

Resolution Relating to

RESOLUTION _____

Sponsor(s): Councilor Paul

Introduced: _____

Referred to: _____

Action: _____

Date: _____

Signed by Mayor: _____

AUTHORIZATION FOR GRANTING OF EASEMENT TO CITY OF SOUTH BURLINGTON AT BURLINGTON INTERNATIONAL AIRPORT

CITY OF BURLINGTON

In the year Two Thousand Nine.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, the City of Burlington is the owner of certain property located off Williston Road in South Burlington, Vermont, which was acquired for purposes of operation of Burlington International Airport; and

WHEREAS, the City of South Burlington needs to install an emergency back-up generator for its pump station located in the vicinity of the City's property; and

WHEREAS, the granting of an easement to South Burlington for installation of a 18' x 10' generator pad and an electric line will not interfere with the proper functioning of Burlington International Airport,

NOW, THEREFORE, BE IT RESOLVED by the City Council that the City of Burlington is authorized to grant the above-described easement to the City of South Burlington, and

BE IT FURTHER RESOLVED that the Honorable Bob Kiss, Mayor, be and hereby is authorized to execute the Easement Deed and Property Transfer Tax Return attached hereto.

EASEMENT DEED

KNOW ALL MEN BY THESE PRESENTS, that the CITY OF BURLINGTON, a municipality organized and existing under the laws of the State of Vermont and located in the County of Chittenden, and State of Vermont, ("Grantor") for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby REMISE, RELEASE and QUITCLAIM unto the CITY OF SOUTH BURLINGTON, a municipality organized and existing under the laws of the State of Vermont and located in the County of Chittenden, and State of Vermont ("Grantee") and its successors and assigns, an easement for the purpose of installing and maintaining a generator and electrical line as hereinafter described on lands of Grantor, more particularly described as follows:

An area of land rectangular in shape, the easterly boundary of which is approximately eighteen feet (18') in length; the northerly boundary is ten feet (10') in length; the westerly and southerly boundaries are parallel with and equal in length to the easterly and northerly boundaries, respectively ("Generator Area"). The Generator Area shall be centered upon and surround the as built location of a concrete pad which is to be poured and will serve as the footings for an emergency generator, the exact location of which shall be agreed to by the parties. The easterly boundary of the Generator Area is located adjacent and approximately parallel to the westerly edge of an existing paved driveway on the north side of Williston Road, located approximately 475 feet southeast of its intersection with Airport Drive.

There is also conveyed a strip of land two feet (2') in width for the purpose of constructing and maintaining an electrical line and improvements related to the electrical line. Said electrical line to extend easterly from the Generator Area to the shared property line between Grantor's property and adjacent property owned by Grantee. The exact location of the said electrical line shall be mutually agreed to by the parties.

Grantee and Grantee's representatives and agents shall have the right to enter on said lands of the within Grantor from Williston Road to install, maintain and/or replace a generator and electrical line, together with the right to use said generator and electrical line to generate electricity to operate a sewer pump station, located on adjacent property of the Grantee. Any improvements constructed by Grantee within said easement areas shall be and remain the property of Grantee.

Being a portion of the lands and premises conveyed to Grantors by Quit Claim deed of Joseph U. and Maria C. Desrosiers, dated October 6, 1967 and recorded in Volume 74 at Page 202 of the City of South Burlington Land Records.

Grantor, and its successors and assigns, shall have the right to make use of the surface of the land subject to this easement such as shall not be inconsistent with the use of the easement by the within Grantee, but specifically shall place no structures, landscaping or other improvements within said right-of-way easement which shall prevent or interfere with the Grantee's ability to exercise its rights granted hereunder.

The Grantee, for itself and its successors and assigns, agrees that any premises affected by its entry pursuant to this right-of-way easement shall be restored to its condition prior to such entry at its own cost and within a reasonable time. The Grantee, for itself and its successors and assigns, specifically agrees that any use of the easement area or improvements constructed or installed by Grantee, shall not interfere with any existing uses of the within Grantor's property by Fairpoint Communications, Inc., its successors or assigns, as permitted by a Lease, dated August 21, 1995 between the within Grantor and New

England Telephone and Telegraph Company and recorded in Volume 382 at Page 478-484 of the City of South Burlington Land Records.

TO HAVE AND TO HOLD said granted premises, with all the privileges and appurtenances thereof, to the Grantee, its successors and assigns, to its own use and behoof forever; and the Grantor for itself and its successors and assigns, does covenant with the Grantee, its successors and assigns, that from and after the ensembling of these premises, it will have and claim no rights, title or interest in or to the granted premises.

IN WITNESS WHEREOF, the undersigned have caused this instrument to be executed this ____ day of _____, 2009.

In Presence of: **CITY OF BURLINGTON**_____

By: _____
Duly Authorized Agent

**STATE OF VERMONT
CHITTENDEN COUNTY, SS.**

At Burlington, in said County, this ____ day of _____, 2009, personally appeared _____, duly authorized agent of the CITY OF BURLINGTON, and he/she acknowledged the within instrument, by him/her sealed and subscribed, to be his/her free act and the free act and deed of the CITY OF BURLINGTON.

Before me: _____
Notary Public
Commission Expires 2/10/11

STITZEL, PAGE &
FLETCHER, P.C.
ATTORNEYS AT LAW
171 BATTERY STREET
PO. BOX 1507
BURLINGTON, VERMONT
05402-1507

son09-008 04-20-09 Williston Road Pump Easement.rea

VERMONT
Property Transfer Tax Return

Form
PT-172
(Replaces Form PT-1)



A. SELLER'S (TRANSFEROR'S) INFORMATION

BLACK OUT ON TOWN COPY ONLY	Entity SELLER #1 Federal ID number	Individual SELLER #1 Social Security Number	Individual SELLER #2 Social Security Number
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Entity SELLER #1 Name
CITY OF BURLINGTON

Individual SELLER #1 Last Name First Name Initial

Entity SELLER #1 or Individual SELLER #1 Mailing Address **Following Transfer** (Number and Street or Road Name)
149 CHURCH STREET

City or Town State Zip Code
BURLINGTON VT 05401

Individual SELLER #2 Last Name First Name Initial

Individual SELLER #2 Mailing Address **Following Transfer** (Number and Street or Road Name)

City or Town State Zip Code

TOTAL number of SELLERS If more than 2, attach Form 172-S.

B. BUYER'S (TRANSFEEE'S) INFORMATION

INTERNATIONAL address checkbox

BLACK OUT ON TOWN COPY ONLY	Entity BUYER #1 Federal ID number	Individual BUYER #1 Social Security Number	Individual BUYER #2 Social Security Number
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Entity BUYER #1 Name
CITY OF SOUTH BURLINGTON

Individual BUYER #1 Last Name First Name Initial

Entity BUYER #1 or Individual BUYER #1 Mailing Address **Following Transfer** (Number and Street or Road Name)
575 DORSET STREET

City or Town State Zip Code
SOUTH BURLINGTON VT 05403

Individual BUYER #2 Last Name First Name Initial

Individual BUYER #2 Mailing Address **Following Transfer** (Number and Street or Road Name)

City or Town State Zip Code

TOTAL number of BUYERS If more than 2, attach Form 172-B.

Buyer #1 or Entity _____
SSN or FID _____
Property Location OFF WILLISTON ROAD SOUTH BURLINGTON
Date of Closing _____



* 0 8 1 7 2 1 2 9 9 *

C. PROPERTY LOCATION

Number and Street or Road Name

OFF WILLISTON ROAD

City or Town

SOUTH BURLINGTON

VT

D. DATE OF CLOSING

M M D D Y Y Y Y

E. INTEREST IN PROPERTY - Write the number from the list

7

If "4", enter % Interest here _____ %

- 1. Fee Simple
- 2. Life Estate
- 3. Undivided 1/2 Interest
- 4. Undivided ___% Interest
- 5. Time-Share
- 6. Lease
- 7. Easement/Row
- 8. Other _____

F. LAND SIZE (Acres or fraction thereof)

_____. 00 ±

G. SPECIAL FACTORS

If sale was between family members, enter number from list below

Check if development rights have been conveyed

- 1. Husband/Wife
- 2. Parent/Child
- 3. Grandparent/Grandchild
- 4. Other _____

FINANCING: Conventional/Bank Owner Financing Other _____

H. TYPE OF BUILDING CONSTRUCTION AT THE TIME OF TRANSFER (Check all that apply)

- 1. None
- 2. Factory
- 3. Single Family Dwelling
- 4. Seasonal Dwelling
- 5. Farm Buildings
- 6. Multi-Family with _____ Dwelling Units Transferred
- 7. Mobile Home
- 8. Condominium with _____ Units Transferred
- 9. Store
- 10. Residential New Construction
- 11. Other _____

I. SELLER'S USE OF PROPERTY BEFORE TRANSFER

2

Check if property was rented BEFORE transfer

- 1. Primary Residence
- 2. Open Land
- 3. Secondary Residence
- 4. Timberland
- 5. Operating Farm
- 6. Government Use
- 7. Commercial _____
- 8. Industrial _____
- 9. Other _____

J. BUYER'S USE OF PROPERTY AFTER TRANSFER

6

Check if property will be rented AFTER transfer

Check if property was purchased by tenant

Check if buyer holds title to any adjoining property

- 1. Primary Residence
- 2. Open Land
- 3. Secondary Residence
- 4. Timberland
- 5. Operating Farm
- 6. Government Use
- 7. Commercial _____
- 8. Industrial _____
- 9. Other _____

K. AGRICULTURAL/MANAGED FOREST LAND USE VALUE PROGRAM, 32 V.S.A. Chapter 124

- 1. Check if property being conveyed is subject to a land use change tax lien
- 2. Check if new owner elects to continue enrollment of eligible property

L. If transfer is exempt from Property Transfer Tax, cite exemption number from instructions and complete Sections M, N, and O below.

02

M. TOTAL Price Paid

_____. 00

N. Price paid for Personal Property

_____. 00

O. Price paid for Real Property

_____. 00

State type of Personal Property _____

If price paid for Real Property is less than fair market value, please explain _____

P. Value of purchaser's principal residence (See instructions)

_____. 00

Q. Fair market value of property enrolled in current use program

_____. 00

R. Fair market value of qualified working farm

_____. 00

S. PROPERTY TRANSFER TAX DUE from rate schedule on page 3 of this form.

COMPLETE RATE SCHEDULE FOR ALL TRANSFERS.

Make checks payable to VERMONT DEPARTMENT OF TAXES

_____. 00

T. DATE SELLER ACQUIRED

10 06 1967
M M D D Y Y Y Y

U. IF A VERMONT LAND GAINS TAX RETURN IS NOT BEING FILED, cite exemption(s) from instructions on page 4 of this booklet

01 02 _____

Buyer #1 or Entity _____
SSN or FID _____
Property Location OFF WILLISTON ROAD _____ SOUTH BURLINGTON
Date of Closing _____



* 0 8 1 7 2 1 3 9 9 *

RATE SCHEDULE

Tax on Special Rate Property

- 1. Value of purchaser's principal residence (See instructions) 1. _____
- 2. Value of property enrolled in current use program 2. _____
- 3. Value of qualified working farm 3. _____
- 4. Add Lines 1, 2, and 3 4. _____
- 5. Tax rate 5. **0.005**
- 6. Tax due on Special Rate Property (Multiply Line 4 by Line 5) 6. _____

Tax on General Rate Property

- 7. Enter amount from Line O on page 2 of this form 7. _____
- 8. Enter amount from Line 4 above 8. _____
- 9. Subtract Line 8 from Line 7 9. _____
- 10. Tax rate 10. **0.0125**
- 11. Tax due on General Rate Property (Multiply Line 9 by Line 10) 11. _____

TOTAL TAX DUE

- 12. Add Line 6 and Line 11. Enter here and on Line S on page 2 of this form..... 12. _____ 0.00

LOCAL AND STATE PERMITS AND ACT 250 CERTIFICATES

Buyer(s) and Seller(s) certify as follows:

- A. That they have investigated and disclosed to every party to this transaction all of their knowledge relating to flood regulations, if any, affecting the property.
- B. That the seller(s) advised the buyer(s) that local and state building regulations, zoning regulations and subdivision regulations and wastewater system and potable water supply rules under 10 V.S.A. Chapter 64 pertaining to the property may limit significantly the use of the property.
- C. That this transfer is in compliance with or is exempt from the wastewater system and potable water supply rules of the Agency of Natural Resources for the following reasons:
 - 1. This property is the subject of Permit Number _____ and is in compliance with said permit, or
 - 2. This property and any retained parcel is exempt from the wastewater system and potable water supply rules because (see instructions for exemptions):
 - a. Parcel to be sold: Exemption Number _____
 - b. Parcel retained: Exemption Number _____

Seller(s) further certifies as follows:

- D. That this transfer of real property and any development thereon is in compliance with or exempt from 10 V.S.A. Chapter 151, Vermont's Land Use and Development law (Act 250), for the following reason:
 - 1. This property is the subject of Act 250 Permit Number _____ and is in compliance with said permit, or
 - 2. This property is exempt from Act 250 because (list exemption number from Line D in instructions): _____
- E. That this transfer / does not (strike one) result in a partition or subdivision of land. **Note:** If it does, an Act 250 Disclosure Statement must be attached to this return before filing with the town clerk (see Line E instructions).

WITHHOLDING CERTIFICATION

- Buyer(s) certifies that Vermont income tax has been withheld from the purchase price and will be remitted to the Commissioner of Taxes with Form RW-171 within 30 days from the transfer,
- OR that the transfer is exempt from income tax withholding for the following reason (check one):**
- 1. Under penalties of perjury, seller(s) certifies that at the time of transfer, each seller was a resident of Vermont or an estate.
- 2. Buyer(s) certifies that the parties obtained withholding certificate number _____ from the Commissioner of Taxes in advance of this sale.
- 3. Buyer(s) certifies that this is a transfer without consideration. (See instructions for Form RW-171.)
- 4. Seller(s) is a mortgagor conveying the mortgaged property to a mortgagee in a foreclosure or transfer in lieu of foreclosure, with no additional consideration.

Buyer #1 or Entity _____
SSN or FID _____
Property Location OFF WILLISTON ROAD SOUTH BURLINGTON
Date of Closing _____



* 0 8 1 7 2 1 4 9 9 *

SIGNATURES

We hereby swear and affirm that this return, including all certificates, is true, correct and complete to the best of our knowledge.

SELLER(S)

Signature _____ Date _____
Signature _____ Date _____
Signature _____ Date _____
Signature _____ Date _____

BUYER(S)

Signature _____ Date _____
Signature _____ Date _____
Signature _____ Date _____
Signature _____ Date _____

Prepared by (print or type) WILLIAM E. FLENDER, ESQ.
Preparer's Address PO BOX 1507, BURLINGTON, VT 05401

Preparer's Signature *William E. Flender*
Buyer's Representative _____
Buyer's Representative Telephone _____

Town or City: Please forward original to the VT Department of Taxes within 30 days of receipt.

THIS SECTION TO BE COMPLETED BY TOWN OR CITY CLERK

Book Number _____ Page Number _____ Grand List year of _____

City or Town _____

Date of Record _____
M M D D Y Y Y Y

Listed Value _____ Parcel ID Number _____

Grand List Category* _____ SPAN _____

ACKNOWLEDGMENT

Return received (including certificates and Act 250 disclosure statement) and tax paid.

SIGNED _____, Clerk DATE _____

* Please use the following two-digit grand list category codes

- | | | |
|-----------------------------------|--------------------------------|------------------------------|
| Residential <6 Acres 01 | Seasonal >6 Acres 06 | Utilities Other 11 |
| Residential >6 Acres 02 | Commercial 07 | Farm 12 |
| Mobile Home/Un 03 | Commercial Apt. 08 | Other 13 |
| Mobile Home/La 04 | Industrial 09 | Woodland 14 |
| Seasonal <6 Acres 05 | Utilities Elec. 10 | Miscellaneous 15 |