

Chapter 15.1

Municipal Act To Establish And Regulate The Mountain Home Park Special Benefit Assessment Tax District

Pursuant to Article VI Section 3(B) of the Town Charter, the Selectboard of the Town of Brattleboro hereby enacts the following ordinance establishing a Special Assessment District to be called the Mountain Home Park Special Benefit Assessment Tax District (hereinafter referred to as “District”); defining the area included in said District; and, defining the regulations under which said District shall be governed.

ARTICLE I. Purpose & Powers

Sec. 15.1-1. To establish a Special Assessment District to be known as the Mountain Home Park Special Benefit Assessment Tax District, within a defined area of the Town of Brattleboro, and to provide additional taxing authority to the Selectboard pursuant to the terms of the “Agreement for Joint Development, Easements and Construction Management for Water and Sewer Line Project” dated July 17, 2007. The revenues from the District shall be designated funds to be utilized solely for the purpose of financing the capital costs of replacing water and sewer lines and renovating the associated pump station at the Mountain Home and Deepwood Mobile Home Parks, and the revenues shall be apportioned based on the grand list value of real properties within the designated District.

ARTICLE II. Boundaries of the District and Definitions

Sec. 15.1-2. The District shall be comprised of the real property known as Mountain Home Park and more specifically defined as follows:

Being a portion of the same lands and premises conveyed by Housing Foundation, Inc. to Tri-Park Cooperative Housing Corporation dated December 29, 1989 and recorded in Book 214, Page 904 of the Brattleboro Land Records and therein described in follows:

Beginning at an iron pin in the northerly right of way limit of Vermont Route 9; thence proceeding on lands now or formerly of Raleigh Clark N 19° 02' E 826.0 feet to an iron pin in a stone wall; thence continuing N 18° 40' E 733.0 feet to a point; thence turning and proceeding S 71° 20' E 195.6 feet to a concrete monument to be set; thence turning and proceeding N 35° 19' E 738.4 feet to a concrete monument to be set; thence turning and proceeding N 89° 16' E 279.1 feet to a point; thence turning and proceeding S 50° 30' E 160.8 feet to a point; thence turning and proceeding N 76° 10' E 66.9 feet to a point; thence turning and proceeding S 70° 01' E 58.5 feet to a point; thence turning and proceeding N 69° 41' E 28.8 feet to a point; thence turning and proceeding N 20° 22' E 156.6 feet to a point; thence continuing N 30° 00' E 100.0 feet to a point; thence turning and proceeding S 59° 00' E 145.0 feet to a point; thence continuing S 43° 51' E 110.9 feet to a point; thence turning and proceeding S 05° 03' W 153.4 feet to a point; thence continuing S 05° 48' E 135.0 feet to a point; thence continuing S 26° 00' W 324.5 feet to a point; thence turning and proceeding S 65° 50' E 104.9 feet to a point; thence turning and proceeding S 24° 10' W 70.0 feet to a point; thence turning and proceeding S 00° 28' W 203.2 feet to a point; thence turning and proceeding S 80° 17' E 189.9 feet

to a point; thence continuing S 65° 00' E 95.0 feet to a point; thence turning and proceeding N 26° 01' E 195.0 feet to a point; thence continuing N 32° 20' E 251.3 feet to a point; thence turning and proceeding S 29° 13' E 325.2 feet to an iron pin to be set; thence continuing S 13° 54' E 174.9 feet to an iron pin to be set; thence continuing S 03° 00' E 340.0 feet to an iron pin to be set; thence continuing S 23° 16' W 660.0 feet to an iron pin to be set; thence proceeding S 01° 32' E 300.0 feet to an iron pin to be set; thence continuing S 30° 43' E 120.0 feet to an iron pin to be set; thence turning and proceeding S 44° 32' W 305.6 feet to a point in the centerline of Whetstone Brook; thence running in the centerline of the Whetstone Brook the following courses and distances:

S 46° 35' W 179.0 feet;

S 77° 25' W 114.8 feet;

N 63° 54' W 222.7 feet;

N 83° 50' W 111.6 feet;

N 58° 50' W 163.5 feet;

thence turning and running S 25° 07' W 379.6 feet to the northerly right of way of Route 9; thence turning and running in said right of way limit, N 57° 18' W 50.4 feet to a point; thence turning and running N 25° 07' E 383.1 feet to a point in the centerline of the Whetstone Brook; thence proceeding on said centerline of Whetstone Brook the following courses and distances:

N 38° 52' W 111.8 feet;

N 61° 30' W 39.8 feet;

N 67° 39' W 97.3 feet;

N 82° 18' W 37.3 feet;

S 89° 16' W 79.0 feet;

S 81° 25' W 53.6 feet;

N 57° 22' W 33.4 feet to a point on the northerly bank of Whetstone Brook at its junction with Halladay Brook; thence running on the north bank of the Whetstone Brook the following courses and distances:

S 72° 22' W 66.6 feet;

S 79° 46' W 153.3 feet;

S 85° 06' W 121.7 feet;

N 87° 03' W 88.0 feet to an iron pin to be set in the northerly right of way limit of Vermont Route 9; thence running in said right of way limit N 49° 23' W 95.8 feet to an

iron pin to be set; thence continuing N 58° 54' W 237.5 feet to a concrete monument to be set; thence turning and running on lands now or formerly of Donald Record northeasterly on a curve to the right having a radius of 75.0 feet for an arc distance of 92.6 feet to a point; thence S 59° 03' E 84.6 feet to a point; thence on a curve to the left having a radius of 168.4 feet for an arc distance of 98.3 feet to a point; thence N 87° 30' E 44.8 feet to a point; thence on a curve to the left having a radius of 24.3 feet for an arc distance of 52.0 feet to a point; thence N 34° 59' W 342.4 feet to a point; thence on a curve to the left having a radius of 250.0 feet and an arc distance of 81.6 feet to a point; thence N 53° 41' W 247.0 feet to [a] concrete monument to be set; thence turning and proceeding S 20° 23' W 334.4 feet to a point in the northerly right of way limit of Vermont Route 9; thence N 58° 54' W 145.0 feet in said right of way limit to the point and place of beginning.

Containing by estimation 105.6 acres, more or less.

The above-described premises are shown as Parcel 2 in a survey entitled “Final Subdivision Plat Housing Foundation, Inc., Brattleboro, Vermont, bearing plan date August 18, 1989, File No. 470A, Prepared by James C. Ferguson, Guilford, Vermont”, which final subdivision plat is of record in Map File, Slide 321 in the Land Records of the Town of Brattleboro, recorded December 13, 1989.

Sec. 15.1-3. Definitions of the District.

“Assessed Property” shall include only real property in the District as defined by the taxing sections of the State statute.

Sec. 15.1-4 – 15.1-7. Reserved.

ARTICLE III. Use of Funds

Sec. 15.1-8. Revenues generated from the District shall be used solely for the purpose of financing the capital costs of replacing water and sewer lines and renovating the associated pump station at the Mountain Home and Deepwood Mobile Home Parks pursuant to the terms of the “Agreement for Joint Development, Easements and Construction Management for Water and Sewer Line Project” dated July 17, 2007.

Sec. 15.1-9 – 15.1-10. Reserved.

ARTICLE IV. Tax Assessment

Sec. 15.1-11. District taxes are charges levied upon the owners of taxable real properties located in the District. Taxes so generated shall be used for the purposes set forth in Article I.

Sec. 15.1-12. The tax rate shall be determined by dividing the amount to be raised by taxes, by the total value of the assessed property in the Grand List in the District subject to the District tax under this article.

Sec. 15.1-13. In the first year of assessment, the Board of Listers shall send a notice in writing of the value of the property to be assessed to the owner of record as of April 1. In subsequent

years the Town will not send a notice unless the value of the assessed property on the Grand List or, the owner of record has changed.

Sec. 15.1-14. The Selectboard shall set the District tax rate at the same time that the Board sets the Town tax rate.

Sec. 15.1-15. A separate tax bill in the name of the owner of record in the Town Clerk's office shall be mailed at the same time as other Town tax bills are mailed.

Sec. 15.1-16. Payment shall be due not later than thirty (30) days prior to the date the debt service payment by the Town of Brattleboro is due on its obligations for the funding of the construction of the water and sewer line project at Tri-Park.

Sec. 15.1-17. District taxes shall be a lien on the properties when assessed and shall continue until the tax is paid, or the lien is otherwise discharged by operation of law.

Sec. 15.1-18. The Town shall collect District taxes following the procedures established in Town Charter, State Statutes, and procedures adopted by the Selectboard.

Secs. 15.1-19 – 15.1-20. Reserved.

ARTICLE V. Appeals

Sec. 15.1-21. Grievances.

Any property owner may file a grievance with the Board of Listers and appeal the decision of the Board as provided for in Vermont Statutes Annotated, Title 32 Chapter 131.

Sec. 15.1-22. Status of Collection of Taxes During Appeal.

The filing of any appeal of the determination of the Listers, or the Civil Board and pendency of the appeal shall not vacate the lien on the property assessed, and the owner shall pay the District taxes and continue to pay the said taxes as they become due.

Sec. 15.1-23 – Sec. 15.1-24. Reserved.

ARTICLE VI. Effective Period

Sec. 15.1-24. This ordinance shall take effect forty days from date of adoption by the Selectboard and shall be effective for a period not to exceed Twenty Five (25) Years.

ARTICLE VII. Amendment Process

Sec. 15.1-25. This Ordinance may be amended by the Selectboard for purposes of altering the duration of the effective period of the Ordinance and/or to extend or alter the boundaries or composition of the District.

ARTICLE VIII. Severability

Sec. 15.1-26. If any section or subsection of this ordinance is declared unconstitutional or otherwise invalid by a Court of competent jurisdiction, such judgment shall not offset the constitutionality or validity of the remaining sections or subsections.