

District 5
 Certcode 1211-0

**CERTIFICATE OF HIGHWAY MILEAGE
 YEAR ENDING FEBRUARY 10, 2019**

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2019 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 MONTPELIER CITY in WASHINGTON County
 on an oath state that the mileage of highways, according to Vermont Statutes Annotated, Title 19, Section 305,
 added 1985, is as follows:

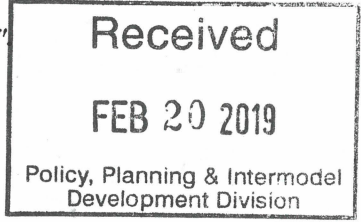
PART I - CHANGES TOTALS - Please fill in and calculate totals.

Town Highways	Previous Mileage	Added Mileage	Subtracted Mileage	Total	Scenic Highways
Class 1	10.531		-	10.531	0.000
Class 2	8.311		-	8.311	0.000
Class 3	33.04		0.0049	33.04	0.000
State Highway	4.132		-	4.132	0.000
Total	56.014				0.000
* Class 1 Lane	2.900		-		
* Class 4	0.52	0.0049	0.01	0.52	0.000
* Legal Trail	0.00		-		

* Mileage for Class 1 Lane, Class 4, and Legal Trail classifications are NOT included in total. Adjustments by S. Moulton 2019-3-19

PART II - INFORMATION AND DESCRIPTION OF CHANGES SHOWN ABOVE.

1. NEW HIGHWAYS: Please attach Selectmen's "Certificate of Completion and Opening"
2. DISCONTINUED: Please attach SIGNED copy of proceedings (minutes of meeting).
3. RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings (minutes of meeting).
 Scriber St. Resurvey (TH 242) attached: "Findings of Fact, Conclusion of Law and Decision" dated 7/10/18
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:

Anna Walter
Ken C. Hubler *John J. McCarty*
Chris Bate *Mike Pollen*

T/C/V Clerk Signature:

[Signature]

Date Filed:

Please sign ORIGINAL and return it for Transportation signature.

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

APPROVED:

[Signature]
 Representative, Agency of Transportation

DATE:

4/18/2019

District 5
Certcode 1211-0

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YEAR ENDING FEBRUARY 10, 2019**



Doc ID: 000610620010 Type: LAN

BK **691** PG **401-410**

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Received

MAR 28 2019

Policy, Planning & Intermodal
Development Division

IF THERE ARE NO CHANGES IN MILEAGE: Check box and sign below. []

PART III - SIGNATURES - PLEASE SIGN.

Selectmen/ Aldermen/ Trustees Signatures:

Alma Watson
John C. Hildebrand
John J. McCarty
Eric Bato
Mike Parker

T/C/V Clerk Signature:

[Signature]

Date Filed:

Please sign ORIGINAL and return it for Transportation signature.

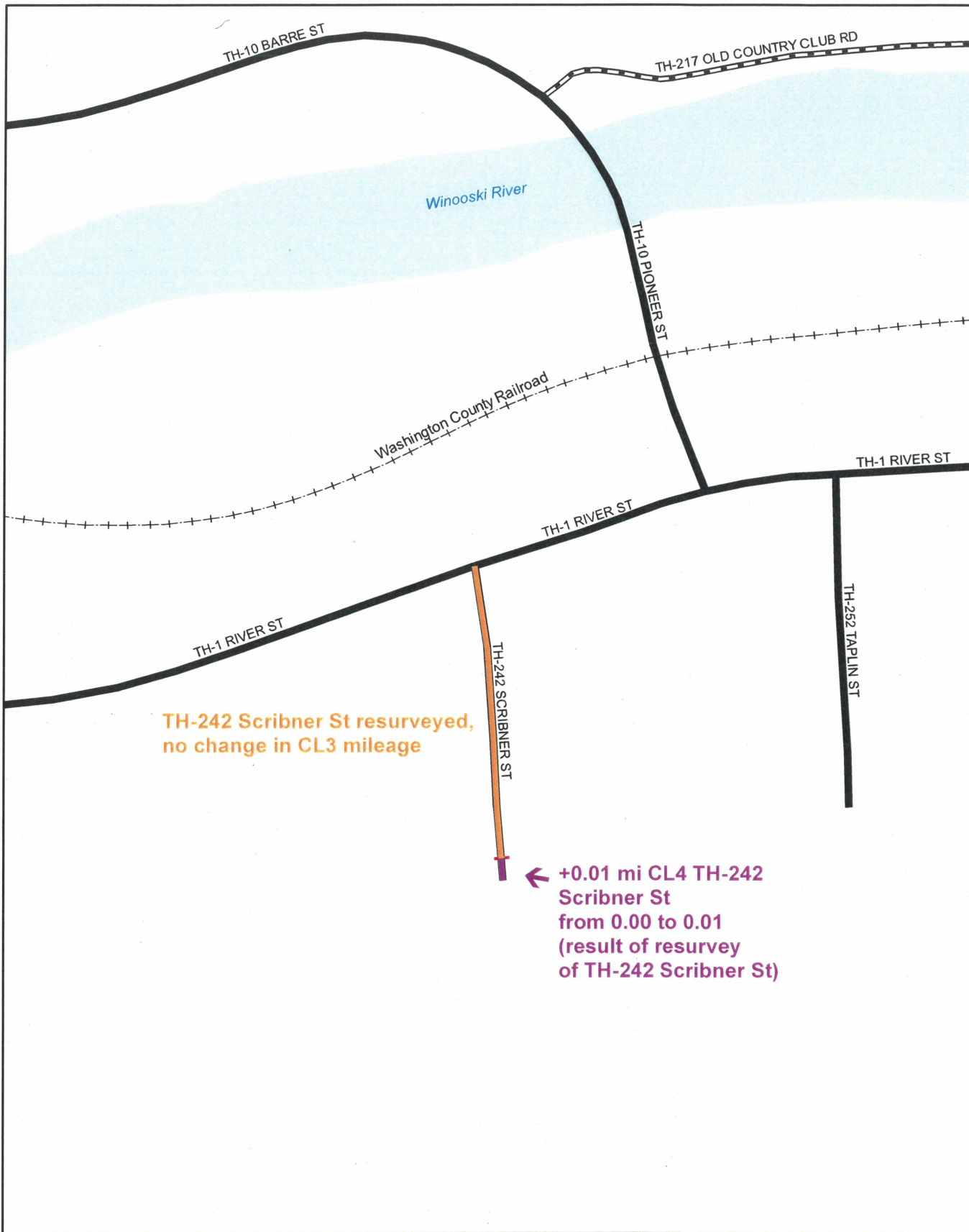
AGENCY OF TRANSPORTATION APPROVAL: Signed copy will be returned to T/C/V Clerk.

APPROVED: _____
Representative, Agency of Transportation

DATE: _____

Received for Record at Montpelier, VT
On 02/25/2019 At 12:50:00 pm

[Signature]



**Mileage Certificate Change 2019
MONTPELIER CITY**

(CTUA: 1211-0)

Mapping Section
Division of Policy, Planning and Intermodal Development
Vermont Agency of Transportation - March 2019





CITY COUNCIL Agenda Item #19-042(c)

Date: February 13, 2019

Consent Discussion Time Sensitive

SUBJECT: Certificate of Highway Mileage Year Ending February 10, 2019

SUBMITTING DEPARTMENT: Department of Public Works, Administration

RECOMMENDED ACTION: Approval of "Certificate of Highway Mileage for Year Ending February, 2019". A majority of the City Council must sign the certificate.

STRATEGIC OUTCOME/INITIATIVE: Responsive & Responsible Government – maintain existing service levels

PRIOR ACTION: Annual approval for state highway aid. Relatedly, Council approved the re-survey of Scribner Street to verify mileage & the highway classification.

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: V.S.A. Title 19, Section 305

BACKGROUND INFORMATION:

Approval of the Certificate of Highway Mileage is an annual formality required by VT State Statutes for the determination of a town's share of state aid for town highways. The financial aid supplements local funding for the maintenance of Class 1 - 3 highways & streets.

The re-survey of Scribner Street (TH 242), as concluded in July, 2018, determined that the length of the Class 3 portion of the street is 314' (a reduction of 26') or 0.059 miles rounded to 0.06 miles. This results in no actual change for the purposes of state aid. The resurvey process determined that the southerly end of the street is a Class 4 town highway measuring 26' in length. This also represents no change for state aid purposes because Class 4 town highways are not eligible for financial assistance. Documentation of the resurvey including the "Findings of Fact, Conclusions of Law and Decision" will be forwarded to the state with the certificate.

SUPPORTING DOCUMENTS: Certificate of Highway Mileage for Council approval and signature.
Postmark deadline of the signed Certificate is February 20, 2019.

INTERESTED PARTIES: Department of Public Works, Finance Department.

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over a horizontal line.

Town Highway/Legal Trails Addition/Reclassification/Discontinuance Checklist

The following includes a checklist of the documentation to be supplied to the Vermont Agency of Transportation (VTrans) when adding / reclassifying / discontinuing highways and trails. The documentation is subject to verification by VTrans.

Check the box if the information is included as part of the documentation submitted.

- A description of the affected highway or trail
Vt. Stat. Ann. tit. 19, § 305(e)
- A current town highway map with the requested deletions and additions sketched on it
Vt. Stat. Ann. tit. 19, § 305(e)
- Minutes of meetings at which the legislative body took action with respect to the changes (include copies of the meeting minutes) Vt. Stat. Ann. tit. 19, § 305(e)
- Evidence of written notice to adjoining landowners (include a copy of the newspaper notice and a copy of the letter sent to adjoining landowners)
Vt. Stat. Ann. tit. 19, § 709
- A copy of any surveys of the affected highway or trail
Vt. Stat. Ann. tit. 19, § 305(e) Vt. Stat. Ann. tit. 19, § 704

-
- For Class 3 or Class 4 town highway additions
A Certificate of Completion and Opening
While not required by statute, a Certificate of Completion and Opening form is a helpful document for the record.

FINDING OF FACT, CONCLUSIONS OF LAW AND DECISION

All records filed with the agency are subject to verification in accordance with 19 V.S.A. § 305 (a) and 19 V.S.A. § 305 (e).

Vermont Agency of Transportation
Division of Policy, Planning and Intermodal Development, Mapping Section
1 National Life Drive, Montpelier, VT 05633-5001



**CITY OF MONTPELIER
CITY COUNCIL**

In re: Scribner Street

Findings of Fact, Conclusions of Law and Decision

The Montpelier City Council held a hearing on June 13, 2018, at the Council chambers at City Hall, to consider the resurveying and classification of Scribner Street pursuant to 19 V.S.A. § 708 and following.

The Council met at the site of the road at 6:15 p.m., and then returned to City Hall for the hearing. Present were Mayor Anne Watson, and Councilors Dona Bate, Conor Casey, Ashley Hill, Jack McCullough, Rosie Krueger, and Glen Coburn Hutcheson; John Odum, City Clerk; Lisa Ginett, R.L.S., the City's surveyor for this matter; Tom McArdle, Public Works Director; Paul Gillies, Esq., council to the Council for this hearing; Bruce Sargent; Sarah Field, Esq., representing Mark Magiera; and Maggie Neale. The Council took testimony, reviewed materials, admitted exhibits provided by Mr. McArdle and Mr. Sargent, and met subsequently in deliberative session to decide how to treat Scribner Street.

The following exhibits were admitted into evidence:

1. An analysis by Richard Linton Brock, Esq., April 18, 2018.
2. A copy of Ward 6 Census dated February 1, 1889.
3. A 1919 photograph showing Scribner Street.
4. A 1914 photograph showing #8 and #9 Scribner Street.
5. An undated photograph of Upper Bailey Avenue and Scribner Street.
6. A 1920-era photograph showing Taplin Street.
7. A 1915 photograph showing #8 Scribner Street.
8. A 1939 aerial photograph showing Scribner Street.
9. A 1970 photograph showing Scribner Street.
10. Another 1970 photograph showing the same.
11. The 1909 Sanborn Insurance Map of Montpelier.
12. The 1915 Sanborn Insurance Map of Montpelier.
13. Percy Gates Smith's 1921 Montpelier Street Plan.
14. Montpelier Street Plan dated 1921.
15. Montpelier Street Plan dated 1935.
16. Montpelier Street Plan of J.J. Pine dated 1932-1940, 1947.
17. Another Montpelier Street Plan of J.J. Pine dated 1932-1940, 1947.
18. A November 25, 1931 Statement by the Mayor and City Council, certifying the 1931 Street Plan.
19. A February 19, 1947 Statement by the Council, certifying the 1932-1940, 1947 Street Plan.
20. Statement of Bruce Sargent, June 13, 2018.
21. Statement of Maggie Neale, June 13, 2018.
22. Memorandum by Tom McArdle to W.J. Fraser, City Manager, dated April 17, 2018.
23. "Revised Report of Research and Findings regarding the status of Scribner Street in the City of Montpelier" by Lisa Ginett, RLS.
24. Notice of City Council Meeting dated April 19, 2018.

25. Certified Mail; letters (5) to Scribner St property owners dated May 4, 2018.
26. Public Notice of Hearing published in the Times Argus May 8 and 11, 2018.
27. "Survey of Property Belonging to Margaret Neale, 8 Scribner St" by Sunwise Surveying dated July, 2001.
28. Survey of a Portion of Land Owned by James J and Deborah L Pinard by Gregory Dubois, L.S. dated Oct, 2001.
29. Email of Bruce W Sargent to John Hollar, et al, dated February 28, 2018.
30. Email dated May 8, 2018 from BW Sargent to Tom McArdle, et al.
31. Draft Surveys of Scribner Street (3) by Sunwise Surveying (Lisa Ginett, RLS) dated showing fROW widths of 33', 40' and 49.5'

Following the hearing, the Council made the following

Findings of Fact

1. Scribner Street appears on the official City highway map as T.H. 242, a Class 3 highway, of approximately 0.06 miles in length. It appears on earlier City highway maps as well, particularly the 1921 City street map, which indicates the street's length at 340'.
2. No official survey of Scribner Street has been found in City records or the records of the Town of Berlin, as this part of Montpelier was formerly part of the Town.
3. Scribner Street as shown on the official map has been maintained for many years by the City through municipal expenditures on sidewalks, water lines, and sewer lines.
4. The street is paved and maintained to a point 314' from the junction with Route 302/2.
5. A French drain is located at a point 340' from the junction with Route 302/2.

Based on the evidence and these findings, the Council makes the following

Conclusions of Law

The standard for deciding on the resurveying and classification of town highways is the public good, necessity, and convenience of the inhabitants. 19 V.S.A. § 710.

That Scribner Street has long been accepted by the City by maintenance and the residents and owners of interests in property that use that street have dedicated their land to the City for highway purposes, is undisputed.


The lack of a formal survey requires resurveying the street, and determining the length and width of the same. There is no question that Scribner Street is a city street, given its treatment over time by the City and the public.

Based on the findings and conclusions, the City Council makes the following


Decision

T.H. 242 (Scribner Street), from the intersection with River Street (Route 2) is a Class 3 City highway for a distance of 314'. Scribner Street beyond this point is declared a Class 4 City highway and runs an additional 26' to its terminus. The street is 40' in width, as measured from a series of survey monuments on the eastern edge of the street. A survey showing these decisions shall be recorded in the land and highway records of the City.

Dated this 16th day of July, 2018, at Montpelier, Vermont.



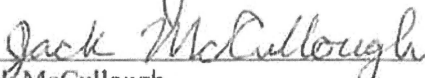
Hon. Anne Watson, Mayor



Dona Bate



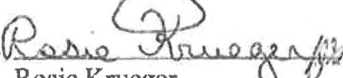
Conor Casey



Jack McCullough



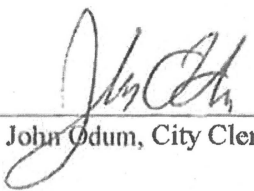
Ashley Hill



Rosie Krueger



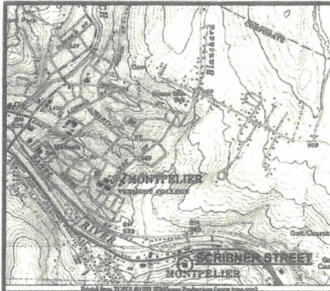
Glen Coburn Hutchison

Attest: 

John Odum, City Clerk

Appeal

Persons interested in the highway who object to this decision may have appeal rights pursuant to 19 V.S.A. § 740 and V.R.C.P. 74 (or alternatively V.R.C.P. 75), which rules require notice in writing within 30 days of the date of this decision, to Washington Unit of the Civil Division of the Vermont Superior Court.



-LOCUS- (NOT TO SCALE)

-RIVER STREET (U.S. ROUTE 2)-

SEE VT AOT PLANS ENTITLED "MONTPELIER (PART 1) PROJECT U No. 56 (12)" DATED APRIL 1952 SHEET 47 OF 78 WHICH ARE ALSO REFERENCED AS CITY OF MONTPELIER PLANS BG-11 WHICH ESTABLISH THE RIVER STREET "RIGHT-OF-WAY TO BACK OF PROPOSED SIDEWALK" ADJOINING SCRIBNER STREET.

GMT ASSOCIATES
REFER TO:
BOOK 266 PAGE 211 12/10/1993
" 57 " 433 08/31/1942
" 17 " 340 02/05/1896
" 15 " 387 11/05/1887

ENELRAD LLC
REFER TO:
BOOK 644 PAGE 277 12/20/2012
" 92 " 277 01/20/1960
" 42 " 138 09/10/1925
" 30 " 408 06/02/1917
" 15 " 384 10/01/1887

SEE PLAT ENTITLED "SURVEY OF A PORTION OF LAND OWNED BY JAMES J. & DEBORAH L. PINARD MONTPELIER, VERMONT" DATED OCT. 2001 BY GREGORY F. DUBOIS PROJECT # 2001-22

-SURVEY OF SCRIBNER STREET NOTE-
SEE BOOK 687, PAGE 831-833 IN THE CITY OF MONTPELIER LAND RECORDS FOR THE DETERMINATION OF LENGTH, WIDTH AND LOCATION OF THE FORMAL LAY OUT OF SCRIBNER STREET. BASED ON THE DECISION FOUND ON PAGE 3 OF THE CITY OF MONTPELIER CITY COUNCIL IN RE: SCRIBNER STREET FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION DATED JULY 10, 2018.

-NOTE-

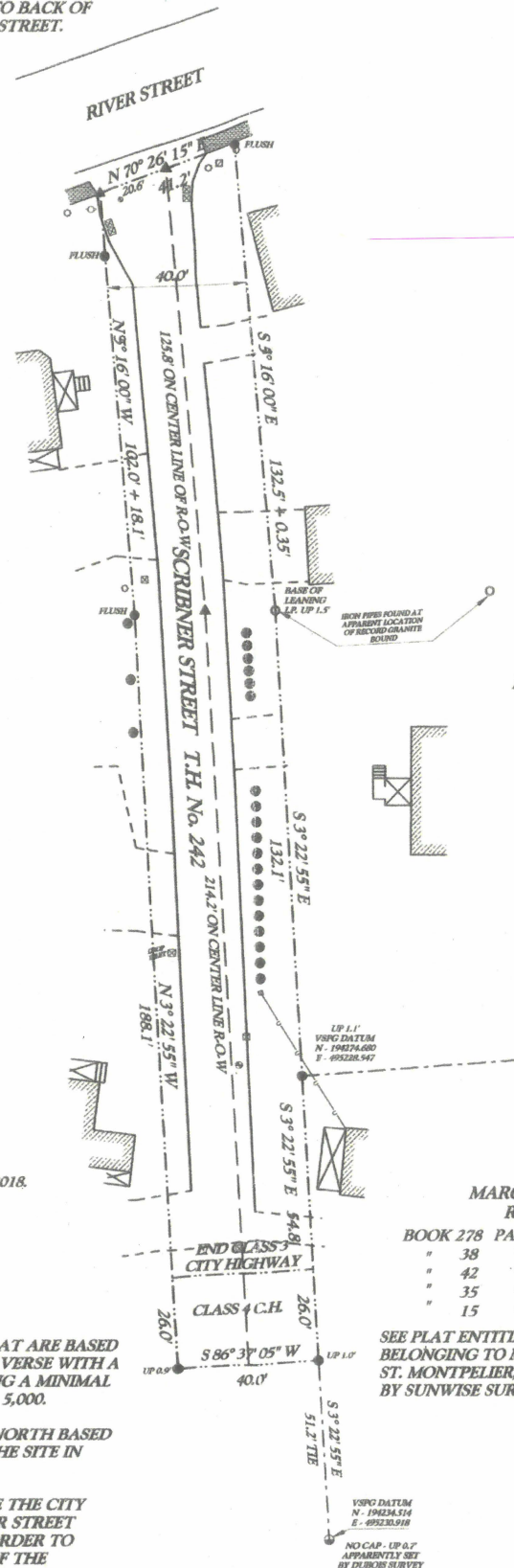
THE METES AND BOUNDS SHOWN ON THIS PLAT ARE BASED ON A CLOSED ELECTRONIC INSTRUMENT TRAVERSE WITH A DEGREE OF PRECISION OF 1: 248,972 OBTAINING A MINIMAL POSITIONAL TOLERANCE OF 0.14 FEET PLUS 1: 5,000.

THE BEARINGS SHOWN ARE BASED ON GRID NORTH BASED ON POST PROCESSED GNSS SHOTS TAKE AT THE SITE IN AUGUST, 2017.

THE PURPOSE OF THIS SURVEY IS TO PROVIDE THE CITY OF MONTPELIER WITH A SURVEY OF SCRIBNER STREET PURSUANT TO TITLE 19 VSA SECTION 33. IN ORDER TO ESTABLISH A RECORD LENGTH AND WIDTH OF THE RIGHT OF WAY. THIS SURVEY DOES NOT CERTIFY ANY PROPERTY LINE LOCATIONS BEYOND THE LIMITS OF THE SCRIBNER STREET RIGHT OF WAY.

-LEGEND-

- PROPERTY LINE
- - - ROAD RIGHT-OF-WAY
- EDGE OF PAVEMENT
- - - EDGE OF GRAVEL
- CEDAR HEDGE / FRUIT TREE
- 2' x 2' DROP INLET
- 5/8" REROD SET WITH CAP
- 5/8" REROD FOUND
- IRON PIPE FOUND
- 8" DIA. VALVE COVER
- STREET SIGNS

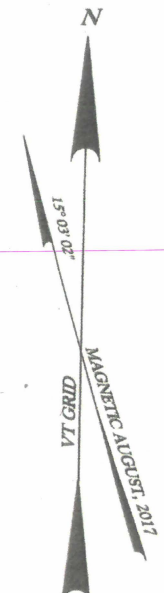


M. & F. STAPLES AND H. GOMEZ
REFER TO:
BOOK 92 PAGE 75 06/09/1959
" 87 " 217 10/02/1958
" 46 " 265 03/16/1933
" 35 " 590 08/14/1924
" 22 " 595 07/29/1907

MAURICE & THERESA MARTINEAU
REFER TO:
BOOK 276 PAGE 67 09/09/1994
" 147 " 370 06/02/1997
" 42 " 138 09/10/1925
" 30 " 408 06/02/1917
" 15 " 384 10/01/1887

MARGERET NEALE
REFER TO:
BOOK 278 PAGE 53 11/30/1994
" 38 " 358 09/18/1939
" 42 " 431 06/20/1928
" 35 " 3 11/15/1919
" 15 " 384 10/01/1887

SEE PLAT ENTITLED "SURVEY OF PROPERTY BELONGING TO MARGERET NEALE & SCRIBNER ST. MONTPELIER, VERMONT" DATED SEPT. 2017 BY SUNWISE SURVEYING FILE No. A17 - 501 REV

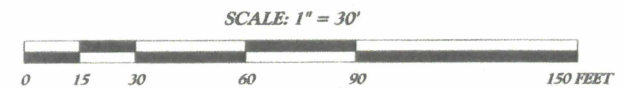


Filing Name: City of Montpelier
Address: Scribner St
Compiled: 7/1/2018
Filed: 8/16/2018
Glide: 16c

Attest: *Jhch*

-CERTIFICATION-
I HEREBY CERTIFY THAT THE INFORMATION SHOWN ON THIS PLAT IS BASED ON AND CONSISTENT WITH DEED AND PLAT REFERENCES LISTED AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Lisa M. Swett
8/13/2018



SURVEY OF SCRIBNER STREET FOR:
THE CITY OF MONTPELIER
RIVER STREET & SCRIBNER STREET MONTPELIER, VERMONT

SCALE:	1 INCH = 30 FEET
DATE:	JULY, 2018
SURVEYED BY:	LMG
DRAFTED BY:	URP
CHECKED BY:	LMG

SUNWISE SURVEYING
FILE No. A 18 - 514

Repro, Winooski, VT hereby certifies this map was reproduced according to state specifications.

CF Juge