

CERTIFICATE OF HIGHWAY MILEAGE year ending FEB. 10, 1998

Fill out form, make & file COPY with the Town Clerk, & mail ORIGINAL before Feb. 20, 1998 to:  
Vt. Agency of Transportation, Planning Dept., 133 State Street, Montpelier, Vt. 05633.

We, the Selectmen or Trustees or Aldermen of ARLINGTON, BENNINGTON COUNTY  
on an oath state that the mileage of highways, according to Title 19, V.S.A., Sec#305, added  
1985, is as follows:

PART I - CHANGES & TOTALS - Please fill in and calculate totals. DISTRICT 1

TOWN HIGHWAYS	PREVIOUS MILEAGE	ADDED MILEAGE	SUBTRACTED MILEAGE	TOTAL	* SCENIC HIGHWAYS
CLASS 1	.000				*
* CL1 LANE	.000				*
CLASS 2	7.910	.00	.00	7.910	* .00
CLASS 3	26.110	<del>.510</del> <del>.509</del>	.01	<del>26.610</del> <del>26.609</del>	* .00
STATE HWY	14.047	.00	.00	14.047	*
TOTAL	48.067	<del>.510</del> <del>.509</del>	.01	<del>48.567</del> <del>48.566</del>	* .00
CLASS 4	1.930	.00	.00	1.930	* .00

\* Class 1 Lane Mileage is NOT added into the total.

PART II - INFORMATION & DESCRIPTION OF CHANGES SHOWN ABOVE.

- (1) NEW HIGHWAYS: Please attach Selectmen's "Certificate of Completion and Opening".  
Please see attachments A and B for T.H. #29,64 and 65
- (2) DISCONTINUED: Please attach SIGNED copy of proceedings(minutes of meeting).  
Please see attachemnt A for T.H. #29
- (3) RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings(minutes of meetings).
- (4) SCENIC HIGHWAYS: Please attach copy of order designating/discontinuing Scenic Highways.

PART II - CHECK BOX IF NO CHANGES IN MILEAGES AND SIGN BELOW [ ]

PART III - SIGNATURES - PLEASE SIGN  
SELECTMEN/ALDERMEN/TRUSTEES  
SIGNATURES:

*David Squires*  
*Richard D. King*  
*Richard Boyd*

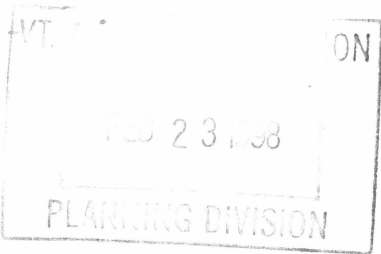
CLERK SIGNATURE: *Joyce C. Wyman*  
Please sign ORIGINAL & return for Transportation signature.

DATE FILED *2/18/98*

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

APPROVED: *Donald C. Harvey*  
Representative, Agency of Transportation

DATE: *3/2/98*



SCHEDULE B

T.H. #65 BIRCH GROVE  
T.H. #66 WALNUT COURT

CERTIFICATE OF COMPLETION AND OPENING  
OF A HIGHWAY FOR PUBLIC TRAVEL

Joyce P. Wyman, \_\_\_\_\_ Town \_\_\_\_\_ Clerk of the Town \_\_\_\_\_  
of \_\_\_\_\_ Arlington \_\_\_\_\_, Vermont.

Pursuant to Title 19, V.S.A., Section 15, as amended 1973, this is to certify that the following described section of Class 3 Highway in the Town \_\_\_\_\_ of \_\_\_\_\_ Arlington \_\_\_\_\_ was COMPLETED AND OPEN FOR PUBLIC TRAVEL ON July 28, 1997.

DESCRIPTION OF RIGHT-OF-WAY: Beginning

SEE ATTACHED SCHEDULE B

and as shown on a Highway Map of the Town \_\_\_\_\_ of \_\_\_\_\_ Arlington \_\_\_\_\_, dated \_\_\_\_\_, 1986, and filed in Book 84 on page 185 of the Records of the Town \_\_\_\_\_ of \_\_\_\_\_ Arlington \_\_\_\_\_ by the \_\_\_\_\_ Town \_\_\_\_\_ Clerk of said \_\_\_\_\_ Town \_\_\_\_\_ incorporated herein by reference and attested to on said map by said \_\_\_\_\_ Town \_\_\_\_\_ Clerk.

Dated at \_\_\_\_\_ Arlington \_\_\_\_\_, County of \_\_\_\_\_ Bennington \_\_\_\_\_ And State of Vermont, this 5 day of Sept., A.D., 1997.

Keith Lewis  
Richard A. King  
Kathryn Doyle

BOARD  
OF  
SELECTMEN  
ALDERMEN  
TRUSTEES

and the MAYOR of the City of \_\_\_\_\_.

\*\*\*\*\*

Arlington, VERMONT  
February 18, 1998.

THE ABOVE IS A TRUE COPY OF THE DESCRIPTION OF CLASS 3 HIGHWAY COMPLETED AND OPENED FOR PUBLIC TRAVEL RECORDED IN BOOK 84 ON PAGE 185 OF THE Arlington RECORDS OF THE Town OF Arlington ON THE 5 DAY OF September, 1997, AT 10:45 O'CLOCK, A.M.

ATTEST: Joyce P. Wyman  
Town Clerk of Arlington, VERMONT

5  
MALLY CORPORATION )  
to ) WARRANTY DEED OF DEDICATION  
TOWN OF ARLINGTON, VERMONT ) OF HIGHWAY FOR PUBLIC USE  
) AND ACCEPTANCE  
)

KNOW ALL PEOPLE BY THESE PRESENTS:

That MALLY CORPORATION, a Vermont Corporation with an office at Arlington, in the County of Bennington, State of Vermont, in consideration of One Dollar (\$1.00) and other good and valuable considerations, paid to its full satisfaction by the TOWN OF ARLINGTON, VERMONT, a municipality organized and existing by virtue of the laws of the State of Vermont, and being situated in the County of Bennington and State of Vermont, Grantee, GIVES, GRANTS, SELLS and CONFIRMS unto the said TOWN OF ARLINGTON, VERMONT, all interest which MALLY CORPORATION, and its successors and assigns, has in and to a certain piece of land over which presently runs a private roadway.

Meaning to convey a parcel of land upon which two (2) roadways and two (2) cul-de-sac areas are located in Arlington, Vermont, the same being southerly of Ball Mountain Road. The roadway being conveyed is a minimum of fifty (50) feet in width and leads southwesterly from Ball Mountain Road through lands of the Grantor.

Said parcel of land being conveyed for roadway purposes is more particularly described as follows:

Commencing at a bend point which is situated in the southerly highway right-of-way limits of Ball Mountain Road, Arlington Town Highway No. 12, which bend point is situated in the westerly limits of the private right-of-way herewith being dedicated to the Town of Arlington for public highway purposes and uses, said bend point also marking an easterly corner of Lot No. 14 in the MALLY CORPORATION Subdivision; thence, from the point and place beginning along the easterly and southeasterly boundary of said Lot No. 14, the following eight (8) courses and distances:

1. A curve to the right having a delta angle of  $154^{\circ} 55' 40''$ , a radius of 23.43 feet, an arc length of 63.36 feet, a tangent of 105.38 feet, a chord of 45.75 feet, and a chord bearing of south  $1^{\circ} 08' 05''$  west to a bend point;
2. South  $78^{\circ} 35' 54''$  west a distance of 87 feet to a bend point;
3. On a curve to the left having a delta angle of  $42^{\circ} 45' 01''$ , a radius of 315 feet, an arc length of 235.03 feet, a tangent of 123.29 feet, a chord of 229.62 feet and a chord bearing of south  $57^{\circ} 13' 24''$  west to a bend point;

4. South 35° 50' 54" west a distance of 135.72 feet to a bend point;
5. On a curve to the left having a delta angle of 15° 54' 35", a radius of 665.03 feet, an arc length of 184.66 feet, a tangent of 92.93 feet, a chord of 184.07 feet and a chord bearing of south 27° 53' 36" west to a bend point;
6. South 19° 56' 19" west a distance of a 117.11 feet to a bend point;
7. South 13° 40' 15" west a distance of 41.97 feet to a bend point;
8. On a curve to the right having a delta angle of 48° 10' 53", a radius of 260 feet, a tangent of 116.25 feet, a chord of 212.26 feet and an arc length of 218.64 feet to an iron pipe set to mark the most southerly corner of said Lot No. 14 and the southeasterly corner of Lot No. 13 in the MALLY CORPORATION Subdivision;

Thence along the southerly boundary of said Lot No. 13, the following two (2) courses and distances:

1. On a curve to the right having a delta angle of 27° 49' 07", a radius of 260 feet, a tangent of 64.39 feet, a chord of 125 feet and an arc length of 126.24 feet to an iron rod set;
2. South 89° 40' 15" west a distance of 30 feet to an iron rod set to mark the southwesterly corner of said Lot No. 13 and the southeasterly corner of Lot No. 12 in the MALLY CORPORATION Subdivision;

Thence south 89° 40' 15" west along the southerly boundary of said Lot No. 12, a distance of 135 feet to an iron rod set to mark the southwesterly corner of said Lot No. 12 and the southeasterly corner of Lot No. 11 in the MALLY CORPORATION Subdivision;

Thence along the southerly boundary of said Lot No. 11, the following two (2) courses and distances:

1. South 89° 40' 15" west a distance of 105.10 feet to an iron rod set;



- 185-2
2. On a curve to the right having a delta angle of  $60^{\circ} 00' 00''$ , a radius of 50 feet, a tangent of 28.87 feet, a chord of 50 feet, and an arc length of 52.36 feet to an iron rod set to mark the southwesterly corner of said Lot No. 11 and a southeasterly corner of Lot No. 10 in the MALLY CORPORATION Subdivision;

Thence along the southerly boundary of said Lot No. 10 on the edge of a cul-de-sac with a curve to the left, having a delta angle of  $109^{\circ} 50' 20''$ , a radius of 100 feet, a tangent of 142.39 feet, a chord of 163.67 feet, an arc length of 191.70 feet to an iron rod set to mark a corner of said Lot No. 10 and the northeasterly corner of Lot No. 9 in the MALLY CORPORATION Subdivision;

Thence along the easterly boundary of said Lot No. 9 on the edge of a cul-de-sac on a curve to the left having a delta angle of  $57^{\circ} 17' 45''$ , a radius of 100 feet, a tangent of 54.63 feet, a chord of 95.89 feet, and an arc length of 100 feet to an iron rod set to mark the southeasterly corner of said Lot No. 9 and the northeasterly corner of Lot No. 8 in the MALLY CORPORATION Subdivision;

Thence along the northwesterly boundary of said Lot No. 8 on the edge of a cul-de-sac on a curve to the left having a delta angle  $57^{\circ} 17' 45''$ , a radius of 100 feet, a tangent of 54.63 feet, a chord of 95.89 feet, and an arc length of 100 feet to an iron rod set to mark the easternmost corner of said Lot No. 8 and the northwesterly corner of Lot No. 7 in the MALLY CORPORATION Subdivision;

Thence along the northern boundary of said Lot No. 7 on the edge of a cul-de-sac on a curve to the left having a delta angle of  $75^{\circ} 34' 11''$ , a radius of 100 feet, a tangent of 77.53 feet, a chord of 122.54 feet, and an arc length of 131.89 feet, to an iron rod set to mark the northeasterly corner of said Lot No. 7 and the northwesterly corner of Lot No. 6 in the MALLY CORPORATION Subdivision;

Thence along the northerly boundary of said Lot No. 6 the following two (2) courses and distances:

1. On a curve to the right along the northerly boundary of said Lot No. 6 which curve has a delta angle of  $60^{\circ} 00' 00''$ , a radius of 50 feet, a tangent of 28.87 feet, a chord of 50 feet, and an arc length of 52.36 feet to an iron rod set;
2. Continuing along the northerly boundary of said Lot No. 6 on a course of north  $89^{\circ} 40' 15''$  east a distance of 130.10 feet to an iron

rod set to mark the northeasterly corner of said Lot No. 6 and the northwesterly corner of Lot No. 5 in the MALLY CORPORATION Subdivision;

Thence along the northerly boundary of said Lot No. 5 the following two (2) courses and distances:

1. On a course of north 89° 40' 15" east a distance of 140 feet to an iron rod set;
2. On a curve to the left, having a delta angle of 23° 15' 45", a radius of 310 feet, a tangent of 63.81 feet, a chord of 125 feet and an arc length of 125.86 feet to an iron rod set, which marks the northeasterly corner of said Lot No. 5 and a northwesterly corner of Lot No. 4 in the MALLY CORPORATION Subdivision;

Thence along the northwesterly and northerly boundary of said Lot No. 4, the following three (3) courses and distances:

1. On a curve to the left with a delta angle of 48° 06' 42", a radius of 310 feet, a tangent of 138.38 feet, a chord of 252.73 feet and an arc length of 260.31 feet to a bend point, which marks the most northerly corner of said Lot No. 4 and is in the southerly limits of a short private road leading easterly to a cul-de-sac;
2. Continuing along the northerly boundary of said Lot No. 4 on a course of south 76° 19' 45" east a distance of 76.01 feet to an iron rod set;
3. On a curve to the left having a delta angle of 10° 13' 29", a radius of 505 feet, a tangent of 45.18 feet, a chord of 90 feet and an arc length of 90.12 feet to an iron rod set which marks the northeasterly corner of said Lot No. 4 and the northwesterly corner of Lot No. 3 in the MALLY CORPORATION Subdivision;

Thence along the northerly boundary of said Lot No. 3, the following three (3) courses and distances:

1. On a curve to the left having a delta angle of 19° 58' 06", a radius of 431.93 feet, an arc length of 150.54 feet, a tangent of 76.04 feet, a chord of 149.77 feet and a chord

185-4  
bearing of north  $83^{\circ} 27' 43''$  east to a bend point;

2. Continuing along the northerly boundary of Lot No. 3 on a course of north  $73^{\circ} 28' 40''$  east a distance of 41.19 feet to a bend point;
3. On a curve to the right having a delta angle of  $04^{\circ} 04' 19''$ , a radius of 463 feet, an arc length of 32.90 feet, a tangent of 16.46 feet, a chord of 32.90 feet, and a chord bearing of north  $75^{\circ} 30' 49''$  east to a iron rod set, which marks the northeasterly corner of said Lot No. 3 and the northwesterly corner of Lot No. 2 in the MALLY CORPORATION Subdivision;

Thence along the northerly boundary of said Lot No. 2, the following two (2) courses and distances:

1. On a curve to the right having a delta angle of  $14^{\circ} 09' 20''$ , a radius of 463 feet, an arc length of 114.39 feet, a tangent of 57.49 feet, a chord of 114.10 feet, and a chord bearing of north  $84^{\circ} 37' 39''$  east to a bend point which is located in the circumference of a cul-de-sac having a radius of 50 feet;
2. On a curve to the left on the circumference of said cul-de-sac along the northerly boundary of said Lot No. 2, which curve has a delta angle of  $114^{\circ} 34' 22''$ , a radius of 50 feet, an arc length of 99.98 feet, a tangent of 77.84 feet, a chord of 84.14 feet, and a chord bearing of south  $82^{\circ} 56' 11''$  east to an iron rod set to mark the northeasterly corner of said Lot No. 2 and a westerly corner of Lot No. 1 in the MALLY CORPORATION Subdivision;

Thence on a curve to the left along the circumference of the cul-de-sac following the westerly boundary of said Lot No. 1, which curve has a delta angle of  $131^{\circ} 14' 56''$ , a radius of 50 feet, an arc length of 114.54 feet, a tangent of 110.35 feet, a chord of 91.09 feet, and a chord bearing of north  $25^{\circ} 50' 50''$  west to an iron rod set to mark a westerly corner of said Lot No. 1 and the southeasterly corner of Lot No. 17 in the MALLY CORPORATION Subdivision;

Thence along the southerly boundary of said Lot No. 17, the following two (2) courses and distances:

1. On a curve to the left along the circumference of the cul-de-sac, which curve has a delta

angle of  $54^{\circ} 06' 47''$ , a radius of 50 feet, an arc length of 47.22 feet, a tangent of 25.54 feet, a chord of 45.49 feet, and a chord bearing of south  $61^{\circ} 28' 19''$  west to a bend point;

2. On a curve to the left, which curve has a delta angle of  $07^{\circ} 32' 56''$ , a radius of 513 feet, an arc length of 67.59 feet, a tangent of 33.84 feet, a chord of 67.54 feet, and a chord bearing of south  $88^{\circ} 11' 31''$  west to an iron rod set, to mark the southwesterly corner of said Lot No. 17 and the southeasterly corner of Lot No. 16 of the MALLY CORPORATION subdivision;

Thence along the southerly boundary of Lot No. 16 on a curve to the left, having a delta angle of  $10^{\circ} 01' 51''$ , a radius of 513 feet, an arc length of 89.81 feet, a tangent of 45.02 feet, a chord of 89.70 feet, and a chord bearing of south  $79^{\circ} 24' 07''$  west to an iron rod set to mark the southwesterly corner of said Lot No. 16 and the southeasterly corner of Lot No. 15 of the MALLY CORPORATION Subdivision;

Thence along the southerly and westerly boundaries of said Lot No. 15, the following nine (9) courses and distances:

1. On a curve to the left having a delta angle of  $00^{\circ} 54' 32''$ , a radius of 513.00 feet, an arc length of 8.14 feet, a tangent of 4.07 feet, a chord of 8.14 feet, and a chord bearing of south  $73^{\circ} 55' 55''$  west to a bend point;
2. Along the southerly boundary of Lot #15 on a course of south  $73^{\circ} 28' 40''$  west a distance of 41.19 feet to a bend point;
3. On a curve to the right, having a delta angle of  $19^{\circ} 58' 07''$ , a radius of 381.93 feet, an arc length of 133.11 feet, a tangent of 67.24 feet, a chord of 132.44 feet, and a chord bearing of south  $83^{\circ} 27' 43''$  west to a bend point;
4. On a curve to the right having a delta angle of  $10^{\circ} 13' 29''$ , a radius of 455 feet, an arc length of 81.20 feet, a tangent of 40.71 feet, a chord of 81.09 feet, and a chord bearing of north  $81^{\circ} 26' 30''$  west to a bend point;
5. On a course of north  $76^{\circ} 19' 45''$  west a distance of 25 feet to a bend point;



- 5-6
6. On a course of north  $55^{\circ} 45' 30''$  west a distance of 52.90 feet to a bend point;
  7. Along the westerly boundary of said Lot No. 15 on a course of north  $19^{\circ} 56' 19''$  east a distance of 110 feet to a bend point;
  8. On a curve to the right having a delta angle of  $15^{\circ} 54' 35''$ , a radius of 615.03 feet, an arc length of 170.78 feet, a tangent of 85.94 feet, a chord of 170.23 feet, and a chord bearing of north  $27^{\circ} 53' 36''$  east to a bend point;
  9. On a course of north  $35^{\circ} 50' 54''$  east a distance of 10.45 feet to an iron rod set, which marks the northerly corner of said Lot No. 15 and the westerly corner of Lot No. 16 in the MALLY CORPORATION Subdivision;

Thence along the northwesterly boundary of said Lot No. 16, the following two (2) courses and distances:

1. North  $35^{\circ} 50' 54''$  east a distance of 125.27 feet to a bend point;
2. On a curve to the right having a delta angle of  $32^{\circ} 28' 10''$ , a radius of 265 feet, an arc length of 150.18 feet, a tangent of 77.16 feet, a chord of 148.18 feet, and a chord bearing of north  $52^{\circ} 04' 59''$  east to an iron rod set to mark the most northerly corner of Lot No. 16 and the northwesterly corner of Lot No. 17 in the MALLY CORPORATION Subdivision;

Thence along the northerly boundary of said Lot No. 17, the following three (3) courses and distances:

1. On a curve to the right having a delta angle of  $10^{\circ} 16' 50''$ , a radius of 265 feet, an arc length of 47.55 feet, a tangent of 23.84 feet, a chord distance of 47.49 feet and a chord bearing of north  $73^{\circ} 27' 29''$  east to a bend point;
2. North  $78^{\circ} 35' 54''$  east a distance of 87 feet to a bend point;
3. On a curve to the left having a delta angle of  $11^{\circ} 51' 02''$ , a radius of 150 feet, an arc length of 31.02 feet, a tangent of 15.57 feet, a chord length of 30.97 feet, and a chord

bearing of north 72° 40' 23" east to a iron rod set to mark the northeasterly corner of said Lot No. 17 and the northwesterly corner of Lot No. 18 in the MALLY CORPORATION Subdivision;

Thence along the northwesterly boundary of said Lot No. 18 on a curve to the left having a delta angle of 36° 47' 09", a radius of 150 feet, an arc length of 96.31 feet, a tangent of 49.88 feet, a chord distance of 94.66 feet, and a chord bearing of north 48° 21' 18" east to a bend point, which marks a northwesterly corner of said Lot No. 18 and which bend point is situated in the southerly highway right-of-way limits of Ball Mountain Road, Town Highway No. 12; thence along the southerly highway right-of-way limits of said Ball Mountain Road on a curve to the right having a delta angle of 11° 41' 49", a radius of 185 feet, an arc length of 37.77 feet, a tangent of 18.95 feet, a chord of 37.70 feet, and a chord bearing of north 82° 10' 39" west to a bend point; thence continuing along the southerly highway right-of-way limits of said Ball Mountain Road on a course of north 76° 19' 45" west a distance of 74.02 feet to the point and place of beginning.

Said lands are conveyed subject to all easements of record to Central Vermont Public Service Corporation and New England Telephone Company for poles and above ground and underground service lines to the subdivision.

Heretofore, the Grantor has conveyed rights of way for ingress and egress over said roadway as appurtenant to Lots previously conveyed in the MALLY CORPORATION Subdivision, so-called, as follows:

- (a) A right of way appurtenant to Lot No. 4, conveyed to Keith C. Nusbaum and Margaret F. Nusbaum, in a deed dated September 16, 1988, recorded in Volume 58, Pages 402-406 Arlington Land Records;
- (b) A right of way appurtenant to Lot No. 5, conveyed to Eugene Y. Shen, in a deed dated October 12, 1988 and recorded in Volume 58 at Pages 538-541 of the Arlington Land Records;
- (c) A right of way appurtenant to Lot No. 7, conveyed to Richard L. Coss and Patricia K. Coss, in a deed dated September 18, 1992 and recorded in Volume 69 at Page 396 of the Arlington Land Records;
- (d) A right of way appurtenant to Lot No. 6, conveyed to Sara E. Hatcher, in a deed dated July 15, 1997, which deed has been left for recording with the Arlington Town Clerk.

Said parcel is a portion of the lands conveyed to Mally

Corporation by a Warranty Deed of Bertha Garrecht dated August 28, 1986 and recorded in Volume 53 at Pages 406-408 of the Arlington Land Records.

The above description was prepared from a plan entitled "Subdivision Survey prepared for MALLY CORPORATION, Ball Mountain Road, Arlington", Vermont, dated October 20, 1987, revised 7/11/89, 9/30/92, 9/23/96, and 8/4/97 by Larry J. Parks, Registered Land Surveyor.

The purpose of this instrument is to dedicate to the public and to the Town of Arlington, Vermont said lands for the purpose of establishing a town highway for the use of the general public and the owners of the parcels of land within the tract and with the further purpose of making the parcel hereinbefore mentioned available for such other incidental use as the public necessity may require.


TO HAVE AND TO HOLD said granted premises, with the appurtenances thereof, to the said TOWN OF ARLINGTON, VERMONT, its successors and assigns, to their own use and behoof forever; and FURTHERMORE, it, the Grantor, MALLY CORPORATION, for itself, and its successors and assigns, does covenant with the said Grantee, the TOWN OF ARLINGTON, VERMONT, its successors and assigns, that until the ensembling of these presents, Grantor is the sole owner of the premises and has good right and title to convey the same in manner aforesaid, that they are FREE FROM EVERY ENCUMBRANCE, except as set forth hereinabove, and Grantor hereby engages to WARRANT and DEFEND the same against all lawful claims whatever; and from this date forward, Grantor will have and claim no right in and to the said premises, except as a member of the general public, and the Grantor, its successors and assigns, will have the right to traverse said lands and premises for ingress and egress to and from all other lands in the immediate vicinity thereof owned by said MALLY CORPORATION; and Grantor, its successors and assigns, shall have the right to install and connect driveways leading from said town highway to other lands owned by Grantor and the remaining lots in the MALLY CORPORATION Subdivision.

IN WITNESS WHEREOF, Mally Corporation has caused these presents to be executed by the hand of Norman J. Mattison, Sr., President and its duly authorized agent, this 2nd day of September, 1997.

In Presence of:

MALLY CORPORATION

  
Witness

 L.S.  
Its Duly Authorized Agent

STATE OF VERMONT  
BENNINGTON COUNTY, SS.

At Arlington, County of Bennington, this 2nd day of September 1997, Norman J. Mattison, Sr., President and Duly Authorized Agent of Mally Corporation, personally appeared, and he acknowledged this instrument, by him sealed and subscribed, to be his free act and deed and the free act and deed of the Mally Corporation.

Before me, *Norman J. Mattison, Sr.*  
Notary Public  
My Commission Expires: 2/10/99

C:\TPW\DEEDS\MALLY.HWY

ARLINGTON TOWN CLERK'S OFFICE  
RECEIVED FOR RECORD  
THIS 5 DAY OF September A.D. 19 97  
AT 10:45 O'CLOCK 10 A.M AND RECORDED  
IN ARLINGTON LAND RECORDS BOOK 84 PAGE 185  
ATTEST: *Meryl A. Wyman* TOWN CLERK



MINUTES FOR A SELECTBOARD MEETING

Office of Selectboard  
July 28, 1997  
7:00 P.M.

SELECTBOARD PRESENT: Keith Squires, Richard King, Kathy Doyle, Daniel Harvey.

PUBLIC PRESENT: Joe O'Dea and Gary Forrest for parts of the meeting and Gib Wilcox for much of the evening.

MEETING CALLED TO ORDER: Keith Squires called the meeting to order at 7:00 P.M.

MINUTES FOR THE MEETING OF JULY 14, 1997: The motion was made by Daniel Harvey to accept the minutes as printed. This motion was seconded by Kathy Doyle and so voted by all agreeing to the motion.


HIGHWAY REPORT: In the absence of Gary Weller, Keith Squires reported that during the past week one man was on vacation, road side mowing is being done, washouts due to heavy rains have been taken care of and this week with all of the crew back, work is continuing on Buck Hill.

Keith reported that the sign for School Street has been taken down and a new one is to be ordered.

MOTION TO GO INTO EXECUTIVE SESSION: The motion was made by Richard King to go into executive session with Attorney Joseph O'Dea to discuss a possible litigation. This motion was seconded by Daniel Harvey and so voted.

MEETING REOPENS:

DISCUSSION WITH JOE O'DEA IN REGARD TO BRIDGE 22: Keith said that bridge #22 is a historic bridge and the state of Vermont will take it over, repair it and take on all liability. The question is, do we need to go through a discontinuance procedure? Joe suggested that the bridge be deeded over to the State but he will look up the details as to the process and get back to the Board.

 ✓ CONCLUSION TO THE DISCUSSION OF THE NUSBAUM DRIVE: Keith reported that the drive way has been moved, it appears to be located appropriately and as requested some trees have been placed to block off the old drive. It was said that if in the future the trees do not seem to be doing the job of blocking off the old drive then the town, with permission from the land owner, would go in and put in guard rails and or large rocks to make a more permanent closing off of the old driveway. The motion was made by Daniel Harvey to accept the changes made by Nusbaum on his drive. The motion was seconded by Dick King and so approved by all members of the Board. Joe O'Dea will be notified to prepare the deed to accept Birch Grove and Walnut Court as a part of the town highway.

MINUTES FOR A SELECTBOARD MEETING

Office of Selectboard  
July 14, 1997  
7:00 P.M.

SELECTBOARD PRESENT: Keith Squires, Lawrence Molloy, Kathy Doyle, Richard King and Daniel Harvey

PUBLIC PRESENT: Gary Weller and Linda Crosby.


MEETING CALLED TO ORDER: Keith Squires called the meeting to order at 7:00 P.M..

MINUTES FOR THE MEETING OF JUNE 30, 1997: The motion was made by Kathy Doyle to accept the minutes as printed. This motion was seconded by Lawrence Molloy and so approved by all.

HIGHWAY REPORT: Gary Weller reported that work on Buck Hill has taken most of the time in the last two weeks. The work crew have about two weeks more before this project is finished. It seems that a manhole will have to be replaced on the East Arlington Road. Due to the absence of both helpers (one out with an injury the other on vacation) Gary said that he needed another worker for a few hours to assist in the work on Buck Hill. His son, Tim, was hired at \$7.50 per hour for 15 1/2 hours.

Mowing of the roadside has started according to Gary.

SET THE TAX RATE: Linda Crosby was present and presented the figures necessary to set the tax rate for 1997. Larry Molloy made the motion to set the tax rate at \$1.74 per hundred, the school tax being \$1.53 and the town tax \$.21. This motion was seconded by Kathy Doyle and so voted by all giving their approval. This tax reflects the Current Use Program (Hold Harmless) and the increase in school aid.

 UPDATE ON NUSBAUM'S DRIVE: Keith reported that the new drive is complete and looks to be satisfactory. The old drive is currently sealed off with a log. This is not satisfactory, there should be a permanent blocking off. Keith suggests a row of trees. It was determined that as a condition of taking over the road, Birch Grove, it shall be stated that the old drive never be used as a driveway. It is assumed that a satisfactory permanent close off of the drive will take place very soon at which time the town will be in a position to take over the road.

SOUTH ARLINGTON ROAD: Keith reported that this road appears to be almost complete but everything seems to have come to a standstill. The road looks finished, the berm is in, the trees are in but dead, but the slope has not been seeded. Larry said that Tom Williams wants to be notified when the public hearing is held.

OLD WEST ROAD AND FARM ROAD: Larry reported that Mr. Brumaghim was

PUBLIC HEARING AND BOARD OF SELECTMEN'S MEETING

Office of Selectmen  
October 21, 1996  
6:45 P.M.

PUBLIC HEARING FOR THE POSSIBLE TAKE OVER OF BIRCH GROVE ROAD.

SELECTMEN PRESENT: Clarence Curtis, Keith Squires, Lawrence Molloy, Richard King and Daniel Harvey.

PUBLIC PRESENT: Norman Mattison, Dave Durrell, Keith Nesbaum.

MEETING CALLED TO ORDER: Clarence Curtis called the hearing to order at 6:47 P.M.. He said that this hearing was warned for the possibility of taking over BIRCH Grove Road. He said that the Selectmen walked the road on October 7, 1996.

It was pointed out that there are concerns over the take over. These concerns are:

1. Keith Nesbaum's driveway. It is to be written into the deed that the owner of that property will forever be responsible should an accident occur because of the driveway. A letter to this effect is in the file.
2. The town will do minor grading at the entrance to the Birch Grove Road from Bald Mountain Road.
3. The right of way relating to the underground power lines. This also to be written into the deed.
4. Reflectors to go on the culvert posts. Norman said that this had been done.

Mr. Durrell said that Attorney Joseph O'Dea has the deed to look over and check out to see if all is as agreed. He also gave a mylar of the property to the Board of Selectmen. This to filed in the office of the Town Clerk.

Keith Squires said that a second road has to be named. This is the spur off from Birch Grove, near the Nesbaum property. Mr. Neusbaum suggested that it be named Walnut Court. The Board went along with this and asked that this be put into a letter to the Selectmen.

Norman asked about the road to the Coss property? When the town grades it will work on leveling it off but there the responsibility of the Town ends. This is a one shot deal.

The hearing adjourned at 7:00 P.M.


MINUTES FOR THE BOARD OF SELECTMEN'S MEETING

SELECTMEN PRESENT: Clarence Curtis, Keith Squires, Richard King, Lawrence Molloy and Daniel Harvey.

PUBLIC PRESENT: Dick Coss and Richard Keough.



MEETING CALLED TO ORDER: Clarence Curtis called this meeting to order at 7:01. P.M.

 ✓ The motion was made by Lawrence Molloy to accept Birch Grove Road and Walnut Court as town roads. This motion was seconded by Richard King. It was said that the Nusbaum drive does not meet specifications. Clarence is to contact Joe over this matter. The motion was seconded by Richard King and approved by all voting yes.

MINUTES FOR THE MEETING OF SEPTEMBER 23, 1996 AND THE WALK THROUGH OF BIRCH GROVE ROAD ON OCTOBER 7, 1996: The motion was made by Lawrence Molloy to accept these minutes as printed. Motion seconded by Keith Squires. Approved by all.

HIGHWAY REPORT: Clarence Curtis inquired if the 911 signs have been ordered? It appears that so and they are to be picked up this week when Gary Weller goes to Rutland. They will be set into place whenever there is time to do so.

In the absence of Gary Weller Keith Squires reported that most of the roads have been graded. At present the crew is patching on the blacktopped roads. Mike Hall's "hot box" is being used and there is a rental fee of perhaps \$75.00 per day. The box will be in use for several days. Keith said that Butternut Gutter Culvert & Bridge project is complete. The mudslide looks good but another layer of plank is needed on the top. Keith also reported that the present owner of the house formerly owned by Phil Elwell and before that Harlan Miller, has had a major reshaping in the back yard and has pushed up a berm. The problem seems to be that a large accumulation of snow is likely to drift onto Warm Brook Road. This is outside of the town right of way but if a major problem develops it will have to be faced then. Keith said that the owner is talking of putting up a buffer of trees. If this happens most of the possible problem will be solved. Keith said that during the loading and unloading of the bulldozer doing the work there that damage had been done to the town blacktopped road. Keith said that he spoke to the equipment operator and warned him that greater care is needed in the unloading and loading of his equipment. Clarence said that today he had checked with Joe O'Dea who will get on to writing the ordinance that may prevent large equipment damaging town roads.

Keith said that Tim Baker had contacted him and gave a price for picking up and delivering the tires back to Burlington. The cost would be about \$6.00 per yard and there are about 1000 yards. Therefore the cost would be about \$6,000.00 and the town would load the trucks. Mitthoffer would charge \$7.00 per ton to move the tires and Casella \$6.00. The motion was made by Lawrence Molloy to contact Baker for a formal proposal. This motion was seconded by Dick King and so moved. It was pointed out that the State recommended too much of the rubber and now will not help in its disposal. There is about \$3000.00 left in the mudslide account.





SCHEDULE A

#29

FEB 23 1998

NOTE OF EXPLANATION

TOWN H.W. #29 IS A CLASS 3 HIGHWAY AND A REDUCTION OF .01 MILES RESULTED BECAUSE OF A RELOCATION OF A SECTION OF THIS ROAD. DISCONTINUANCE OF .29 MILES AND ACCEPTANCE OF .28 MILES RESULTED IN A LOSS OF .01 MILES.

OPENING  
LEVEL

PLANNING DIVISION

Clerk of the Town

as amended 1973, this is to certify that the following described section of Class 3 Highway in the Town of Arlington was COMPLETED AND OPEN FOR PUBLIC TRAVEL ON November 21, 1997.

DESCRIPTION OF RIGHT-OF-WAY: Beginning

See attached Schedule A

and as shown on a Highway Map of the Town of Arlington, dated \_\_\_\_\_, 1986, and filed in Book 85 on page 99 of the Records of the Town of Arlington by the Town Clerk of said Town incorporated herein by reference and attested to on said map by said Town Clerk.

Dated at Arlington, County of Bennington And State of Vermont, this 3rd day of November, A.D., 1997.

Keith Squires  
Richard C. King  
Kathryn Doyle

BOARD  
OF  
SELECTMEN  
ALDERMEN  
TRUSTEES

and the MAYOR of the City of \_\_\_\_\_.

\*\*\*\*\*

Arlington, VERMONT  
February 18, 1998.

THE ABOVE IS A TRUE COPY OF THE DESCRIPTION OF CLASS 3 HIGHWAY COMPLETED AND OPENED FOR PUBLIC TRAVEL, RECORDED IN BOOK 85 ON PAGE 99 OF THE LAND RECORDS OF THE Town OF Arlington ON THE 21 DAY OF November, 1997, AT 11:30 O'CLOCK, A.M.

ATTEST: Joyce A. Wyman  
Tom CLERK OF Arlington, VERMONT

**WARRANTY DEED OF DEDICATION OF SECTION  
OF HIGHWAY 29 FOR PUBLIC USE**

KNOW ALL PEOPLE BY THESE PRESENTS, That we, J. EUGENE PHIPPS and NANCY P. PHIPPS of Arlington, in the County of Bennington and State of Vermont, Grantors, in consideration of one (\$1.00) dollar and other good and valuable considerations, paid to our full satisfaction by the TOWN OF ARLINGTON, VERMONT, a municipality organized and existing by virtue of the laws of the State of Vermont, and being situated in the County of Bennington, and State of Vermont, Grantee, by these presents, do freely GIVE, GRANT, SELL, CONVEY AND CONFIRM unto the said Grantee, the said TOWN OF ARLINGTON, VERMONT, all interest which we, J. EUGENE PHIPPS and NANCY P. PHIPPS, our heirs and assigns, have in and to certain lands and premises over which presently runs a new section of Town Highway 29. Said parcel of land being conveyed for roadway purposes is more particularly described as follows:

Commencing at a point in the New York-Vermont State line, said point being the POINT OF BEGINNING; said point being N 3°14'00" E, a distance of 46.99' from Monument #42 on the said State line; thence S 81°33'22" E, a distance of 147.17'; thence S 85°25'00" E, a distance of 120.83' to the point of curvature of a tangent curve, concave to the south, having a radius of 390.00' and a central angle of 18°04'28"; thence easterly along said curve, a distance of 123.03'; thence S 67°20'32" E, a distance of 344.57'; thence S 71°33'30" E, a distance of 125.84' to the point of curvature of a tangent curve, concave to the north, having a radius of 1499.98' and a central angle of 10°22'44"; thence easterly along said curve, a distance of 271.71'; thence S 81°56'15" E, a distance of 150.83' to the point of curvature of a tangent curve, concave to the north, having a radius of 480.02' and a central angle of 21°39'45"; thence easterly along said curve, a distance of 181.49' to the POINT OF ENDING at the intersection with the existing highway.

The above description was taken from a survey entitled "Proposed Black Hole Hollow Road Relocation Survey, Prepared for J. Eugene and Nancy P. Phipps, Black Hole Hollow, Arlington, Vermont", dated June 5, 1997, and revised June 23, 1997, and October 15, 1997, by Larry J. Parks, Registered Land Surveyor.

Said parcel is a portion of the lands conveyed to J. EUGENE PHIPPS and NANCY P. PHIPPS by Warranty Deed of NUALA O'DONNELL PELL dated May 30, 1996 and recorded on July 9, 1996 in Book 81, Page 170 of the Arlington Land Records.

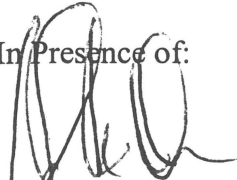
Grantors acknowledge that they, their heirs, executors and assigns, shall be responsible for the maintenance and repair of the 30 inch culvert located on the south side of the new section of road approximately 350 feet west from its eastern terminus, which culvert drains under Grantors' berm.

The purpose of this instrument is to dedicate to the public and the Town of Arlington, Vermont, said lands over which the newly modified portion of Town Highway 29 now runs.

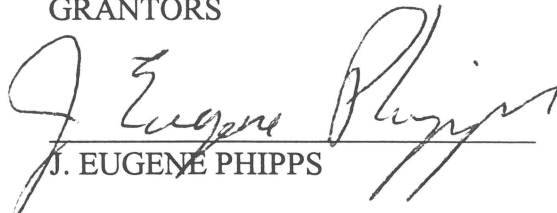
TO HAVE AND TO HOLD the said granted premises, with all the privileges and appurtenances thereof, to the said Grantee, the TOWN OF ARLINGTON, VERMONT, its successors and assigns, to their own use and behoof forever; and we, the said Grantors, J. EUGENE PHIPPS and NANCY P. PHIPPS, our heirs and assigns, do covenant with the said Grantee, the TOWN OF ARLINGTON, VERMONT, its successors and assigns, that until the ensealing of these presents we are the sole owners of the premises, and have good right and title to convey the same in manner aforesaid, that they are FREE AND CLEAR FROM EVERY ENCUMBRANCE, except as aforesaid, and we do hereby engage to WARRANT AND DEFEND the same against all lawful claims whatever, except as herein stated.

IN WITNESS WHEREOF, we hereunto set our hands and seals this 5th day of November, 1997.

In Presence of:

  
Witness as to both  
Print name: John N. White

GRANTORS

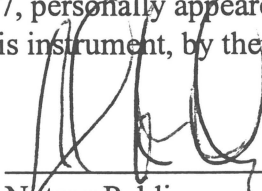
  
J. EUGENE PHIPPS

  
NANCY P. PHIPPS

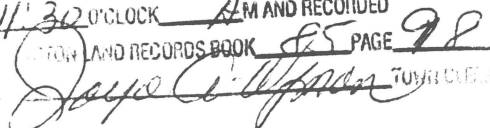
STATE OF VERMONT )  
BENNINGTON COUNTY ) SS.

At Arlington, this 5th day of November, 1997, personally appeared J. EUGENE PHIPPS and NANCY P. PHIPPS, and they acknowledged this instrument, by them sealed and subscribed, to be their free act and deed.

Before me,

  
Notary Public  
My commission expires February 10, 1999.

{C:\CLIENTS.BK1\PHIPPS\ROADEEDS\ROADEED.ARL | 7/27/97}

ARLINGTON TOWN CLERK'S OFFICE  
RECEIVED FOR RECORD  
THIS 21 DAY OF November A.D. 19 97  
AT 11:30 O'CLOCK AM AND RECORDED  
TOWN AND RECORDS BOOK 85 PAGE 98  
 TOWN CLERK



99

**ACCEPTANCE OF HIGHWAY IN ARLINGTON, VERMONT**

WHEREAS, J. EUGENE PHIPPS and NANCY P. PHIPPS have designated certain land located in the Town of Arlington, Vermont for highway purposes; and

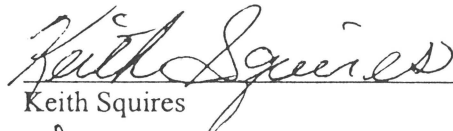
WHEREAS, the above referenced party has executed a deed conveying said lands and premises to the Town of Arlington, Vermont;

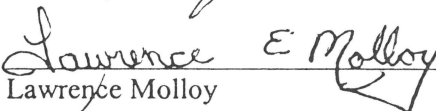
WHEREAS, the Board of Selectmen of the Town of Arlington find that the public good, convenience and the necessity of individuals requires that said lands be accepted by the Town of Arlington, Vermont, for a public road; and

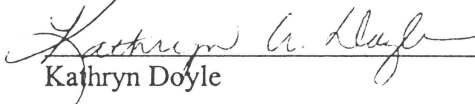
NOW THEREFORE, upon the finding that the public good, convenience and the necessity of individuals requires that said lands be accepted by the Town of Arlington, Vermont, for a public road, it is HEREBY ORDERED that the parcel of land therein described be and hereby is established as a public road, and that the deed conveying the parcel to the Town of Arlington is hereby accepted.

Dated at Arlington, Vermont, this 17 day November 1997.

SELECTMEN, TOWN OF ARLINGTON

  
Keith Squires

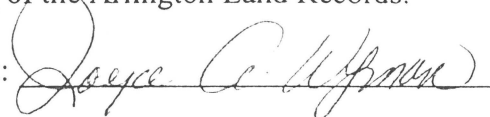
  
Lawrence Molloy

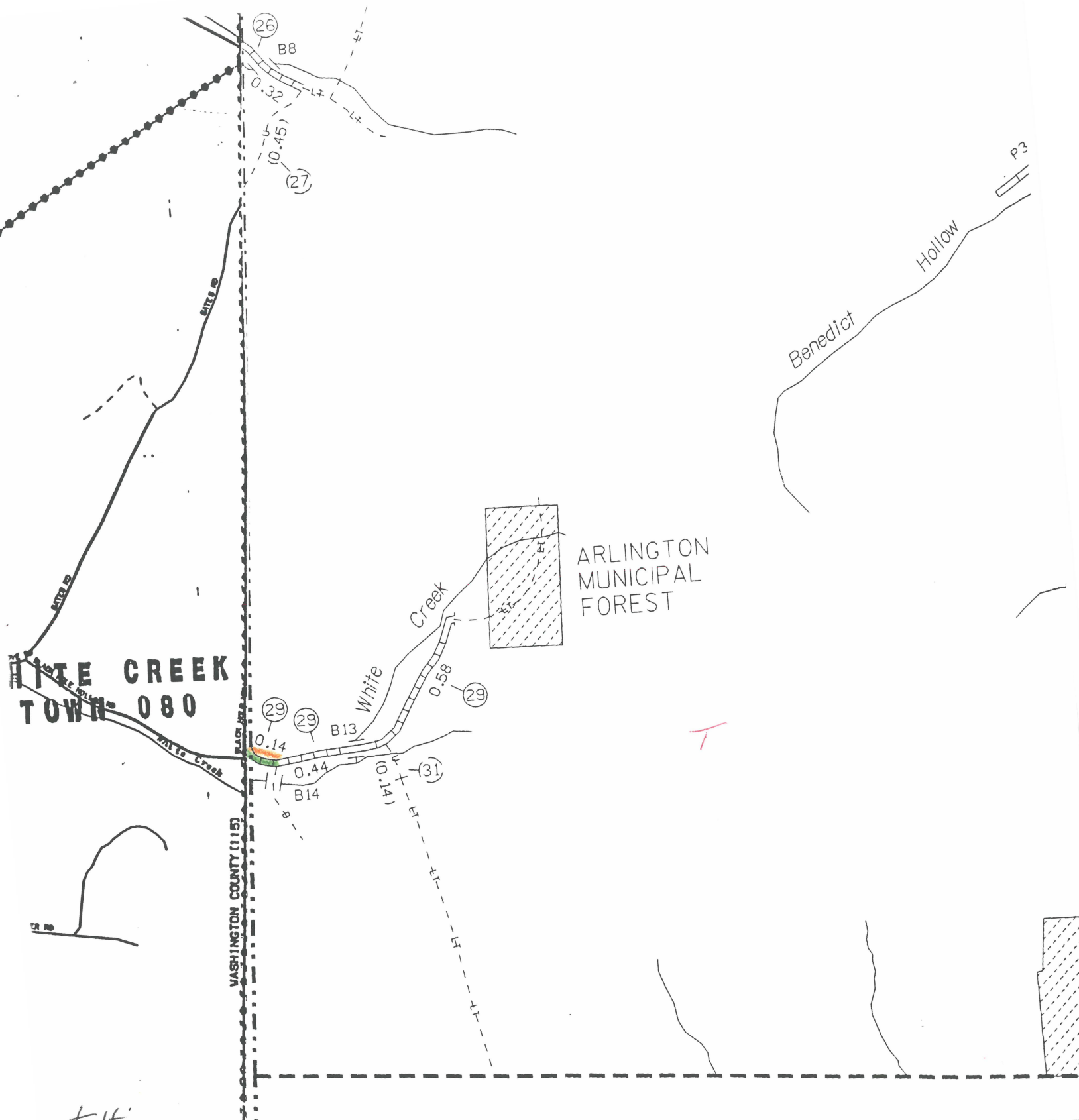
  
Kathryn Doyle

  
Richard King

  
Daniel Harvey

Arlington Town Clerk's office this 21 day of November, 1997 at 11:30 AM.  
Received and Recorded in Book 85 at Page 99 of the Arlington Land Records.

Attest: , Clerk



f.f.  
Highway #29

Accepted .28 mile  
Discontinued .27

SHAFTSE

MINUTES FOR A SELECTBOARD MEETING

Office of Selectmen  
November 3, 1997  
7:00 P.M.

SELECTBOARD PRESENT: Keith Squires, Lawrence Molloy, Kathy Doyle, Dan Harvey and Richard King.

PUBLIC PRESENT: Gary Weller was present for all of the meeting. Joyce Wyman, Theodore Williams, Don Dusha, Melanie Shuckers and Donald Keelan were present for parts of the meeting.

MEETING CALLED TO ORDER: Keith Squires called the meeting to order at 7:00 P.M.

MINUTES FOR THE SELECTBOARD MEETING OF OCTOBER 20, 1997, SITE INSPECTION MEETING FOR A PORTION OF TOWN HIGHWAY #29 ON OCTOBER 25, 1997 AT 9:00 A.M. AND THE PUBLIC HEARING MEETING AT 11:30 A.M. FOR THE TAKING OVER OF A NEW PART OF HIGHWAY #29: The motion was made by Lawrence Molloy to accept, as printed, the minutes of the three meetings. The motion was seconded by Kathy Doyle and approved by all.

THE TAKE OVER OF THE NEW PORTION OF HIGHWAY #29: Keith Squires pointed out that the public hearing of October 25, 1997 that involved a new section of town highway #29 was recessed until the meeting of tonight. He read a portion of the notice of laying out, altering and discontinuing of section of highway 29, "the discontinuing of a section of the said highway of approximately 0.29 miles and laying out of a new section highway of approximately 0.28 miles and the altering of the highway in connection therewith."

Keith said there were a couple more questions to be answered. Mr. Phipps lawyer, John M. Whalen, and Keith would get together to have things written up in legal language. One of the concerns, and this will be a condition of the take over of the road, it will be written into the deed, " Grantors acknowledge that they, their heirs, executors and assigns, shall be responsible for the maintenance and repair of the 30 inch culvert located on the south side of the new section of road approximately 350 feet west from its eastern terminus, which culvert drains under Grantors' berm." The other things that came up were things that need to be completed and are not 100% finished. These things are listed in a letter from John M. Whalen to Mr. Phipps, dated October 28, 1998. Mr. Phipps agreed to these things by reviewing the letter and signing. The requests are: 1) The intersections of the old road with the new one be blocked off in a manner that will prevent vehicles from entering the old road and 2) the berm to be seeded with grass and planted with some trees and if for some reason the Phipps are unable to complete these undertakings prior to June 30 of 1998, the Town is requesting that the Phipps reimburse it for having such work completed. Another question brought up regards power to the

Pollack property. Keith said that as things look now when the new line goes through the Pollacks will be joined on to the new line and the power that is now underground will be discontinued. CV may have come to an agreement today but the town has not been so advised.

✓ The motion was made by Richard King to accept the new section of highway #29, 0.28 miles in length. The motion was seconded by Lawrence Molloy, who added, "as long as the conditions are carried out". The motion was carried with all voting in its favor.

✓ The motion was made by Lawrence Molloy to discontinue about 0.29 miles of what is now existing highway #29 in South Arlington. Motion seconded by Kathy Doyle and so passed by all voting in its favor.

All that is left is the deed work to be completed by the lawyers.

The motion was made by Lawrence Molloy to close the hearing that was warned for October 25, 1997 and recessed until tonight. This motion was seconded by Dick King and so voted.

The Selectboard meeting reopened with the HIGHWAY REPORT: Gary Weller reported that some ditch work has begun, some roads have been regravled, some maintenance done on equipment, gravel stockpiled, repair work done on the new grader and some fallen trees removed.

Keith reported that pot holes have been filled with hot mix. He reported that a pine tree on the Goldberg property, on Old Depot Road, by the railroad tracks is causing visibility problems at the railroad crossing. He will speak with caretaker, Gene Hoyt.

Larry reported that trees have fallen into the Branch River. Keith will have a look.

Dick reported that the culvert near Harry McDermots needs cleaning. Gary said that this would be a major project. Dick also said that the covered bridge is banged up again. Keith felt that the town should go ahead and repair it as there are multiple unknowns as to who has done the damage. Maybe it should be a budget item said Kathy.

Larry asked if the ditch by Phil Sherwins daughter has been looked at? Gary said it was not doing any damage at this point and Larry said that he felt it should be cleaned out by the town.

Kathy asked if the ditch by Robin Jones has been cleaned? It was said that this is in the process of being cleaned.

Dan said that the speed sign opposite his house needs to be

101

**ORDER**

Whereas, by DISCONTINUANCE OF HIGHWAY dated November 17, 1997, 1997, the Selectmen of the Town of Arlington discontinued a section of Town Highway # 29 in said Town of Arlington described as follows:

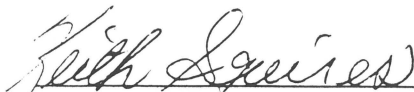
**Section of road to be discontinued:**

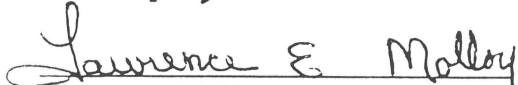
Commencing at a point in the center-line of the existing Town Highway, which point is also in the New York-Vermont State line, said point being further defined as being N 3°14'00" E 19.30 feet from Monument #42 on the said State line, said point being the POINT OF BEGINNING; thence S 57°09'00" E, a distance of 463.50'; thence S 64°18'00" E, a distance of 264.20'; thence S 76°23'00" E, a distance of 67.20'; thence S 89°36'00" E, a distance of 49.00'; thence N 83°32'00" E, a distance of 477.60'; thence N 76°24'00" E, a distance of 207.16' to the POINT OF ENDING. Said description is set forth on a survey, "Proposed Black Hole Hollow Road Relocation Survey, Prepared for J. Eugene and Nancy P. Phipps, Black Hole Hollow, Arlington, Vermont", dated June 5, 1997, and revised June 23, 1997, to be recorded in the Arlington Land Records.

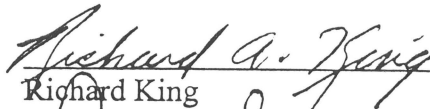
Whereas, it appears that the section of highway so discontinued lies entirely upon lands of J. Eugene Phipps and Nancy P. Phipps;

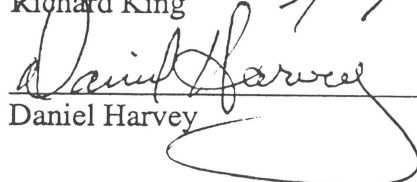
Now, therefore, it is ordered that the lands over which said discontinued highway formerly passed be set to J. Eugene Phipps and Nancy P. Phipps, and so to them and their heirs and assigns forever.

Dated at Arlington, this 17th day of November, 1997.

  
\_\_\_\_\_  
Keith Squires

  
\_\_\_\_\_  
Lawrence Molloy

  
\_\_\_\_\_  
Richard King

  
\_\_\_\_\_  
Daniel Harvey

### DISCONTINUANCE OF HIGHWAY

At a meeting of the Select Board held on February 10, 1997, the Selectmen of the Town of Arlington, Vermont, initiated on their own motion, per 19VSA§708, the discontinuance of a section of Black Hole Hollow Road, Town Highway # 29 measuring approximately 0.29 miles. At a meeting of the Select Board held on September 22, 1997, upon motion made, seconded and approved by all, the Selectmen, pursuant to 19VSA§709, designated October 25, 1997 at 9:00 a.m. as the date and time for the examination of the aforesaid section of highway, and provided that following said examination, the Select Board would adjourn to the Town Hall of the Town of Arlington to hear interested parties pursuant to Title 19, Chapter 7, Section 701, *et seq* of the Vermont Statutes Annotated. Said Section of road to be discontinued is more particularly described as follows:

**Section of road to be discontinued:**

Commencing at a point in the center-line of the existing Town Highway, which point is also in the New York-Vermont State line, said point being further defined as being N 3°14'00" E 19.30 feet from Monument #42 on the said State line, said point being the POINT OF BEGINNING; thence S 57°09'00" E, a distance of 463.50'; thence S 64°18'00" E, a distance of 264.20'; thence S 76°23'00" E, a distance of 67.20'; thence S 89°36'00" E, a distance of 49.00'; thence N 83°32'00" E, a distance of 477.60'; thence N 76°24'00" E, a distance of 207.16' to the POINT OF ENDING.

Said description is set forth on a survey, "Proposed Black Hole Hollow Road Relocation Survey, Prepared for J. Eugene and Nancy P. Phipps, Black Hole Hollow, Arlington, Vermont", dated June 5, 1997, revised June 23, 1997, and revised October 15, 1997 to be recorded in the Arlington Land Records.

The Arlington Board of Selectmen gave notice of the scheduled site inspection and hearing by certified mail to each person owning or having an interest in lands through which the highway passes, as well as the Arlington Planning Commission. A copy of said notice was posted in the office of the Arlington Town Clerk, and published in a local newspaper of general circulation in the area. The examination was held on October 25, 1997 at 9:05 a.m. Selectmen Keith Squires, Lawrence Molloy, Dick King and Kathy Doyle were present. The Selectmen convened the hearing at the Town Hall at 11:30 a.m. on October 25, 1997; Selectmen Keith Squires, Lawrence Molloy, Dick King and Kathy Doyle were present and all interested parties were heard. After discussion, and upon motion, made, seconded and so voted, the meeting was recessed until November 3, 1997. Selectmen Keith Squires, Lawrence Molloy, Dick King and Kathy Doyle were present at the meeting on November 3, 1997. At the November 3, 1997 meeting, the Select Board concluded that the public good, necessity and convenience is served by the discontinuance of the said highway described above. Upon Motion made and seconded and voted by all present, the Select Board resolved that the above described 0.29 miles of existing Town Highway # 29 shall be forever discontinued.