

No. R-261. Joint resolution authorizing the Commissioner of Forests, Parks and Recreation to enter into land exchanges and to sell a portion of Camel's Hump State Park.

(J.R.S. 32)

By Senator Campbell,

Whereas, 10 V.S.A. § 2606(b) authorizes the commissioner of forests, parks and recreation to exchange or lease certain lands with the approval of the general assembly, and

Whereas, 29 V.S.A. §166 authorizes the commissioner of buildings and general services to sell state lands with the approval of the general assembly, and

Whereas, the general assembly considers the following actions to be in the best interest of the state, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the Commissioner of Forests, Parks and Recreation is authorized to amend the ski area lease on Okemo Mountain at Okemo State Forest to provide for three additional ten-year extension periods provided that the lease shall not preclude the placement of wind turbines on the leased premises in a manner consistent with the terms of the lease, *and be it further*

Resolved: That the Commissioner of Forests, Parks and Recreation is authorized to convey a limited right-of-way in common along a portion of a state forest highway locally known as "Rangers Road" to the owners of Lots 42, 43, 44, 45, and 46 located adjacent to a portion of Coolidge State Forest in the Town of Plymouth. The right-of-way in common shall begin at the

westernmost end of Town Highway 38 and shall extend westerly along Rangers Road to the adjoining private parcels. The right-of-way in common shall be limited to vehicular access to the existing lots only and does not include the right to install power or telephone lines within the right-of-way. The department may gate or close this portion of Rangers Road for maintenance purposes or if unsafe conditions exist. However, the department shall not be obligated to maintain this right-of-way in common beyond what it deems necessary for its own purposes. In exchange for this right-of-way in common, the owners of Lots 42, 43, 44, 45, and 46 shall agree not to subdivide their parcels; to limit development on their parcels to one single-family residence and associated structures; and to relinquish any claim they may have for an alternative right-of-way by necessity to the west of the parcels from Town Highway 4 (Messer Hill Rd). Additionally, as a condition of this conveyance, the owners of Lots 43, 44, 45, and 46 shall agree to convey a right-of-way to the department of forests, parks and recreation along the portion of the state forest highway that crosses their respective parcels, *and be it further*

Resolved: That the Commissioner of Forests, Parks and Recreation is authorized to convey a separate limited right-of-way across state forest land to the owner of Lot 42 adjacent to the Coolidge State Forest in the Town of Plymouth. This right-of-way shall be limited to vehicular access to Lot 42 as it currently exists, and maintenance of this right-of-way shall be the sole

responsibility of the owner of Lot 42. In exchange for this limited right-of-way, the owner of Lot 42 shall ensure through the conveyance of permanent restrictive covenants to the department or through the conveyance of an easement or other legal mechanism approved by the department that Lot 42 will not be subdivided and that development will be limited to one single family residence and associated structures. As a condition of any conveyance of this limited right-of-way, the owner of Lot 42 shall also demonstrate that he or she has legal, permanent access from the end of the state's right-of-way across adjacent private lands to Lot 42, *and be it further*

Resolved: That pursuant to 29 V.S.A. § 166, the commissioner of buildings and general services, on behalf of and in consultation with the commissioner of forests, parks and recreation, is authorized to sell a portion of Camel's Hump State Park containing the so-called Lafreniere House located in the Town of Bolton. The property to be sold is considered surplus by the Department of Forests, Parks and Recreation and shall be so configured to include only that acreage deemed necessary to encompass the Lafreniere House and associated outbuildings, structures, facilities, and access drives. The barns located on this property may also be included in the sale if it is deemed in the best interest of the state to include them. The Department of Forests, Parks and Recreation shall work closely with the Town of Bolton to ensure their interests and needs are carefully considered prior to any sale or conveyance of this property. Any sale shall be contingent on the approval of the Vermont Housing and

Conservation Board and shall include any legal restrictions deemed necessary to maintain the historic integrity and open space character of the property.

Pursuant to the provisions of subsection 166(d) of Title 29, the general assembly hereby authorizes that the net proceeds of this transaction shall be used by the department to cover all expenses associated with the sale of this property with the balance to be deposited in the Vermont Housing and Conservation Trust Fund, *and be it further*

Resolved: That a 10± acre portion of Victory State Forest within the town of Victory may be conveyed or leased to the town of Victory to be used for a new town garage as follows:

(1) pursuant to 10 V.S.A. § 2606(b), the commissioner of forests, parks and recreation may exchange the land for land of equivalent or greater value to the state;

(2) pursuant to 10 V.S.A. § 2606(b), the commissioner of forests, parks and recreation may lease the land to the town of Victory; or

(3) pursuant to 29 V.S.A. § 166, the commissioner of buildings and general services, on behalf of and in consultation with the commissioner of forests, parks and recreation, may sell the land. However, notwithstanding 29 V.S.A. § 166(b), the land may be sold to the town of Victory for fair market value as determined by an independent appraisal, *and be it further*

Resolved: That conveyance or lease of the Victory state forest land shall be contingent on the following: (1) the town of Victory conducts an engineering

assessment of the state forest parcel which demonstrates that the site is suitable for the town's intended purposes; (2) the town of Victory assumes any and all associated costs, including appraisal, survey, permitting, and legal; (3) the final proposal, including the consideration offered by the town to the state for the exchange, sale, or lease of the state forest parcel is approved by both the Department of Forests, Parks and Recreation and the Vermont Housing and Conservation Board. Pursuant to subsection 166(d) of Title 29, the general assembly hereby authorizes that the net proceeds of any sale of the state forest parcel shall be deposited in the Vermont Housing and Conservation Trust Fund.