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Selectboard
Town of Middlebury
77 Main Street
Middlebury, VT 05753

**Re: Request for Release of Lease Land Interest – Raymond and Allen Highter
Confidential Attorney-Client Advice**

Dear Members of the Board:

Raymond and Allen Highter, through their legal counsel, have asked the Town of Middlebury to relinquish its interest in two parcels of so-called “lease land.” The first parcel consists of 10.1 acres located at 494 South Munger Street, and the second parcel consists of 93.5 acres adjacent to the first parcel. I have attached copies of the draft Quit-Claim Deeds that the Town has been asked to sign.

For background on the lease land issue, the Board should refer to my letter of this same date explaining the Town’s options under the recently enacted Act 152. I recommend that the Board address the Highters’ request first as a separate matter; in the future, it can consider whether some further action should be taken with regard to the remaining lease land in town.

In the past, the Town has granted similar requests on the condition that the Town be reimbursed for its legal fees. Unless the Board has particular concerns about these parcels, such as a desire to retain any underlying mineral rights for the Town’s benefit, I see no reason to object to the Highters’ request.

If the Board is inclined to grant the request, it should take a formal vote pursuant to 24 V.S.A. § 2406 to authorize the Town Manager to sign the two Quit-Claim Deeds and deliver them to the Highters’ counsel in exchange for reimbursement of the Town’s legal fees. If you have any questions, please feel free to contact me.

Very truly yours,



Benjamin W. Putnam, Esq.

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BWP/ll
Enclosures