

APPENDIX 3: Draft Landowner Agreement

The following draft is intended to be used to include trees which are not precisely defined as Shade Trees in the statute but which are deemed worthy of being included in the Shade Tree Preservation Plan. It has been drawn from similar agreements made by other towns within the State of Vermont. Before being executed any and probably all drafts will likely need review by the town's attorney

SHADE TREE PRESERVATION PROGRAM

The undersigned owner hereby grants to the Town of Mount Holly and its agents the right and privilege to include specific trees on owner's property at _____ in the Town of Mount Holly in the town's Shade Tree Preservation Program (which is attached here for reference). The purpose of Shade Tree Preservation Program is to maintain health of these trees in order to enhance the cultural, historical, or aesthetic character of the town.

The undersigned owner agrees and acknowledges that any tree or trees Included in this program shall benefit from and be constrained by the Shade Tree Preservation Program. In particular, the program foresees the potential planting of new trees as well as the care and maintenance through feeding, pruning and protection from disease and pests. If a tree in the program requires maintenance, the Tree Warden will inform the landowner of the required treatment and together arrange for the treatment. If the Tree Warden determines that a tree on the property requires removal, the landowner and the Select Board shall be notified and any disagreement will be adjudicated by the Select Board.

The owner agrees that personnel working at the Tree Warden's direction have the right to access the property to plant, monitor and maintain the tree as well as maintain the area with three feet of the tree as necessary for the health of the tree. The Tree Warden will provide reasonable notice to the Property Owners prior to exercising this right of access. As foreseen in the Shade Tree Preservation Program the trees may not be removed, pruned or otherwise altered without permission from the Tree Warden.

Dated at Mount Holly, Vermont, this _____ day of _____, 20____.

_____ Property Owner