Joe Colangelo

From: Jim Barlow <jbarlow@vlct.org>
Sent: Tuesday, June 11, 2013 1:32 PM
To: Joe Colangelo
Subject: RE: sale of town land

Joe,

The procedure to follow when entering into any conveyance of real property is that prescribed in 24 V.S.A. § 1061 (see below). In short there are two ways a conveyance of a municipal interest in real property can be accomplished: (1) the selectboard gives notice of the proposed conveyance by posting and publishing, subject to a petition from 5% of the voters to force a vote; or (2) the Selectboard goes directly to the voters to let them decide about the conveyance at an annual or special Town meeting. No hearing is required unless you vote public questions by Australian ballot in which case an informational hearing would be required. The warning is the same as for any other special or annual meeting (i.e. "not less than 30 nor more than 40 days before the meeting" in two public places in town and in or near the Town clerk's office and in a newspaper of general circulation of Town at least five days before the meeting unless otherwise distributed). See 24 V.S.A. § 2641 below.

> 24 V.S.A. § 1061. Conveyance of real estate
> (a)(1) If the legislative body of a town or village desires to convey municipal real estate, the legislative body shall give notice of the terms of the proposed conveyance by posting a notice in at least three public places within the municipality, one of which shall be in or near the municipal clerk's office. Notice shall also be published in a newspaper of general circulation within the municipality. The posting and publication required by this subsection shall occur at least 30 days prior to the date of the proposed conveyance. Unless a petition is filed in accordance with subdivision (2) of this subsection, the legislative body may authorize the conveyance.
> (2) If a petition signed by five percent of the legal voters of the municipality objecting to the proposed conveyance is presented to the municipal clerk within 30 days of the date of posting and publication of the notice required by subdivision (1) of this subsection, the legislative body shall cause the question of whether the municipality shall convey the real estate to be considered at a special or annual meeting called for that purpose. After the meeting, the real estate may be conveyed unless a majority of the voters of the municipality present and voting vote to disapprove of the conveyance.
> (b) As an alternative to the procedures set forth in subsection (a) of this section, the legislative body may elect to have the voters decide, at an annual or special meeting warned for that purpose, whether the real estate should be conveyed. If a majority of the voters of the municipality present and voting vote to approve the proposed conveyance, the real estate may be conveyed.
> (c) Notwithstanding the provisions of subsections (a) and (b) of this section, the legislative body of a town or village may authorize the conveyance of municipal real estate if the conveyance:
> (1) Is directly related to the control, maintenance, construction, relocation or abandonment of highways.
> (2) Is directly related to the control, maintenance, operation, improvement or abandonment of a public water, sewer or electric system.
> (3) Involves real estate used for housing or urban renewal projects under chapter 113 of this title.
> (d) Subject to the provisions of subsections (a) and (b) of this section, real estate owned by a town, village or town school district may be conveyed by an agent elected or appointed for that purpose, and the conveyance shall be under the hand and seal of such agent. When the municipality fails to elect an agent, or the office becomes vacant or the municipality is not required by law to elect an agent, the legislative body may appoint such an agent, and shall have the certificate of appointment recorded by the clerk.
> (e) Nothing in this section shall be construed to impair or affect the authority or responsibility of any municipality or the legislative body thereof with respect to any real estate held or acquired in a fiduciary capacity.

(f) Nothing in this section shall be construed to impair or affect any provisions in a charter of a town or village involving the conveyance of real estate. (Amended 1993, No. 151 (Adj. Sess.), { 1.)
17 V.S.A. § 2641. Warning and notice required; publication of warnings
(a) The legislative body of a municipality shall warn a meeting by posting a warning and notice in at least two public places in the town, and in or near the town clerk's office, not less than 30 nor more than 40 days before the meeting. If a town has more than one polling place and the polling places are not all in the same building, the warning and notice shall be posted in at least two public places within each voting district and in or near the town clerk's office.
(b) In addition, the warning shall be published in a newspaper of general circulation in the municipality at least five days before the meeting, unless the warning is published in the town report, or otherwise distributed in written form to all town or city postal patrons at least 10 days before the meeting. The legislative body annually shall designate the paper in which such a warning may be published. No such warning shall be required for municipal informational meetings at which no voting is to take place. (Added 1977, No. 269 (Adj. Sess.), { 1; amended 1979, No. 200 (Adj. Sess.), { 98; amended 1985, No. 196 (Adj. Sess.), { 5; 1999, No. 148 (Adj. Sess.), { 85, eff. May 24, 2000.)

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From: Joe Colangelo [mailto:jcolangelo@hinesburg.org]
Sent: Tuesday, June 11, 2013 12:26 PM
To: Jim Barlow
Subject: sale of town land

Can a Town sell town owned land without a town-wide vote?

-joe-

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