

# CERTIFICATE OF HIGHWAY MILEAGE FOR YEAR ENDING FEB. 10, 1989

Fill out the certificate, file a copy with the Town Clerk, and mail original to Vt. Agency of Transportation, Planning Division before February 10, 1989.

▶ IF NO CHANGES IN MILEAGE, OMT PART I, CHECK BOX IN PART II, AND SIGN PART III. ◀

## PART I

DISTRICT 3

We, the Selectmen/Trustees/Aldermen of Chittenden, Rutland County on an oath state that the mileage of highways, according to Title 19, V. S. A., Sec. \* 305, added 1985, is as follows:

	TOWN HIGHWAYS				STATE HIGHWAYS	TOTAL EXCLUDING CLASS 4
	CLASS 1	CLASS 2	CLASS 3	CLASS 4		
PREVIOUS MILEAGE AS SHOWN FEBRUARY 10, 1988	0.000	8.980	19.870	2.410	0.142	28.992
MILEAGE ADDED SINCE FEBRUARY 10, 1988 EXPLAIN UNDER (1) BELOW				.0.610		
SUB TOTAL				3.020		
MILEAGE SUBTRACTED SINCE FEBRUARY 10, 1988 EXPLAIN UNDER (2) AND (3)						
TOTAL HIGHWAY MILEAGE FEB. 10, 1989	0.000	8.980	19.870	3.020	0.142	28.992
SCENIC HIGHWAY MILEAGE (19 VSA 2502)						

**DURING THE PAST YEAR THE FOLLOWING CHANGES HAVE OCCURRED.**

(1) NEW HIGHWAYS: We hereby certify that the following new highways, as substantiated by the attached "Selectmen's Certificate of Completion" have been added.

(2) DISCONTINUED: We hereby certify that the following highways have been discontinued according to statute and are substantiated by the attached copy of the proceedings.

(3) RECLASSIFIED/REMEASURED: We hereby certify that the following highways have been reclassified/remeasured and are substantiated by the attached copy of the proceedings.

From Trail to Class 4 T.H. # 23 - .61 miles to Mendon town line

enclosed Judgement Order from Superior Court shows return of this road to class 4. It had been changed to trail in December 1987

(4) SCENIC HIGHWAYS: We hereby certify that the following highways have been designated or discontinued as "Town Scenic Highways", and are substantiated by the attached copy of the proceedings.

**PART II  CHECK BOX IF NO CHANGES IN MILEAGES.**

**PART III**

SELECTMEN/ALDERMEN/TRUSTEES SIGNATURES

BE Beaton  
Robert A. David  
Gary M. Falk

Town/City/Village/CLERK SIGNATURE: HARRIET S. THORNE - HARRIET S. THORNE attests that this record of highway mileage was filed and recorded on JANUARY 31<sup>st</sup>, 1989.

Approved: \_\_\_\_\_

Representative, Agency of Transportation

2-10-89

Date

Note: Applicable section of Vermont Statutes is printed on reverse side.

Book 39  
PAGE 182

Title 19, V. S. A. Section 305  
Added 1985

SEC. 305. MEASUREMENT OF HIGHWAYS

(a) A representative of the agency in the presence of the selectmen or their designee shall measure and inspect the class 1, 2 and 3 town highways in each town at least once every ten years. 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 selectmen shall, after review by a representative of the agency, file with the town clerk a sworn statement of the description and measurements of all class 1, 2 and 3 town highways then in existence, including any special designation such as a throughway or scenic highway. When class 1, 2 or 3 town highways 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) 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.

(d) The selectmen 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 board by filing a notice of appeal with the executive secretary of the board.

Title 19, V. S. A. Section 2502  
Added 1985

Sec. 2502. TOWN SCENIC ROADS; DESIGNATION AND DISCONTINUANCE

(a) On recommendation of the planning commission of a municipality, or on the initiative of the legislative body of a municipality, a legislative body may, after one public hearing warned for the purpose, designate or discontinue any town highway or portion of a town highway as a town scenic highway. Such action by the legislative body may be petitioned by the registered voters of the municipality pursuant to the provisions of section 1973 of Title 24.

(b) A town scenic road may be reconstructed or improved in a manner consistent with the standards established by the transportation board, pursuant to section 425 of Title 10. A class 1, 2 or 3 scenic highway shall still be eligible to receive aid pursuant to the provisions of this title.

(c) The legislative body of a municipality may appeal for a variance from standards promulgated by the transportation board. In these appeals the board's decision shall be final.

RETURN TO: VERMONT AGENCY OF TRANSPORTATION  
DEPARTMENT OF PLANNING AND PRECONSTRUCTION  
PLANNING DIVISION  
133 STATE STREET  
MONTPELIER, VERMONT 05602

STATE OF VERMONT  
RUTLAND COUNTY, SS

RUTLAND SUPERIOR COURT  
DOCKET NO. S135-88 RO

THE A. JOHNSON CO., )  
A Vermont Partnership )  
Plaintiff )  
v )  
TOWN OF CHITTENDEN, )  
Defendant )

CONFORMED COPY  
RUTLAND SUPERIOR COURT

FILED: NOV 22 1988

*Gay S. Johnson*  
Clerk

JUDGMENT ORDER and DECREE

The Plaintiff, having filed a Summons and Complaint in this cause dated March 23, 1988, with the Defendant having been duly served with Process; and

The Defendant and the Plaintiff having agreed upon the terms of this Judgment Order and having submitted it to the Court;

It is, therefore, now hereby finally ORDERED, ADJUDGED and DECREED as follows:

1. Judgment is hereby granted upon the Complaint, without prejudice to the rights of Defendant, as specified herein below.

2. The highway and road in the Town of Chittenden (Wildcat Road, so-called), which is the subject of this litigation is hereby ORDERED, ADJUDGED and DECREED to return to the classification of Class 4. It is the meaning and intent of this Court's Order that in all respects the road resume the same Classification as applied to the road before the Selectmen's Order that forms the basis for the Complaint of the Plaintiff in the matter captioned above.

NOV 23 1988

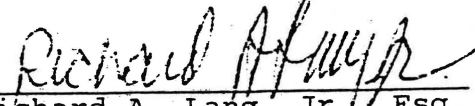
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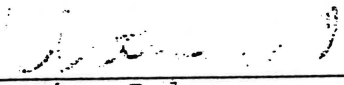
3. This Order of the Court is without prejudice to the right of the Town to re-classify this or any road in the Town in the future or to take any position with respect to a petition submitted to the Town regarding reclassification or maintenance of this or any road.

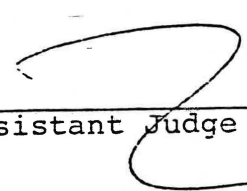
4. Each party shall bear its own costs.

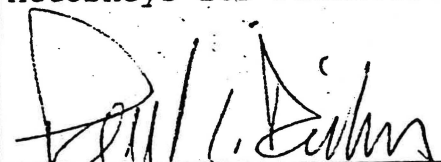
DATED at Rutland, Vermont, this   4   day of November, 1988.

APPROVED AS TO FORM:

  
Richard A. Lang, Jr., Esq.  
Hoff, Wilson, Powell & Lang  
P. O. Box 567  
Burlington, VT. 05402  
Attorneys for Plaintiff

  
\_\_\_\_\_  
Superior Judge

  
\_\_\_\_\_  
Assistant Judge

  
Paul L. Reiber, Esq.  
Abell, Kenlan, Schwiebert & Hall  
P. O. Box 578  
Rutland, VT. 05701  
Attorney for Defendant

\_\_\_\_\_  
Assistant Judge