

TOWN OF UNDERHILL

Property Acquisition/Disposition Policies

INTRODUCTION:

Typically, a municipality acquires private property and or property rights in order to provide essential services. Land is purchased in order to build roads, schools, libraries, waste treatment plants, and other public facilities. In order for a municipality to consistently represent the best interests of its people, it should have a directive that identifies process and procedure for the acquisition and disposition of property. It is the purpose of this document to serve as such a guide.

GENERAL POLICY:

The Town of Underhill will acquire or dispose of property only if such an action is necessary for progress to be made towards the completion of a project that has been sanctioned by the Underhill voters or Selectboard.

Further, it must be shown that the acquisition or disposition of property will serve the public good and necessity. For the purposes of this document, an action that serves the public good must be of benefit to the tax payers of Underhill. An action that serves the public necessity must satisfy a need with regard to public health, safety, welfare, expense, and/or community development. Necessity shall mean a reasonable need which considers the greatest public good and the least public inconvenience and expense. Examples of land acquisitions that satisfy these criteria are the purchase of land to be used as a source of gravel for the Town, and the purchase of land to serve as the landfill for the Town.

PROPERTY ACQUISITION:

Any time that the Town moves to acquire land or the right to limit or direct the use of private land it must be demonstrated that such an acquisition is in the public good and necessity as described above. In addition, the following conditions must be satisfied before the Town may acquire property.

1. The Town of Underhill will acquire property only for one or more of the following uses:
 - a public utility,
 - a public building,
 - a public recreation area,*
 - a public park,*
 - a designated conservation area,* or
 - for the implementation of a planning initiative as stated in the most recent Town Plan.*
2. A thorough review of the impact of such an acquisition on all abutting landowners will be required upon request of any adjacent landowner. The impact review will be performed by an independent assessor chosen collaboratively by the Selectboard and the landowners and will be distributed to all neighboring landowners for their review and comment.
3. No acquisition of property will occur without a detailed review of the impact of such an acquisition on the Town tax rolls. Estimates of the financial impact on the tax rolls will be completed by the town listers.
4. No Tax dollars will be used for the purchase of property with without the consent of the voters of the Town of Underhill at a duly warned Town meeting.
5. No property will be received in donation without completing items 2 and 3 above. Property will be accepted in donation at a duly warned meeting of the Selectboard after a minimum of thirty days of public display of the Town's intention to accept property in donation in designated newspaper.

* Guidelines for evaluating property for acquisition attached.

Guidelines for evaluating property to be considered for public acquisition as a public recreation area, a public park, a designated conservation area, etc.

Property will be considered valuable to the Town if it meets the following criteria:

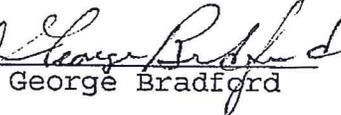
1. Supports vital ecological or conservation functions and values, such as :
 - a. significant wildlife habitat,
 - b. lands of importance to fish and wildlife because of their limited occurrence or biological diversity or productivity,
 - c. lands essential to maintaining wildlife corridors or nesting habitats,
 - d. lands representative of ecosystem types in Vermont, essential to the preservation of the range of Vermont's biological diversity and natural heritage.
2. Supports rare, threatened or endangered natural communities, plants or wildlife, such as:
 - a. habitats which are rare due to range limitations,
 - b. habitats of special importance to endangered or threatened species,
 - c. habitats or natural communities which are not already well-represented in protected areas.
3. Has physiographic or geological features of statewide significance, such as:
 - a. waterfalls,
 - b. caves,
 - c. gorges,
 - d. river deltas,
 - e. marshlands.
4. Has access to land and/or water resources which could be of use to the public for recreation purposes.
5. Will add to pre-existing conservation and/or recreation areas where such additions will protect the pre-existing area.
6. Will protect aesthetic resources such as scenic vistas deemed "special or other natural features".
7. Has proven historical value.
8. Has agricultural or forest values worth preserving.

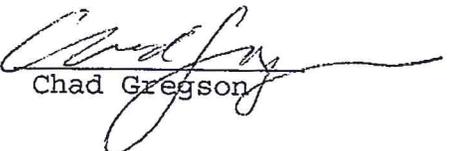
LAND DISPOSITION:

Any time that the Town moves to return public property to the private sector it must be demonstrated that such an action is in the public good and necessity as described above. The Town will return public property to private ownership only with the consent of the voters of the Town of Underhill at a duly warned Town meeting except in the case of the discontinuance of a Town highway or trail. In the case of discontinuance of a Town highway or trail, the procedure in the Underhill Road Policy will be followed.

Adopted 12/28/94


Margaret Parmelee Hummel


George Bradford


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Underhill Selectboard