## CERTIFICATE OF HIGHWAY MILEAGE YEAR ENDING FEBRUARY 10, 2012

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2012 to: Vermont Agency of Transportation, Division of Policy, Planning and Intermodal Development, One National Life Drive, Montpelier, VT 05633.

We, the members of the legislative body of ROYALTON

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 calculat	e totals.
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Town Highways	Previous Mileage	Added Mileage	Subtracted Mileage	Total	Scenic Highways
Class 1	0.000				0.000
Class 2	15.410		* , *		0.000
Class 3	55.79				0.000
State Highway	22.957				0.000
Total	94.157				0.000
* Class 1 Lane	0.000				0.000
* Class 4	9.76	·0640.07	,0470.07	1.017	9.76
* Legal Trail	0.00				
* Unidentified Corridor	0.00				

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

PART II - INFORMATION AND DESCRIPTION OF CHANGES SHOWN ABOVE.	Ad	instruents 6.	(
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1. NEW HIGHWAYS: Please attach Selectmen's "Certificate of Completion and Opening". explained in Windsor Superior court docket No. 291-6-04 WRCU 2. DISCONTINUED: Please attach SIGNED copy of proceedings (minutes of meeting).

Same as above

- 3. RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings (minutes of meeting).
- 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 SIGNA Selectmen/ Aldermen/ Trustees Signatures: Date Filed: T/C/V Clerk Signature: Please sign ORIGINAL and return it for Transportation signature.

Signed copy will be returned to T/C/V Clerk. AGENCY OF TRANSPORTATION APPROVAL:

APPROVED: Representative, Agency of Transportation Received

FEB 2 201

Policy, Planning & Intermodal Development Division

#### **Vermont Statutes Annotated**

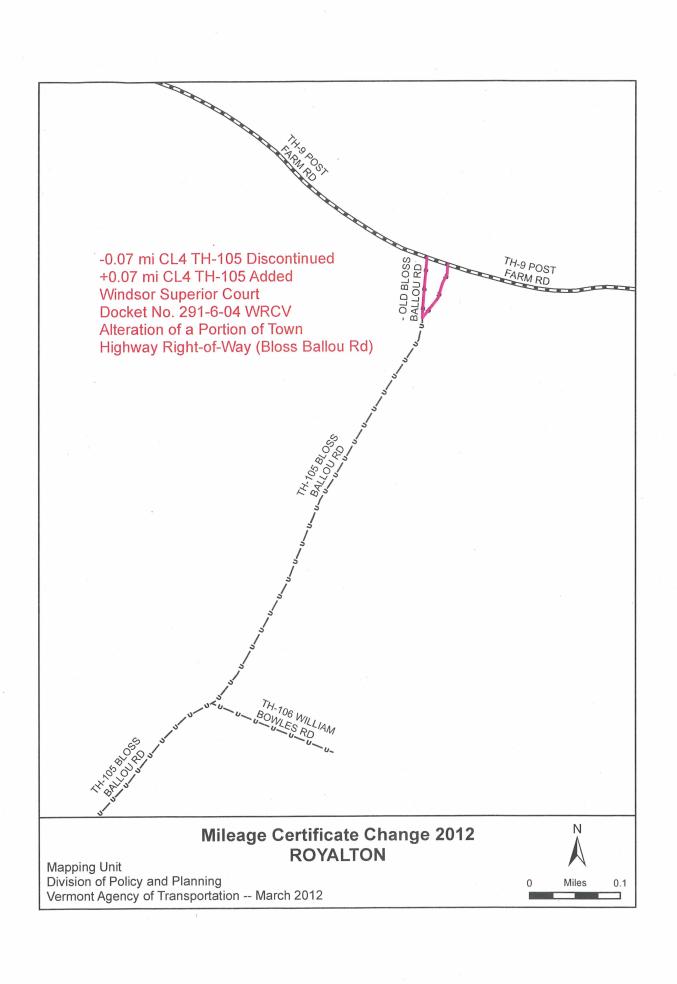
# 19 V.S.A. § 305. Measurement and inspection

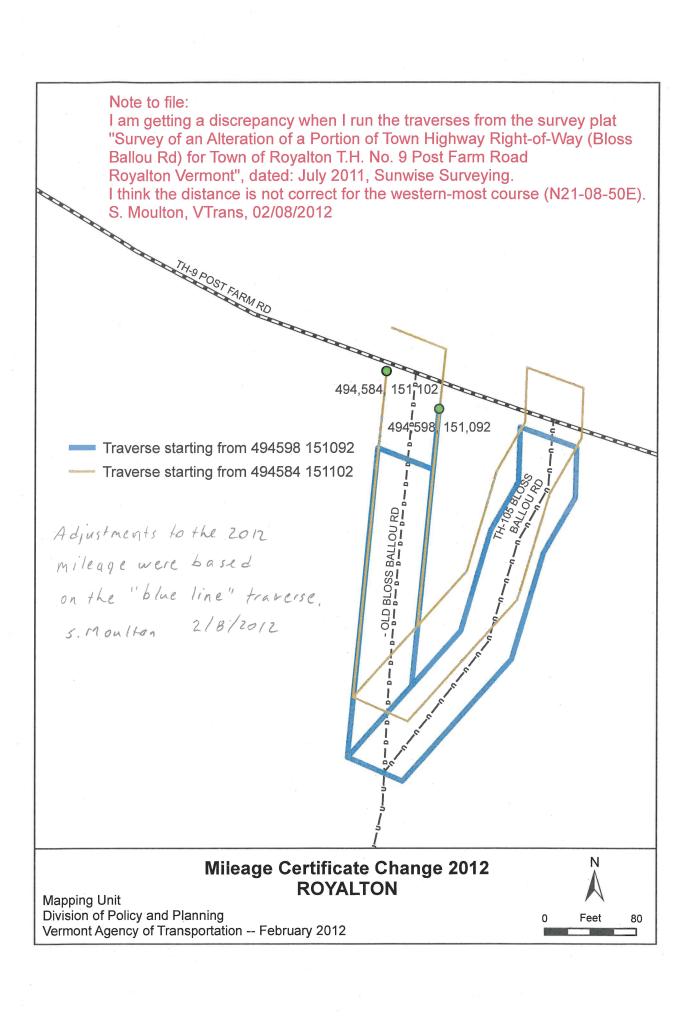
### § 305. Measurement and inspection

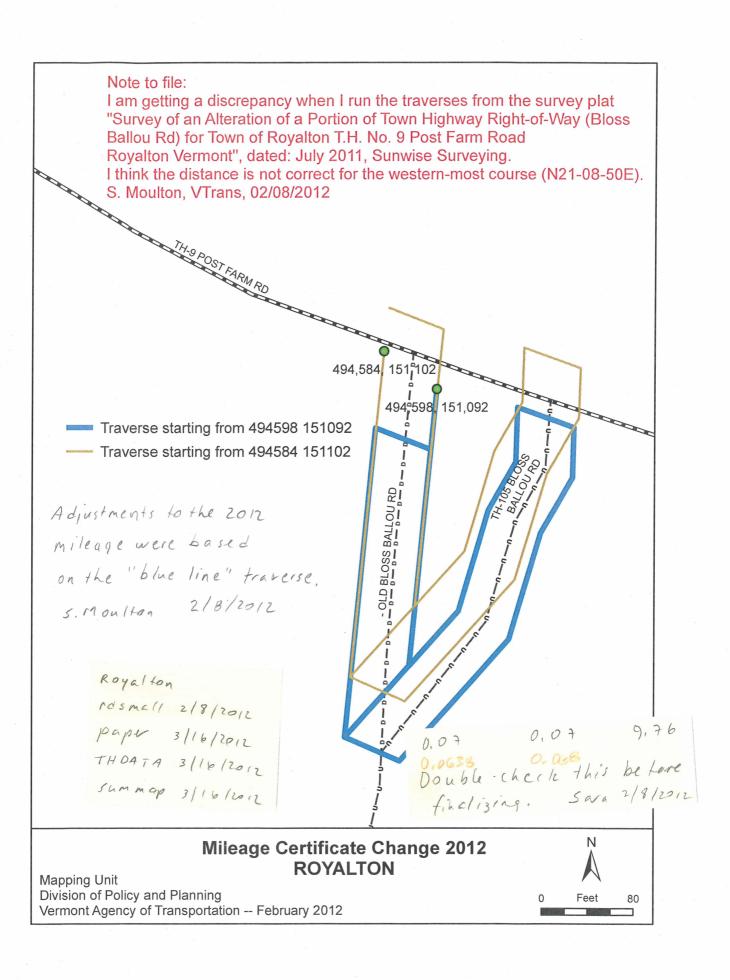
- (a) After reasonable notice to the selectboard, a representative of the agency may measure and inspect the class 1, 2, and 3 town highways in each town to verify the accuracy of the records on file with the agency. Upon request, the selectboard or their designee shall be permitted to accompany the 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://www.leg.state.vt.us/statutes/fullsection.cfm?Title=19&Chapter=003&Section=00305

12/20/2010







Royalton, VT Town Clerk's Office
Received for record

At 9 o'clock 00 minutes M

and Recorded in Book 000 Page 495-493

Attest 11 M D M O M

Town Clerk

NOV 3 0 2011

STITZEL PAGE & FLETCHER PG

STATE OF VERMONT WINDSOR COUNTY, SS.

RONALD BENSON, BETTY BENSON,

BARRY BENSON, EDITH BENSON and the )

TOWN OF ROYALTON,

Plaintiffs,

v.

WINDSOR SUPERIOR COURT

DOCKET NO. 291-6-04 WRCV

PERRY HODGDON AND CAROL

HODGDON, ELLEN L. FROST, JEFFREY S.)

SLACK, and WARREN E. PRESTON,

Defendants.

## STIPULATED AMENDED DECLARATORY JUDGMENT

Pursuant to V.R.C.P. 58, the Court's February 4, 2009
"Findings of Fact, Conclusions of Law, and Order," and
stipulation of the parties hereto, this declaratory judgment,
amending this Court's prior March 4, 2009 Declaratory Judgment,
is hereby entered as follows:

A class 4 town highway exists in the Town of Royalton per the May 4, 1804 survey, Exhibit  $T-8.^2$  This town highway is three rods wide.

The course of the town highway is as follows: Beginning at Post Farm Road in the location depicted on a plan entitled "Survey of an Alteration of a Portion of Town Highway Right-of-Way (Bloss Ballou Rd.) For: Town of Royalton, T.H. No. 9 Post

The stipulation is limited to the parties who have appeared.

"Exhibit" references are to the exhibits from December 15, 2008 evidentiary hearing before the court in this matter.

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Farm Road Royalton, Vermont," (hereafter July, 2011 Plan) copy attached hereto as Exhibit 1, said location more specifically labeled on said plan as "Proposed Town Highway Alteration to the North End of Bloss Ballou Road." The centerline of the town highway then continues from the southernmost point of termination of the centerline labeled on the July, 2011 Plan as "336.75' Along CL +41.0' +/- to End of Project" generally southwesterly through the point labeled on the July, 2011 Plan as "Approx. End of Project" on a course that then continues approximately south/southwesterly through the center of the "BARBED WIRE FENCE" depicted on the July, 2011 Plan and the "WIRE FENCE OR REMNANTS" depicted on Trial Exhibit T-19 (unofficial copy attached hereto as Exhibit 2 for convenience). This northernmost section of said town highway is further described in the document "Description of an Alteration of the Northerly section of the Town Highway Known as so-called Bloss Ballou Road in the Town of Royalton, Vermont," a copy of said Description attached hereto as Exhibit 3. At the southernmost section of the bilateral wire fence or remnants depicted on T-19, the town highway centerline then proceeds generally southwesterly along the course and through the center of the bilateral "EDGE OF WHEEL TRACK." Where there is a gap in the bilateral edge of wheel track on T-19, the

 $<sup>^3</sup>$  The "BARBED WIRE FENCE" on the July, 2011 Plan and the "WIRE FENCE OR REMNANTS" on T-19 are the same landmarks. Trial Exhibit T-19 depicts the continuation of the town highway right-of-way centerline southerly of where the July, 2011 Plan's depiction terminates at its southernmost point.

centerline of the town highway then continues generally southwesterly following the course of the "CENTERLINE ROAD LAYOUT 05/08/1804" depicted on T-19, until this course re-unites on T-19 with the next segment of bilateral edge of wheel track. centerline of the town highway then continues along the course and through the center of the bilateral edge of wheel track to where the easternmost edge of the depicted wheel track nears a "3/4" DIA. REROD FOUND" depicted on T-19. This rerod is the same monument referenced as IPS 527 on Exhibit T-6, and the centerline of the town highway continues generally southwesterly as depicted on Exhibit T-6 along the center of the course first depicted as "OLD TOWN HIGHWAY" and then along the course depicted as "WOODS ROAD." Where the "WOODS ROAD" is depicted in Exhibit T-6 as terminating at its southwestern-most end, the easternmost edge of the town highway right-of-way follows the course of a series of monuments (identified as "IPS") depicted on Exhibit T-6 as follows: 406, 532, 533, 536, 535. The town highway then concludes where it intersects with Slack Hill Road.

One additional length of town highway that has been determined by the Court to exist is depicted on Exhibit T-19, which is where the centerline of the town highway follows the section of the "centerline road layout 05/08/1804" that runs in a straight course between the "WILLIAM BOWLES HOUSE SITE / OLD

STONE FOUNDATION" depicted on T-19 and a point of intersection along the course of the town highway as described supra.

Any use of this land inconsistent with the existence of a town highway in this location without the permission of the Town shall be discontinued forthwith. The Town of Royalton shall record a copy of this declaratory judgment in the Royalton Town Records.

Paul Gilles, Esq. Counsel for Bensons	// /// /// Date
Andrea Gallitano, Esq. Counsel for Hodgdons	Date
John Klesch, Esq. Counsel for Town of Royalton	Date

Dated this 8 day of November, 2011.

Thurs A. Dhaus

Hon. Theresa S. DiMauro
Presiding Judge

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STONE FOUNDATION" depicted on T-19 and a point of intersection along the course of the town highway as described supra.

Any use of this land inconsistent with the existence of a town highway in this location without the permission of the Town shall be discontinued forthwith. The Town of Royalton shall record a copy of this declaratory judgment in the Royalton Town Records.

STIPULATED:

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Counsel for Hodgdons

lesch, Esq. Comnsel for Town of Royalton

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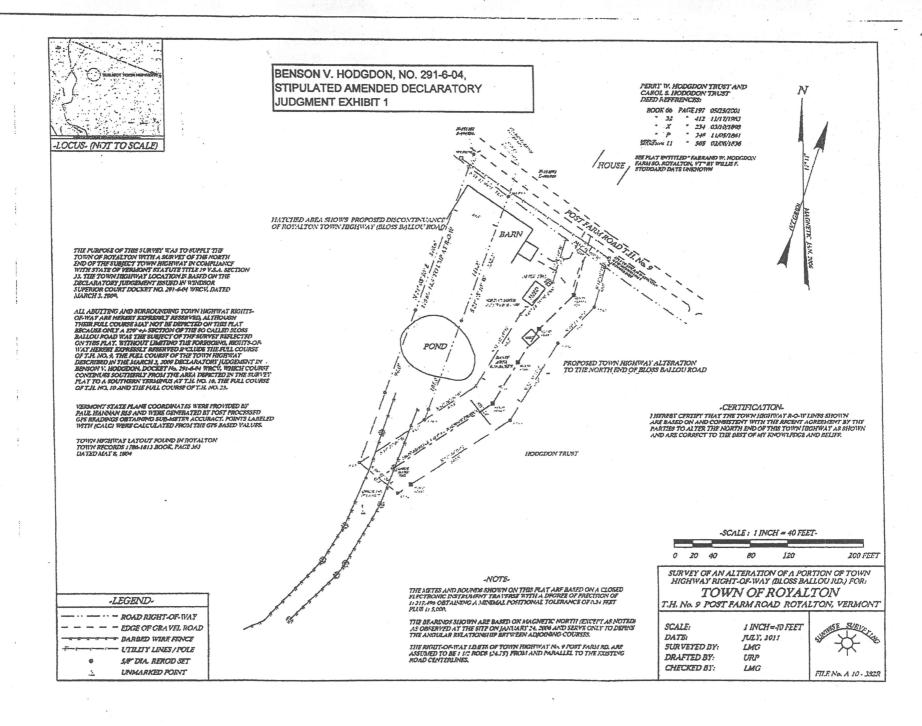
Date

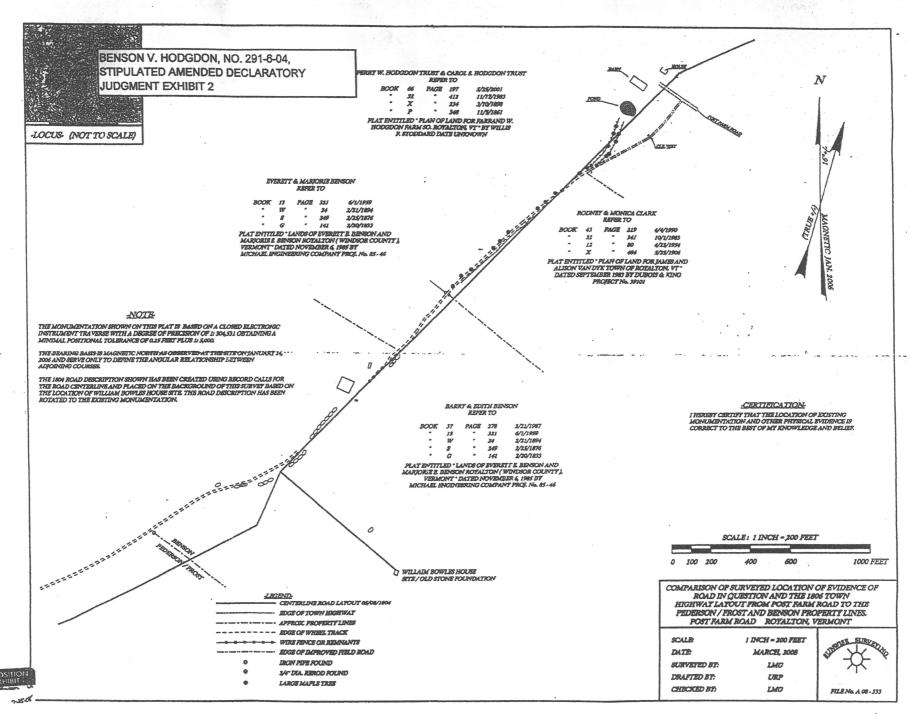
Dated this 8 day of November, 2011.

Thursa A. A. Maux

Presiding Judge

NOV 1 6 2011





BENSON V. HODGDON, NO. 291-6-04, STIPULATED AMENDED DECLARATORY JUDGMENT EXHIBIT 3

Description of an Alteration of the Northerly section of the Town Highway Known as so-called Bloss Ballou Road in the Town of Royalton, Vermont

The herein described alteration of the Northerly portion of the Bloss Ballou Road runs through a portion of the property belonging to the Perry W. Hodgdon Trust and Carol S. Hodgdon Trust as described in a deed dated May 25, 2001 found in Book 66, Page 197 of the Royalton Land Records located Southerly of Town Highway No. 9 (Post Farm Road) in the Town of Royalton, County of Windsor, State of Vermont. Reference may be had to a March 3, 2009 Declaratory Judgment in Benson v. Hodgdon, Docket No. 291-6-04 WRCV which delineates the layout of the North end of Bloss Ballou Road and a plat entitled "Survey of Portion of Town Highway Right-of-Way (Bloss Ballou Rd.) For Town of Royalton T.H. No. 9 (Post Farm Road) Royalton, Vermont" dated July 2010 by Sunwise Surveying with File No. A 10 - 382 The herein described Town Highway Alteration will supercede the 2010 plat location for the North end of the Town Highway.

Commencing at an unmarked point 0.4' to the Northwest of the Northwest edge of a utility pole within the Right-of-Way Limits of Town Highway No. 9.

Thence S 17° 02' 55" W toward a 5/8" diameter rerod with Sunwise Surveying cap for a distance of 9.7' to an unmarked point at the intersection of the said Easterly edge of the herein described Town Highway Alteration with the Southwesterly Right-of-Way of Post Farm Road. Said unmarked point is the Point of Beginning of the herein described Town Highway Alteration.

Thence N 54° 56' 40" W along the Southwesterly Right-of-Way of Post Farm Road for a distance of 52.0 Feet to an unmarked point at the North West corner of the herein described Town Highway Alteration.

Thence S 17° 02' 55" W along the Westerly edge of the herein described Town Highway Alteration Right-of-Way for a distance of 47.5 Feet to an unmarked point at an angle point in said Westerly Limits.

Thence S 45° 14' 35" W along the Westerly edge of the herein described Town Highway Alteration Right-of-Way for a distance of 48.9 Feet to an unmarked point at an angle point in said Westerly Limits.

Thence S 32° 00′ 35" W along the Westerly edge of the herein described Town Highway Alteration Right-of-Way for a distance of 91.2 Feet to an unmarked point at an angle point in said Westerly Limits.

Thence S 57° 24' 00" W along the Westerly edge of the herein described Town Highway Alteration Right-of-Way for a distance of 64.4 Feet to a 5/8" diameter rerod with Sunwise Surveying cap set at the intersection with the herein described Westerly edge of the Alteration and the extension (to the South) of the Easterly edge of the Bloss Ballou Right-of-Way as delineated in the above referenced Declaratory Judgement and as shown on the above referenced 2010 plat. Said rerod marks the proposed South East corner of the portion of the Bloss Ballou Right-of-Way which will be subject to a Discontinuance to the North of said rerod.

Thence S 57° 27' 05" W along the Westerly edge of the herein described Town Highway Alteration Right-of-Way, crossing the Bloss Ballou Right-of-Way, for a distance of 83.7 Feet to a 5/8" diameter rerod with Sunwise Surveying cap set at the South end of the Westerly edge of the herein described Town Highway Alteration at its intersection with the extension (to the South) of the West edge of the Bloss Ballou Right-of-Way as shown on the above referenced 2010 plat. Said rerod marks the proposed South West corner of the portion of the Bloss Ballou Right-of-Way which will be subject to a Discontinuance to the North of said rerod.

Thence S 50° 51' 20" E along the South end of the herein described Town Highway Alteration Right-of-Way, crossing the Bloss Ballou Right-of-Way, for a distance of 52.2 Feet to 5/8" diameter rerod with Sunwise Surveying cap set at the intersection of the East edge of the Bloss Ballou Right-of-Way with the South end of the Easterly edge of the herein described Alteration. Said rerod marks the South East corner of the herein described Town Highway Alteration.

Thence N 57° 24' 00" E along the Easterly edge of the herein described Town Highway Alteration Right-of-Way for a distance of 142.8 Feet to a 5/8" diameter rerod with Sunwise Surveying cap set. Said rerod marks an angle point along the Easterly edge of the herein described Town Highway Alteration.

Thence N 32° 00' 35" E along the Easterly edge of the herein described Town Highway Alteration Right-of-Way for a distance of 96.6 Feet to a 5/8" diameter rerod with Sunwise Surveying cap set. Said rerod marks an angle point along the Easterly edge of the herein described Town Highway Alteration.

Thence N 45° 14' 35" E along the Easterly edge of the herein described Town Highway Alteration Right-of-Way for a distance of 55.6 Feet to a 5/8" diameter rerod with Sunwise Surveying cap set. Said rerod marks an angle point along the Easterly edge of the herein described Town Highway Alteration.

Thence N 17° 02' 55" E along the Easterly edge of the herein described Town Highway Alteration Right-of-Way for a distance of 43.8 Feet to the Point of Beginning.

(The herein described Highway Alteration can be seen on a plat entitled "Survey of an Alteration of a Portion of Town Highway Right-of-Way (Bloss Ballou Rd.) for Town of Royalton T.H. No. 9 (Post Farm Road) Royalton, Vermont" dated July 2011 by Sunwise Surveying with File No. A 10 - 382R.)

### Moulton, Sara

From:

Royalton Selectboard [rselectman@bluemoo.net]

Sent:

Tuesday, February 07, 2012 2:08 PM

To:

Moulton, Sara

Subject:

RE: Royalton - 2 Survey Requests

Sara.

You are welcome. If you should need any additional information feel free to contact me. Thank you for your assistance.

#### Nathan Cleveland

Administrative Assistant to the Royalton Selectboard

PO Box 680

S. Royalton, VT 05068

(802) 763-7967

From: Moulton, Sara [mailto:Sara.Moulton@state.vt.us]

Sent: Tuesday, February 07, 2012 1:37 PM

To: 'Royalton Selectboard'

Subject: RE: Royalton - 2 Survey Requests

This is the key survey I needed a copy of. This one is much more readable than the one I had. Thank you.

Sara Moulton, GISP Mapping & GIS Specialist, Mapping Unit Division of Policy and Planning Vermont Agency of Transportation (VTrans)

Tel: 802-828-2109

**From:** Royalton Selectboard [mailto:rselectman@bluemoo.net]

Sent: Tuesday, February 07, 2012 12:21 PM

To: Moulton, Sara

Subject: Royalton - 2 Survey Requests

Sara,

Attached please find a PDF of the altered location and the original road. If you should need a hard copy I will have our surveyor send you a copy. I am still awaiting a full size plat of the amended location, but I do have a copy of the original road location.

Nathan Cleveland

Administrative Assistant to the Royalton Selectboard

PO Box 680

S. Royalton, VT 05068

(802) 763-7967

#### Moulton, Sara

From:

Moulton, Sara

Sent:

Monday, February 06, 2012 2:55 PM

To:

'Royalton Town Clerk'

Subject:

RE: Royalton - 2 Surveys Request

The key thing is that I am looking for a copy where I can read the distances and bearings. There was a 8.5"X11" copy included with the court docket, but I am unable to read any of the detail on the survey. The actual size doesn't matter as much as just being able to read the copy. Thanks.

Sara Moulton

**From:** Royalton Town Clerk [mailto:royalclerk@bluemoo.net]

Sent: Monday, February 06, 2012 2:42 PM

To: Moulton, Sara

Subject: RE: Royalton - 2 Surveys Request

Hi Sara

I don't have the full size copy of these surveys however I was able to copy from the land records and enlarge them. Would this be acceptable?

Sincerely,

Leanna M. Zick Royalton Town Clerk PO Box 680 S Royalton VT 05068 802-763-7207 802-763-7207 Fax royalclerk@bluemoo.net

**From:** Moulton, Sara [mailto:Sara.Moulton@state.vt.us]

Sent: Friday, February 03, 2012 1:14 PM

To: 'royalclerk@bluemoo.net'

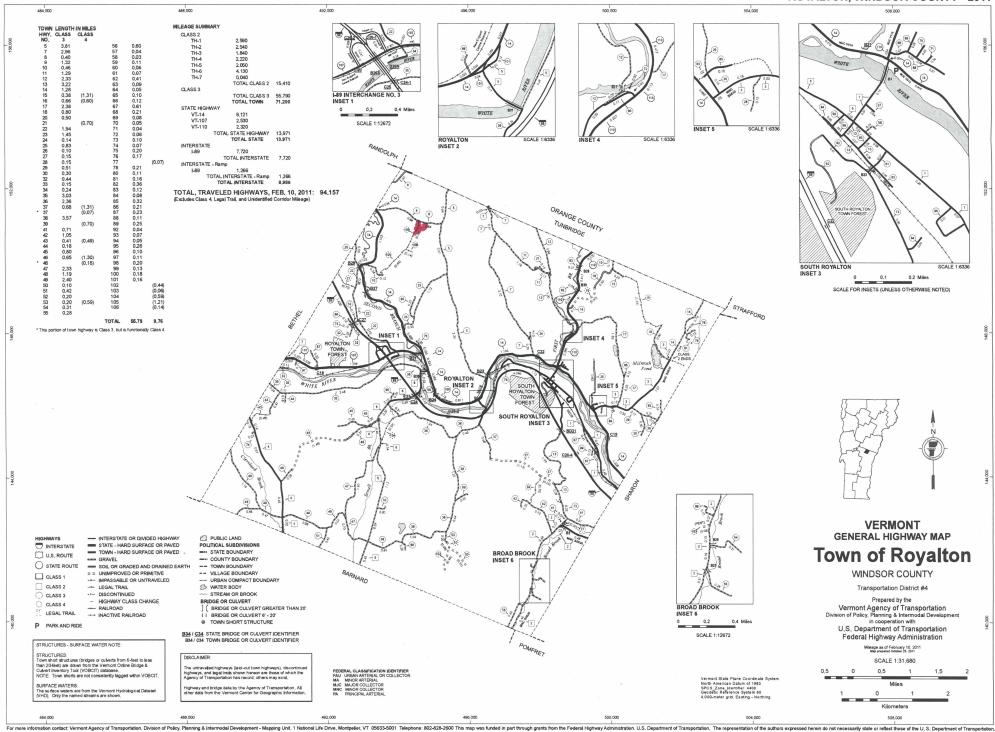
Subject: Royalton - 2 Surveys Request

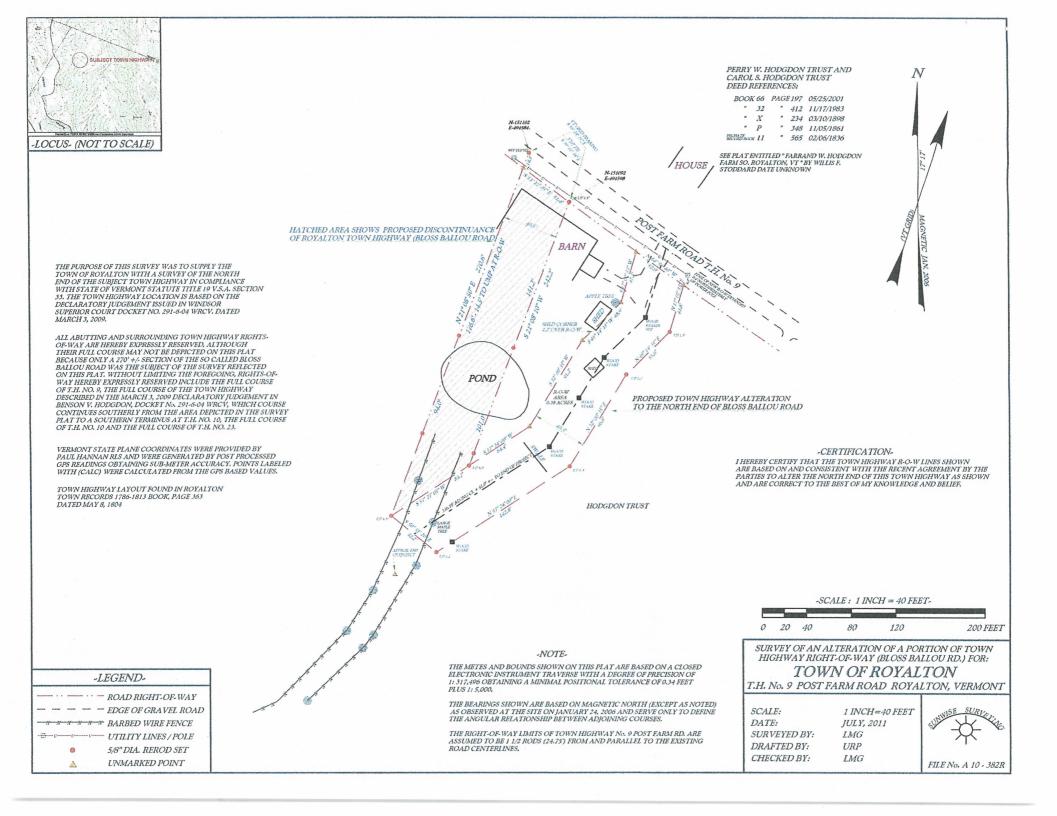
I am processing Royalton's 2012 Certificate of Highway Mileage and would like to get a full sized copy of the surveys referenced in the court docket associated with the Certificate. The two surveys are identified as:

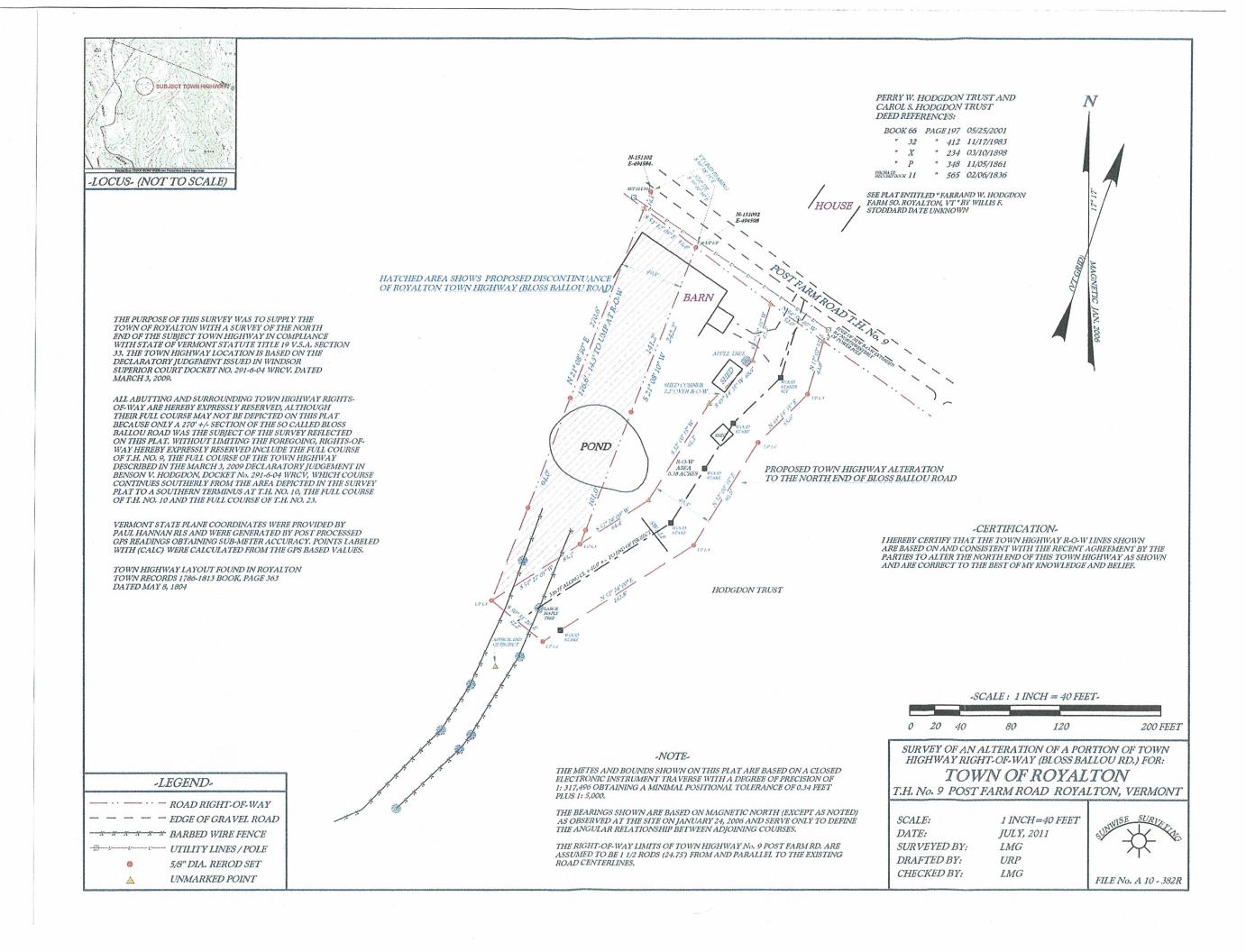
"Survey of an Alteration of a Portion of Town Highway Right-of-Way (Bloss Ballou Rd.) For: Town of Royalton T.H. No. 9 Post Farm Road Royalton, Vermont", dated July 2011, by Sunwise Surveying

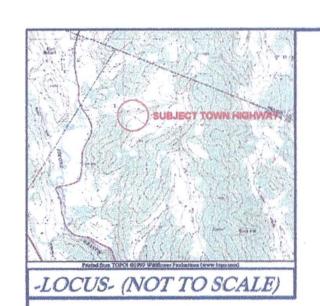
"Comparison of Surveyed Location of Evidence of Road in Question and the 1806 Town Highway Layout from Post Farm Road to the Pederson/Frost and Benson Property Lines. Post Farm Road, Royalton, Vermont" dated: March 2008 by Sunwise Surveying

My mailing address is: Sara Moulton VTrans - PPID – Mapping Unit 1 National Life Dr Montpelier, VT 05633-5001









THE PURPOSE OF THIS SURVEY WAS TO SUPPLY THE TOWN OF ROYALTON WITH A SURVEY OF THE NORTH END OF THE SUBJECT TOWN HIGHWAY IN COMPLIANCE WITH STATE OF VERMONT STATUTE TITLE 19 V.S.A. SECTION 33. THE TOWN HIGHWAY LOCATION IS BASED ON THE DECLARATORY JUDGEMENT ISSUED IN WINDSOR SUPERIOR COURT DOCKET NO. 291-6-04 WRCV. DATED MARCH 3, 2009.

ALL ABUTTING AND SURROUNDING TOWN HIGHWAY RIGHTS-OF-WAY ARE HEREBY EXPRESSLY RESERVED, ALTHOUGH THEIR FULL COURSE MAY NOT BE DEPICTED ON THIS PLAT BECAUSE ONLY A 270' +/- SECTION OF THE SO CALLED BLOSS BALLOU ROAD WAS THE SUBJECT OF THE SURVEY REFLECTED ON THIS PLAT. WITHOUT LIMITING THE FOREGOING, RIGHTS-OF-WAY HEREBY EXPRESSLY RESERVED INCLUDE THE FULL COURSE OF T.H. NO. 9, THE FULL COURSE OF THE TOWN HIGHWAY DESCRIBED IN THE MARCH 3, 2009 DECLARATORY JUDGEMENT IN BENSON V. HODGDON, DOCKET No. 291-6-04 WRCV, WHICH COURSE CONTINUES SOUTHERLY FROM THE AREA DEPICTED IN THE SURVEY PLAT TO A SOUTHERN TERMINUS AT T.H. NO. 10, THE FULL COURSE OF T.H. NO. 10 AND THE FULL COURSE OF T.H. NO. 23.

VERMONT STATE PLANE COORDINATES WERE PROVIDED BY PAUL HANNAN RLS AND WERE GENERATED BY POST PROCESSED GPS READINGS OBTAINING SUB-METER ACCURACY, POINTS LABELED WITH (CALC) WERE CALCULATED FROM THE GPS BASED VALUES.

TOWN HIGHWAY LAYOUT FOUND IN ROYALTON TOWN RECORDS 1786-1813 BOOK, PAGE 363 DATED MAY 8, 1804

-LEGEND-

ROAD RIGHT-OF-WAY

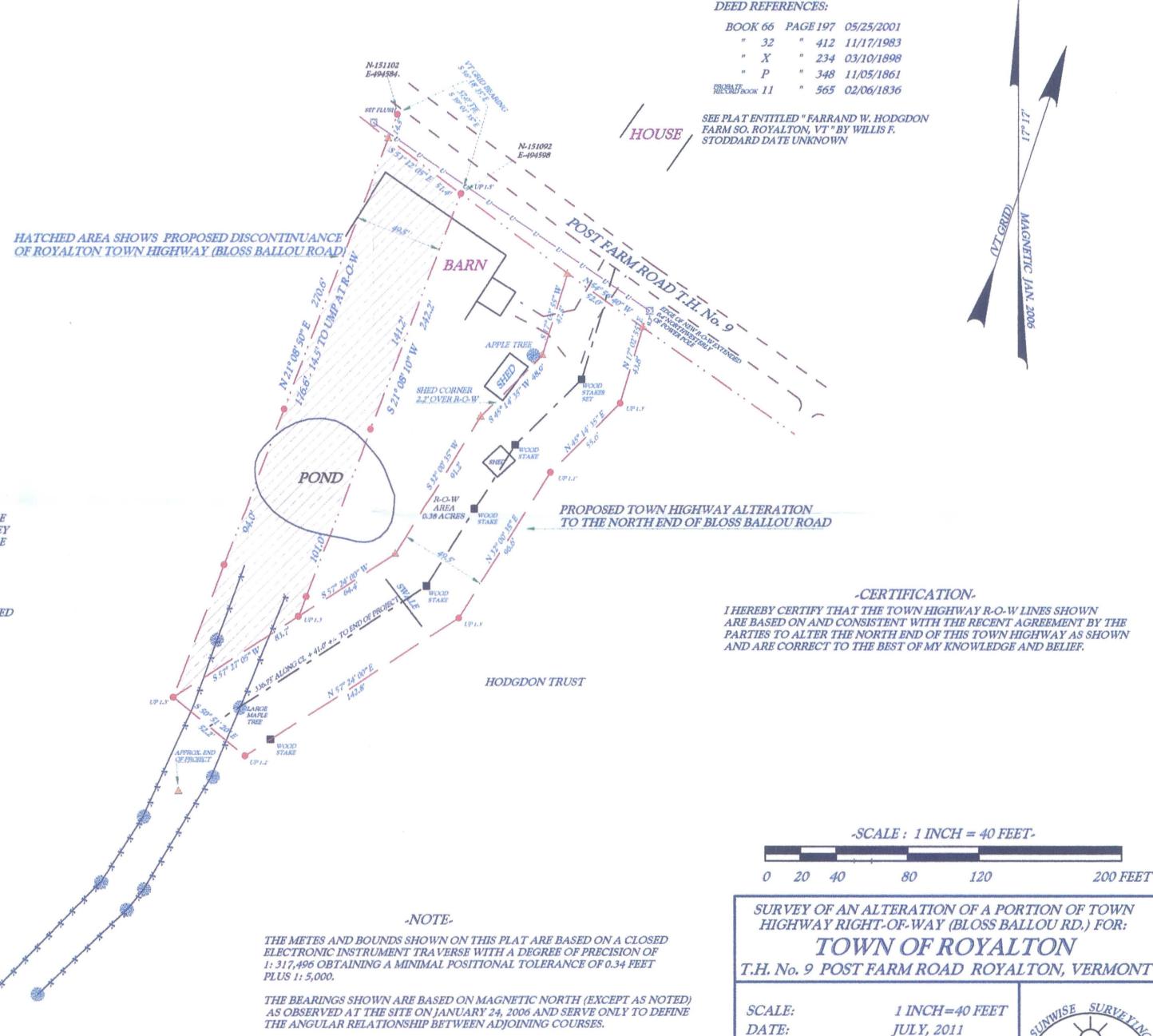
\*\* BARBED WIRE FENCE

UTILITY LINES / POLE

5/8" DIA. REROD SET

UNMARKED POINT

EDGE OF GRAVEL ROAD



THE RIGHT-OF-WAY LIMITS OF TOWN HIGHWAY No. 9 POST FARM RD. ARE

ASSUMED TO BE 1 1/2 RODS (24.75') FROM AND PARALLEL TO THE EXISTING

ROAD CENTERLINES.

PERRY W. HODGDON TRUST AND CAROL S. HODGDON TRUST

SURVEYED BY:

DRAFTED BY:

CHECKED BY:

LMG

URP

LMG

200 FEET

FILE No. A 10 - 382R