
and land of J. H. Byrnes, on the South by land of said Byrnes and Lecheater Avenue, being all and
the same land conveyed by H. C. Smith to David Walker and Carroll E. Macomber, by Deed of
Warranty dated May 5, 1883, and recorded in Vol. 20, page 54 of the Land Records of said City, except a
piece off from the Southwest corner thereof, 50 feet wide and 165 feet deep, conveyed by said David
Walker and said Carroll E. Macomber to Edward Simonds, by their Deed of Warranty dated
Oct. 7th 1884, and recorded in said Vol. 20, page 327: and being the same land conveyed by
David Walker to C. E. Macomber and D. F. Hatch by Quitclaim Deed, dated Oct. 26th 1886 and
recorded in Vol. 24, page 35 of said Records, and being the same land conveyed to said
Anna Walker by C. E. Macomber and D. F. Hatch, by their Quitclaim Deed dated Oct. 26th
1886 and recorded in Vol. 24, page 36 of said Records.

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To Have and to Hold, the above granted and bargained premises, with all the privileges and appurtenances thereof, and thereto belonging unto the said
City of Burlington its successors, heirs, executors and administrators, covenant to and with the said City of Burlington
do for myself my heirs, executors and administrators, that at and until the sealing of these presents we will seized of the premises in fee
simple that have good right and lawful authority to bargain and sell the same in manner and form as is above written; that they are free
and clear of all incumbrance,

and that I will warrant and defend the same against all lawful claims and demands of any person or persons whomsoever.

In Witness Whereof, we hereunto set our hand and seals this 15th day of March A. D. 1894

IN PRESENCE OF
Charles E. Allen } as to signature of David Walker
Arthur Walker } as to A. W. Anna Walker

State of Vermont, Personally appeared at Burlington David Walker and Anna Walker his wife
Chittenden County, ss. the signer and sealers of the above

verifier instrument, and acknowledged the same to be their free act and deed, this 15th day of March A. D. 1894
Before me, Charles E. Allen, Notary Public
Received for record March 20 1894, at 9 o'clock A. M., and recorded.
Attest, S H E A D D

Know all Men by these Presents

Exh.b.13483 ✓ R

That

The City of Burlington, a municipal corporation existing under the laws of the State of Vermont

of _____ in the County of Chittenden
and State of Vermont Grantor, in the consideration of
-----TEN AND MORE----- Dollars
paid to its full satisfaction by

Trinity College, Inc., a non-profit corporation organized under the laws of the State of Vermont

of Burlington in the County of Chittenden
and State of Vermont Grantee, by these presents, do
freely Give, Grant, Sell, Convey and Confirm unto the said Grantee

Trinity College, Inc.

and its heirs and assigns forever, a
certain piece of land in The City of Burlington in the
County of Chittenden and State of Vermont, described as
follows, viz:

A parcel of land with the Ira Allen school building located thereon, situated on the east side of Fletcher Place and more particularly described as follows:

Commencing at a point on the east side of Fletcher Place, thence proceeding N 73° 44' 07" E a distance of 103.81 feet to an existing marble monument; thence proceeding S 15° 54' 56" E a distance of 109.85 feet to an existing marble monument; thence proceeding N 74° 03' 27" E a distance of 105.47 feet to a point; thence proceeding N 15° 57' 06" W a distance of 126.13 feet to a point; thence proceeding N 74° 02' 54" E a distance of 16.97 feet to a point which line divides a currently existing walkway between the Ira Allen school building and the Early Essential Education Center; thence proceeding N 15° 57' 06" W a distance of 159.16 feet to a point; thence proceeding N 74° 02' 54" E a distance of 180.22 feet to a point; thence proceeding N 15° 56' 57" W a distance of 108.63 feet to an existing concrete monument; thence proceeding S 75° 37' 00" W a distance of 137.71 feet to an existing concrete monument; thence proceeding N 36° 30' 47" W a distance of 44.31 feet to an existing marble monument; thence proceeding S 38° 30' 33" W a distance of 312.14 feet to an existing marble monument on the east side of Fletcher Place; thence proceeding S 16° 15' 53" E a distance of 148.45 feet to the point and place of beginning.

The property herein conveyed is made more specific and certain by that certain property survey caused to be recorded by the City of Burlington entitled: "Ira Allen School, Colchester Ave. Burlington Vermont" dated June 16, 1980 and of record in Plat Volume II at

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Page 17 of the Land Records of the City of Burlington.

Reference is made to three Warranty Deeds to the City of Burlington: From Violet G. Reeves, Thomas M. Reeves and M. Elizabeth Lang, dated May 12, 1954 and recorded in Volume 144, Page 652 of the City of Burlington Land Records; from John H. Byrnes, dated May 9, 1894 and recorded in Volume 33, Page 434 of said Land Records; from David Walker and Anna Walker, dated March 15, 1894 and recorded in Volume 33, Page 376 of said Land Records and other deeds, surveys or maps referring to the within parcel and the Ira Allen School.

Reference is made to the above-mentioned instruments, the records thereof, the references therein made, and their respective records and references in further aid of this description.

The City of Burlington reserves to itself the right to repurchase the property herein conveyed under the following terms and conditions:

1. Upon a declaration of the Board of School Commissioners of the City of Burlington, that the land and premises of Ira Allen School are needed for educational instructional purposes for school-aged children.

2. One year's written notice to Trinity College of exercise of right to repurchase.

3. The right of repurchase shall expire five (5) years after ownership by Trinity College and the notice of exercise must be issued upon four (4) years ownership by Trinity College.

4. The purchase price to be paid by the City shall be Trinity College's purchase price plus the depreciated value of all capital improvements plus appreciated value computed at the rate of ten (10%) percent compounded per year from the date of purchase by Trinity College.

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To have and to hold *said granted premises, with all the privileges and appurtenances thereof, to the said Grantee*

Trinity College, Inc.

and its *heirs and assigns, to their own use and behoof forever;*

And *the said Grantor*

City of Burlington

for itself and its heirs, executors and administrators, does covenant with the said Grantee

Trinity College, Inc., and its

heirs and assigns, that until the ensealing of these presents it is the sole owner of the premises, and have good right and title to convey the same in manner aforesaid, that they are Free from every encumbrance;

Exhibit 4

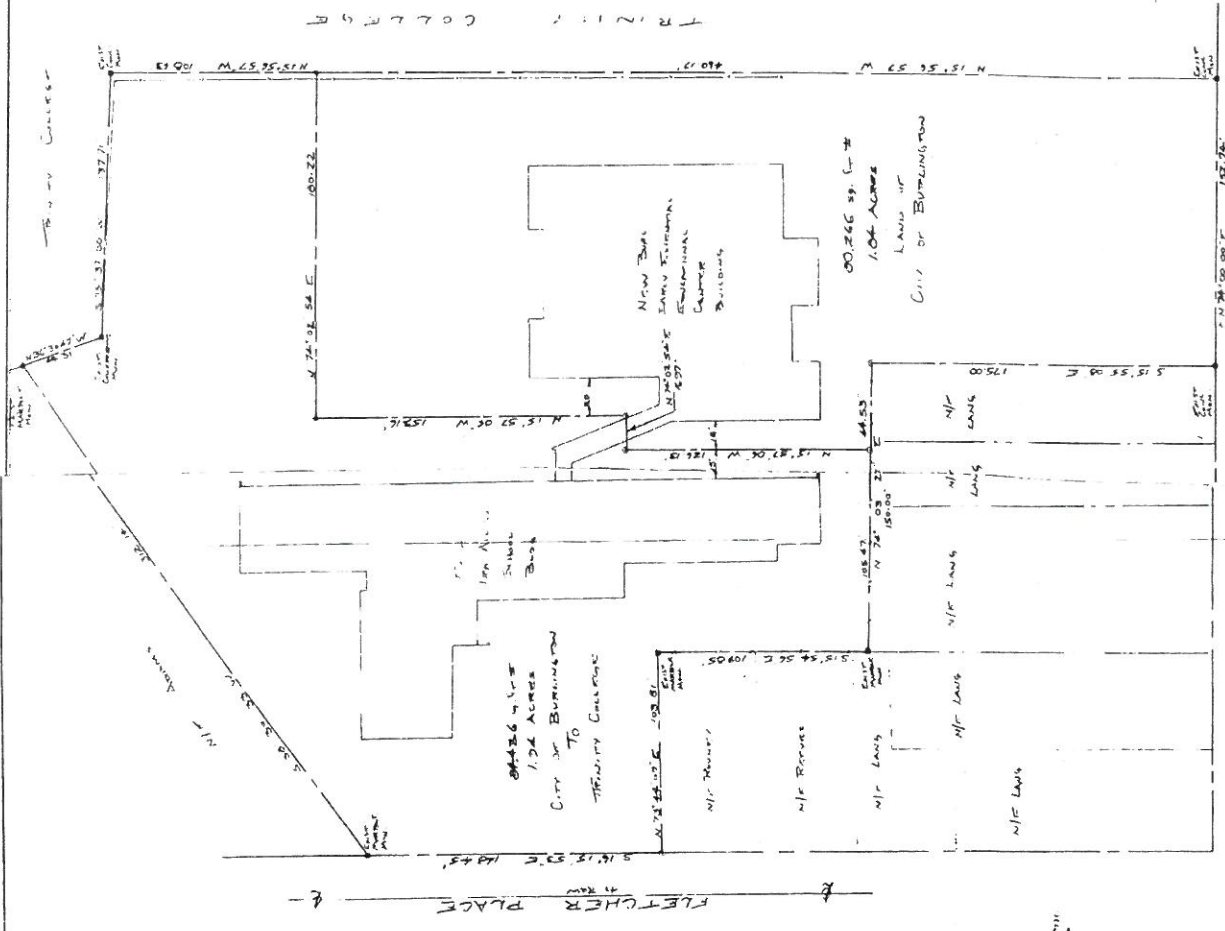


VICINITY MAP

This survey was conducted on the 11th day of June 1980 at 10:00 A.M. and recorded. The survey was made by J. H. Wagner, Surveyor, and the results are shown on this map. The property is located on the north side of Colchester Ave, between Fletcher Place and the intersection of Colchester Ave and the railroad tracks. The property is bounded by Fletcher Place to the west, Colchester Ave to the east, and the railroad tracks to the south. The property is 1.04 acres in area and is owned by the City of Burlington. The survey was made for the purpose of determining the boundaries of the property and for the purpose of recording the same.

THIS IS A CORRECT SURVEY
BASED UPON CITY LAND RECORDS
AND BOUND EVIDENCE.

| | |
|-------------------|--------------------|
| DATE: 11-11-80 | PROJECT: 104-111 |
| BY: J. H. WAGNER | PROPERTY: 104-111 |
| SCALE: 1"=50' | CITY OF BURLINGTON |
| PROJ. NO. 104-111 | SHEET NO. 1 |



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* ALL MEASUREMENTS MADE
WAS BASED UPON THIS OBSERVATION
DATE: 6/11/80
• SURVEYED BY

Received for record July 11, 1980, at 10:00 A.M. and recorded.
Attest: J. H. Wagner
City Clerk