

**NEUSE, DUPREY & PUTNAM, P.C.**

ATTORNEYS AT LAW

ONE CROSS STREET

MIDDLEBURY, VERMONT 05753-1445

ANTHONY R. DUPREY  
BENJAMIN W. PUTNAM

AMY R. MENARD (also admitted in Alaska)  
JUDSON E. HESCOCK

KARL W. NEUSE (RETIRED)

TEL: (802) 388-7966  
FAX: (802) 388-9713

EMAIL: MAIL@NDP-LAW.COM  
WEBSITE: WWW.NDP-LAW.COM

November 30, 2018

*VIA EMAIL*

Selectboard  
Town of Middlebury  
77 Main Street  
Middlebury, VT 05753

**Re: Request for Release of Lease Land Interest – Douglas Butler  
Confidential Attorney-Client Advice**

Dear Members of the Board:

Douglas Butler, through his legal counsel, has asked the Town of Middlebury to relinquish its interest in a parcel of so-called "lease land." Mr. Butler is conveying development rights on his farm to Vermont Land Trust, Inc. Per their standard practice, the Land Trust is requiring that the lease land interest be extinguished before it accepts the easement.

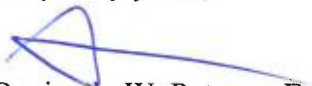
The exact location of the lease land is unclear, but it appears to be a portion of Mr. Butler's 100-acre parcel of farmland located southerly of Painter Road in Middlebury. I have attached a copy of the proposed Quit-Claim Deed that the Town is being asked to sign.

I have recently provided the Selectboard with background on lease lands (see, e.g., my letters dated August 21, 2018, in connection with a request by Raymond and Allen Highter). If you need additional explanation of the lease land issue, please feel free to contact me.

In recent years, the Town has granted several similar requests on the condition that the Town be reimbursed for its legal fees. Unless the Board has particular concerns about this parcel, such as a desire to retain any underlying mineral rights for the Town's benefit, I see no reason to object to Mr. Butler's 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 Quit-Claim Deed and deliver it to Mr. Butler's 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.  
[benj@ndp-law.com](mailto:benj@ndp-law.com)

BWP/ll  
Enclosure