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TOWN OF HINESBURG

April 12, 1996

Ms. Kathleen Ramsey
Hinesburg Town Administrator
PO Box 133
Hinesburg, VT 05461

RE: Town of Hinesburg v. Amestoy (Geprags Property)

Dear Kathleen:

I am pleased to enclose herewith the Stipulation and Order of the Chittenden Superior Court authorizing the development of the community well on the Geprags property. Should you have any questions, please call.

Cordially,

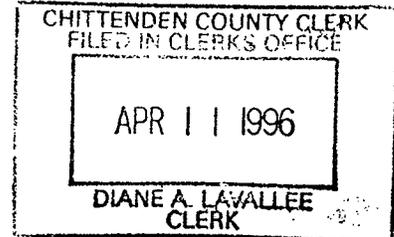
Joseph D. Fallon

JDF:sjl
Enclosure

STATE OF VERMONT
CHITTENDEN COUNTY, SS.

CHITTENDEN SUPERIOR COURT
DOCKET NO. 1652-95CnC

TOWN OF HINESBURG,)
Plaintiff)
)
v.)
)
JEFFREY L. AMESTOY, ATTORNEY)
GENERAL OF THE STATE OF)
VERMONT, and BENEFICIARIES OF)
THE REAL PROPERTY CONVEYED TO)
THE TOWN OF HINESBURG UNDER)
THE LAST WILL AND TESTAMENT)
OF DORA E. GEPRAGS (KNOWN AS)
THE GEPRAGS COMMUNITY PARK),)
Defendants)



STIPULATION AND ORDER

NOW COMES Plaintiff, Town of Hinesburg, by and through its attorney, Joseph D. Fallon, Esq., and Defendant, Jeffrey L. Amestoy, Attorney General of the State of Vermont, by and through his Deputy Attorney General, William H. Rice, Esq., representing the public, and hereby stipulate and agree as follows:

1. Plaintiff, Town of Hinesburg, is a municipal corporation of Chittenden County in the State of Vermont (the "Town").

2. Defendant, Jeffrey L. Amestoy, is the Attorney General of the State of Vermont who represents those members of the public and other persons and entities who use or may use the Geprags Community Park land as described hereinbelow.

3. The Geprags Community Park land is situated northerly of Shelburne Falls Road, so-called, in the Town of Hinesburg and is all and the same land and premises decreed to the Town by Partial Decree of Distribution In Re: The Estate of Dora E. Geprags dated December 2, 1991, and of record in Book 80, Pages 106-111 of the Town of Hinesburg Land Records,

which said Decree is appended hereto and incorporated herein by reference as Exhibit A. (Hereafter, said land and premises are referred to as "Geprags Community Park".)

4. As set forth in Exhibit A the property is subject to a covenant that it ". . . shall be used only as a public park or school or for public recreational or educational purposes, and the Town of Hinesburg shall properly maintain and care for the property decreed hereby".

5. The Geprags Community Park has been maintained as a public park in accordance with the Probate Court Decree. It consists of 85.5 acres, more or less, with several hiking trails.

6. The Town has experienced significant water shortages from its existing wells. The Town has determined through qualified professional research that the Geprags Community Park property is the most feasible site available for the location of new community wells to serve both the users of the Geprags Community Park and other residents of the Town of Hinesburg.

7. The Town has determined in its best judgment that the aforesaid de minimus use of the Geprags Community Park for a community well and well house will not interfere with the purpose of the public trust imposed by the aforesaid covenant and that such use will not be incompatible with use of the property as a park.

8. The Town shall be permitted to locate, drill, construct, maintain, repair and replace up to four community wells and one approximately 10' x 12' well house connected by underground water main pipes substantially in the areas depicted on Exhibit B, attached hereto and incorporated herein by reference (hereinafter "community well"). Each well will consist of no more than an 8" in diameter casing which will protrude a few feet from the ground.

9. Upon the completion of construction, the land shall be returned to the condition which existed prior to its disturbance insofar as reasonably practical.

10. Construction of the community well shall be accomplished in such a fashion so as to minimize its impact on the trail system in the park.

11. The well house constructed on the project shall be painted and/or stained in natural tones so as to minimize its visual impact. In addition, appropriate shrubbery or other plantings shall be placed southerly of the well house in order to minimize its visual impact from Shelburne Falls Road.

12. The community water system shall be constructed in accordance with all pertinent municipal water supply rules and regulations.

13. Upon completion of the community water system, provision shall be made to supply drinking water for members of the public using the park.

14. No additional structures or expansion of existing structures nor of the community water system shall be made in the Geprags Community Park without advance written notice to the Attorney General of the State of Vermont and without further order of a court having competent jurisdiction.

DATED at Hinesburg, Vermont, this 3rd day of April, 1996.



JOSEPH D. FALLON, ESQ.
Attorney for Plaintiff

DATED at Montpelier, Vermont, this 5th day of April, 1996.



WILLIAM H. RICE, ESQ.
Attorney for Defendants

SO ORDERED.

Dated at Burlington, Vermont, this 11th day of April, 1996.



JUDGES, CHITTENDEN SUPERIOR
COURT