3 District

# **CERTIFICATE OF HIGHWAY MILEAGE** YEAR ENDING FEBRUARY 10, 2016

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2016 to: Vermont Agency of Transportation, Division of Policy, Planning and Intermodal Development, Mapping Section One National Life Drive, Montpelier, VT 05633.

We, the members of the legislative body of KILLINGTON

in RUTLAND

County

on an oath state that the mileage of highways, according to Vermont Statutes Annotated, Title 19, Section 305, added 1985, is as follows:

PART I - CHANGES\_TOTALS - Please fill in and calculate totals.

Town Highways	Previous Mileage	Added Mileage	Subtracted Mileage	Total	Scenic Highways
Class 1	0.000				0.000
Class 2	7.680		×		0.000
Class 3	34.66	.07		34.73	0.000
State Highway	12.579				0.000
Total	54.919			54.989	0.000
Class 1 Lane	0.000				
Class 4	8.67			2	0.000
Legal Trail	0.00				

\* Mileage for Class 1 Lane, Class 4, and Legal Trail classifications are NOT included in total.

Notes by PART II - INFORMATION AND DESCRIPTION OF CHANGES SHOWN ABOVE.

RT II - INFORMATION AND DESCRIPTION OF COMPLETION AND OPENING. S. Moulton 1. NEW HIGHWAYS: Please attach Selectmen's "Certificate of Completion and Opening". S. Moulton z/29/2016

2. DISCONTINUED: Please attach SIGNED copy of proceedings (minutes of meeting).

3. RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings (minutes of meeting). Portion CL3 TH-15 Relocated Discontinued

4. SCENIC HIGHWAYS: Please attach a copy of order designating/discontinuing Scenic Highways.

IF THERE ARE NO CHANGES IN MILEAGE: Check box and sign below. [ ]	
PART III - SIGNATURES - PLEASE SIGN. Selectmen/ Aldermen/ Trustees Signatures: T/C/V Clerk Signature: Please sign ORIGINAL and return it for Transportation signature. Please sign ORIGINAL and return it for Transportation signature.	)/6
AGENCY OF TRANSPORTATION APPROVAL: Signed copy will be returned to T/C/V Clerk. APPROVED: DATE:	6

# Vermont Statutes Annotated

## 19 V.S.A. § 305. Measurement and inspection

JAN 29 2016 Policy, Planning & Intermodal Development Division

Received

## § 305. Measurement and inspection

(a) After reasonable notice to the selectboard, a representative of the agency may measure and inspect the class 1, 2, and 3 town highways in each town to verify the accuracy of the records on file with the agency. Upon request, the selectboard or their designee shall be permitted to accompany the representative of the agency during the measurement and inspection. The agency shall notify the town when any highway, or portion of a highway, does not meet the standards for its assigned class. If the town fails, within one year, to restore the highway or portion of the highway to the accepted standard, or to reclassify, or to discontinue, or develop an acceptable schedule for restoring to the accepted standards, the agency for purposes of apportionment under section 306 of this title shall deduct the affected mileage from that assigned to the town for the particular class of the road in question.

(b) Annually, on or before February 10, the selectboard shall file with the town clerk a sworn statement of the description and measurements of all class 1, 2, 3, and 4 town highways and trails then in existence, including any special designation such as a throughway or scenic highway. When class 1, 2, 3, or 4 town highways, trails, or unidentified corridors are accepted, discontinued, or reclassified, a copy of the proceedings shall be filed in the town clerk's office and a copy shall be forwarded to the agency.

(c) All class 1, 2, 3, and 4 town highways and trails shall appear on the town highway maps by July 1, 2015.

(d) At least 45 days prior to first including a town highway or trail that is not clearly observable by physical evidence of its use as a highway or trail and that is legally established prior to February 10, 2006 in the sworn statement required under subsection (b) of this section, the legislative body of the municipality shall provide written notice and an opportunity to be heard at a duly warned meeting of the legislative body to persons owning lands through which a highway or trail passes or abuts.

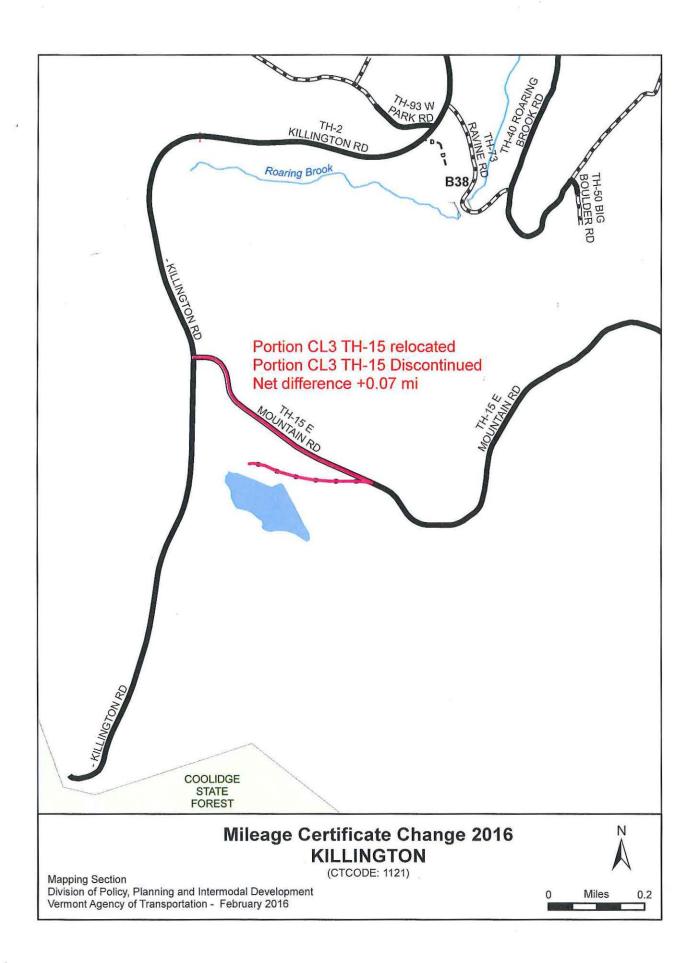
(e) The agency shall not accept any change in mileage until the records required to be filed in the town clerk's office by this section are received by the agency. A request by a municipality to the agency for a change in mileage shall include a description of the affected highway or trail, a copy of any surveys of the affected highway or trail, minutes of meetings at which the legislative body took action with respect to the changes, and a current town highway map with the requested deletions and additions sketched on it. A survey shall not be required for class 4 town highways that are legally established prior to February 10, 2006. All records filed with the agency are subject to verification in accordance with subsection (a) of this section.

(f) The selectboard of any town who are aggrieved by a finding of the agency concerning the measurement, description, or classification of a town highway may appeal to the transportation board by filing a notice of appeal with the executive secretary of the transportation board.

(g) The agency shall provide each town with a map of all of the highways in that town together with the mileage of each class 1, 2, 3, and 4 highway, as well as each trail, and such other information as the agency deems appropriate

Excerpt of 19 V.S.A. § 305 - Measurement and inspection from Vermont Statutes Online located at – http://legislature.vermont.gov/statutes/section/19/003/00305

December 2015



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## **Moulton, Sara**

From:	Chet Hagenbarth <chet@killingtontown.com></chet@killingtontown.com>		
Sent:	Tuesday, January 12, 2016 9:24 AM		
То:	Moulton, Sara		
Cc:	Richard Horner		
Subject:	FW: Request for information on change of alignment of TH-15 (East Mountain Road)		

### Sara:

We have reviewed your request for information on the change of alignment of TH-15. The road alignment was changed as part of the construction of the Grand Hotel as depicted on a survey plan prepared for Killington LTD, (titled) Relocated Section of Roaring Brook East Road and dated March 27, 1996. The plan shows the length of the old alignment to be 1,394.15 LF and the length of the new alignment to be 1,746.15 LF. The difference is an increase of 352 LF or .07 miles. Please let me know if you have any questions or need additional information.

Thank You,

Chet

Chester Hagenbarth Highway & Facilities Director Town of Killington 2981 River Road Killington, VT 05751

chet@killingtontown.com

802.422.9821 (office) 802.353.5106 (cell)



From: Town Manager
Sent: Thursday, January 07, 2016 1:30 PM
To: Chet Hagenbarth
Subject: FW: Request for information on change of alignment of TH-15 (East Mountain Road)

More follow-up on the road mileage. Send them a copy of the map I gave you yesterday and may be that will be enough to make the change this year. Thanks

1

Dick

Seth Webb Town Manager Town of Killington 2706 River Road Killington, VT 05751 <u>sethwebb@town.killington.vt.us</u> 802.422.3241 (office)



www.killingtontown.com

From: Moulton, Sara [mailto:Sara.Moulton@vermont.gov]
Sent: Wednesday, January 6, 2016 11:32 AM
To: SethWebb
Cc: Lucrecia Wonsor
Subject: RE: Request for information on change of alignment of TH-15 (East Mountain Road)

I am following up on this. The change was not made as part of the 2015 Mileage Certificate process. The 2016 Mileage Certificates have been mailed to the towns this past week and we would like to process the change of alignment as part of the 2016 Certificate process.

If the town could supply more information about the realignment of TH-15, we might be able to process the change this year and update the town highway maps with the latest alignment and mileage.

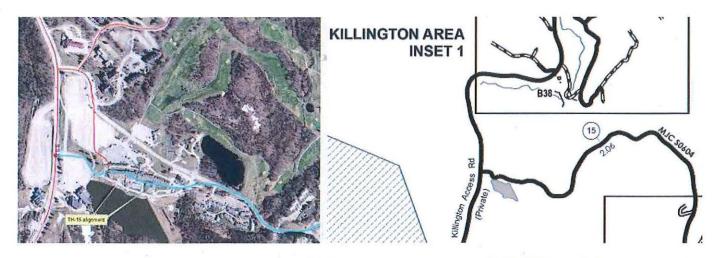
Please let me know if you have any questions.

Sara Moulton, GISP Mapping & GIS Specialist, Mapping Section Division of Policy, Planning and Intermodal Development Vermont Agency of Transportation (VTrans) Tel: 802-828-2109

From: Croft, Johnathan
Sent: Wednesday, November 26, 2014 10:36 AM
To: 'sethwebb@town.killington.vt.us' <<u>sethwebb@town.killington.vt.us</u>>
Cc: Moulton, Sara <<u>Sara.Moulton@vermont.gov</u>>; Alley, Kerry <<u>Kerry.Alley@vermont.gov</u>>
Subject: Request for information on change of alignment of TH-15 (East Mountain Road)

Good morning Seth,

We are reviewing the Town Highway Maps and have come across a highway in Killington that appears to have been realigned. TH-15 (East Mountain Road) seems to have been moved, as the base lodge occupies the former road bed. Please see the orthophoto with highlighted section of TH-15 below:



The orthophoto shows a new section of highway, which I assume is TH-15, and I request that you confirm this. There is a length difference between the old alignment and the new alignment of approximately 0.08 miles, which would be additional mileage for the Town. I would like to insure that this change is made on the upcoming Mileage Certificate and the next Town Highway Map for Killington reflects the correct highway alignment.

If you can confirm this change and also provide any documentation regarding the laying out of the new section of highway, it would be much appreciated.

Thank you for your assistance and please feel free to contact me with any questions or comments regarding this request, or mapping in general.

Johnathan Croft VTrans Mapping Section (802) 828-2600

#### TOWN OF SHERBURNE, VERMONT BOARD OF SELECTMEN FINDINGS AND ORDER

## DISCONTINUANCE OF A PORTION OF ROARING BROOK EAST ROAD

### TITLE 19 V.S.A. Chapter 7, Subchapters 2 and 7

Pursuant to the provisions of Subchapters 2 and 7 of Chapter 7 of Title 19 V.S.A., the Board of Selectmen of the Town of Sherburne, Vermont, hereby makes the following Findings and issue the following Order and Return:

#### Findings

1. By Notice of Hearing dated April 7, 1997 (the "Notice of Hearing"), the undersigned Selectmen of the Town of Sherburne initiated proceedings to discontinue the following described portion of Roaring Brook East Road:

Being that portion of Roaring Brook East Road conveyed to the Town of Sherburne by Sherburne Corporation by deed dated October 28, 1969, and recorded in Book 26, Page 65 of the Sherburne Land Records comprising a 66 foot wide strip of land (33 feet wide on either side of, and measured perpendicular to, the center line of Roaring Brook East Road, as hereinafter described), beginning at and contiguous with the easterly line of lands of the State of Vermont described in Book 14, Page 73 of the Sherburne Land Records, and running thence in an easterly direction to a point in the center line of Roaring Brook East Road; the center line of the portion of Roaring Brook East Road that is to be discontinued is more particularly described as follows:

Beginning at a point in the easterly line of lands of the State of Vermont described in Book 14, Page 73 of the Sherburne Land Records;

THENCE south 65°02'30" east, a distance of one hundred forty-nine and four-tenths (149.4) feet to a point;

THENCE south 53°54'30" east, a distance of two seventy-six and ninety-five hundredths (276.95) feet to a point;

THENCE south 62°20'30" east, a distance of two hundred ninety-four and seventyfive hundredths (294.75) feet to a point;

THENCE south 73°10' east, a distance of four hundred seventy-six and seven tenths (476.7) feet to a point;

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Book: 157 Page: 491 Seq: 1

#### (Page 2 of 4)

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THENCE south 66°08' east, a distance of one hundred ninety-six and thirty-five (196.35) feet to a point.

Reference is hereby made to a plan entitled "Killington, Ltd.; Sherburne, Rutland County, Vermont; Relocated Section of Roaring Brook East Road; Location Plan prepared by George E. Bradley, L.S. dated March 27, 1997" and filed on June 23, 1997 as Map M97-004, Locator #601 in the Sherburne Land Records in aid of the foregoing description.

- 2. A copy of the Notice of Hearing is attached hereto as Schedule A.
- 3. On April 8, 1997, the Notice of Hearing was given to the Sherburne Planning Commission.
- On April 8, 1997, the Notice of Hearing was posted in the office of the Sherburne Town Clerk.
- On April 15, 1997, the Notice of Hearing was sent to the Commissioner of Forest, Parks and Recreation.
- On April 15, 1997, the Notice of Hearing was sent by certified mail to the official residence of all persons owning or interested in lands through which the above-described highway passes or abuts.
- 7. The Notice of Hearing was published in the Rutland Herald on April 12, 1997.
- 8. On May 19, 1997 at 7:30 p.m. the Selectmen examined the premises and heard the persons interested in the discontinuance.
- 9. The discontinuance of this segment of the highway is in conjunction with its relocation to a new location to the north. The new highway location and road will provide for a better town highway than the current stretch of highway and safer travel for users.
- 10. Based upon their examination of the premises, and no objection having been offered by any person interested in the premises, the Selectmen hereby find, judge and determine that the public good, necessity and convenience of the inhabitants of the Town of Sherburne require the above-described section of Roaring Brook East Road to be discontinued.
- 11. The portion of Roaring Brook East Road discontinued hereby shall not be designated as a trail but shall be discontinued, and title to said discontinued portion of Roaring Brook East Road shall be returned to Killington, Ltd., pursuant to 19 V.S.A. 775, Killington, Ltd. being the owner of the lot to which the discontinued highway segment originally belonged, as set forth in the Certification attached hereto as Exhibit A.

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12.

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The portion of Roaring Brook East Road discontinued hereby is a portion of the roads dedicated and conveyed to the Town of Sherburne by instrument dated October 28, 1969 and recorded in Book 26, Page 65 of the Sherburne Land Records.

Order

Based upon the foregoing Findings, the Selectmen of the Town of Sherburne hereby order the discontinuance of the above-described section of Roaring Brook East Road, effective as of the date hereof, and hereby deliver this Order to the Sherburne Town Clerk for recording. Upon the recording of this Order of Discontinuance in the Sherburne Land Records, title to the discontinued portion of Roaring Brook East Road shall be and is hereby returned to and vested in Killington, Ltd., its successors and assigns to their own use and benefit forever.

> Town of Sherburne Board of Selectmen

Done at Sherburne, Vermont, this 30 day of June, 1997.

tnes

Bv William Bauer

**Charles Demarest** 

Robert Perry

Witness Witness

STATE OF VERMONT COUNTY OF RUTLAND, ss:

On the 30th day of June, 1997, William Bauer, Charles Demarest and Robert Perry, Selectmen of the Town of Sherburne, Vermont, appeared before me and acknowledged the foregoing, by them signed, to be their free act and deed and the free act and deed of the Town of Sherburne, Vermont.

By:

By

Before me Notary Public

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#### EXHIBIT A

#### CERTIFICATION

The undersigned, A. Jay Kenlan, hereby certifies that I examined the Land Records of the Town of Sherburne, Vermont to determine the ownership of the parcel or lot to which the discontinued segment of Roaring Brook East Road originally belonged and that, based upon the following, I have determined that the owner of the parcel or lot was Sherburne Corporation, now known as Killington, Ltd.:

- The parcel of land from which the discontinued portion of Roaring Brook East Road was conveyed by Warranty Deed from State of Vermont to Sherburne Corporation dated March 22, 1968, recorded in Book 24, Page 16 of the Sherburne Land Records.
- 2. The discontinued portion of Roaring Brook East Road is a part of Roaring Brook East Road conveyed by Warranty Deed from Sherburne Corporation to Town of Sherburne dated October 28, 1969, recorded in Book 26, Page 65 of the Sherburne Land Records; Sherburne Corporation was the owner of the entire parcel at the time of the conveyance of Roaring Brook East Road to the Town of Sherburne.
- The property that was developed as the Trail Creek Condominiums was conveyed by Warranty Deed from Sherburne Corporation to Trail Creek Limited Partnership dated July 28, 1993, recorded in Book 61, Page 14 of the Sherburne Land Records.
- The name "Sherburne Corporation" was changed to "Killington, Ltd." by Articles of Name Change/Certificate of Amendment that is dated February 9, 1985 and recorded April 8, 1985 in Book 78, Page 64.

Done at Rutland, Vermont this 28 day of June 1997.

Subscribed and sworn to this 23<sup>2</sup> day of June, 1997.

F:\USERSUAY\ASC\KILLGTON\ROADRELO\NOTICE\TITLE.CRT

Received for record June 30 A.D., 1997 at 2:30 p.m. Attest: Walter Handa Sherburne Town Clerk

Jay Kenlan

UNAPPROVED

SHERBURNE BOARD OF SELECTMEN May 19, 1997

PRESENT: William Bauer Robert Perry

> David Lewis Town Manager Kathleen Kilgallen Recording Secretary

ABSENT: Charles Demarest

- GUESTS: Carl Spangler Red Glaze Bernard Rome
- START: 7:30 p.m. FINISH: 9:55 p.m.

### I. PUBLIC HEARING- DISCONTINUANCE OF A PORTION OF ROARING BROOK EAST RD.

Selectmen of the Town of Sherburne, Vermont, have initiated proceedings to discontinue the following described portion of Roaring Brook East Road:

Sherburne Town Highway #15 pursuant to 19 VSA 708. Does hereby give Notice of Public Hearing to be held at Sherburne Town Offices, River Road, Sherburne, Vermont, on May 19, 1997 at 7:30 p.m., for the purposes of examining the premises and hearing the persons interested in the discontinuance of said portion of Roaring Brook East Road. That portion of Roaring Brook East Road, Sherburne Town Highway #15 that the Selectmen propose to discontinue is described herein.

Public Hearing opened at 7:30 p.m.

Dave Lewis stated that the Town has received from Killington an Agreement that has been worked out with Attorneys for the Town and Killington which describes the proceedings for the discontinuance. That is, the Town will initiate proceedings for discontinuance and will notify the people of interested parties (names provided by Killington). This has been done, notice sent to about 100 interested parties.

In order to warn the Fublic Hearing correctly, a Title Search needed to be done of all abutters and their mortgagers, etc. This was done by Killington and this is what was relied on.

The Agreement also stipulates that Killington, at its own expense, will construct the new road to take the place of the old road and that it will be finished by October 1st of this year. The Town will be inspecting the road, as it progresses and it will be in accordance with the specs reviewed and approved by the Town.

### PUBLIC HEARING - continued

If Killington does not complete the road by October 1st there is provisions for liquidating damages. Killington will also provide the Town with an irrevocable Letter of Credit to complete it, if for some unforeseen reason they do not finish the road on time.

When the new road is built and is passable by a standard pleasure vehicle, Killington will deliver to the Town a Warranty Deed and a Title Certificate for the road. At that time, the discontinuance of the old road could then take place. There is a clause in the Agreement concerning utility lines. Killington also indemnifies the Town, provides insurance and pays for all attorney and consultant fees for all the work on the discontinuance, as well as, revealing the work of the construction.

Dave Lewis therefore recommends that the Board authorize him to sign this Agreement. It does not bind the Town to do the discontinuance but it sets the procedure as to how the discontinuance would be done, assuming it is in the public good and a necessity.

Motion made by Bob Perry, seconded by Billy Bauer, to authorize Dave Lewis to sign the Agreement with Killington, as described above. APPROVED

Dave noted for the record, in his evaluation, the discontinuance of the old road and acceptance of a new highway, is in the best interest of the mown and beneficial to the public good and a necessity. The new road will be a better Town highway than the current stretch of Roaring Brook East Road and will provide safer travel for users of the Town highway.

Dave also noted that he sees the procedure as taking public input, then closing the Hearing without taking any action. The Board has 60 day following the Hearing to do the discontinuance. Dave described what would take place during that 60 day period, similar to what is outlined in the Agreement.

In response to Bob Perry's question as to meeting the schedule to start building the hotel, Carl Spangler answered that the first thing would be to get the new road accepted by the Town and go through the discontinuance before work on the foundation for the hotel can begin. It is hoped to get the discontinuance approval within five weeks. About 90% of the Act 250 application for a permit for the hotel has been completed. Once the District Commission has everything they need, hopefully a permit will be issued by June 15th.

### SHERBURNE BOARD OF SELECTMEN May 19, 1997 Page Three

In response to Bernie Rome's question regarding Killington providing a deed and a mylar, Dave Lewis responded that the mylar is a map of the survey for recording.

In response to Bernie's question regarding the 60 day period and October 1st, Dave responded that the Statutes states the Board has 60 days after the Hearing to act on it. Per the Agreement, Killington has until October 1st to complete the new road.

Motion made by Bob Perry, seconded by Billy Bauer, to close the Public Hearing at 8:15 p.m. <u>APPROVED</u>

### II. PUBLIC HEARING-DISCONTINUANCE OF SHERBURNE TOWN HIGHWAY #55

This Hearing is for the purpose of examining the premises and hearing any persons interested in the discontinuance of said portion of Timberline Drive. Portion of Timberline Drive, Sherburne Town Highway #55 that the Selectmen propose for discontinuance is described herein.

Dave Lewis stated that this is basically the 75' section at the end of Timerline Drive. The whole road was deeded to the Town in 1965 by Phil Camp. When the road was built it was never built to the very end only to the turnaround. Some of the property there is now being considered for sale and an engineer was hired to do the survey. It is this 75' section of Timberline Drive that is being proposed to discontinue.

Public Hearing opened at 8:20 p.m.

No input received. Motion made by Bob Perry, seconded by Billy Bauer, to close the Public Hearing at 8:21 p.m. APPROVED

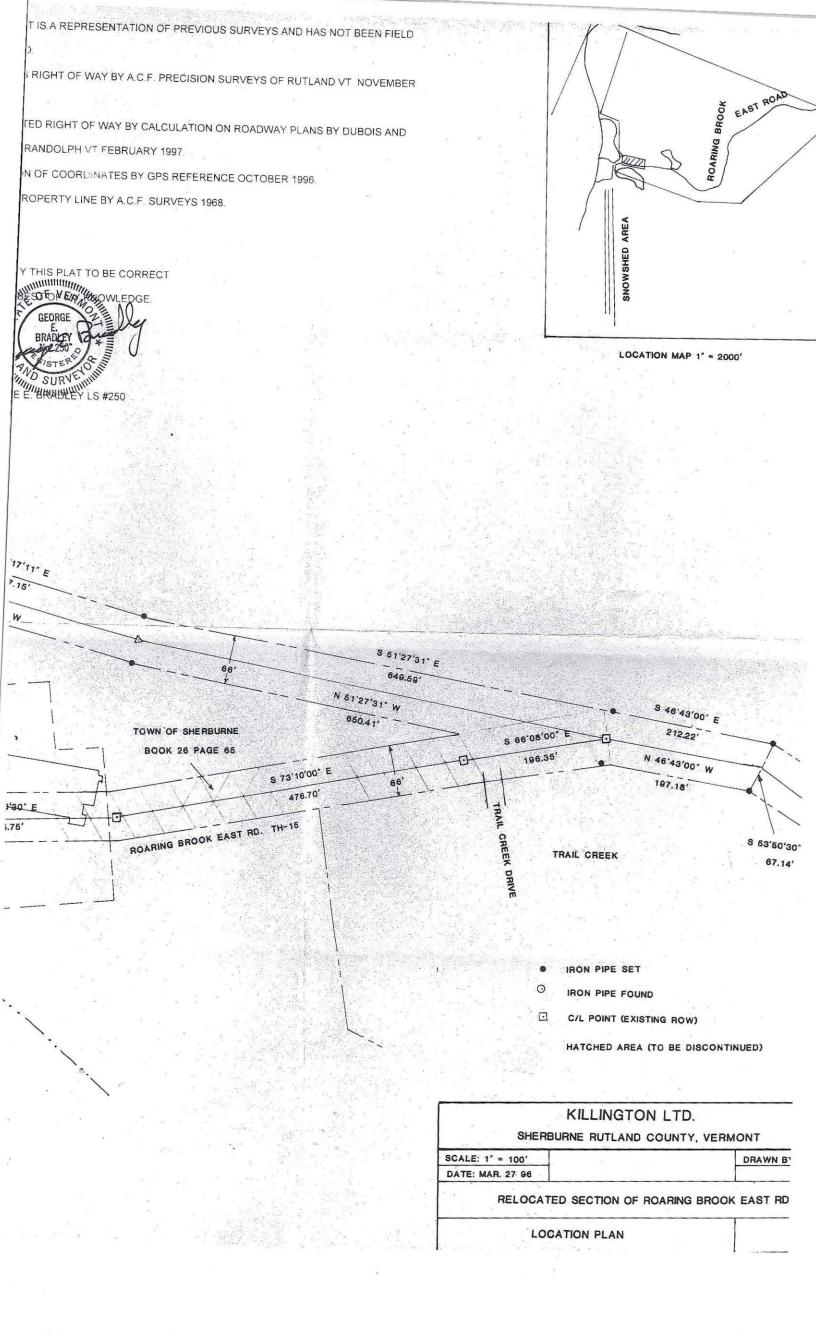
Dave Lewis will draft up some findings and present them at the next Selectmen's Meeting for adoption.

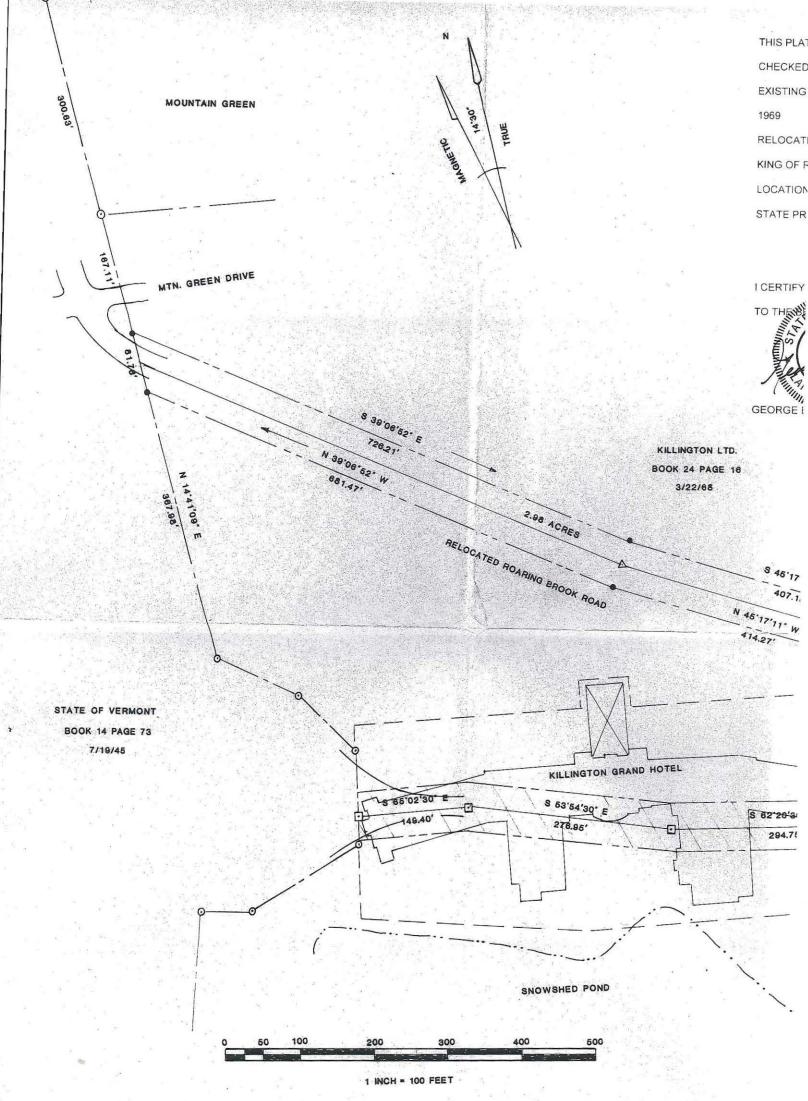
#### III. APPROVAL OF MINUTES

Motion made by Bob Perry, seconded by Billy Bauer, to approve the minutes of May 5, 1997, as written. APPROVED

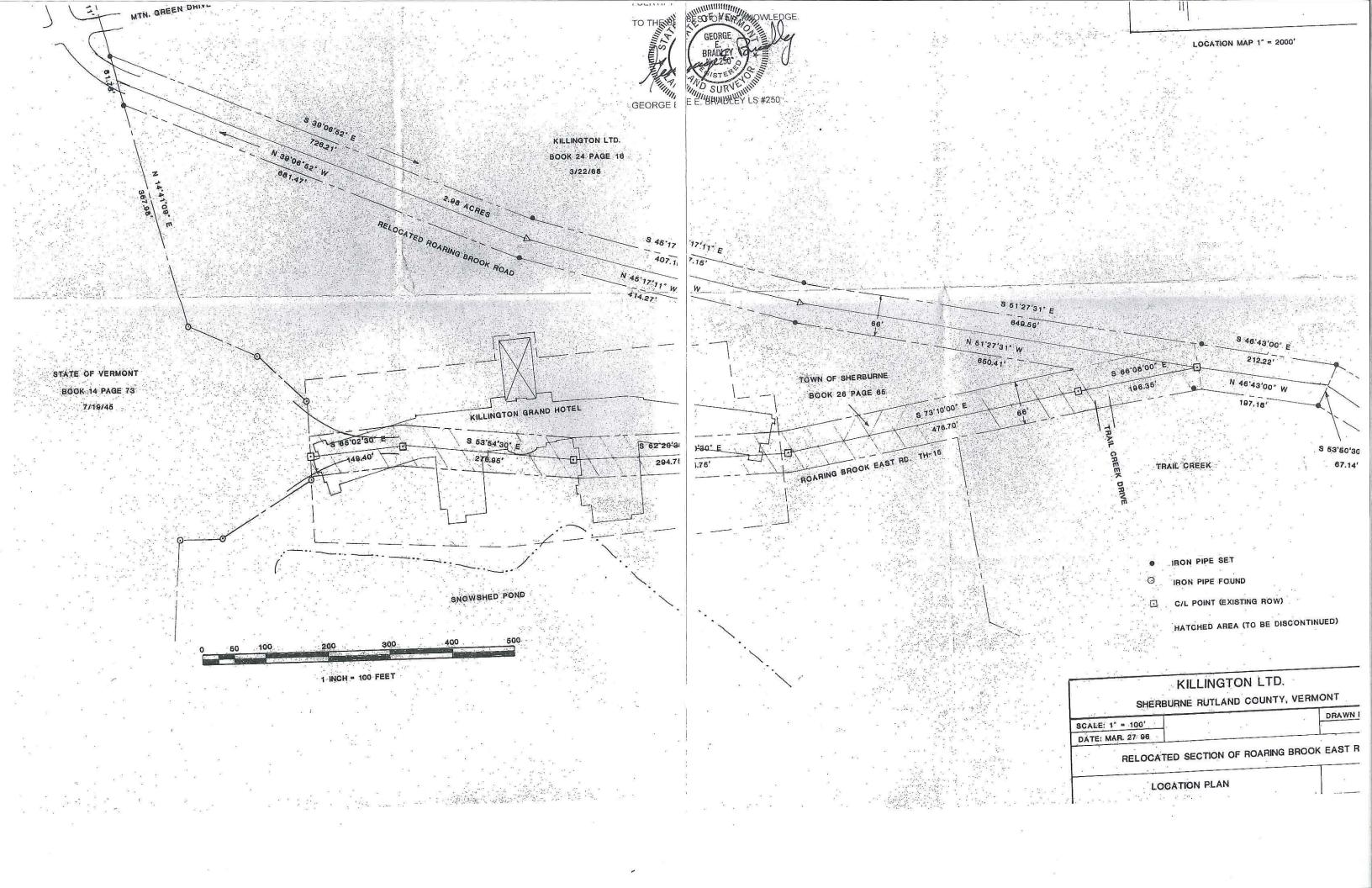
#### IV. CITIZEN'S INPUT

o Red Glaze apologized for bringing up the matter of the pool table at the clubhouse but noted he has a strong feeling that it should not be there and was assured by the Chairman, that it would be gone but it is still there. He asked, "what is the status of the pool table?"





and the second



Killigton - Class 3 TH-15







