

## QUITCLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS that the **City of Burlington, as successor in interest of the Trustees of Schools in and for the Town of Burlington**, a Vermont municipality with principal place of business in Burlington, County of Chittenden and State of Vermont, GRANTOR, in consideration of Twenty-Five or more Dollars and other good and valuable consideration, paid to its satisfaction by **Thomas F. Fischer and Debra A. Fischer**, husband and wife, of the City of Cape Coral, County of Lee, State of Florida, GRANTEES, has REMISED, RELEASED AND FOREVER QUITCLAIMED unto the said **Thomas F. Fischer and Debra A. Fischer**, husband and wife as tenants by the entirety, and their heirs and assigns, all right and title which the **City of Burlington**, or its successors and assigns may have in and to a certain piece of land in the City of South Burlington, in the County of Chittenden and State of Vermont, described as follows, viz:

Being the fee interest held by the Grantor, together with the retained rights or residual rights as lessor, including any right if reversion or right of repossession pursuant to the terms of such lease relative to the property owned by the Grantees, Thomas F. Fischer and Debra A. Fischer, located at 28 Nicklaus Circle, South Burlington, and being more particularly described as follows:

Being all and the same lands and premises conveyed to Thomas F. Fischer and Debra A. Fischer by James B. Antell, III, authorized co-trustee of the Donna M. Antell Revocable Trust dated June 27, 2003 by Warranty Deed dated March 16, 2017 and recorded in Volume 1365, Page 41 of the City of South Burlington Land Records.

Being all and the same lands and premises conveyed to Donna M. Antell and James B. Antell, III, Trustees of the Donna M. Antell Revocable Trust dated June 27, 2003 by Warranty Deed of James B. Antell, III and Donna M. Antell dated August 30, 2010 and recorded in Volume 953, Page 289 of the City of South Burlington Land Records.

Being the same piece of land conveyed to James B. Antell, III and Donna P. (sic) Antell by Warranty Deed of Wedgewood Development Corporation dated February 27, 2009 and recorded in Volume 840 at Pages 233-241 of the City of South Burlington Land Records, and being more particularly described as follows:

Being Unit 2 as shown on a plan entitled, "Plat of Survey, Residential Parcel 6, Vermont National Country Club, Dorset Street, South Burlington, Vermont," by Civil Engineering Associates, Inc., dated January 2004, last revised April 2, 2008, of record in Map Slide 514 Page 2 of the City of South Burlington Land Records (the "Watertower Hill Plat"), as described and set forth in a Declaration of Covenants, Easements, Restrictions and Liens for Villas at Watertower Hill dated July 9, 2008 and recorded in Volume 820 at Page 121 of the City of South Burlington Land Records (the "Watertower Hill Declaration") and any amendments thereto, and membership in the Villas at Watertower Hill Homeowners Association.

Together with the following appurtenant interests:

1. Said Unit 2 is benefitted by (and subject to the burdens of) the terms, conditions and covenants of and the easements declared in the Declaration of Covenants, Conditions and Restrictions of the Highlands at the Vermont National Country Club (the "Declaration of Covenants") dated September 3, 1998 and recorded in Volume 437 at Pages 268-299 of the South Burlington Land Records, as amended from time to time, and the By-laws and the Administrative Rules and Regulations of the Highlands at the Vermont National Country Club Community Association, Inc., as amended from time to time. The easements include the right to use the roads and the water, sewer and storm drainage lines which serve the Property, until such time as the City of South Burlington may accept the same pursuant to the Irrevocable Offers of Dedication to the City of South Burlington dated June 3, 1998 and recorded in Volume 429 at Page 454 and Page 466 of the South Burlington Land Records as amended by amendments recorded in Volume 447 at Pages 402-416; Volume 758 at Pages 598-627, Pages 642-658 and 665-685 of said Land Record (collectively the "Irrevocable Offers of Dedication") to which they are subject. The use of the waste water, storm drainage and potable water lines and appurtenances shall at all times comply with the rules and regulations governing such use imposed by the City of South Burlington, the State of Vermont and the entities operating the water supply and waste and storm water disposal systems to which the lines connect. The Highlands at the Vermont National Country Club Community Association, Inc. is responsible for maintaining and repairing the roads and the water, sanitary sewer and storm drainage lines pursuant to the terms and conditions of the Declaration of Covenants until such time as the City of South Burlington accepts the easements and rights of way and records the conveyances thereof referred to in the Irrevocable Offers of Dedication.

2. This conveyance includes for each Homesite (as defined in the Declaration of Covenants) an appurtenant membership in Highlands at the Vermont National Country Club Community Association, Inc. as described in the Declaration of Covenants described above. The membership appurtenant to each Homesite is nonseverable from the Homesite.

RESERVATIONS BY HIGHLANDS DEVELOPMENT COMPANY, LLC: This conveyance is subject to the following reservations by Highlands Development Company,

LLC:

1. Highlands Development Company, LLC reserves the right to amend or revise state and local governmental approvals and permits affecting the Property, including but not limited to, Act 250 land use permits, state subdivision permits and municipal subdivision approvals and plats; provided that such amendments or revisions do not involve the establishment relocation or modification of any easements, conditions or restrictions on the Property. Grantees, by acceptance of this deed, agree for themselves, their heirs and assigns, to join in the applications for such amendments or revisions as a co-applicant upon request at no cost to them.

2. Highlands Development Company, LLC reserves the right to amend the Irrevocable Offers of Dedication and deeds and easement deeds from Highlands Development Company, LLC to the City of South Burlington issued in fulfillment of the obligations in the Irrevocable Offers of Dedication to make changes not involving the establishment, relocation or modification of any easements on the Property.

PERMITS AND APPROVALS: The Property is subject to the terms and conditions of all applicable local, state and federal permits and approvals and laws. Among the permits and approvals affecting the Highlands at the Vermont National Country Club subdivision which may affect the Property are the following:

a) The terms and conditions of those applicable permits and approvals listed on a certain Statement of Governmental Permits and Approvals and Recorded Plats dated August 28, 1998 and recorded in such Land Records in Volume 437 at Pages 194-267 and a certain Second Statement of Governmental Permits and Approvals and of Recorded Plats, etc., dated February 16, 1999 and recorded in Volume 447 at Pages 336-401 of said Land Records.

b) Land Use Permit 4C0983 dated June 21, 1996 and recorded in Volume 394 at Pages 539-545 of the City of South Burlington Land Records, and all applicable amendments thereto, including Land Use Permit Amendment 4C0983-1 dated April 29, 1998 and recorded in Volume 427 at Pages 306-310 of such Land Records, and Land Use Permit Amendment 4C0983-2 dated December 9, 1998 and recorded in Volume 442 at Pages 620-623 of such Land Records; and Land Use Permit Administrative Amendment 4C0983-3 dated December 4, 1998 and recorded as an attachment to said Second Statement of Governmental Permits and Approvals and of Records Plats, etc.; Land Use Permit Amendment 4C0983-4 dated February 11, 1999 and recorded in Volume 447 at Page 258 of such Land Records; Land Use Permit Administrative Amendment 4C0983-5 dated October 6, 1999 and recorded in Volume 463 at Page 648 of such Land Records; Land Use Permit Administrative Amendment 4C0983-6 dated October 12, 1999 and recorded in Volume 463 at Page 746 of such Land Records; and Land Use Permit Amendment 4C0983-8 dated December 16, 1999 and recorded in Volume 467 at Pages 465-470 of such Land Records.

c) Subdivision Permit EC-4-1964 dated June 3, 1996, and recorded in Volume 394 at

Pages 546-548 of the City of South Burlington Land Records and all applicable amendments thereto including Subdivision Permit EC-4-1964-1 dated March 13, 1998 and recorded in Volume 427 at Pages 346-348 of such Land Records; Subdivision Permit EC-4-1964-2 dated December 2, 1998 and recorded in Volume 443 at Pages 429-431 of such Land Records; Subdivision Permit EC-4-1964-3 dated November 20, 1998 and recorded in Volume 442 at Pages 226-228 of such Land Records; Subdivision Permit EC-4-1964-4 dated January 29, 1999 and recorded in Volume 449 at Page 76 of such Land Records, Subdivision Permit EC-4-1964-5 dated May 7, 1999 and recorded in Volume 454 at Pages 445-446 of such Land Records; Subdivision Permit EC-4-1964-6 dated September 30, 1999 and recorded in Volume 463 at Pages 689-690 of such Land Records; Subdivision Permit EC-4-1964-7 dated December 6, 1999 and recorded in Volume 468 at Pages 534-536 of such Land Records; Subdivision Permit EC-4-1964-8 dated December 6, 1999 and recorded in Volume 468 at Pages 359-361 of such Land Records, and Subdivision Permit EC-4-1964-9 dated March 31, 2000 and recorded in Volume 473 at Pages 308-310 of such Land Records.

d) Conditional Use Determination File #95-224, DEC ID #EJ95-0423 issued on May 27, 1996 and recorded as an attachment to the Statement of Governmental Permits and Approvals and Recorded Plats recorded in the South Burlington Land Records in Volume 437 at Pages 194-267.

The Property is conveyed subject to the following additional exceptions, easements, covenants, conditions, restrictions and encumbrances described herein:

1. Taxes assessed for the current year and for subsequent years, which are not yet due or payable.
2. Easement to Green Mountain Power Corporation and New England Telephone and Telegraph Company dated October 21, 1997 and recorded in Volume 418 at Page 321 of the City of South Burlington Land Records.
3. Easement to Vermont Gas Systems, Inc. dated August 6, 1997 and recorded in Volume 413 at Page 98 of said Land Records.
4. The Property is subject to a Declaration of Covenants, Conditions and Restrictions of the Highlands at the Vermont National Country Club dated September 3, 1998 and recorded in Volume 437 at Pages 268-299 of the City of South Burlington Land Records, as amended from time to time.
5. The Property may be subject to the easements and rights of way shown on the Plat, including particularly those easements labeled:
  - a) "Proposed 10 Foot Wide Electrical Easement to Green Mountain Power Corp.";

- b) "Proposed 30 foot Wide Water Easement to City of South Burlington"; and
- c) "Proposed 35 Foot Wide Sewer & Water Easement to City of South Burlington"

6. The conditions set forth in the above referenced Warranty Deed from Wedgewood Development Corporation to James B. Antell, III and Donna P. Antell.

7. A Water and Sewer Easement Deed from Highlands Development Company, LLC to the City of South Burlington dated July 13, 2006 and recorded August 21, 2006 in Volume 758 at Page 658, and, to the extent not yet fulfilled by such deed, an Irrevocable Offer of Dedication between Highlands Development Company, LLC and the City of South Burlington dated June 3, 1998 and recorded in Volume 429 at Pages 454-465 of the City of South Burlington Land Records, as amended by Amendment to Irrevocable Offer of Dedication dated February 16, 1999 and recorded in Volume 447 at Pages 402-416 of said Land Records; Second Amendment to Irrevocable Offer of Dedication dated July 13, 2006 and recorded in Volume 758 at Pages 598-627 of said Land Records, and otherwise from time to time, involving water, sewer and storm drainage easements, a pedestrian access easement, a recreational pathway, an 80 foot wide strip adjoining Nowland Farm Road, and Golf Course Road, Park Road, Four Sisters Road, Vale Drive, Economou Farm Road, Tabor Place and Holbrook Road.

8. The lands conveyed hereby were once a portion of so-called Lot 107 of the City of Burlington as shown on various historical maps, and may be subject to the "perpetual lease" of Lot 107 in favor of "the Trustees of Schools in and for the Town of Burlington" as set out in an Indenture dated December 8, 1800 and recorded in Volume 10 at Pages 373-375 of the City of Burlington Land Records. Reference is made to an Agreement between Burlington and South Burlington dated December 15, 1866 and recorded in Volume 1 at Page 73 of said Land Records.

Reference is also made to that Quit Claim Deed from Donna M. Antell and James B. Antell, III, Trustees of the Donna M. Antell Revocable Trust dated June 27, 2003, as amended, to Villas at Watertower Hill Homeowners Association, Inc. dated January 26, 2017 and recorded in Volume 1362, Pages 91-92 of the City of South Burlington Land Records.

The current E-911 address of the Property is 28 Nicklaus Circle.

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

TO HAVE AND TO HOLD all right and title in and to said quitclaimed premises, with the appurtenances thereof, to the said **Thomas F. Fischer and Debra A. Fischer**, husband and wife as

tenants by the entirety, and their heirs and assigns forever. AND FURTHERMORE, the said the **City of Burlington** does for itself and its successors and assigns, covenant with the said **Thomas F. Fischer and Debra A. Fischer**, and their heirs and assigns, that from and after the ensealing of these presents the said **City of Burlington** will have and claim no right in, or to the said quitclaimed premises.

And Furthermore, this quitclaim of the City's interest in any lease or glebe interest on this property has been authorized, pursuant to 24 V.S.A. Section 2406, by the Burlington City Council on the 22<sup>nd</sup> day of January, 2018.

IN WITNESS WHEREOF, the **City of Burlington** hereunto causes its hand and seal this \_\_\_\_\_ day of January, 2018.

CITY OF BURLINGTON

\_\_\_\_\_  
By: Mayor Miro Weinberger

STATE OF VERMONT  
COUNTY OF CHITTENDEN, ss.

At Burlington in said County this \_\_\_\_\_ day of January, 2018, personally appeared Miro Weinberger, Mayor and duly authorized agent of the City of Burlington, acknowledged this instrument, by him sealed and subscribed, to be his free act and deed, and the free act and deed of the City of Burlington.

Before me,

\_\_\_\_\_  
Notary Public