

**CERTIFICATE OF HIGHWAY MILEAGE**  
**YEAR ENDING FEBRUARY 10, 2000**

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2000 to: VT Agency of Transportation, Technical Services Division, Drawer 33, Montpelier, VT 05633.

We, the Selectman or Trustee or Alderman of BRATTLEBORO in WINDHAM 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.**

Town Highways	Previous Mileage	Added Mileage	Substracted Mileage	Total	Scenic Highways
Class 1	6.250			6.250	0.000
* Class 1 Lane	0.503			0.503	
Class 2	11.820			11.820	0.000
Class 3	65.100	0.74 <del>1.94 (5009.7')</del>		<del>65.840</del> 66.04	0.000
State Highway	22.195	1.06 (5622')		22.195 23.25	0.000
* Class 4	6.740	1.06 (5622')		7.800 23.25	0.000
Total	105.365	0.74 <del>2.00</del>		89.29 106.105	0.000

\* Class 1 Lane Mileage and Class 4 is NOT included in total.

**PART II - INFORMATION AND DESCRIPTION OF CHANGES SHOWN ABOVE.**

- NEW HIGHWAYS: Please attach Selectman's "Certificate of Completion and Opening".  
*See documents attached.*
- DISCONTINUED: Please attach SIGNED copy of proceedings (minutes of meeting).  
*See documents attached.*
- RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings (minutes of meeting).  
*See documents attached.*
- SCENIC HIGHWAYS: Please attach a copy of order designating/discontinuing Scenic Highways.  
*None*

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

**PART III - SIGNATURES - PLEASE SIGN.**

Selectman/ Alderman/ Trustees Signatures: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Clerk Signagture: Arnette L. Casper Date Filed: February 18, 2000

Please sign ORIGINAL and return it for Transportation signature.

AGENCY OF TRANSPORTATION APPROVAL: Signed copy will be returned to T/C/V Clerk.  
 APPROVED: John H. Kih DATE: 3/13/00  
 Representative, Agency of Transportation

**PUBLIC NOTICE**  
**TOWN OF BRATTLEBORO, VERMONT**

NOTICE IS HEREBY GIVEN that the Selectboard of the Town of Brattleboro, Vermont proposes that, pursuant to Title 19 Vermont Statutes Annotated, Chapter 7, and, as Amended, the following public highway in the Town of Brattleboro known as and called "Stark Road" be RECLASSIFIED to a class three road.

The Highway to be RECLASSIFIED to a Class Three Road is described as follows: Beginning at a point on Stark Road .53 miles from the intersection of Stark Road with Vermont Route 9 (Marlboro Road) and extending from said point a distance of 1.14 miles along Stark Road to the Marlboro town line.

THEREFORE, pursuant to Title 19 V.S.A. Chapter 7, you are hereby notified that a public hearing will be held by the Selectboard for the town of Brattleboro on Tuesday, October 19, 1999 at 2:45pm at the Municipal Center. (NOTE: THE SELECTBOARD WILL CONVENE AT THE MUNICIPAL CENTER AT 2:45PM AND PROCEED TO THE SITE VISIT AT THE INTERSECTION OF MARLBORO ROAD WITH THE STARK ROAD. A WALKING SITE VISIT SHALL OCCUR AT THE SITE COMMENCING AT 3:00 PM.)

The Selectboard shall reconvene in the Selectmen's Meeting Room at the Municipal Center after the site visit for a hearing on the matter. The hearing shall begin at 5:15pm. The purpose of the hearing shall be to hear all persons interested in said public highway and its reclassification to a class three highway from its intersection with Marlboro Road to the Marlboro town line.

Dated at Brattleboro, Vermont, this 7<sup>th</sup> day of September, 1999.

BRATTLEBORO BOARD OF SELECTMEN  
Robert S. Fagelson, Chairman  
Greg Worden, Vice Chairman  
Matthew W. Speno  
Daryl L. Pillsbury  
Newell B. West, Jr., Clerk





**CERTIFICATE OF COMPLETION AND OPENING  
OF A HIGHWAY FOR PUBLIC TRAVEL**

Annette L. Cappy, Town Clerk of the Town of Brattleboro, Vermont.

Pursuant to Title 19, V.S.A. Section 15, as amended 1989, this is to certify that the following described section of Class 3 Highway in the Town of Brattleboro was **COMPLETED AND OPEN FOR PUBLIC TRAVEL ON March 12, 1997: WILSON'S WOODS ROAD.**

**DESCRIPTION OF RIGHT-OF-WAY:** Beginning at an iron pin on the northerly side of Fairground Road, which pin marks the southeasterly corner of Lot 21 of the Wilson's Woods subdivision and the southwesterly corner of the road known as Wilson's Woods Road, and thence running generally northeasterly through the Wilson's Woods subdivision a distance of approximately one-half mile, as more particularly described in the QUITCLAIM DEED from New Haven Savings Bank to the Town of Brattleboro, attached hereto.

and **NOT YET SHOWN** on the most recent General Highway Map of Urban Compact of Brattleboro-West Brattleboro, but the Quitclaim Deed of New Haven Savings Bank to the Town of Brattleboro, dated February 27, 1997, is filed in Book 258 on Page 632 of the Records of the Town of Brattleboro by the Town Clerk of Town of Brattleboro incorporated herein by reference and attested to therein by said Town Clerk.

DATED at Brattleboro, County of Windham and State of Vermont, this 15 day of February, A.D. 2000.

  
\_\_\_\_\_  
Robert S. Fagelson, Chairman

  
\_\_\_\_\_  
Greg Worden, Vice-Chairman

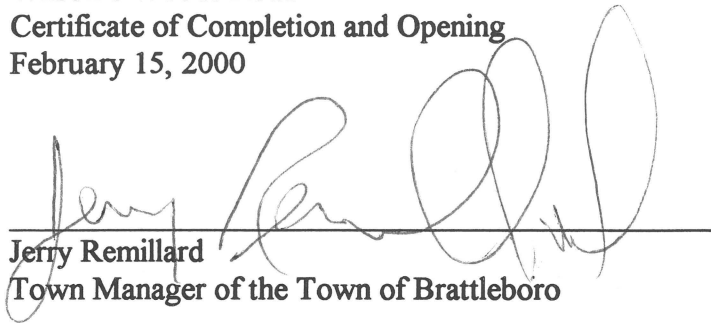
  
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Daryl L. Pillsbury

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Matthew W. Speno

  
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Newell B. West, Jr., Clerk

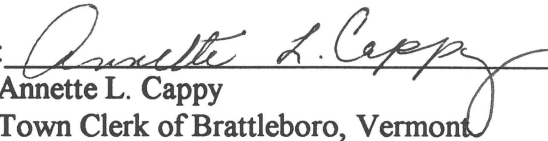
Selectboard, Town of Brattleboro

Wilson's Woods Road  
Certificate of Completion and Opening  
February 15, 2000

  
Jerry Remillard  
Town Manager of the Town of Brattleboro

BRATTLEBORO, VERMONT  
February 17, A.D. 2000

THE ABOVE IS A TRUE DESCRIPTION OF THE CLASS 3 HIGHWAY  
COMPLETED AND OPENED FOR PUBLIC TRAVEL, RECORDED IN BOOK 258 ON <sup>12<sup>th</sup></sup>  
PAGE 632 OF THE TOWN RECORDS OF THE TOWN OF BRATTLEBORO ON THE ~~27<sup>th</sup>~~  
DAY OF ~~February~~, 1997 AT 9:50 O'CLOCK, A. M.  
<sub>MARCH</sub>

ATTEST:   
Annette L. Cappy  
Town Clerk of Brattleboro, Vermont

TOWN OF BRATTLEBORO  
DEPARTMENT OF PUBLIC WORKS  
211 FAIRGROUND ROAD  
BRATTLEBORO, VT 05301

## VERMONT QUITCLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS that **NEW HAVEN SAVINGS BANK**, a corporation specially chartered by the General Assembly of the State of Connecticut with a place of business at New Haven, County of New Haven and State of Connecticut, **GRANTOR**, in the consideration of One Dollar and Other Good and Valuable Consideration paid to its full satisfaction by the **TOWN OF BRATTLEBORO**, a Vermont municipal corporation in the County of Windham and State of Vermont, **GRANTEE**, by these presents, have **REMISED, RELEASED, AND FOREVER QUITCLAIMED** unto the said **GRANTEE, TOWN OF BRATTLEBORO**, and its successors and assigns forever, all right and title which it or its successors and assigns have in, and to a certain piece of land in Brattleboro in the County of Windham and State of Vermont, described as follows, viz:

A parcel of land on the northerly side of Fairground Road, which parcel comprises Wilson's Woods Road, more particularly bounded as follows:

Beginning at an iron pin on the northerly side of Fairground Road, which pin marks the southeasterly corner of Lot 21 of the Wilson's Woods subdivision and the southwesterly corner of the road known as Wilson's Woods Road;

thence running along the following courses and distances:

N 22° 12' 20" E along the easterly line of Lot 21 a distance of Sixty-four and Sixty-two hundredths (64.62') feet to a point;

thence running on a curve to the left having a radius of Two Hundred Fifty (250') feet an arc distance of Twenty-seven and Forty-four hundredths (27.44') feet to a point;

thence N 15° 55' 00" E along the easterly line of Lots 21, 23, 24, 25, 26, 27, 28, 29, and part of Lot 30 a distance of Five Hundred Ninety-two and Fifty-four hundredths (592.54') feet to a point;

thence running on a curve to the left having a radius of Two Hundred Fifty (250') feet an arc distance of Fifty and Fifty-two hundredths (50.52') feet along the easterly line of Lot 30 to a point which marks the southeasterly corner of a right of way running westerly from Wilson's Woods Road to Lot 31;

thence running on a curve to the left having a radius of Two Hundred Fifty (250') feet an arc distance of Twenty and Ten hundredths (20.10') feet to an iron pin which marks the northeasterly corner of the said right of way and southeast corner of Lot 32;

thence running on a curve to the left having a radius of Two Hundred Fifty (250') feet an arc distance of Fifty-three and Seventy-three hundredths (53.73') feet along the easterly line of Lot 32 to a point;

thence N 12° 35' 00" W along the easterly line of Lot 32 a distance of Fifty-one and Eighty-nine hundredths (51.89') feet to an iron pin marking the northeast corner of Lot 32;

thence S 77° 25' 00" W along the northerly line of Lot 32 a distance of Thirty-seven and Fifty hundredths (37.50') feet to an iron pin;

thence N 12° 35' 00" W along the easterly line of Lot 33 a distance of Sixty (60') feet to an iron pin;

thence N 77° 25' 00" E along the easterly line of Lot 33 a distance of Fifteen (15') feet to an iron pin marking the southwesterly corner of Lot 34;

thence N 77° 25' 00" E along the southerly line of Lot 34 a distance of Seventy-five (75') feet to an iron pin marking the southeasterly corner of Lot 34;

thence N 77° 25' 00" E a distance of Forty-five (45') feet to an iron pin;

thence S 12° 35' 00" E a distance of Forty (40') feet to an iron pin;

thence S 12° 35' 00" E a distance of Twenty (20') feet to an iron pin in the northerly line of Lot 2, the last three courses running along southerly and westerly lines of common land of the Wilson's



**Woods subdivision;**

thence S 77° 25' 00" W along the northerly line of Lot 2 a distance of Thirty-seven and Fifty hundredths (37.50') feet to an iron pin marking the northwesterly corner of Lot 2;

thence S 12° 35' 00" E along the westerly line of Lot 2 a distance of Fifty-one and Eighty-nine hundredths (51.89') feet to a point;

thence running on a curve to the right having a radius of Three Hundred Ten (310') feet an arc length of Twenty-three and Eleven hundredths (23.11') feet to an iron pin marking the southwest corner of Lot 2;

thence running on a curve to the right having a radius of Three Hundred Ten (310') feet an arc length of Twenty-five and Three hundredths (25.03') feet to an iron pin marking the northwest corner of Lot 3;

thence running on a curve to the right having a radius of Three Hundred Ten (310') feet along the westerly line of Lot 3 an arc length of Seventy-Eight and Thirty-two hundredths (78.32') feet to an iron pin marking the southwest corner of Lot 3;

thence running on a curve to the right having a radius of Three Hundred Ten (310') feet along the westerly line of Lot 4 an arc length of Twenty-seven and Seventy-four hundredths (27.74') feet to a point;

thence S 15° 55' 00" W along the westerly line of Lots 4, 5, 6, 7 and 8 a distance of Four Hundred Two and Twenty-six hundredths (402.26') feet to an iron pin marking the southwest corner of Lot 8 and the northwest corner of Kettle Hole Street;

thence S 15° 55' 00" W across the intersection of Kettle Hole Street and Wilson's Woods Road a distance of Sixty (60') feet to an iron pin marking the southwest corner of Kettle Hole Street and the northwest corner of Lot 18;

thence S 15° 55' 00" W along the westerly line of Lot 18 and part of Lot 19 a distance of One Hundred Twenty-nine and Forty-one hundredths (129.41') feet to a point;

thence running on a curve to the right having a radius of Three Hundred Ten (310') feet along the westerly line of Lot 19 an arc

distance of Twenty-three and Sixty-five hundredths (23.65') feet to an iron pin marking the northwesterly corner of Lot 20;

thence running on a curve to the right having a radius of Three Hundred Ten (310') feet along the westerly line of Lot 20 an arc distance of Ten and Thirty-eight hundredths (10.38') feet to a point;

thence S 22° 12' 20" W along the westerly line of Lot 20 a distance of Sixty-four and Sixty-two hundredths (64.62') feet to an iron pin on the northerly side of Fairground Road marking the southwest corner of Lot 20 and the southeast corner of Wilson's Woods Road;

thence S 67° 47' 40" East a distance of Sixty (60') feet to the iron pin marking the point and place of beginning.

Reference may be had to a certain survey plan entitled, "Plan of Land of Stephen Green and Michael Kantrow, Fairground Road, Brattleboro, VT, Scale = 1"=50'," prepared by C. T. Male Associates, P.C., dated 3 February 1988, Project No. 87-09813.

Reference may also be made to Land Use Permit No. 2W0769 dated 13 September 1990 and recorded in Brattleboro Land Records (Book 218, page 7) and Land Use Permit No. 2W0769-1 dated 6 December 1991 and recorded in Brattleboro Land Records (Book 224, page 862), and any amendments thereto.

Being part of the premises which were conveyed to the GRANTOR by Warranty Deed of Fairground Development Corporation, dated 10 April 1996, and recorded in Brattleboro Land Records (Book 253, page 441).

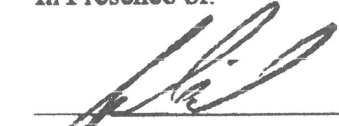
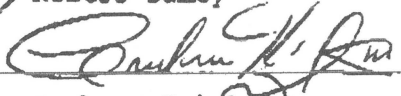
TO HAVE AND TO HOLD said right and title in and to said quitclaimed premises, with appurtenances thereof, to the said GRANTEE, **TOWN OF BRATTLEBORO**, and its successors and assigns, to its own use and behoof forever.


AND FURTHERMORE, **NEW HAVEN SAVINGS BANK**, the said GRANTOR, for itself and its successors and assigns, does covenant with the said GRANTEE, **TOWN OF BRATTLEBORO**, and its successors and assigns, that from and after the ensembling of these presents, it will have and claim no right, in, or to the said quitclaimed premises.

IN WITNESS WHEREOF, NEW HAVEN SAVINGS BANK has hereunto set its hand  
and seal this 27th day of February A.D. 1997.

In Presence of:

NEW HAVEN SAVINGS BANK

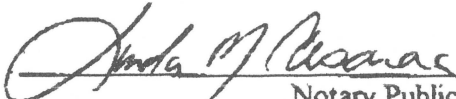
  
\_\_\_\_\_  
Robert Bailey  
  
\_\_\_\_\_  
Andrew Hvizd III

By:   
\_\_\_\_\_  
Its Senior Vice President.

STATE OF Connecticut  
New Haven COUNTY, SS.

At New Haven Savings Bank this 27 day of February, 1997,  
John Vaspasiano, authorized agent for New Haven Savings Bank,  
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 New Haven Savings Bank.

Before me,

  
\_\_\_\_\_  
Notary Public

My Commission Expires PUBLIC  
COMMISSION EXPIRES  
SEP 12/31/99

CERTIFICATE OF COMPLETION AND OPENING  
OF A HIGHWAY FOR PUBLIC TRAVEL

RECEIVED  
FEB 22 2000

Annette L. Cappy, Town Clerk of the Town of Brattleboro, Vermont.

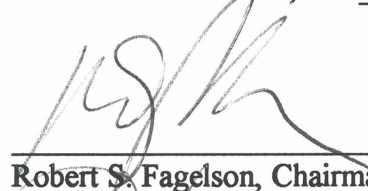
Pursuant to Title 19, V.S.A. Section 15, as amended 1989, this is to certify that the following described section of Class 3 Highway in the Town of Brattleboro was COMPLETED AND OPEN FOR PUBLIC TRAVEL ON April 18, 1995: QUAIL'S HILL ROAD.

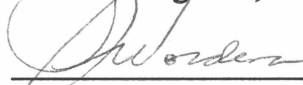
DESCRIPTION OF RIGHT-OF-WAY: Beginning at the southerly limit of Lot 1 of the Quail's Hill subdivision and the southerly limits of Ames Hill Road and thence in a southerly direction approximately 2,840 feet, and more particularly described in the Resolution Accepting Quail's Hill Road, April 18, 1995, attached hereto.

and NOT YET SHOWN on the most recent General Highway Map of Urban Compact of Brattleboro-West Brattleboro, but said Resolution Accepting Quail's Hill Road is filed in Volume 2 on Page 91 of the Highway Books of the Town of Brattleboro by the Assistant Town Clerk of Town of Brattleboro incorporated herein by reference and attested to therein by said Town Clerk.

DATED at Brattleboro, County of Windham and State of Vermont, this 15 day of February, A.D. 2000.

2840 feet 0.59 mile

  
\_\_\_\_\_  
Robert S. Fagelson, Chairman

  
\_\_\_\_\_  
Greg Worden, Vice-Chairman

  
\_\_\_\_\_  
Daryl L. Pillsbury

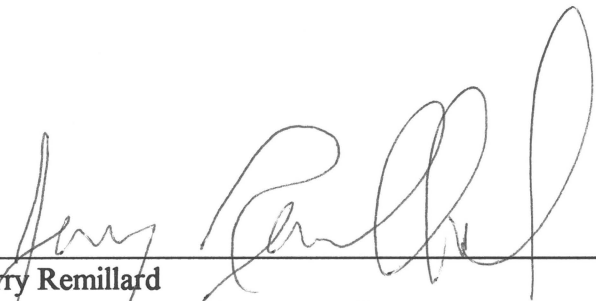
\_\_\_\_\_  
Matthew W. Speno

  
\_\_\_\_\_  
Newell B. West, Jr., Clerk

Selectboard, Town of Brattleboro




Quail's Hill Road  
Certificate of Completion and Opening  
February 15, 2000

  
\_\_\_\_\_  
Jerry Remillard  
Town Manager of the Town of Brattleboro

BRATTLEBORO, VERMONT  
February 17, A.D. 2000

THE ABOVE IS A TRUE DESCRIPTION OF THE CLASS 3 HIGHWAY  
COMPLETED AND OPENED FOR PUBLIC TRAVEL, RECORDED IN VOLUME 2 on  
PAGE 91 OF THE HIGHWAY BOOKS OF THE TOWN OF BRATTLEBORO ON THE  
20TH DAY OF APRIL, 1995 AT 8:55 O'CLOCK, A.M.

ATTEST:   
\_\_\_\_\_  
Annette L. Cappy  
Town Clerk of Brattleboro, Vermont

TOWN OF BRATTLEBORO  
DEPARTMENT OF PUBLIC WORKS  
211 FAIRBORN ROAD  
BRATTLEBORO, VT 05301

RESOLUTION ACCEPTING QUAIL'S HILL ROAD

Whereas Brian D. Ireland, Ehrick Carragan, Jesse M. Corum, IV and Lynne H. Corum conveyed to the Town of Brattleboro by good and sufficient warranty deed dated January 4, 1995 a certain strip of land being Quail's Hill Road being approximately two thousand, eight hundred and forty (2,840) feet in length and approximately sixty (60) feet in width and located in the Quail's Hill subdivision, for highway purposes and

Whereas, the acceptance and dedication of the highway as tendered to the Town of Brattleboro by warranty deed dated January 4, 1995 would be in the best interests of the inhabitants of the Town of Brattleboro and others; and

Whereas the proposed conveyance meets the stipulated requirements and standards of the Town of Brattleboro for highway purposes.

NOW, THEREFORE, BE IT RESOLVED: That it is necessary in the public interest that land be acquired for highway purposes to provide access to the Quail's Hill Subdivision, and that the gift of land for such purposes by Brian D. Ireland, Ehrick K. Carragan, Jesse Corum, IV and Lynn H. Corum, as described in their warranty deed dated January 4, 1995 be, and the same hereby is as of this date, accepted and dedicated for public purposes over the following parcel of land described as follows viz:

Meaning and intending hereby to convey a strip of land sixty (60) feet in width running in a general southerly direction from the Ames Hill Road and over which lies the paved road know as the Quail's Hill Road and being more particularly delineated on a certain survey map entitled, "Revised Subdivision Plan, Quail's Hill, prepared for Ireland, Carragan & Corum, Brattleboro, Vermont," plan dated July 7, 1989, prepared by Mann Associates, Inc. and recorded in Brattleboro Map Slides 318-319, and more particularly described as follows:

Beginning at a point marked by an iron pin at a corner of lot 1 and the southerly limits of Ames Hill Road; thence S 20° 03' E a distance of 55.83 feet to a point; thence along a curve to the right having a radius of 180 feet, an arc distance of 210.49 feet to a point; thence S 46° 57' W a distance of 109.39 feet to a point; thence along a curve to the left having a radius of 120 feet, an arc distance of 86.22 feet to an iron pin, said iron pin marking a common corner of Lots 1 and 2; thence S 05° 47' W a distance of 162.96 feet to a point; thence along a curve to the right having a radius of 180 feet, an arc distance of 99.51 feet to a point; thence S 37° 27' W a distance of 110.23 feet to a point; thence along a curve to the right having a radius of 180

feet, an arc distance of 32.90 feet to a point; thence S 47° 56' W a distance of 560.48 feet to a point; thence along a curve to the left having a radius of 120 feet, an arc distance of 18.30 feet to a point; thence S 39° 11' W a distance of 465.55 feet to a point; thence along a curve to the right having a radius of 450 feet, an arc distance of 34.29 feet to a point; thence along a curve to the left having a radius of 660 feet, an arc distance of 155.36 feet to a point; thence along a curve to the right having a radius of 358.48 feet, an arc distance of 70.61 feet to a point marked by an iron pin, which iron pin marks a common corner between Lots 5 and 6; thence S 41° 21' W a distance of 588 feet to a point; thence along a curve to the left having a radius of 205 feet, an arc distance of 100.41 feet to a point; thence N 76° 43' W a distance of 60.00 feet to a point; thence along a curve to the left having a radius of 45.00 feet, an arc distance of 70.69 feet to a point; thence N 13° 17' E a distance of 60.00 feet to a point; thence S 76° 43' E a distance of 47.67 feet to a point; thence along a curve to the left having a radius of 30.00 feet, an arc distance of 32.43 feet to a point; thence N 41° 21' E a distance of 592.29 feet to a point; thence along a curve to the left having a radius of 298.48 feet, an arc distance of 58.80 feet to a point; thence along a curve to the right having a radius of 720 feet, an arc distance of 169.48 feet to a point marked by an iron pin which marks the corner of Lot 13; thence along a curve to the left having a radius of 390.00 feet, an arc distance of 29.71 feet; thence N 39° 11' E a distance of 465.57 feet to a point; thence along a curve to the right having a radius of 180 feet, an arc distance of 27.45 feet to a point; thence N 47° 56' E a distance of 560.48 feet to a point; thence along a curve to the left having a radius of 120 feet, an arc distance of 21.93 feet to a point; thence N 37° 27' E a distance of 110.23 feet to a point marked by an iron pin, which pin marks a corner of Lots 16 and 17; thence along a curve to the left having a radius of 120 feet, an arc distance of 66.34 feet to a point; thence N 05° 47' E a distance of 162.96 feet to a point; thence along a curve to the right having a radius of 180 feet, an arc distance of 129.33 feet to a point; thence N 46° 57' E a distance of 109.39 feet to a point; thence along a curve to the left having a radius of 120 feet, an arc distance of 140.31 feet to a point; thence N 20° 03' W a distance of 46.29 feet to a point marked by an iron pin at the southerly limits of Ames Hill Road and the northwesterly corner of Lot 17; thence N 60° 55' E a distance of 60.75 feet to the point and place of beginning; said area of land within the limits of the aforescribed right of way being 4.00 acres, more or less;

The foregoing described parcel is subject to State of Vermont Deferral of Permit No. DE-2-2554 dated 12 July 1988, recorded as of 2 December 1988 in Book 208, Page 1189 of the Brattleboro Land Records as follows:

In order to comply with the State of Vermont Environmental Protection Rules on the subdivision of lands and disposal of waste including sewage, the grantee shall not construct or erect a structure or building on the parcel of land conveyed, the useful occupancy of which will require the installation of plumbing and sewage treatment facilities or convey this land without first complying with said State regulations. The grantee by acceptance of this deed acknowledges that this lot may not qualify for approval for development under the appropriate environmental protection or health regulations and that the State may deny an application to develop the lot;

The foregoing described parcel is subject to the State of Vermont Land Use Permit (Act 250) No. 2W0766 dated November 30, 1988 and recorded as of December 2, 1988 in Book 208, Page 1182 of the Brattleboro Land Records and State of Vermont Land Use Permit (Act 250) No. 2W0766-1 dated October 11, 1989 and recorded as of October 12, 1989 in Book 213, Page 630 of the Brattleboro Land Records and State of Vermont Land Use Permit (Act 250) No. 2W0766-1A dated October 12, 1990 and recorded as of October 15, 1990 in Book 218, Page 379 of the Brattleboro Land Records and State of Vermont Land Use Permit (Act 250) No. 2W0766-1B dated October 24, 1990 and recorded as of October 25, 1990 in Book 218, Page 497 of the Brattleboro Land Records;

The foregoing described parcel is subject to public utility easement rights as they may exist and granted to Central Vermont Public Service Corporation and New England Telephone and Telegraph Company by Grantors dated December 8, 1989 and recorded as of April 9, 1990 in Book 215, Page 952 of the Brattleboro Land Records;

For Grantors' sources of title see Warranty Deeds of Gary L. Carrier and Alice L. Carrier dated November 13, 1987, recorded in the Brattleboro Land Records in Book 203, Page 157; Book 203, Page 160; and Book 203, Page 163;

**TO HAVE AND TO HOLD** said granted premises, with all the privileges and appurtenances thereof, to the said Grantee, the **TOWN OF BRATTLEBORO**, and its successors and assigns, to its own use and behoof forever; And we, the said Grantors, **BRIAN D. IRELAND, EHRICK K. CARRAGAN, JESSE M. CORUM IV AND LYNN H. CORUM**, for ourselves and our heirs, executors and administrators, do covenant with the said Grantee, the **TOWN OF BRATTLEBORO** and 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 FROM EVERY ENCUMBRANCE**, except as aforesaid and except for 1994 real estate taxes assessed by the Town of Brattleboro, which grantee herein, by the acceptance of this deed, assumes and agrees to pay; And we hereby engage to **WARRANT AND DEFEND** the same against all lawful claims whatever,

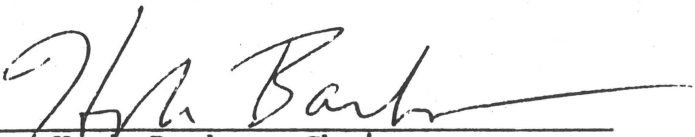


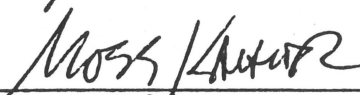
Except as aforesaid.

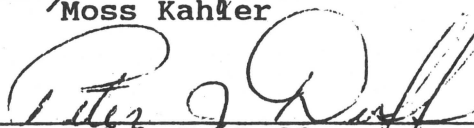
AND BE IT FURTHER RESOLVED: That the above described parcel of land shall be hereafter dedicated for public use and shall be known as QUAIL'S HILL ROAD.

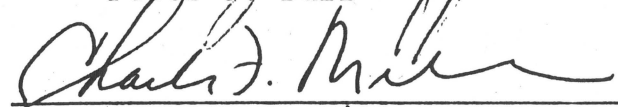
DATED AT BRATTLEBORO, VT  
April 18, 1995

TOWN OF BRATTLEBORO  
BOARD OF SELECTMEN

  
\_\_\_\_\_  
Hugh Barber, Chairman

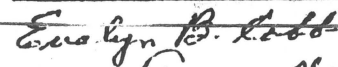
  
\_\_\_\_\_  
Moss Kahler

  
\_\_\_\_\_  
Peter J. Duff

  
\_\_\_\_\_  
Charles F. Miller

\_\_\_\_\_  
George W. Roberge, Jr.

TOWN CLERK'S OFFICE  
BRATTLEBORO, VT.  
RECEIVED  
April 20, 1995  
at 8 H 55 M 9. M.  
Recorded Book HW 3 Page 91

  
\_\_\_\_\_  
Evelyn B. Ladd  
Asst. Town Clerk

CERTIFICATE OF COMPLETION AND OPENING  
OF A HIGHWAY FOR PUBLIC TRAVEL

RECEIVED  
FEB 22 2000


Annette L. Cappy, Town Clerk of the Town of Brattleboro, Vermont.


Pursuant to Title 19, V.S.A. Section 15, as amended 1989, this is to certify that the following described section of Class 3 Highway in the Town of Brattleboro was DISCONTINUED February 24, 1982: Portion of "OLD" SUNSET LAKE ROAD.

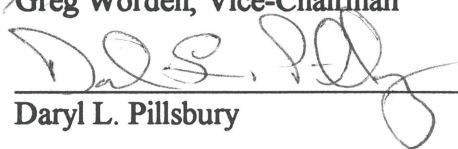
DESCRIPTION OF RIGHT-OF-WAY: A portion of so-called "old" Sunset Lake Road on the attached survey titled "New Layout of Sunset Lake Road As Traveled," beginning at the northwesterly corner of land of Sheridan and Young and thence generally northerly to the intersection of the "new" Sunset Lake Road, also shown on the accompanying survey map, and described also in the Order on page 8 of the Report on the Laying Out of a Portion of Highway Known as Sunset Lake Road and the Laying Out/Discontinuance of a Highway Known As the Old Sunset Lake Road, attached hereto.

and NOT YET SHOWN on the most recent General Highway Map of Urban Compact of Brattleboro-West Brattleboro, but the Order is filed in Volume 2 on Page(s) 33-38 of the Highway Books of the Town of Brattleboro by the Town Clerk of Town of Brattleboro incorporated herein by reference and attested to therein by said Town Clerk.

DATED at Brattleboro, County of Windham and State of Vermont, this 15 day of February, A.D. 2000.

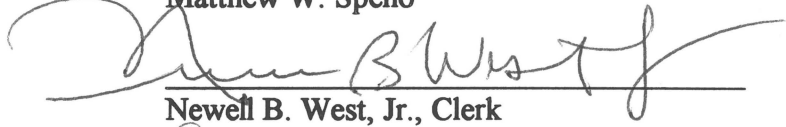
  
\_\_\_\_\_  
Robert S. Fagelson, Chairman

  
\_\_\_\_\_  
Greg Worden, Vice-Chairman

  
\_\_\_\_\_  
Daryl L. Pillsbury

Old Sunset Lake Road--Discontinued Portion  
Certificate of Completion and Opening  
February 15, 2000

Matthew W. Speno



Newell B. West, Jr., Clerk

Selectboard, Town of Brattleboro



Jerry Remillard

Town Manager of the Town of Brattleboro

BRATTLEBORO, VERMONT

February 17, A.D. 2000

THE ABOVE IS A TRUE DESCRIPTION OF THE A CLASS 3 HIGHWAY *Discontinued,*  
~~COMPLETED AND OPENED FOR PUBLIC TRAVEL,~~ RECORDED IN VOLUME/BOOK  
2 ON PAGE(S) 33-37 OF THE TOWN RECORDS OF THE TOWN OF  
BRATTLEBORO ON THE 4 DAY OF March, 1982 AT  
4:50 O'CLOCK, P. M.

ATTEST:



Annette L. Cappy  
Town Clerk of Brattleboro, Vermont

TOWN OF BRATTLEBORO  
DEPARTMENT OF PUBLIC WORKS  
211 FAIRGROUND ROAD  
BRATTLEBORO, VT 05601

REPORT ON THE LAYING OUT OF A  
PORTION OF A HIGHWAY KNOWN AS  
SUNSET LAKE ROAD AND THE LAYING  
OUT/DISCONTINUANCE OF A HIGHWAY  
KNOWN AS THE OLD SUNSET LAKE ROAD

We, the Selectmen of the Town of Brattleboro, hereby report on our doings concerning the laying out of a portion of a highway known as Sunset Lake Road and the laying out and/or discontinuance of all or a portion thereof of a highway known as the Old Sunset Lake Road within the Town of Brattleboro. Pursuant to resolution adopted at a regular meeting of the Board of Selectmen on the 18th day of November, 1981, notices of the proposed laying out of a portion of Sunset Lake Road and the laying out and/or discontinuance of all or a portion thereof of the Old Sunset Lake Road were caused to be posted in the offices of the Town Clerk, Town Manager, and Town Attorney, published in the Brattleboro Reformer on November 28, 1981, and a copy was caused to be mailed to the Brattleboro Planning Commission and copies mailed to the following persons at the following addresses by Registered Mail, Return Receipt Requested:

1. Kenneth W. & Phyllis J. Brandt, RD 2, Box 117A, W. Brattleboro, VT 05301;
2. Lillian R. Rothberg, Box 3624, Woodbridge, CT 06525;
3. Eugene Semeraro, 228 S. Main Street, Brattleboro, VT 05301;
4. Robert M. & Dora M. Sprague, RD 3, Box 9A, Old Guilford Road, Brattleboro, VT 05301.

In addition, copies of the notice were handdelivered to the following individuals:

1. Averill E. Hain;
2. Byron S. Sprague;
3. Lisa D. Stern;
4. Phyllis Young;
5. Eileen F. Canedy;
6. Mrs. Percy E. Sprague;
7. Jeannette Struthers;
8. Ronnalda Locke;
9. Michael Putnam;
10. Susan Murray;
11. C. Philip Turner.

In accordance with said notice, a copy of which is attached hereto, the Board of Selectmen met at the foot of the hill near the intersection of the Old Sunset Lake Road and the present Sunset Lake Road at 1:30 p.m. on the afternoon of Wednesday, December 9, 1981, to examine the premises. Present at that time were Philip Turner, Averill Hain, Arnold Canedy, Eugene Semeraro, Sheridan and Phyllis Young, Bruce Murray, and Thomas Chamberlin all residents of the area, and Town Manager Corwin Elwell, Town Attorney Robert Pu, Legal Clerk Vicki Donahue, Public Works Director Orman Holden, Town Appraiser Charles Fish, Surveyor William Shumway, Selectmen Carlton Orne and Hugh Bronson, and George Carvill of the Press. Byron Sprague was present as a property owner on the new Sunset Lake Road and also as a Selectman to vote on the Old Sunset Lake Road.

Thereafter, after the view of the premises, a hearing was held at 7:30 p.m. on Wednesday, the 16th day of December, 1981, in the Vermont District Courtroom, 230 Main Street, Brattleboro, Vermont, to consider the following:

1. The laying out of a portion of a highway known as Sunset Lake Road (Town Highway No. 12) as traveled, and being approximately 1787 feet long and three rods in width and running northerly from a point approximately one-third of a mile northerly of the intersection of said Sunset Lake Road with Marlboro Road (Vermont Route 9) to the junction of the same Sunset Lake Road (Town Highway No. 12) with the northerly terminus of the Old Sunset Lake Road.

2. The laying out and/or discontinuance of all or a portion thereof of a two-rod wide highway known as the "old Sunset Lake Road", so-called, commencing at a point on the westerly line of Sunset Lake Road (Town Highway No. 12), which point is located approximately one-third of a mile northerly of the intersection of said Sunset Lake Road with Marlboro Road (Vermont Route 9) and marks the southerly terminus of said Old Sunset Lake Road and thence running approximately 1624 feet northerly to the northerly terminus of said Old Sunset Lake Road and its junction with Sunset Lake Road (Town Highway No. 12). Said highway is bounded on the east by property of Percy E. and Florence M. Sprague, Sheridan G. and Phyllis G. Young, Eugene Semeraro, and George R. and Averill Hain and on the west by property of Jeannette A., Clarence M. and Rose Marie Struthers, Arnold E. and Eileen F. Canedy, Bruce A. and Susan E. Murray, Eugene Semeraro, and George R. and Averill E. Hain.

3. Claims for damages.

Present at the hearing were Selectmen Orne, Calef, Bronson, Bristol, and Sprague; Town Manager Corwin Elwell, Assistant Town Manager Christine Hart, Finance Director Daniel Brosnan, Jr., Town Attorney Robert Pu, Legal Clerk Vicki Donahue, Public Works Director Orman Holden; members of the Press; abutting property owners Eugene Semeraro, Sheridan and Phyllis Young, Averill Hain and Charles R. Cummings, Esquire, Bruce and Susan Murray, Arnold Canedy, and Philip Turner; Thomas and Bernice Chamberlin; and visitors.

Old Sunset Lake Road

Testimony was taken from Eugene Semeraro, Sheridan G. Young, Charles Cummings, Esquire, on behalf of Averill Hain, Bruce Murray, and Arnold E. Canedy. Received into evidence were the following:

1. Written statement from Eugene Semeraro;
2. Written statement from Sheridan Young;



3. Copies of correspondence from Edward A. John to Bruce Murray dated 1 October, 1979, and from John S. Burgess to Mr. and Mrs. Bruce Murray dated October 17, 1979.

4. Photograph of the woodpile/obstruction in front of the entrance to the westerly portion of the Young property taken in August of 1979.

In addition, Eugene Semeraro submitted a letter dated January 7, 1982, with attached answer to statements received at the December 16, 1981, hearing, said letter being addressed to the Board of Selectmen.

There were no other witnesses or exhibits.

In consideration of the viewing, the testimony, official town records and exhibits, the Board makes the following findings of fact, conclusions of law, and order:

#### Findings of Fact

1. On or about January 26, 1874, the Brattleboro Board of Selectmen laid out and altered the road known as the Dummerston Hill road, which road is presently known as Sunset Lake Road.
2. The Old Sunset Lake Road is bounded on the east by property of Sheridan G. and Phyllis G. Young, Eugene Semeraro, and Averill E. Hain, and on the west by property of Jeannette A., Clarence M. and Rose Marie Struthers, Arnold E. and Eileen F. Canedy, Bruce A. and Susan E. Murray, Eugene Semeraro, and Averill E. Hain.
3. Sheridan G. and Phyllis G. Young obtained title to their property by virtue of a warranty deed from Grace E. Dompier dated October 22, 1952.
4. Eugene Semeraro obtained title to his two parcels on the easterly side of the Old Sunset Lake Road by virtue of a warranty deed from Nellie L. Barber dated August 12, 1948.
5. Averill E. Hain obtained title to her property by virtue of a warranty deed from Ester Votos dated October 31, 1974. Said conveyance was made "subject to such rights of way as may exist in the public for the use of the highways which may cross said premises, with specific reference to the Old Sunset Lake Road, so-called".
6. Eugene Semeraro obtained title to his third parcel by virtue of a warranty deed from Ester Votos dated August 1, 1975. Said conveyance was made "subject to such rights of way as may exist in the public for the use of the highways which may cross said premises, with specific reference to the Old Sunset Lake Road, so-called".
7. Bruce A. and Susan E. Murray obtained title to their property by virtue of a warranty deed from Francis H. and Phyllis E. Humphrey dated November 29, 1969.
8. Arnold E. and Eileen F. Canedy obtained title to their property by virtue of a warranty deed from S. Whitley Landon III and Joan J. Landon dated August 25, 1975.
9. The Young parcel has frontage on both the new and the old Sunset Lake Roads.
10. Semeraro's three parcels all have frontage on the new Sunset Lake Road. The two parcels located between the new and the old Sunset Lake Roads also have frontage on the old Sunset Lake Road. The old Sunset Lake Road runs through the third parcel.
11. The Hain parcel has frontage on the new Sunset Lake Road and the old Sunset Lake Road also runs through it.
12. The Murray parcel only has frontage on the old Sunset Lake Road.
13. The Canedy parcel only has frontage on the old Sunset Lake Road.
14. Dwelling houses are located on the Young, Semeraro (parcel number 2), Hain, Murray, and Canedy parcels.
15. The deeds in the chain of title for the property located between the new and the old Sunset Lake Roads indicate that there is some question as to the ownership of the small triangular parcel located at the southerly junction of the new and the old Sunset Lake Roads.
16. On or about January 7, 1982, Eugene Semeraro claimed ownership of this triangular piece of property.
17. The old Sunset Lake Road has not been maintained by the Town.
18. Sheridan and Phyllis Young have maintained that portion of the old Sunset Lake Road leading to their property for about 20 years.
19. Bruce Murray has maintained that portion of the old Sunset Lake Road leading to his property since 1969.
20. Arnold Canedy has blacktopped a portion of the old Sunset Lake Road and his driveway.
21. Arnold and Eileen Canedy, Bruce and Susan Murray, and Averill Hain would like to see the Town discontinue the old Sunset Lake Road.
22. Arnold and Eileen Canedy and Bruce and Susan Murray are prepared to give rights of way to each other and Sheridan and Phyllis Young in the event that the old Sunset Lake Road is discontinued.
23. Sheridan and Phyllis Young want a guaranteed access to their property off of the old Sunset Lake Road, though not necessarily at the point where the access is presently located.

24. Sheridan and Phyllis Young are unwilling to give a right of way to the Murrays in the event the old Sunset Lake Road is discontinued.

25. The Murrays run a nursery school on their property and the southerly end of the old Sunset Lake Road is heavily traveled.

26. Eugene Semeraro claims to have an inherent and permanent right of way over the old Sunset Lake Road.

27. Eugene Semeraro feels that the property owners will have to work out a mutually satisfactory arrangement for the use of the old Sunset Lake Road in the event that it is discontinued by the Town.

#### Conclusions of Law

28. The Board of Selectmen has the authority to lay out, alter and discontinue highways, subject to the public good, necessity or convenience.

29. When a highway is discontinued, the right of way may be continued at the same width by the Board of Selectmen by designating the right of way as a trail.

30. If a discontinued highway is not designated as a trail, it shall be set and belong to the owners of the adjoining lands; if it is located between lands of two different owners, it shall be set to the lots to which it originally belonged, if they can be ascertained; if not, it shall be equally divided between the owners of the land on each side.

31. All of the property owners on the old Sunset Lake Road, with the exception of Bruce and Susan Murray have access to their parcels from the new Sunset Lake Road. Assuming that the Canedys, Murrays, and Youngs are willing to exchange rights of way, the public good, necessity and convenience of the inhabitants are best served by a discontinuance of the old Sunset Lake Road.

32. In view of the Youngs refusal to give a right of way to the Murrays, the public good, necessity and convenience of the inhabitants are best served by a laying out of a section of the old Sunset Lake Road as a Class 4 Town Highway and the discontinuance of the remainder.

33. Notwithstanding Eugene Semeraro's recent claim of ownership of the triangular parcel located at the southerly junction of the new and old Sunset Lake Roads, the Board finds that a cloud has existed on the ownership of this parcel since April 5, 1922.

#### Order

WHEREFORE, the southerly section of the old Sunset Lake Road described as follows:

A certain section of highway layout two rods wide for old Sunset Lake Road, so-called, and running approximately 587 feet northerly from a point on the westerly line of the new Sunset Lake Road which is located approximately one-third of a mile northerly of the intersection of said new Sunset Lake Road with Marlboro Road (Vermont Route 9) in said Brattleboro and is further bounded and described as follows, viz.:

Beginning at a new concrete highway bound marking the southwesterly terminus of the new layout of even date for Sunset Lake Road as now traveled, said bound is located 44.02 feet S 45°-15' E of an iron pipe in a stone wall marking the southeasterly corner of the land of Arnold E. and Eileen F. Canedy and the northeasterly corner of the land of Jeanette A., Clarence M., and Rose Marie Struthers located on the westerly side of said new Sunset Lake Road; thence N 45°-15' W along the northeasterly line of the land of said Struthers and said Canedy a distance of 79.02 feet to a point; thence N 13°-18' W along the easterly line of the land of said Canedy, Bruce A. and Susan E. Murray and of Eugene Semeraro, and marked in part by a stone wall, a distance of 496.00 feet to a point; thence N 11°-35' W along the easterly line of the land of said Semeraro, and marked by a stone wall, a distance of 47.11 feet to a new concrete highway bound, said new highway bound marks the northwesterly corner of this highway layout, N 78°-25' E and crossing said highway a distance of 33.00 feet to a new concrete highway bound at a stone wall corner marking the northeasterly corner of this highway layout and the northwesterly corner of the land of Sheridan G. and Phyllis G. Young; thence S 11°-35' E along the westerly line of the land of Sheridan G. and Phyllis G. Young and marked by a stone wall, a distance of 46.62 feet to a point; thence S 13°-18' E along the westerly line of the land of said Young and the land of parties unknown, and marked by a stone wall, a distance of 486.05 feet to a point at the southerly end of said wall; thence S 45°-15' E along the southwesterly line of the land of parties unknown a distance of 18.61 feet to a point marking the southeasterly corner of this highway layout in the westerly line of said new Sunset Lake Road layout of even date; thence southerly and crossing said old Sunset Lake Road and along a curve to the left and the westerly line of said new Sunset Lake Road an arc distance of 60.74 feet to a new concrete highway bound and the point of beginning, said curve has a radius of 624.75 feet and a chord running 60.71 feet S 12°-19'-30" E. All bearings are referenced to the 1981 magnetic meridian and the parcel contains 0.4438 of an acre.

is hereby laid out as a Class 4 Town Highway.

The northerly section of the old Sunset Lake Road described as follows:

A certain section of highway layout two rods wide for old Sunset Lake Road, so-called, running from a point opposite the northerly line of the land of Sheridan G. and Phyllis G. Young northerly through the lands of Eugene Semeraro and of George R. and Averill E. Hain in said Brattleboro and is further bounded and described as follows, viz.:

Beginning at a new concrete highway bound at a stone wall corner marking the southeasterly corner of this highway layout and the northwesterly corner of the land of Sheridan G. and Phyllis G. Young; thence S 78°-25' W and crossing said old Sunset Lake Road a distance of 33.00 feet to a new concrete highway bound marking the southwesterly corner of this highway layout; thence N 11°-35' W along the easterly line of the land of Eugene Semeraro, and marked by a stone wall, a distance of 508.89 feet to a stone post at the northerly end of a stone wall, said stone post being in the north line of the land of said Semeraro and in the south line of the land of George R. and Averill E. Hain; thence N 08°-20' W along an easterly line of the land of said Hain a distance of 591.28 feet to a new concrete highway bound marking the northwesterly terminus of the new layout of even date for new Sunset Lake Road as traveled, said concrete bound is located 156.69 feet S 25°-09' E of an iron pipe in a stone wall in the supposed westerly line of Sunset Lake Road as traveled which marks the northeasterly corner of the land of said Hain and the southeasterly corner of the land of Lillian R. Rothberg; thence S 23°-00' E along the westerly line of said new layout for new Sunset Lake Road as traveled a distance of 87.55 feet to a point; thence continuing southeasterly along said westerly line of Sunset Lake Road as traveled and along a curve to the left an arc distance of 40.02 feet to a point at the northeasterly corner of this layout, said last two described courses cross the northerly limit of this layout and said curve has a radius of 1524.75 feet and a chord running 40.02 feet S 23°-45' E; thence S 08°-20' E along a westerly line of the land of said Hain a distance of 463.70 feet to a new iron pipe in the ground; thence S 11°-35' E along the westerly line of other lands of said Semeraro, and marked in part by stones and a stone wall, a distance of 511.32 feet to a new concrete highway bound at a stone wall corner and the point of beginning. All bearings are referenced to the 1981 magnetic meridian and the parcel contains 0.7831 of an acre.

is hereby discontinued and the two rod highway is hereby set to the owners of the adjoining lands.

Dated at Brattleboro, Vermont, as of this 24th day of February, 1982.

BRATTLEBORO BOARD OF SELECTMEN

Carlton J Orne  
Carlton J. Orne

Byron S. Sprague  
Byron S. Sprague

Hugh J Bronson  
Hugh J. Bronson

David S Calef  
David S. Calef

Gordon E. Bristol  
Gordon E. Bristol

Sunset Lake Road (Town Highway No. 12)

Testimony was taken from Sheridan G. Young and Byron Sprague.

There were no other witnesses or exhibits.

In consideration of the viewing, the testimony, official town records and exhibits, the Board makes the following findings of fact, conclusions of law, and order:

Findings of Fact

1. On or about January 26, 1874, the Brattleboro Board of Selectmen laid out and altered a  $2\frac{1}{2}$  rod wide road known as the Dummerston Hill Road, which road is presently known as Sunset Lake Road (Town Highway No. 12).
2. That the road was subsequently widened and paved by the Town.
3. That none of the adjoining property owners have submitted claims for damages as a result of this widening.
4. That a survey has been prepared by William E. Shumway and the Town is proposing to lay out a portion of said highway as traveled, being approximately 1787 feet long and 3 rods in width and running northerly from a point approximately one-third of a mile northerly of the intersection of said Sunset Lake Road with Marlboro Road (Vermont Route 9) to the junction of the same Sunset Lake Road (Town Highway No. 12) with the northerly terminus of the Old Sunset Lake Road.

Conclusions of Law

5. State law requires highways to be a minimum of 3 rods wide.
6. The public good, necessity and convenience of the inhabitants are best served by a laying out of this portion of Sunset Lake Road as a three rod wide highway.
7. That none of the adjoining property owners have been damaged by the widening of this section of the road from  $2\frac{1}{2}$  to 3 rods.

Order

WHEREFORE, a section of Sunset Lake Road (Town Highway No. 12) described as follows:

A certain section of highway layout for Sunset Lake Road (Town Highway No. 12) as traveled and being approximately 1787 feet long and three rods in width and running northerly from a point approximately one-third mile northerly of the intersection of said Sunset Lake Road with Marlboro Road (Vermont Route 9) in said Brattleboro and is further bounded and described as follows, viz.:

Beginning at a point in the centerline of Sunset Lake Road (Town Highway No. 12) as traveled at the southerly terminus of the layout herein described, said point being 24.75 feet easterly of and radially from a new concrete highway bound marking the southwesterly corner of this highway layout and said bound is located 44.02 feet S 45°-15' E of an iron pipe in a stone wall marking the southeasterly corner of the land of Arnold E. and Eileen F. Canedy and north-easterly corner of the land of Jeannette A., Clarence M., and Rose Marie Struthers located on the westerly side of said Sunset Lake Road; thence northerly along a curve to the right an arc distance of 227.18 feet to a point, said curve has a radius of 600.0 feet and a chord running 225.83 feet N 04°-15' -50" W; thence N 06°-35' E a distance of 547.05 feet to a point; thence northerly and westerly along a curve to the left an arc distance of 370.16 feet to a point, said curve has a radius of 500.0 feet and a chord running 361.76 feet N 14°-37' -30" W; thence N 35°-50' W a distance of 192.92 feet to a point; thence north-westerly along a curve to the right an arc distance of 257.44 feet and a chord running 257.12 feet N 30°-55' W; thence N 26°-00' W a distance of 26.15 feet to a point; thence northwesterly along a curve to the right an arc distance of 78.54 feet to a point, said curve has a radius of 1500.0 feet and a chord running 78.53 feet N 24°-30' W; thence N 23°-00' W a distance of 87.55 feet to a point at the northerly terminus of this highway layout, said point being 24.75 feet easterly of and at right angles to a new concrete highway bound marking the northwesterly corner of this highway layout and said bound is located 156.69 feet S 25°-09' E of an iron pipe in a stone wall marking the supposed westerly line of said Sunset Lake Road at the northeasterly corner of the land of George R. and Averill E. Hain and the southeasterly corner of the land of Lillian R. Rothberg. All of the preceding courses from the southerly terminus to the northerly terminus of this layout are along the approximate centerline of the highway as now traveled and said highway is laid out 49.5 feet (3 rods) wide. All bearings are referenced to the 1981 magnetic meridian and said layout contains 2.0307 acres.

to a point, said curve has a radius of 1500.0 feet

is hereby laid out as a Class 3 Town Highway with a width of 3 rods.

Dated at Brattleboro, Vermont, as of this 24th day of February, 1982.

BRATTLEBORO BOARD OF SELECTMEN

Carlton J Orne  
Carlton J. Orne

Hugh J Bronson  
Hugh J. Bronson

David S Calef  
David S. Calef

Gordon E Bristol  
Gordon E. Bristol

Town Clerk's Office, Brattleboro, Vt., March 4, 1982 at 4:50 P. M. A true record.  
Attest:

*Evelyn B. Galt*  
Asst. Town Clerk

\*\*\*\*\*

Change of Name-  
Optical Drive changed to Justin Holden Drive

EXERPT

MINUTES OF BOARD OF SELECTMEN'S  
MEETING OF JULY 28, 1982

"Chairman Orne called the meeting to order at 7:00 p.m. in the Vermont District Courtroom. Present were Selectmen Carlton Orne, Byron Sprague, Hanna Cosman, Hugh Bronson, and David Calef; Assistant Town Manager David Sichel, Administrative Assistant Vicki Seymour, and Town Attorney Robert Pu; news media representatives Dale Houston, Kevin O'Connor, and Laurence Smith; and several citizens.

\* \* \* \* \*

JUSTIN HOLDEN DRIVE. IT WAS MOVED BY MRS. COSMAN, SECONDED BY MR. SPRAGUE, TO CHANGE THE NAME OF OPTICAL DRIVE TO JUSTIN HOLDEN DRIVE. APPROVED 5-0.

\* \* \* \* \*

The meeting adjourned at 8:09 p.m. upon motion of Mr. Calef."

Town Manager's Office, Brattleboro, Vermont, August 6, 1982

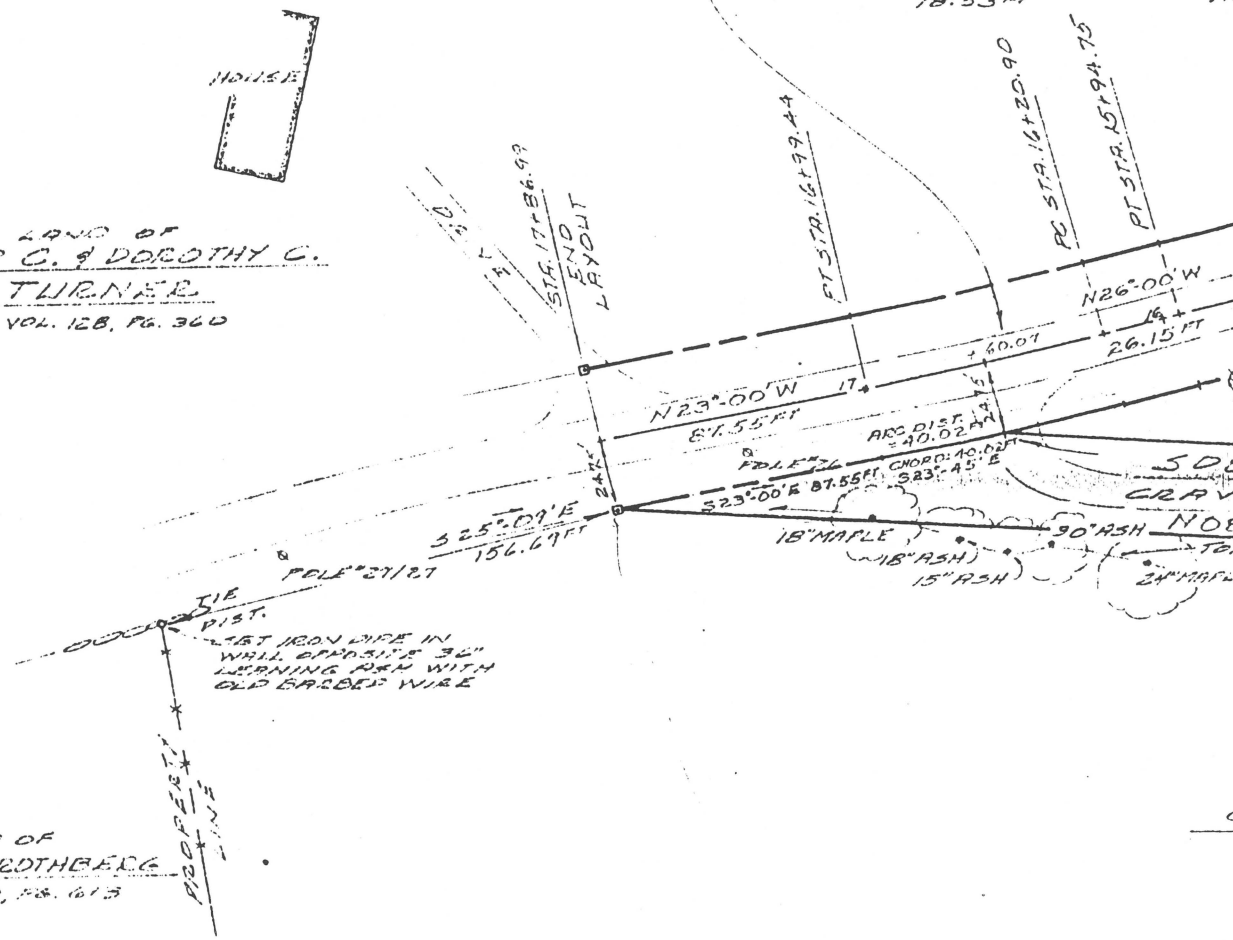
I hereby certify that the foregoing is a true copy of the record of the minutes of the Board of Selectmen of July 28, 1982, which are recorded in Book 24, Page 35, Selectmen's Minutes of the Town of Brattleboro.

T.H. S. L.  
P.Y. CO.  
P.T. T.L.

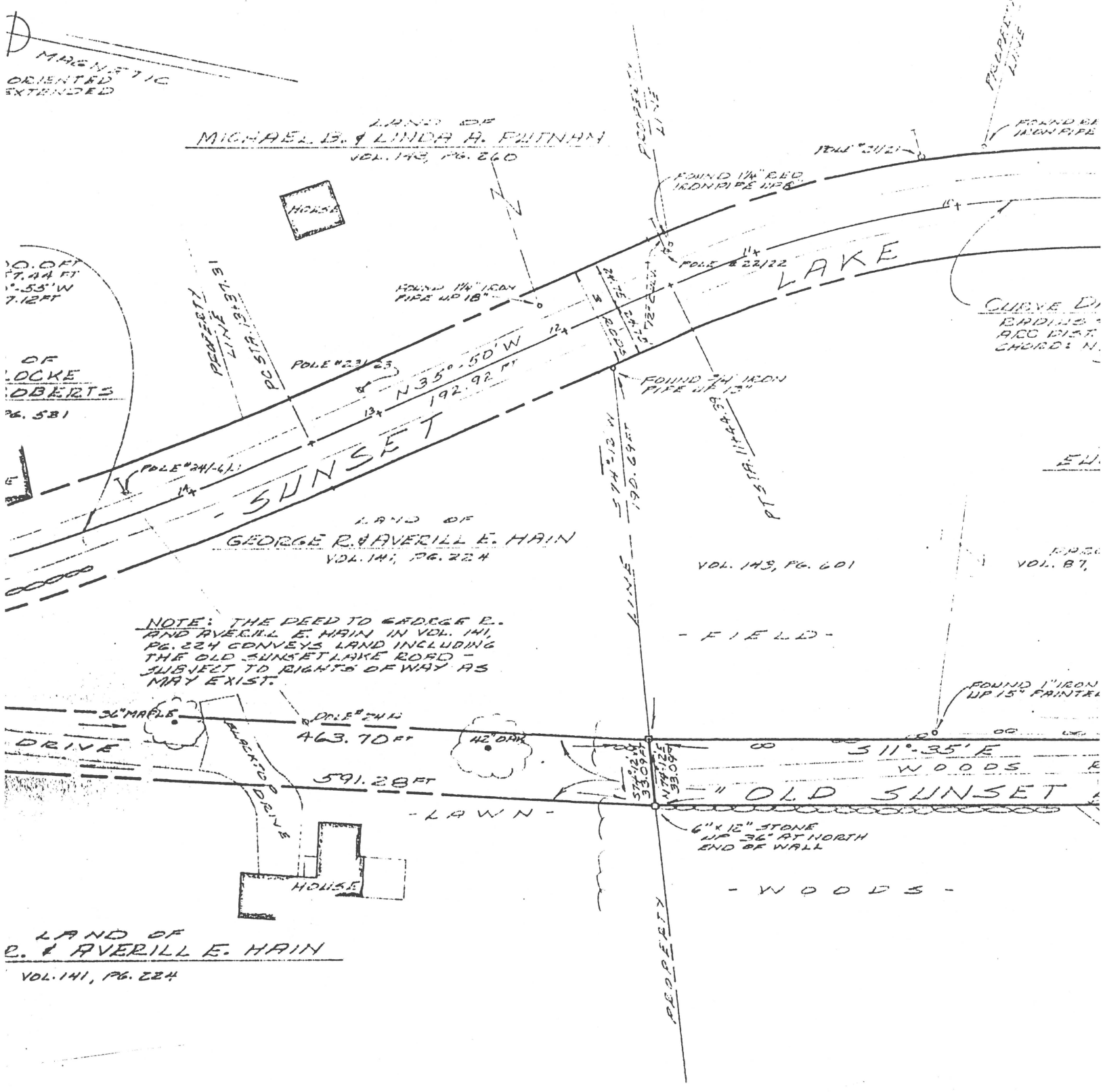


LAND OF  
PHILIP C. & DOROTHY C.  
TURNER  
VOL. 128, PG. 360

CURVE DATA  
RADIUS = 1500.0 FT  
ARC DIST. = 78.54 FT  
CHORD: N24°-30'W  
78.53 FT



LAND OF  
LILLIAN E. ROTHBERG  
VOL. 130, PG. 613



NOTE: THE DEED TO GEORGE R. AND AVERILL E. HAIN IN VOL. 141, PG. 224 CONVEYS LAND INCLUDING THE OLD SUNSET LAKE ROAD - SUBJECT TO RIGHTS OF WAY AS MAY EXIST.

*Continued*  
1982

LEGEND

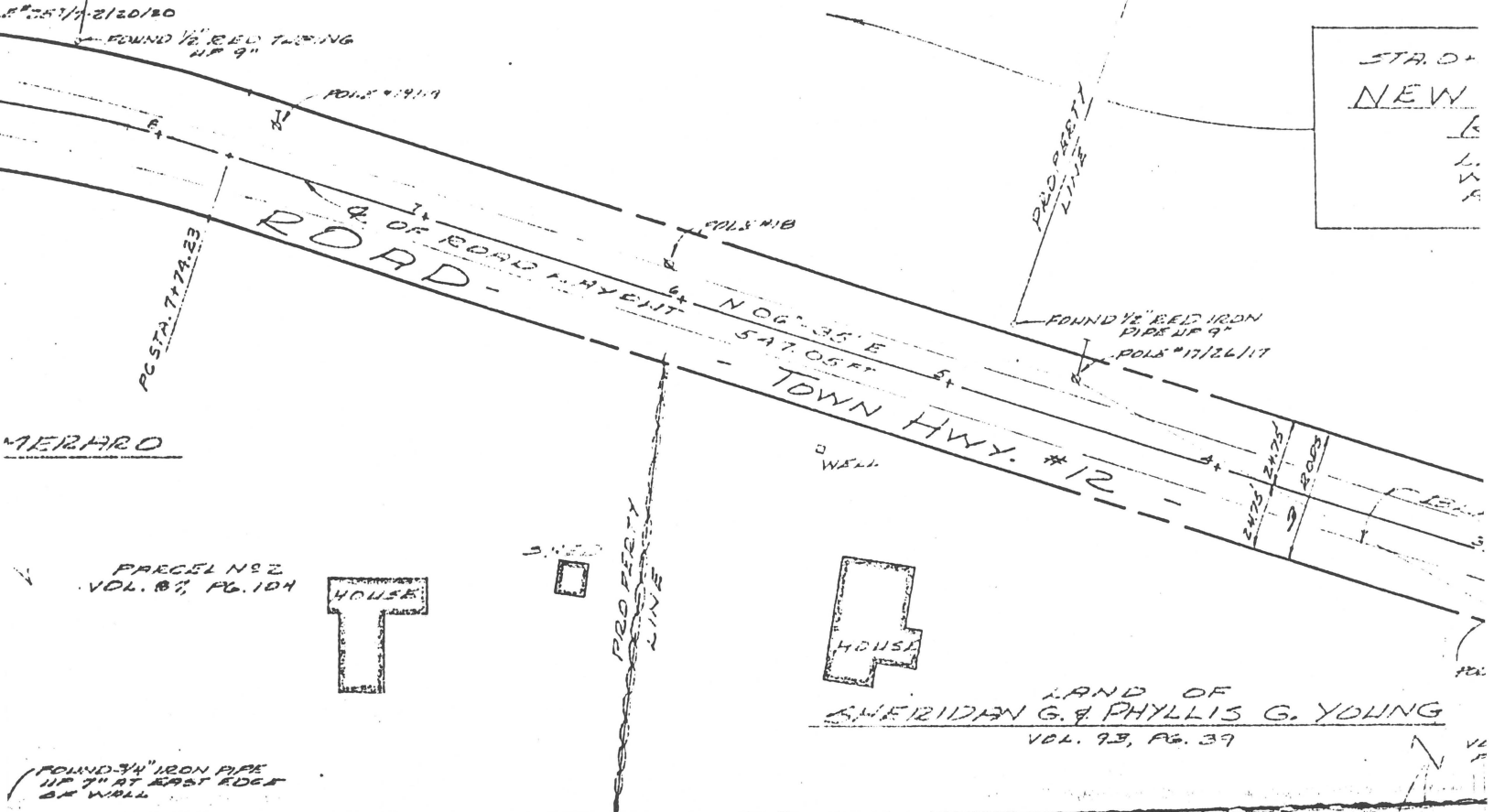
- PROPERTY AND/OR R.O.W. LINE
- STONE WALL
- STONES OR POOR WALL
- PROPERTY CORNER MARKER (AS DESCRIBED)
- UTILITY POLE (DESIGNATED BY NUMBER) W/ GUY.
- CONCRETE HIGHWAY BOUNDARY MARKERS (TO GASET).



GRANDT  
304

ROBERT M. & ROSA M. SPILKINE  
VOL. 166, PG. 105

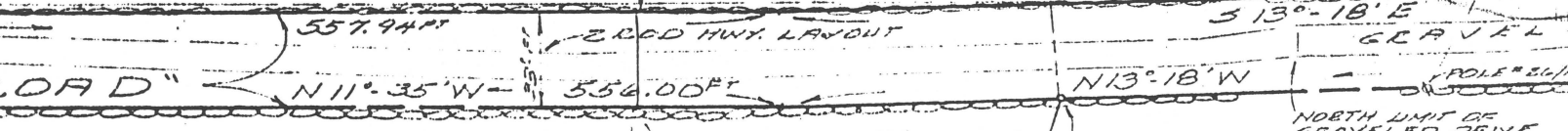
STA. 0+  
NEW  
L.  
W.  
K.



PRECED. NO. 2  
VOL. 87, PG. 104

LAND OF  
MERIDIAN G. & PHYLLIS G. YOUNG  
VOL. 93, PG. 39

FOUND 3/4\"/>



NOTE: THE DEED TO  
ENGINE SEMERARO IN  
VOL. 143 PG. 601 CONVEYS  
LAND INCLUDING THE OLD  
SUNSET LAKE ROAD -  
SUBJECT TO RIGHTS OF WAY  
AS MAY EXIST.

FOUND 1/2\"/>

LAND OF  
ENGINE SEMERARO  
VOL. 143, PG. 601

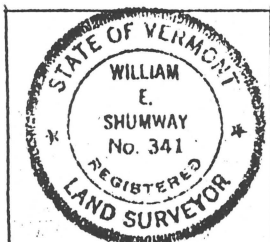
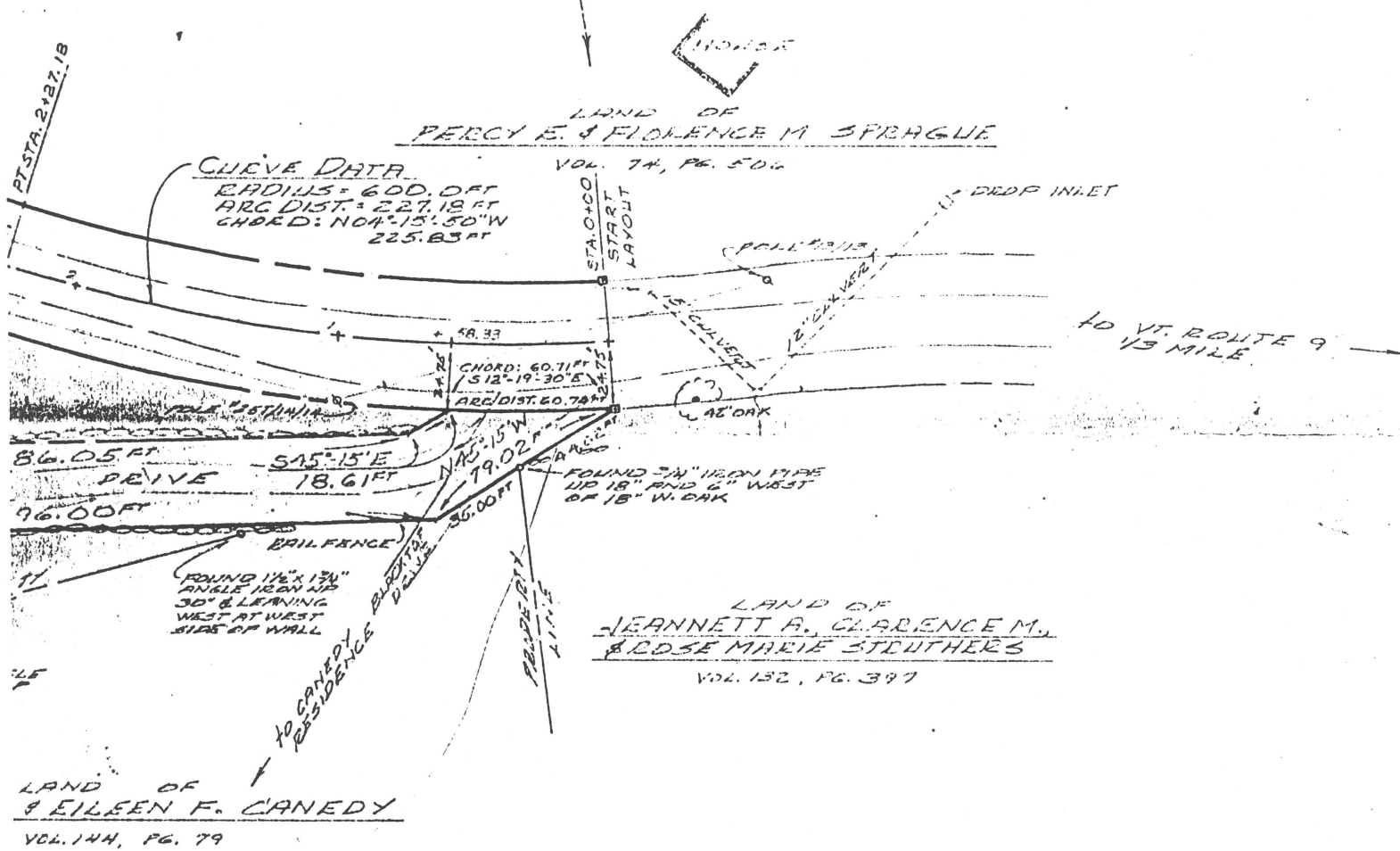
LAND OF  
BRUCE A. & SUSAN E.  
MURRAY  
VOL. 124, PG. 409

CERTIFICATION

THIS SURVEY WAS MADE ON THE GROUND  
ACCURATELY DELINEATES THE PARCELS  
REFERENCE WAS MADE TO PROPERTY MARKERS  
FOUND IN THE FIELD PLACING THE SURVEY  
APPLICABLE DEEDS AND PLANS OF RECORD.

W. E. Shumway

7186.99 OF THIS LAYOUT:  
OF SUNSET LAKE  
H.#12) AS TRAVELED  
 LAYOUT = 1786.99 FT  
 RYDNT = 49.5 FT = 3 RDS  
 RYDNT = 2.0307 ACRES



PLAN SHOWING A NEW LAYOUT FOR A SECTION OF SUNSET LAKE ROAD (AS TRAVELED) AND OF "OLD SUNSET LAKE ROAD" BRATTLEBORD, VERMONT

PREPARED BY: WILLIAM E. SHUMWAY  
 PREPARED FOR: TOWN OF BRATTLEBORD, VERMONT

CERTIFICATE OF COMPLETION AND OPENING  
OF A HIGHWAY FOR PUBLIC TRAVEL

RECEIVED  
FEB 22 2000

Annette L. Cappy, Town Clerk of the Town of Brattleboro, Vermont.

Pursuant to Title 19, V.S.A. Section 15, as amended 1989, this is to certify that the following described section of Class 3 Highway in the Town of Brattleboro was COMPLETED AND OPEN FOR PUBLIC TRAVEL ON February 24, 1982: "NEW" SUNSET LAKE ROAD.

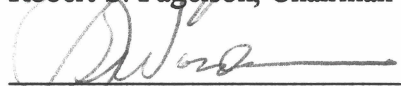
DESCRIPTION OF RIGHT-OF-WAY: Beginning at a concrete highway bound marking the southwesterly terminus of the Sunset Lake Road, said bound is located 44.02 feet S 45°-15' E of an iron pipe in a stone wall marking the southeasterly corner of the land of Arnold E. and Eileen F. Canedy and the northeasterly corner of the land of Jeannette A., Clarence M., and Rose Marie Struthers located on the westerly side of said new Sunset Lake Road, and thence in a generally northerly direction to a terminus at the intersection of the "old" Sunset Lake Road, all as shown on the accompanying survey map titled "New Layout of Sunset Lake Road (T.H. #12) As Traveled," and as described more fully in the Order on page 11 of the Report on the Laying Out of a Portion of Highway Known as Sunset Lake Road and the Laying Out/Discontinuance of a Highway Known As the Old Sunset Lake Road, attached hereto.

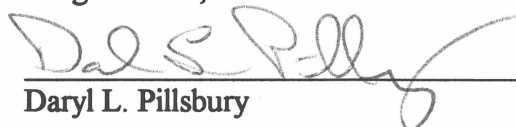
and shown on the most recent General Highway Map of Urban Compact of Brattleboro-West Brattleboro, and the Order being filed in Volume 2 on Page(s) 33-38 of the Highway Books of the Town of Brattleboro by the Town Clerk of Town of Brattleboro incorporated herein by reference and attested to therein by said Town Clerk.

DATED at Brattleboro, County of Windham and State of Vermont, this 17 day of

February, A.D. 2000.

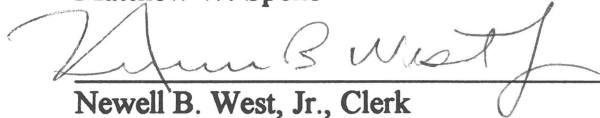
  
\_\_\_\_\_  
Robert S. Fagelson, Chairman

  
\_\_\_\_\_  
Greg Worden, Vice-Chairman

  
\_\_\_\_\_  
Daryl L. Pillsbury

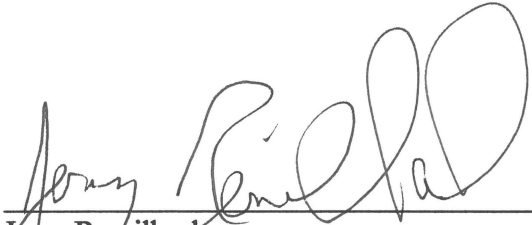
New Sunset Lake Road  
Certificate of Completion and Opening  
February 15, 2000

Matthew W. Speno



Newell B. West, Jr., Clerk

Selectboard, Town of Brattleboro

  
Jerry Rehillard  
Town Manager of the Town of Brattleboro

BRATTLEBORO, VERMONT

February 17, A.D. 2000

THE ABOVE IS A TRUE DESCRIPTION OF THE ~~A~~ CLASS 3 HIGHWAY  
COMPLETED AND OPENED FOR PUBLIC TRAVEL, RECORDED IN VOLUME/BOOK  
2 ON PAGE(S) 33-37 OF THE TOWN RECORDS OF THE TOWN OF  
BRATTLEBORO ON THE 4 DAY OF March, 1982 AT  
4:50 O'CLOCK, p. M.

ATTEST:

  
Annette L. Cappy  
Town Clerk of Brattleboro, Vermont

TOWN OF BRATTLEBORO  
DEPARTMENT OF PUBLIC WORKS  
211 FAIRBOURN ROAD  
BRATTLEBORO, VT 05301

REPORT ON THE LAYING OUT OF A  
PORTION OF A HIGHWAY KNOWN AS  
SUNSET LAKE ROAD AND THE LAYING  
OUT/DISCONTINUANCE OF A HIGHWAY  
KNOWN AS THE OLD SUNSET LAKE ROAD

We, the Selectmen of the Town of Brattleboro, hereby report on our doings concerning the laying out of a portion of a highway known as Sunset Lake Road and the laying out and/or discontinuance of all or a portion thereof of a highway known as the Old Sunset Lake Road within the Town of Brattleboro. Pursuant to resolution adopted at a regular meeting of the Board of Selectmen on the 18th day of November, 1981, notices of the proposed laying out of a portion of Sunset Lake Road and the laying out and/or discontinuance of all or a portion thereof of the Old Sunset Lake Road were caused to be posted in the offices of the Town Clerk, Town Manager, and Town Attorney, published in the Brattleboro Reformer on November 28, 1981, and a copy was caused to be mailed to the Brattleboro Planning Commission and copies mailed to the following persons at the following addresses by Registered Mail, Return Receipt Requested:

1. Kenneth W. & Phyllis J. Brandt, RD 2, Box 117A, W. Brattleboro, VT 05301;
2. Lillian R. Rothberg, Box 3624, Woodbridge, CT 06525;
3. Eugene Semeraro, 228 S. Main Street, Brattleboro, VT 05301;
4. Robert M. & Dora M. Sprague, RD 3, Box 9A, Old Guilford Road, Brattleboro, VT 05301.

In addition, copies of the notice were handdelivered to the following individuals:

1. Averill E. Hain;
2. Byron S. Sprague;
3. Lisa D. Stern;
4. Phyllis Young;
5. Eileen F. Canedy;
6. Mrs. Percy E. Sprague;
7. Jeannette Struthers;
8. Ronnalda Locke;
9. Michael Putnam;
10. Susan Murray;
11. C. Philip Turner.

In accordance with said notice, a copy of which is attached hereto, the Board of Selectmen met at the foot of the hill near the intersection of the Old Sunset Lake Road and the present Sunset Lake Road at 1:30 p.m. on the afternoon of Wednesday, December 9, 1981, to examine the premises. Present at that time were Philip Turner, Averill Hain, Arnold Canedy, Eugene Semeraro, Sheridan and Phyllis Young, Bruce Murray, and Thomas Chamberlin all residents of the area, and Town Manager Corwin Elwell, Town Attorney Robert Pu, Legal Clerk Vicki Donahue, Public Works Director Orman Holden, Town Appraiser Charles Fish, Surveyor William Shumway, Selectmen Carlton Orne and Hugh Bronson, and George Carvill of the Press. Byron Sprague was present as a property owner on the new Sunset Lake Road and also as a Selectman to vote on the Old Sunset Lake Road.

Thereafter, after the view of the premises, a hearing was held at 7:30 p.m. on Wednesday, the 16th day of December, 1981, in the Vermont District Courtroom, 230 Main Street, Brattleboro, Vermont, to consider the following:

1. The laying out of a portion of a highway known as Sunset Lake Road (Town Highway No. 12) as traveled, and being approximately 1787 feet long and three rods in width and running northerly from a point approximately one-third of a mile northerly of the intersection of said Sunset Lake Road with Marlboro Road (Vermont Route 9) to the junction of the same Sunset Lake Road (Town Highway No. 12) with the northerly terminus of the Old Sunset Lake Road.

2. The laying out and/or discontinuance of all or a portion thereof of a two-rod wide highway known as the "old Sunset Lake Road", so-called, commencing at a point on the westerly line of Sunset Lake Road (Town Highway No. 12), which point is located approximately one-third of a mile northerly of the intersection of said Sunset Lake Road with Marlboro Road (Vermont Route 9) and marks the southerly terminus of said Old Sunset Lake Road and thence running approximately 1624 feet northerly to the northerly terminus of said Old Sunset Lake Road and its junction with Sunset Lake Road (Town Highway No. 12). Said highway is bounded on the east by property of Percy E. and Florence M. Sprague, Sheridan G. and Phyllis G. Young, Eugene Semeraro, and George R. and Averill Hain and on the west by property of Jeannette A., Clarence M. and Rose Marie Struthers, Arnold E. and Eileen F. Canedy, Bruce A. and Susan E. Murray, Eugene Semeraro, and George R. and Averill E. Hain.

3. Claims for damages.

Present at the hearing were Selectmen Orne, Calef, Bronson, Bristol, and Sprague; Town Manager Corwin Elwell, Assistant Town Manager Christine Hart, Finance Director Daniel Brosnan, Jr., Town Attorney Robert Pu, Legal Clerk Vicki Donahue, Public Works Director Orman Holden; members of the Press; abutting property owners Eugene Semeraro, Sheridan and Phyllis Young, Averill Hain and Charles R. Cummings, Esquire, Bruce and Susan Murray, Arnold Canedy, and Philip Turner; Thomas and Bernice Chamberlin; and visitors.

Old Sunset Lake Road

Testimony was taken from Eugene Semeraro, Sheridan G. Young, Charles Cummings, Esquire, on behalf of Averill Hain, Bruce Murray, and Arnold E. Canedy. Received into evidence were the following:

1. Written statement from Eugene Semeraro;
2. Written statement from Sheridan Young;

3. Copies of correspondence from Edward A. John to Bruce Murray dated 1 October, 1979, and from John S. Burgess to Mr. and Mrs. Bruce Murray dated October 17, 1979.

4. Photograph of the woodpile/obstruction in front of the entrance to the westerly portion of the Young property taken in August of 1979.

In addition, Eugene Semeraro submitted a letter dated January 7, 1982, with attached answer to statements received at the December 16, 1981, hearing, said letter being addressed to the Board of Selectmen.

There were no other witnesses or exhibits.

In consideration of the viewing, the testimony, official town records and exhibits, the Board makes the following findings of fact, conclusions of law, and order:

#### Findings of Fact

1. On or about January 26, 1874, the Brattleboro Board of Selectmen laid out and altered the road known as the Dummerston Hill road, which road is presently known as Sunset Lake Road.
2. The Old Sunset Lake Road is bounded on the east by property of Sheridan G. and Phyllis G. Young, Eugene Semeraro, and Averill E. Hain, and on the west by property of Jeannette A., Clarence M. and Rose Marie Struthers, Arnold E. and Eileen F. Canedy, Bruce A. and Susan E. Murray, Eugene Semeraro, and Averill E. Hain.
3. Sheridan G. and Phyllis G. Young obtained title to their property by virtue of a warranty deed from Grace E. Dompier dated October 22, 1952.
4. Eugene Semeraro obtained title to his two parcels on the easterly side of the Old Sunset Lake Road by virtue of a warranty deed from Nellie L. Barber dated August 12, 1948.
5. Averill E. Hain obtained title to her property by virtue of a warranty deed from Ester Votos dated October 31, 1974. Said conveyance was made "subject to such rights of way as may exist in the public for the use of the highways which may cross said premises, with specific reference to the Old Sunset Lake Road, so-called".
6. Eugene Semeraro obtained title to his third parcel by virtue of a warranty deed from Ester Votos dated August 1, 1975. Said conveyance was made "subject to such rights of way as may exist in the public for the use of the highways which may cross said premises, with specific reference to the Old Sunset Lake Road, so-called".
7. Bruce A. and Susan E. Murray obtained title to their property by virtue of a warranty deed from Francis H. and Phyllis E. Humphrey dated November 29, 1969.
8. Arnold E. and Eileen F. Canedy obtained title to their property by virtue of a warranty deed from S. Whitley Landon III and Joan J. Landon dated August 25, 1975.
9. The Young parcel has frontage on both the new and the old Sunset Lake Roads.
10. Semeraro's three parcels all have frontage on the new Sunset Lake Road. The two parcels located between the new and the old Sunset Lake Roads also have frontage on the old Sunset Lake Road. The old Sunset Lake Road runs through the third parcel.
11. The Hain parcel has frontage on the new Sunset Lake Road and the old Sunset Lake Road also runs through it.
12. The Murray parcel only has frontage on the old Sunset Lake Road.
13. The Canedy parcel only has frontage on the old Sunset Lake Road.
14. Dwelling houses are located on the Young, Semeraro (parcel number 2), Hain, Murray, and Canedy parcels.
15. The deeds in the chain of title for the property located between the new and the old Sunset Lake Roads indicate that there is some question as to the ownership of the small triangular parcel located at the southerly junction of the new and the old Sunset Lake Roads.
16. On or about January 7, 1982, Eugene Semeraro claimed ownership of this triangular piece of property.
17. The old Sunset Lake Road has not been maintained by the Town.
18. Sheridan and Phyllis Young have maintained that portion of the old Sunset Lake Road leading to their property for about 20 years.
19. Bruce Murray has maintained that portion of the old Sunset Lake Road leading to his property since 1969.
20. Arnold Canedy has blacktopped a portion of the old Sunset Lake Road and his driveway.
21. Arnold and Eileen Canedy, Bruce and Susan Murray, and Averill Hain would like to see the Town discontinue the old Sunset Lake Road.
22. Arnold and Eileen Canedy and Bruce and Susan Murray are prepared to give rights of way to each other and Sheridan and Phyllis Young in the event that the old Sunset Lake Road is discontinued.
23. Sheridan and Phyllis Young want a guaranteed access to their property off of the old Sunset Lake Road, though not necessarily at the point where the access is presently located.



24. Sheridan and Phyllis Young are unwilling to give a right of way to the Murrays in the event the old Sunset Lake Road is discontinued.

25. The Murrays run a nursery school on their property and the southerly end of the old Sunset Lake Road is heavily traveled.

26. Eugene Semeraro claims to have an inherent and permanent right of way over the old Sunset Lake Road.

27. Eugene Semeraro feels that the property owners will have to work out a mutually satisfactory arrangement for the use of the old Sunset Lake Road in the event that it is discontinued by the Town.

#### Conclusions of Law

28. The Board of Selectmen has the authority to lay out, alter and discontinue highways, subject to the public good, necessity or convenience.

29. When a highway is discontinued, the right of way may be continued at the same width by the Board of Selectmen by designating the right of way as a trail.

30. If a discontinued highway is not designated as a trail, it shall be set and belong to the owners of the adjoining lands; if it is located between lands of two different owners, it shall be set to the lots to which it originally belonged, if they can be ascertained; if not, it shall be equally divided between the owners of the land on each side.

31. All of the property owners on the old Sunset Lake Road, with the exception of Bruce and Susan Murray have access to their parcels from the new Sunset Lake Road. Assuming that the Canedys, Murrays, and Youngs are willing to exchange rights of way, the public good, necessity and convenience of the inhabitants are best served by a discontinuance of the old Sunset Lake Road.

32. In view of the Youngs refusal to give a right of way to the Murrays, the public good, necessity and convenience of the inhabitants are best served by a laying out of a section of the old Sunset Lake Road as a Class 4 Town Highway and the discontinuance of the remainder.

33. Notwithstanding Eugene Semeraro's recent claim of ownership of the triangular parcel located at the southerly junction of the new and old Sunset Lake Roads, the Board finds that a cloud has existed on the ownership of this parcel since April 5, 1922.

#### Order

WHEREFORE, the southerly section of the old Sunset Lake Road described as follows:

A certain section of highway layout two rods wide for old Sunset Lake Road, so-called, and running approximately 587 feet northerly from a point on the westerly line of the new Sunset Lake Road which is located approximately one-third of a mile northerly of the intersection of said new Sunset Lake Road with Marlboro Road (Vermont Route 9) in said Brattleboro and is further bounded and described as follows, viz.:

Beginning at a new concrete highway bound marking the southwesterly terminus of the new layout of even date for Sunset Lake Road as now traveled, said bound is located 44.02 feet S 45°-15' E of an iron pipe in a stone wall marking the southeasterly corner of the land of Arnold E. and Eileen F. Canedy and the northeasterly corner of the land of Jeanette A., Clarence M., and Rose Marie Struthers located on the westerly side of said new Sunset Lake Road; thence N 45°-15' W along the northeasterly line of the land of said Struthers and said Canedy a distance of 79.02 feet to a point; thence N 13°-18' W along the easterly line of the land of said Canedy, Bruce A. and Susan E. Murray and of Eugene Semeraro, and marked in part by a stone wall, a distance of 496.00 feet to a point; thence N 11°-35' W along the easterly line of the land of said Semeraro, and marked by a stone wall, a distance of 47.11 feet to a new concrete highway bound, said new highway bound marks the northwesterly corner of this highway layout, N 78°-25' E and crossing said highway a distance of 33.00 feet to a new concrete highway bound at a stone wall corner marking the northeasterly corner of this highway layout and the northwesterly corner of the land of Sheridan G. and Phyllis G. Young; thence S 11°-35' E along the westerly line of the land of Sheridan G. and Phyllis G. Young and marked by a stone wall, a distance of 46.62 feet to a point; thence S 13°-18' E along the westerly line of the land of said Young and the land of parties unknown, and marked by a stone wall, a distance of 486.05 feet to a point at the southerly end of said wall; thence S 45°-15' E along the southwesterly line of the land of parties unknown a distance of 18.61 feet to a point marking the southeasterly corner of this highway layout in the westerly line of said new Sunset Lake Road layout of even date; thence southerly and crossing said old Sunset Lake Road and along a curve to the left and the westerly line of said new Sunset Lake Road an arc distance of 60.74 feet to a new concrete highway bound and the point of beginning, said curve has a radius of 624.75 feet and a chord running 60.71 feet S 12°-19'-30" E. All bearings are referenced to the 1981 magnetic meridian and the parcel contains 0.4438 of an acre.

is hereby laid out as a Class 4 Town Highway.

The northerly section of the old Sunset Lake Road described as follows:

A certain section of highway layout two rods wide for old Sunset Lake Road, so-called, running from a point opposite the northerly line of the land of Sheridan G. and Phyllis G. Young northerly through the lands of Eugene Semeraro and of George R. and Averill E. Hain in said Brattleboro and is further bounded and described as follows, viz.:



Beginning at a new concrete highway bound at a stone wall corner marking the southeasterly corner of this highway layout and the northwesterly corner of the land of Sheridan G. and Phyllis G. Young; thence S 78°-25' W and crossing said old Sunset Lake Road a distance of 33.00 feet to a new concrete highway bound marking the southwesterly corner of this highway layout; thence N 11°-35' W along the easterly line of the land of Eugene Semeraro, and marked by a stone wall, a distance of 508.89 feet to a stone post at the northerly end of a stone wall, said stone post being in the north line of the land of said Semeraro and in the south line of the land of George R. and Averill E. Hain; thence N 08°-20' W along an easterly line of the land of said Hain a distance of 591.28 feet to a new concrete highway bound marking the northwesterly terminus of the new layout of even date for new Sunset Lake Road as traveled, said concrete bound is located 156.69 feet S 25°-09' E of an iron pipe in a stone wall in the supposed westerly line of Sunset Lake Road as traveled which marks the northeasterly corner of the land of said Hain and the southeasterly corner of the land of Lillian R. Rothberg; thence S 23°-00' E along the westerly line of said new layout for new Sunset Lake Road as traveled a distance of 87.55 feet to a point; thence continuing southeasterly along said westerly line of Sunset Lake Road as traveled and along a curve to the left an arc distance of 40.02 feet to a point at the northeasterly corner of this layout, said last two described courses cross the northerly limit of this layout and said curve has a radius of 1524.75 feet and a chord running 40.02 feet S 23°-45' E; thence S 08°-20' E along a westerly line of the land of said Hain a distance of 463.70 feet to a new iron pipe in the ground; thence S 11°-35' E along the westerly line of other lands of said Semeraro, and marked in part by stones and a stone wall, a distance of 511.32 feet to a new concrete highway bound at a stone wall corner and the point of beginning. All bearings are referenced to the 1981 magnetic meridian and the parcel contains 0.7831 of an acre.

is hereby discontinued and the two rod highway is hereby set to the owners of the adjoining lands.

Dated at Brattleboro, Vermont, as of this 24th day of February, 1982.

BRATTLEBORO BOARD OF SELECTMEN

Carlton J Orne  
Carlton J. Orne

Byron S. Sprague  
Byron S. Sprague

Hugh J Bronson  
Hugh J. Bronson

David S Calef  
David S. Calef

Gordon E. Bristol  
Gordon E. Bristol

Sunset Lake Road (Town Highway No. 12)

Testimony was taken from Sheridan G. Young and Byron Sprague.

There were no other witnesses or exhibits.

In consideration of the viewing, the testimony, official town records and exhibits, the Board makes the following findings of fact, conclusions of law, and order:

Findings of Fact

1. On or about January 26, 1874, the Brattleboro Board of Selectmen laid out and altered a  $2\frac{1}{2}$  rod wide road known as the Dummerston Hill Road, which road is presently known as Sunset Lake Road (Town Highway No. 12).
2. That the road was subsequently widened and paved by the Town.
3. That none of the adjoining property owners have submitted claims for damages as a result of this widening.
4. That a survey has been prepared by William E. Shumway and the Town is proposing to lay out a portion of said highway as traveled, being approximately 1787 feet long and 3 rods in width and running northerly from a point approximately one-third of a mile northerly of the intersection of said Sunset Lake Road with Marlboro Road (Vermont Route 9) to the junction of the same Sunset Lake Road (Town Highway No. 12) with the northerly terminus of the Old Sunset Lake Road.

Conclusions of Law

5. State law requires highways to be a minimum of 3 rods wide.
6. The public good, necessity and convenience of the inhabitants are best served by a laying out of this portion of Sunset Lake Road as a three rod wide highway.
7. That none of the adjoining property owners have been damaged by the widening of this section of the road from  $2\frac{1}{2}$  to 3 rods.

Order

WHEREFORE, a section of Sunset Lake Road (Town Highway No. 12) described as follows:

A certain section of highway layout for Sunset Lake Road (Town Highway No. 12) as traveled and being approximately 1787 feet long and three rods in width and running northerly from a point approximately one-third mile northerly of the intersection of said Sunset Lake Road with Marlboro Road (Vermont Route 9) in said Brattleboro and is further bounded and described as follows, viz.:

Beginning at a point in the centerline of Sunset Lake Road (Town Highway No. 12) as traveled at the southerly terminus of the layout herein described, said point being 24.75 feet easterly of and radially from a new concrete highway bound marking the southwesterly corner of this highway layout and said bound is located 44.02 feet S 45°-15' E of an iron pipe in a stone wall marking the southeasterly corner of the land of Arnold E. and Eileen F. Canedy and north-easterly corner of the land of Jeannette A., Clarence M., and Rose Marie Struthers located on the westerly side of said Sunset Lake Road; thence northerly along a curve to the right an arc distance of 227.18 feet to a point, said curve has a radius of 600.0 feet and a chord running 225.83 feet N 04°-15' -50" W; thence N 06°-35' E a distance of 547.05 feet to a point; thence northerly and westerly along a curve to the left an arc distance of 370.16 feet to a point, said curve has a radius of 500.0 feet and a chord running 361.76 feet N 14°-37' -30" W; thence N 35°-50' W a distance of 192.92 feet to a point; thence north-westerly along a curve to the right an arc distance of 257.44 feet and a chord running 257.12 feet N 30°-55' W; thence N 26°-00' W a distance of 26.15 feet to a point; thence northwesterly along a curve to the right an arc distance of 78.54 feet to a point, said curve has a radius of 1500.0 feet and a chord running 78.53 feet N 24°-30' W; thence N 23°-00' W a distance of 87.55 feet to a point at the northerly terminus of this highway layout, said point being 24.75 feet easterly of and at right angles to a new concrete highway bound marking the northwesterly corner of this highway layout and said bound is located 156.69 feet S 25°-09' E of an iron pipe in a stone wall marking the supposed westerly line of said Sunset Lake Road at the northeasterly corner of the land of George R. and Averill E. Hain and the southeasterly corner of the land of Lillian R. Rothberg. All of the preceding courses from the southerly terminus to the northerly terminus of this layout are along the approximate centerline of the highway as now traveled and said highway is laid out 49.5 feet (3 rods) wide. All bearings are referenced to the 1981 magnetic meridian and said layout contains 2.0307 acres.

to a point, said curve has a radius of 1500.0 feet

is hereby laid out as a Class 3 Town Highway with a width of 3 rods.

Dated at Brattleboro, Vermont, as of this 24th day of February, 1982.

BRATTLEBORO BOARD OF SELECTMEN

Carlton J Orne  
Carlton J. Orne

Hugh J Bronson  
Hugh J. Bronson

David S Calef  
David S. Calef

Gordon E Bristol  
Gordon E. Bristol

Town Clerk's Office, Brattleboro, Vt., March 4, 1982 at 4:50 P. M. A true record.  
Attest:

*Evelyn B. Galt*  
Asst. Town Clerk

\*\*\*\*\*

Change of Name-  
Optical Drive changed to Justin Holden Drive

EXERPT

MINUTES OF BOARD OF SELECTMEN'S  
MEETING OF JULY 28, 1982

"Chairman Orne called the meeting to order at 7:00 p.m. in the Vermont District Courtroom. Present were Selectmen Carlton Orne, Byron Sprague, Hanna Cosman, Hugh Bronson, and David Calef; Assistant Town Manager David Sichel, Administrative Assistant Vicki Seymour, and Town Attorney Robert Pu; news media representatives Dale Houston, Kevin O'Connor, and Laurence Smith; and several citizens.

\* \* \* \* \*

JUSTIN HOLDEN DRIVE. IT WAS MOVED BY MRS. COSMAN, SECONDED BY MR. SPRAGUE, TO CHANGE THE NAME OF OPTICAL DRIVE TO JUSTIN HOLDEN DRIVE. APPROVED 5-0.

\* \* \* \* \*

The meeting adjourned at 8:09 p.m. upon motion of Mr. Calef."

Town Manager's Office, Brattleboro, Vermont, August 6, 1982

I hereby certify that the foregoing is a true copy of the record of the minutes of the Board of Selectmen of July 28, 1982, which are recorded in Book 24, Page 35, Selectmen's Minutes of the Town of Brattleboro.

CERTIFICATE OF COMPLETION AND OPENING  
OF A HIGHWAY FOR PUBLIC TRAVEL

RECEIVED  
FEB 22 2000

Annette L. Cappy, Town Clerk of the Town of Brattleboro, Vermont.

Pursuant to Title 19, V.S.A. Section 15, as amended 1989, this is to certify that the following described section of Class 3 Highway in the Town of Brattleboro was RECLASSIFIED CLASS 4 and remained OPEN FOR PUBLIC TRAVEL on February 24, 1982: Portion of "OLD" SUNSET LAKE ROAD.

DESCRIPTION OF RIGHT-OF-WAY: A portion of so-called "old" Sunset Lake Road approximately 622' feet in length on the attached survey titled "New Layout of Sunset Lake Road As Traveled," beginning at the northwesterly corner of land of Sheridan and Young and thence generally southeasterly to a monument at the intersection with "new" Sunset Lake Road, also shown on the accompanying survey map, and described also in the Order on page 7 of the Report on the Laying Out of a Portion of Highway Known as Sunset Lake Road and the Laying Out/Discontinuance of a Highway Known As the Old Sunset Lake Road, attached hereto.

and NOT SHOWN on the most recent General Highway Map of Urban Compact of Brattleboro-West Brattleboro, but the Order is filed in Volume 2 on Page(s) 33-38 of the Highway Books of the Town of Brattleboro by the Town Clerk of Town of Brattleboro incorporated herein by reference and attested to therein by said Town Clerk.

DATED at Brattleboro, County of Windham and State of Vermont, this 15 day of February, A.D. 2000.

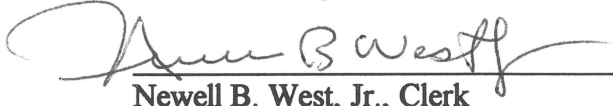
  
\_\_\_\_\_  
Robert S. Fagelson, Chairman

  
\_\_\_\_\_  
Greg Worden, Vice-Chairman

  
\_\_\_\_\_  
Daryl L. Pillsbury

Old Sunset Lake--Reclassified  
Certificate of Completion and Opening  
February 15, 2000

\_\_\_\_\_  
Matthew W. Speno

  
\_\_\_\_\_  
Newell B. West, Jr., Clerk

Selectboard, Town of Brattleboro

  
\_\_\_\_\_  
Jerry Remillard  
Town Manager of the Town of Brattleboro

BRATTLEBORO, VERMONT

February 17, A.D. 2000

THE ABOVE IS A TRUE DESCRIPTION OF THE ~~A~~ CLASS 3 HIGHWAY  
RECLASSIFIED AND OPEN FOR PUBLIC TRAVEL, RECORDED IN VOLUME/BOOK  
2 ON PAGE(S) 33-37 OF THE TOWN RECORDS OF THE TOWN OF  
BRATTLEBORO ON THE 4 DAY OF March, 1982 AT  
4:50 O'CLOCK, P.M.

ATTEST:

  
\_\_\_\_\_  
Annette L. Cappy  
Town Clerk of Brattleboro, Vermont

TOWN OF BRATTLEBORO  
DEPARTMENT OF PUBLIC WORKS  
211 FAIRGROUND ROAD  
BRATTLEBORO, VT 05301



THIS IS  
BY CO.  
BY T.A.

CURVE DATA  
RADIUS = 1500.0 FT  
ARC DIST. = 78.54 FT  
CHORD: N24°-30'W  
78.53 FT



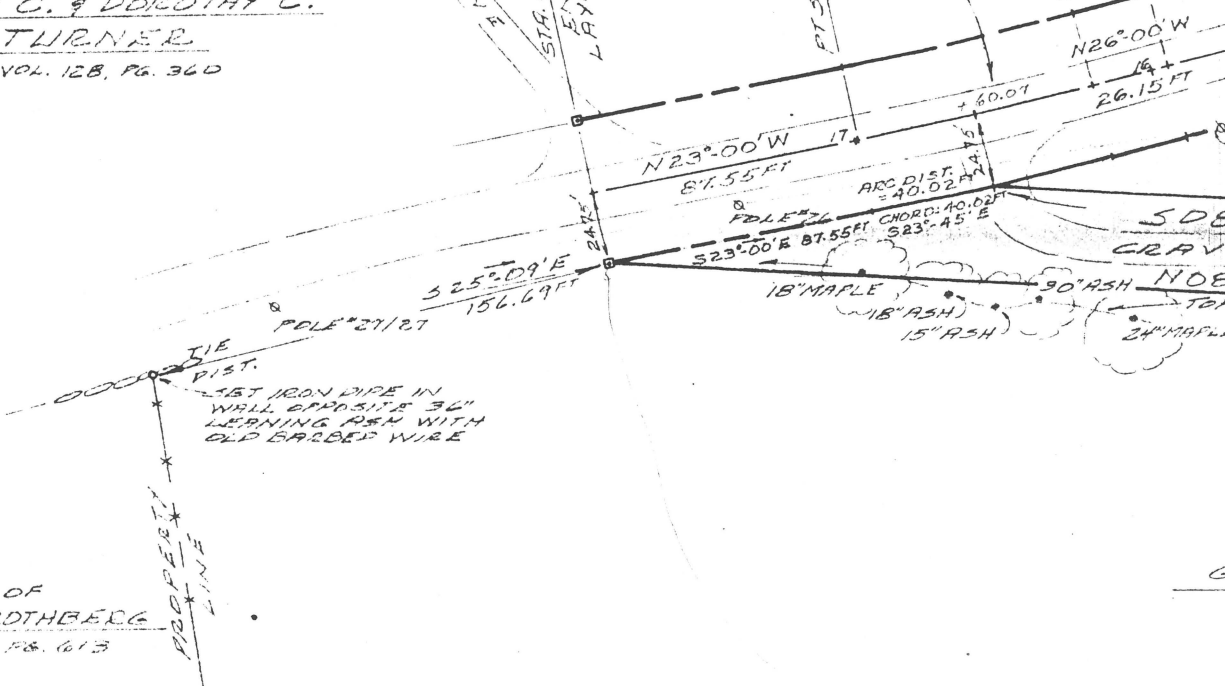
LAND OF  
PHILIP C. & DOROTHY C.  
TURNER  
VOL. 128, PG. 360

DELY  
STA. 17+86.99  
END  
LAYOUT

PT STA. 16+99.44

PC STA. 16+20.90

PT STA. 15+94.75



LAND OF  
LILLIAN E. ROTHBERG  
VOL. 130, PG. 613

PROPERTY  
LINE

SET IRON PIPE IN  
WELL OPPOSITE 30"  
LEARNING PEX WITH  
OLD BARBED WIRE

18" MAPLE  
18" ASH  
15" ASH  
90" ASH  
24" MAPLE

SIDE  
GRAV

NOB

TOL

MAGNETIC ORIENTED EXTENDED

LAND OF BYRON SPRAGUE VOL. 165, PG. 270

LAND OF MICHAEL B. & LINDA A. PUTNAM VOL. 143, PG. 260

LAND OF GEORGE R. & AVERILL E. HAIN VOL. 141, PG. 224

NOTE: THE DEED TO GEORGE R. AND AVERILL E. HAIN IN VOL. 141, PG. 224 CONVEYS LAND INCLUDING THE OLD SUNSET LAKE ROAD - SUBJECT TO RIGHTS OF WAY AS MAY EXIST.

0.0 FT  
7.44 FT  
55.5' W  
7.12 FT

OF DCKE DBERTS 6.581

PROPERTY LINE  
PC STA 13+37.51



FOUND 1 1/4" IRON PIPE UP 18"

POLE #23/25

N 35°-50' W  
192.92 FT

POLE #24/41

SUNSET

FOUND 1 1/4" RED IRON PIPE UP 8"

POLE #22/22

LAKE

CURVE DATA  
RADIUS =  
ARC DIST.  
CHORD =

FOUND 3/4" IRON PIPE UP 13"

PT STA 11+44.39

PROPERTY LINE  
574'-12" W  
190.69 FT

VOL. 143, PG. 601

PR 30 VOL. 87

- FIELD -

FOUND 1" IRON UP 15" PAINTED

36" MAPLE DRIVE

POLE #24/2 463.70 FT



591.28 FT

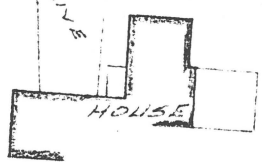
311°-35' E

WOODS

" OLD SUNSET

- LAWN -

6" x 12" STONE UP 36" AT NORTH END OF WALL



- WOODS -

LAND OF ? & AVERILL E. HAIN VOL. 141, PG. 224

*Continued*  
1982

LEGEND

PROPERTY AND/OR R.O.W. LINE

STONE WALL

STONES OR POOR WALL

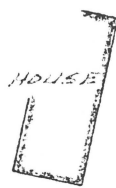
PROPERTY CORNER MARKER (AS DESCRIBED)

UTILITY POLE (DESIGNATED BY NUMBER) W/ GUY

CONCRETE HIGHWAY BOUNDARY MARKERS (TO BE SET)

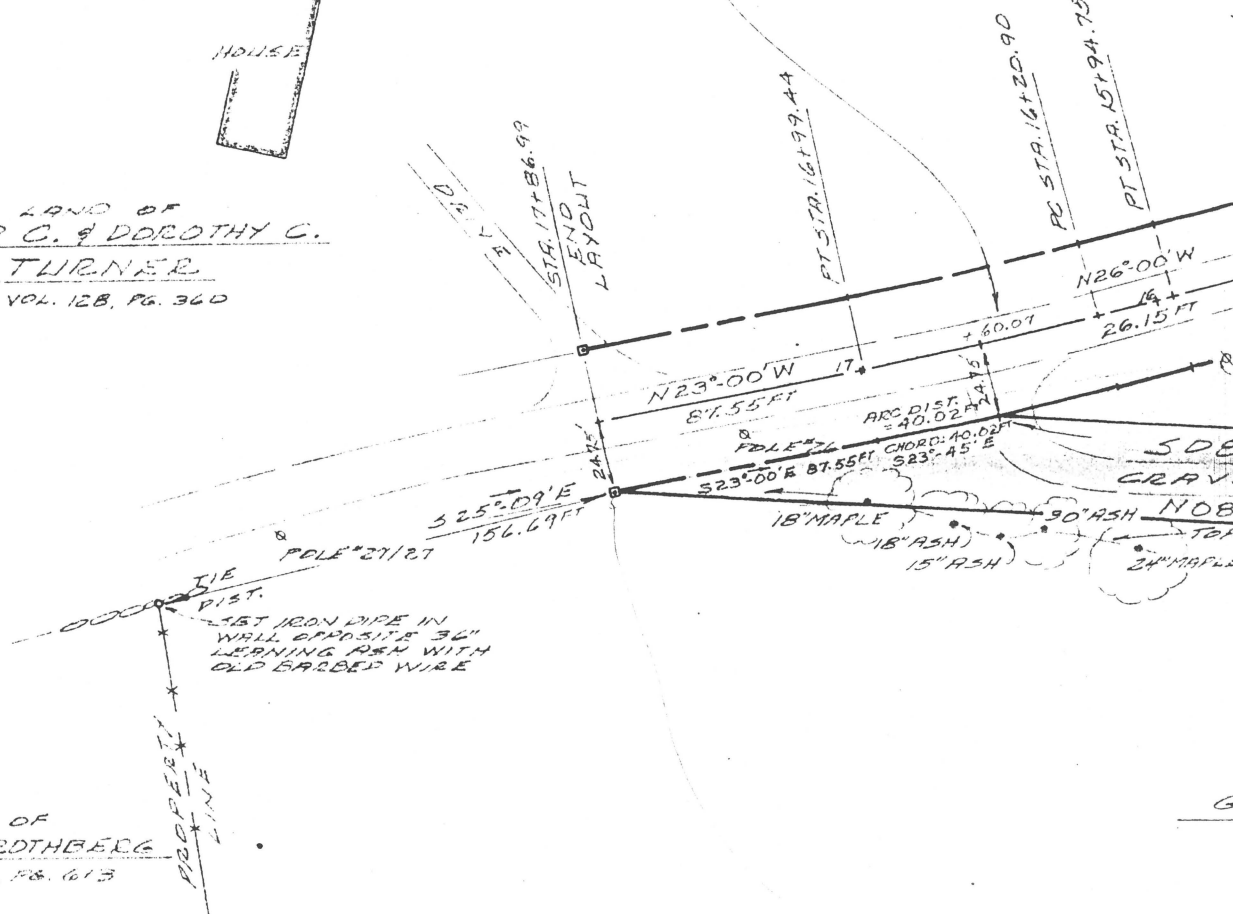


TH. 5-5  
BY CO.  
BY T.R.



LAND OF  
PHILIP C. & DOROTHY C.  
TURNER  
VOL. 128, PG. 360

CURVE DATA  
RADIUS = 1500.0 FT  
ARC DIST. = 78.54 FT  
CHORD: N24°-30'W  
78.53 FT



LAND OF  
LILLIAN E. ROTHBERG  
VOL. 130, PG. 613

PROPERTY  
LINE

1/2\"/>

SIDE  
GRAV.  
NOB  
TOP  
24\"/>

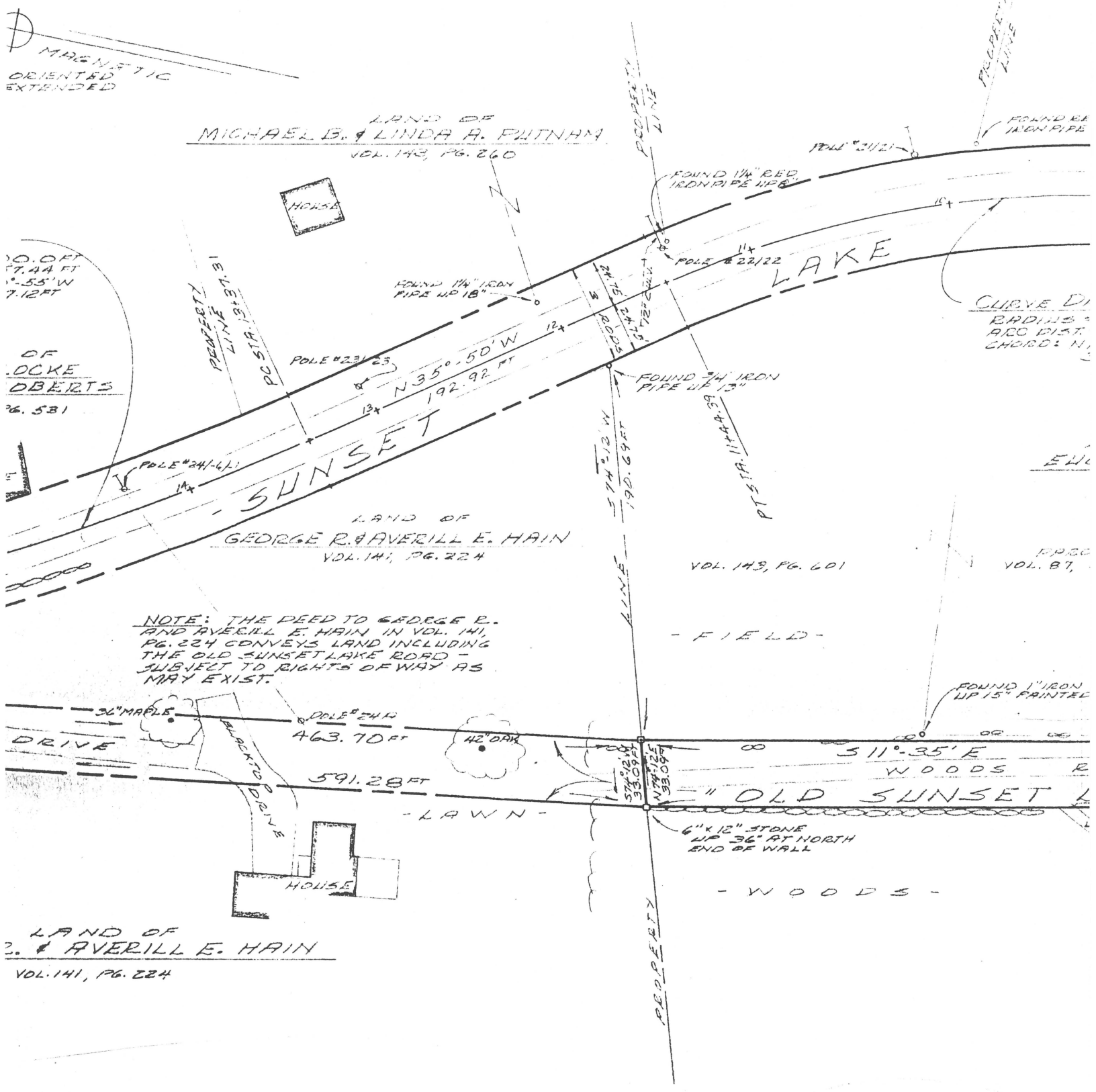


LAND OF  
BYRON SPRAGUE  
VOL. 165, PG. 270

LAND OF  
MICHAEL B. & LINDA A. PUTNAM  
VOL. 142, PG. 260

LAND OF  
GEORGE R. & AVERILL E. HAIN  
VOL. 141, PG. 224

NOTE: THE DEED TO GEORGE R.  
AND AVERILL E. HAIN IN VOL. 141,  
PG. 224 CONVEYS LAND INCLUDING  
THE OLD SUNSET LAKE ROAD -  
SUBJECT TO RIGHTS OF WAY AS  
MAY EXIST.



LEGEND

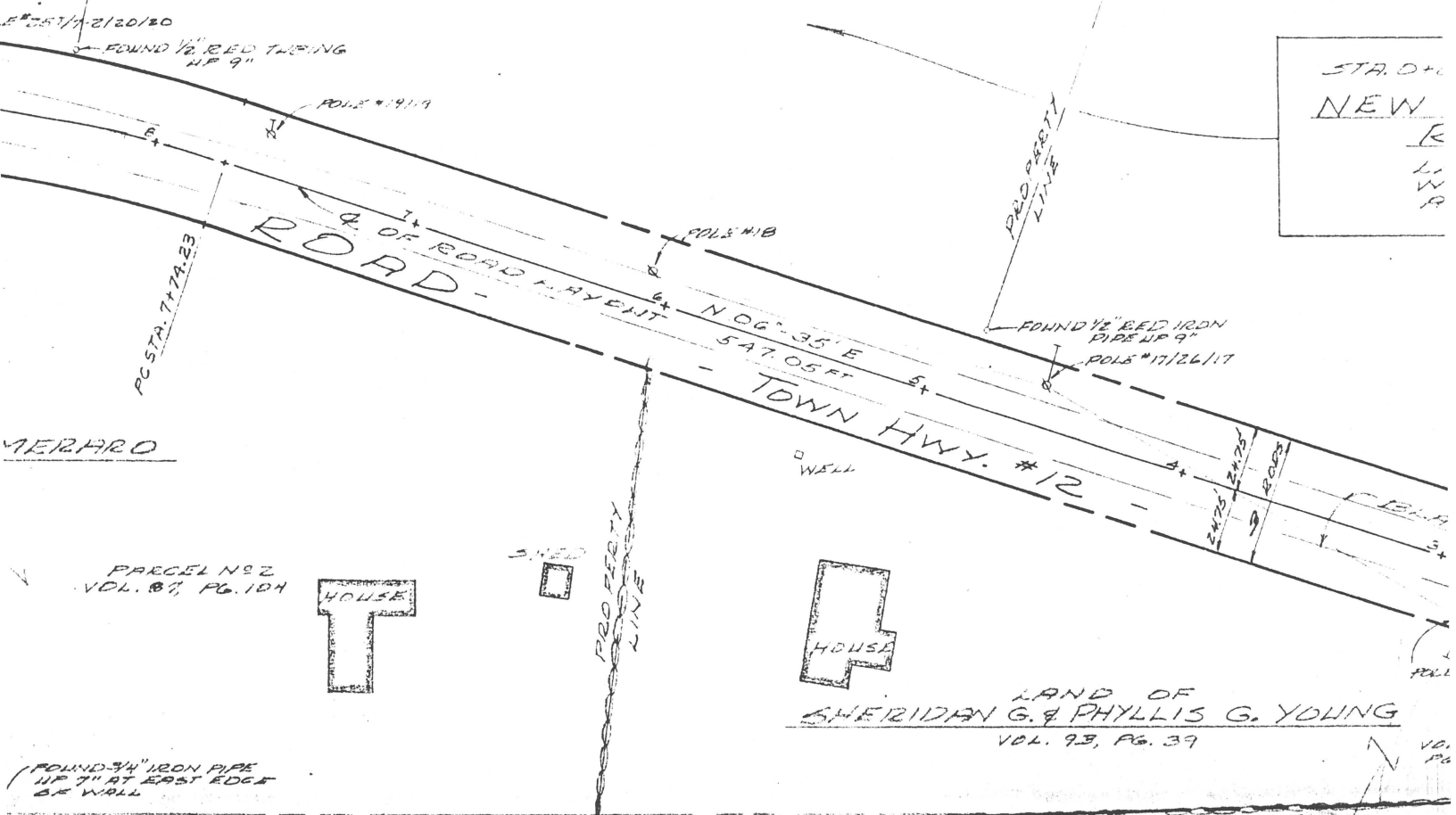
- PROPERTY AND/OR R.O.W. LINE
- x—x—x—x— STONE WALL
- oo STONES OR POOR WALL
- PROPERTY CORNER MARKER (AS DESCRIBED)
- UTILITY POLE (DESIGNATED BY NUMBER) W/ GUY
- CONCRETE HIGHWAY BOUNDARY MARKERS (TO GET SET)

*Continued*  
1982

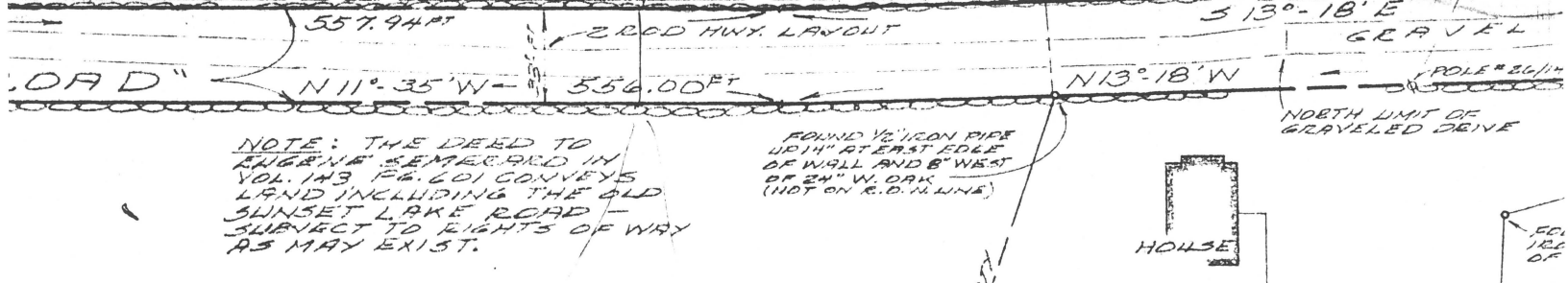
BRANDT  
304

ROBERT M. & DORA M. SPLAGNE  
VOL. 166, PG. 105

STAD. 0+  
NEW  
K  
L  
W  
R



LAND OF  
SHERIDAN G. & PHYLLIS G. YOUNG  
VOL. 93, PG. 39



NOTE: THE DEED TO  
EUGENE SEMERARO IN  
VOL. 143 PG. 601 CONVEYS  
LAND INCLUDING THE OLD  
SUNSET LAKE ROAD -  
SUBJECT TO RIGHTS OF WAY  
AS MAY EXIST.

FOUND 1/2" IRON PIPE  
UP 14" AT EAST EDGE  
OF WALL AND 6" WEST  
OF 24" W. OAK  
(NOT ON E.O.N. LINE)

LAND OF  
EUGENE SEMERARO  
VOL. 143, PG. 601

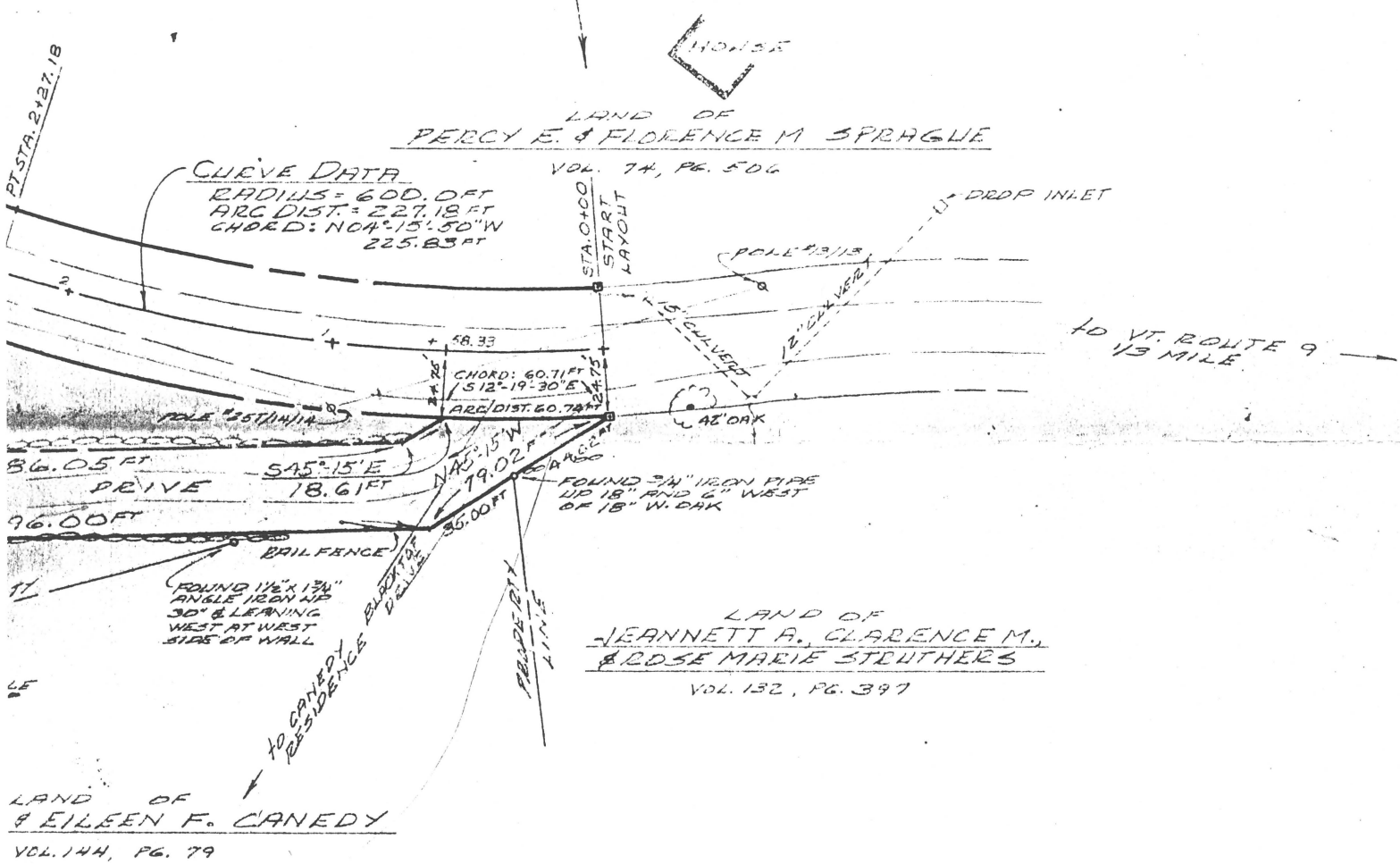
LAND OF  
BRUCE A. & SUSAN E.  
MURRAY  
VOL. 124, PG. 409

CERTIFICATION

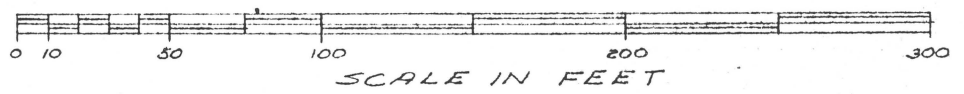
THIS SURVEY WAS MADE ON THE GROUND  
ACCURATELY DELINEATES THE PARCELS AND  
REFERENCE WAS MADE TO PROPERTY MARKERS  
FOUND IN THE FIELD DURING THE SURVEY AND  
APPLICABLE DEEDS AND PLANS OF RECORD.

W. E. Shumway

1786.99 OF THIS LAYOUT:  
OF SUNSET LAKE  
(H.#12) AS TRAVELED  
 LAYOUT = 1786.99 FT  
 WYONT = 49.5 FT = 3 RODS  
 WYONT = 2.0307 ACRES



NOTE: SUNSET LAKE ROAD IS TOWN HIGHWAY NO 12. (TOWN HIGHWAY NO 11 PRIOR TO 1973).



	<p>PLAN SHOWING A NEW LAYOUT FOR A SECTION OF <u>SUNSET LAKE ROAD (AS TRAVELED)</u> AND OF "OLD SUNSET LAKE ROAD" BRATTLEBORO, VERMONT</p>
<p>PREPARED BY:</p>	<p>PREPARED FOR: TOWN OF BRATTLEBORO        BRATTLEBORO, VERMONT</p>

REPORT ON THE LAYING OUT OF A  
PORTION OF A HIGHWAY KNOWN AS  
SUNSET LAKE ROAD AND THE LAYING  
OUT/DISCONTINUANCE OF A HIGHWAY  
KNOWN AS THE OLD SUNSET LAKE ROAD

We, the Selectmen of the Town of Brattleboro, hereby report on our doings concerning the laying out of a portion of a highway known as Sunset Lake Road and the laying out and/or discontinuance of all or a portion thereof of a highway known as the Old Sunset Lake Road within the Town of Brattleboro. Pursuant to resolution adopted at a regular meeting of the Board of Selectmen on the 18th day of November, 1981, notices of the proposed laying out of a portion of Sunset Lake Road and the laying out and/or discontinuance of all or a portion thereof of the Old Sunset Lake Road were caused to be posted in the offices of the Town Clerk, Town Manager, and Town Attorney, published in the Brattleboro Reformer on November 28, 1981, and a copy was caused to be mailed to the Brattleboro Planning Commission and copies mailed to the following persons at the following addresses by Registered Mail, Return Receipt Requested:

1. Kenneth W. & Phyllis J. Brandt, RD 2, Box 117A, W. Brattleboro, VT 05301;
2. Lillian R. Rothberg, Box 3624, Woodbridge, CT 06525;
3. Eugene Semeraro, 228 S. Main Street, Brattleboro, VT 05301;
4. Robert M. & Dora M. Sprague, RD 3, Box 9A, Old Guilford Road, Brattleboro, VT 05301.

In addition, copies of the notice were handdelivered to the following individuals:

1. Averill E. Hain;
2. Byron S. Sprague;
3. Lisa D. Stern;
4. Phyllis Young;
5. Eileen F. Canedy;
6. Mrs. Percy E. Sprague;
7. Jeannette Struthers;
8. Ronnalda Locke;
9. Michael Putnam;
10. Susan Murray;
11. C. Philip Turner.

In accordance with said notice, a copy of which is attached hereto, the Board of Selectmen met at the foot of the hill near the intersection of the Old Sunset Lake Road and the present Sunset Lake Road at 1:30 p.m. on the afternoon of Wednesday, December 9, 1981, to examine the premises. Present at that time were Philip Turner, Averill Hain, Arnold Canedy, Eugene Semeraro, Sheridan and Phyllis Young, Bruce Murray, and Thomas Chamberlin all residents of the area, and Town Manager Corwin Elwell, Town Attorney Robert Pu, Legal Clerk Vicki Donahue, Public Works Director Orman Holden, Town Appraiser Charles Fish, Surveyor William Shumway, Selectmen Carlton Orne and Hugh Bronson, and George Carvill of the Press. Byron Sprague was present as a property owner on the new Sunset Lake Road and also as a Selectman to vote on the Old Sunset Lake Road.

Thereafter, after the view of the premises, a hearing was held at 7:30 p.m. on Wednesday, the 16th day of December, 1981, in the Vermont District Courtroom, 230 Main Street, Brattleboro, Vermont, to consider the following:

1. The laying out of a portion of a highway known as Sunset Lake Road (Town Highway No. 12) as traveled, and being approximately 1787 feet long and three rods in width and running northerly from a point approximately one-third of a mile northerly of the intersection of said Sunset Lake Road with Marlboro Road (Vermont Route 9) to the junction of the same Sunset Lake Road (Town Highway No. 12) with the northerly terminus of the Old Sunset Lake Road.

2. The laying out and/or discontinuance of all or a portion thereof of a two-rod wide highway known as the "old Sunset Lake Road", so-called, commencing at a point on the westerly line of Sunset Lake Road (Town Highway No. 12), which point is located approximately one-third of a mile northerly of the intersection of said Sunset Lake Road with Marlboro Road (Vermont Route 9) and marks the southerly terminus of said Old Sunset Lake Road and thence running approximately 1624 feet northerly to the northerly terminus of said Old Sunset Lake Road and its junction with Sunset Lake Road (Town Highway No. 12). Said highway is bounded on the east by property of Percy E. and Florence M. Sprague, Sheridan G. and Phyllis G. Young, Eugene Semeraro, and George R. and Averill Hain and on the west by property of Jeannette A., Clarence M. and Rose Marie Struthers, Arnold E. and Eileen F. Canedy, Bruce A. and Susan E. Murray, Eugene Semeraro, and George R. and Averill E. Hain.

3. Claims for damages.

Present at the hearing were Selectmen Orne, Calef, Bronson, Bristol, and Sprague; Town Manager Corwin Elwell, Assistant Town Manager Christine Hart, Finance Director Daniel Brosnan, Jr., Town Attorney Robert Pu, Legal Clerk Vicki Donahue, Public Works Director Orman Holden; members of the Press; abutting property owners Eugene Semeraro, Sheridan and Phyllis Young, Averill Hain and Charles R. Cummings, Esquire, Bruce and Susan Murray, Arnold Canedy, and Philip Turner; Thomas and Bernice Chamberlin; and visitors.

Old Sunset Lake Road

Testimony was taken from Eugene Semeraro, Sheridan G. Young, Charles Cummings, Esquire, on behalf of Averill Hain, Bruce Murray, and Arnold E. Canedy. Received into evidence were the following:

1. Written statement from Eugene Semeraro;
2. Written statement from Sheridan Young;

3. Copies of correspondence from Edward A. John to Bruce Murray dated 1 October, 1979, and from John S. Burgess to Mr. and Mrs. Bruce Murray dated October 17, 1979.

4. Photograph of the woodpile/obstruction in front of the entrance to the westerly portion of the Young property taken in August of 1979.

In addition, Eugene Semeraro submitted a letter dated January 7, 1982, with attached answer to statements received at the December 16, 1981, hearing, said letter being addressed to the Board of Selectmen.

There were no other witnesses or exhibits.

In consideration of the viewing, the testimony, official town records and exhibits, the Board makes the following findings of fact, conclusions of law, and order:

#### Findings of Fact

1. On or about January 26, 1874, the Brattleboro Board of Selectmen laid out and altered the road known as the Dummerston Hill road, which road is presently known as Sunset Lake Road.

2. The Old Sunset Lake Road is bounded on the east by property of Sheridan G. and Phyllis G. Young, Eugene Semeraro, and Averill E. Hain, and on the west by property of Jeannette A., Clarence M. and Rose Marie Struthers, Arnold E. and Eileen F. Canedy, Bruce A. and Susan E. Murray, Eugene Semeraro, and Averill E. Hain.

3. Sheridan G. and Phyllis G. Young obtained title to their property by virtue of a warranty deed from Grace E. Dompier dated October 22, 1952.

4. Eugene Semeraro obtained title to his two parcels on the easterly side of the Old Sunset Lake Road by virtue of a warranty deed from Nellie L. Barber dated August 12, 1948.

5. Averill E. Hain obtained title to her property by virtue of a warranty deed from Ester Votos dated October 31, 1974. Said conveyance was made "subject to such rights of way as may exist in the public for the use of the highways which may cross said premises, with specific reference to the Old Sunset Lake Road, so-called".

6. Eugene Semeraro obtained title to his third parcel by virtue of a warranty deed from Ester Votos dated August 1, 1975. Said conveyance was made "subject to such rights of way as may exist in the public for the use of the highways which may cross said premises, with specific reference to the Old Sunset Lake Road, so-called".

7. Bruce A. and Susan E. Murray obtained title to their property by virtue of a warranty deed from Francis H. and Phyllis E. Humphrey dated November 29, 1969.

8. Arnold E. and Eileen F. Canedy obtained title to their property by virtue of a warranty deed from S. Whitley Landon III and Joan J. Landon dated August 25, 1975.

9. The Young parcel has frontage on both the new and the old Sunset Lake Roads.

10. Semeraro's three parcels all have frontage on the new Sunset Lake Road. The two parcels located between the new and the old Sunset Lake Roads also have frontage on the old Sunset Lake Road. The old Sunset Lake Road runs through the third parcel.

11. The Hain parcel has frontage on the new Sunset Lake Road and the old Sunset Lake Road also runs through it.

12. The Murray parcel only has frontage on the old Sunset Lake Road.

13. The Canedy parcel only has frontage on the old Sunset Lake Road.

14. Dwelling houses are located on the Young, Semeraro (parcel number 2), Hain, Murray, and Canedy parcels.

15. The deeds in the chain of title for the property located between the new and the old Sunset Lake Roads indicate that there is some question as to the ownership of the small triangular parcel located at the southerly junction of the new and the old Sunset Lake Roads.

16. On or about January 7, 1982, Eugene Semeraro claimed ownership of this triangular piece of property.

17. The old Sunset Lake Road has not been maintained by the Town.

18. Sheridan and Phyllis Young have maintained that portion of the old Sunset Lake Road leading to their property for about 20 years.

19. Bruce Murray has maintained that portion of the old Sunset Lake Road leading to his property since 1969.

20. Arnold Canedy has blacktopped a portion of the old Sunset Lake Road and his driveway.

21. Arnold and Eileen Canedy, Bruce and Susan Murray, and Averill Hain would like to see the Town discontinue the old Sunset Lake Road.

22. Arnold and Eileen Canedy and Bruce and Susan Murray are prepared to give rights of way to each other and Sheridan and Phyllis Young in the event that the old Sunset Lake Road is discontinued.

23. Sheridan and Phyllis Young want a guaranteed access to their property off of the old Sunset Lake Road, though not necessarily at the point where the access is presently located.



24. Sheridan and Phyllis Young are unwilling to give a right of way to the Murrays in the event the old Sunset Lake Road is discontinued.

25. The Murrays run a nursery school on their property and the southerly end of the old Sunset Lake Road is heavily traveled.

26. Eugene Semeraro claims to have an inherent and permanent right of way over the old Sunset Lake Road.

27. Eugene Semeraro feels that the property owners will have to work out a mutually satisfactory arrangement for the use of the old Sunset Lake Road in the event that it is discontinued by the Town.

#### Conclusions of Law

28. The Board of Selectmen has the authority to lay out, alter and discontinue highways, subject to the public good, necessity or convenience.

29. When a highway is discontinued, the right of way may be continued at the same width by the Board of Selectmen by designating the right of way as a trail.

30. If a discontinued highway is not designated as a trail, it shall be set and belong to the owners of the adjoining lands; if it is located between lands of two different owners, it shall be set to the lots to which it originally belonged, if they can be ascertained; if not, it shall be equally divided between the owners of the land on each side.

31. All of the property owners on the old Sunset Lake Road, with the exception of Bruce and Susan Murray have access to their parcels from the new Sunset Lake Road. Assuming that the Canedys, Murrays, and Youngs are willing to exchange rights of way, the public good, necessity and convenience of the inhabitants are best served by a discontinuance of the old Sunset Lake Road.

32. In view of the Youngs refusal to give a right of way to the Murrays, the public good, necessity and convenience of the inhabitants are best served by a laying out of a section of the old Sunset Lake Road as a Class 4 Town Highway and the discontinuance of the remainder.

33. Notwithstanding Eugene Semeraro's recent claim of ownership of the triangular parcel located at the southerly junction of the new and old Sunset Lake Roads, the Board finds that a cloud has existed on the ownership of this parcel since April 5, 1922.

#### Order

WHEREFORE, the southerly section of the old Sunset Lake Road described as follows:

A certain section of highway layout two rods wide for old Sunset Lake Road, so-called, and running approximately 587 feet northerly from a point on the westerly line of the new Sunset Lake Road which is located approximately one-third of a mile northerly of the intersection of said new Sunset Lake Road with Marlboro Road (Vermont Route 9) in said Brattleboro and is further bounded and described as follows, viz.:

Beginning at a new concrete highway bound marking the southwesterly terminus of the new layout of even date for Sunset Lake Road as now traveled, said bound is located 44.02 feet S 45°-15' E of an iron pipe in a stone wall marking the southeasterly corner of the land of Arnold E. and Eileen F. Canedy and the northeasterly corner of the land of Jeanette A., Clarence M., and Rose Marie Struthers located on the westerly side of said new Sunset Lake Road; thence N 45°-15' W along the northeasterly line of the land of said Struthers and said Canedy a distance of 79.02 feet to a point; thence N 13°-18' W along the easterly line of the land of said Canedy, Bruce A. and Susan E. Murray and of Eugene Semeraro, and marked in part by a stone wall, a distance of 496.00 feet to a point; thence N 11°-35' W along the easterly line of the land of said Semeraro, and marked by a stone wall, a distance of 47.11 feet to a new concrete highway bound, said new highway bound marks the northwesterly corner of this highway layout, N 78°-25' E and crossing said highway a distance of 33.00 feet to a new concrete highway bound at a stone wall corner marking the northeasterly corner of this highway layout and the northwesterly corner of the land of Sheridan G. and Phyllis G. Young; thence S 11°-35' E along the westerly line of the land of Sheridan G. and Phyllis G. Young and marked by a stone wall, a distance of 46.62 feet to a point; thence S 13°-18' E along the westerly line of the land of said Young and the land of parties unknown, and marked by a stone wall, a distance of 486.05 feet to a point at the southerly end of said wall; thence S 45°-15' E along the southwesterly line of the land of parties unknown a distance of 18.61 feet to a point marking the southeasterly corner of this highway layout in the westerly line of said new Sunset Lake Road layout of even date; thence southerly and crossing said old Sunset Lake Road and along a curve to the left and the westerly line of said new Sunset Lake Road an arc distance of 60.74 feet to a new concrete highway bound and the point of beginning, said curve has a radius of 624.75 feet and a chord running 60.71 feet S 12°-19'-30" E. All bearings are referenced to the 1981 magnetic meridian and the parcel contains 0.4438 of an acre.

is hereby laid out as a Class 4 Town Highway.

The northerly section of the old Sunset Lake Road described as follows:

A certain section of highway layout two rods wide for old Sunset Lake Road, so-called, running from a point opposite the northerly line of the land of Sheridan G. and Phyllis G. Young northerly through the lands of Eugene Semeraro and of George R. and Averill E. Hain in said Brattleboro and is further bounded and described as follows, viz.:

Beginning at a new concrete highway bound at a stone wall corner marking the southeasterly corner of this highway layout and the northwesterly corner of the land of Sheridan G. and Phyllis G. Young; thence S 78°-25' W and crossing said old Sunset Lake Road a distance of 33.00 feet to a new concrete highway bound marking the southwesterly corner of this highway layout; thence N 11°-35' W along the easterly line of the land of Eugene Semeraro, and marked by a stone wall, a distance of 508.89 feet to a stone post at the northerly end of a stone wall, said stone post being in the north line of the land of said Semeraro and in the south line of the land of George R. and Averill E. Hain; thence N 08°-20' W along an easterly line of the land of said Hain a distance of 591.28 feet to a new concrete highway bound marking the northwesterly terminus of the new layout of even date for new Sunset Lake Road as traveled, said concrete bound is located 156.69 feet S 25°-09' E of an iron pipe in a stone wall in the supposed westerly line of Sunset Lake Road as traveled which marks the northeasterly corner of the land of said Hain and the southeasterly corner of the land of Lillian R. Rothberg; thence S 23°-00' E along the westerly line of said new layout for new Sunset Lake Road as traveled a distance of 87.55 feet to a point; thence continuing southeasterly along said westerly line of Sunset Lake Road as traveled and along a curve to the left an arc distance of 40.02 feet to a point at the northeasterly corner of this layout, said last two described courses cross the northerly limit of this layout and said curve has a radius of 1524.75 feet and a chord running 40.02 feet S 23°-45' E; thence S 08°-20' E along a westerly line of the land of said Hain a distance of 463.70 feet to a new iron pipe in the ground; thence S 11°-35' E along the westerly line of other lands of said Semeraro, and marked in part by stones and a stone wall, a distance of 511.32 feet to a new concrete highway bound at a stone wall corner and the point of beginning. All bearings are referenced to the 1981 magnetic meridian and the parcel contains 0.7831 of an acre.

is hereby discontinued and the two rod highway is hereby set to the owners of the adjoining lands.

Dated at Brattleboro, Vermont, as of this 24th day of February, 1982.

BRATTLEBORO BOARD OF SELECTMEN

Carlton J. Orne  
Carlton J. Orne

Byron S. Sprague  
Byron S. Sprague

Hugh J. Bronson  
Hugh J. Bronson

David S. Calef  
David S. Calef

Gordon E. Bristol  
Gordon E. Bristol

Sunset Lake Road (Town Highway No. 12)

Testimony was taken from Sheridan G. Young and Byron Sprague.

There were no other witnesses or exhibits.

In consideration of the viewing, the testimony, official town records and exhibits, the Board makes the following findings of fact, conclusions of law, and order:

Findings of Fact

1. On or about January 26, 1874, the Brattleboro Board of Selectmen laid out and altered a  $2\frac{1}{2}$  rod wide road known as the Dummerston Hill Road, which road is presently known as Sunset Lake Road (Town Highway No. 12).
2. That the road was subsequently widened and paved by the Town.
3. That none of the adjoining property owners have submitted claims for damages as a result of this widening.
4. That a survey has been prepared by William E. Shumway and the Town is proposing to lay out a portion of said highway as traveled, being approximately 1787 feet long and 3 rods in width and running northerly from a point approximately one-third of a mile northerly of the intersection of said Sunset Lake Road with Marlboro Road (Vermont Route 9) to the junction of the same Sunset Lake Road (Town Highway No. 12) with the northerly terminus of the Old Sunset Lake Road.

Conclusions of Law

5. State law requires highways to be a minimum of 3 rods wide.
6. The public good, necessity and convenience of the inhabitants are best served by a laying out of this portion of Sunset Lake Road as a three rod wide highway.
7. That none of the adjoining property owners have been damaged by the widening of this section of the road from  $2\frac{1}{2}$  to 3 rods.

Order

WHEREFORE, a section of Sunset Lake Road (Town Highway No. 12) described as follows:



A certain section of highway layout for Sunset Lake Road (Town Highway No. 12) as traveled and being approximately 1787 feet long and three rods in width and running northerly from a point approximately one-third mile northerly of the intersection of said Sunset Lake Road with Marlboro Road (Vermont Route 9) in said Brattleboro and is further bounded and described as follows, viz.:

Beginning at a point in the centerline of Sunset Lake Road (Town Highway No. 12) as traveled at the southerly terminus of the layout herein described, said point being 24.75 feet easterly of and radially from a new concrete highway bound marking the southwesterly corner of this highway layout and said bound is located 44.02 feet S 45°-15' E of an iron pipe in a stone wall marking the southeasterly corner of the land of Arnold E. and Eileen F. Canedy and north-easterly corner of the land of Jeannette A., Clarence M., and Rose Marie Struthers located on the westerly side of said Sunset Lake Road; thence northerly along a curve to the right an arc distance of 227.18 feet to a point, said curve has a radius of 600.0 feet and a chord running 225.83 feet N 04°-15' -50" W; thence N 06°-35' E a distance of 547.05 feet to a point; thence northerly and westerly along a curve to the left an arc distance of 370.16 feet to a point, said curve has a radius of 500.0 feet and a chord running 361.76 feet N 14°-37' -30" W; thence N 35°-50' W a distance of 192.92 feet to a point; thence north-westerly along a curve to the right an arc distance of 257.44 feet and a chord running 257.12 feet N 30°-55' W; thence N 26°-00' W a distance of 26.15 feet to a point; thence northwesterly along a curve to the right an arc distance of 78.54 feet to a point, said curve has a radius of 1500.0 feet and a chord running 78.53 feet N 24°-30' W; thence N 23°-00' W a distance of 87.55 feet to a point at the northerly terminus of this highway layout, said point being 24.75 feet easterly of and at right angles to a new concrete highway bound marking the northwesterly corner of this highway layout and said bound is located 156.69 feet S 25°-09' E of an iron pipe in a stone wall marking the supposed westerly line of said Sunset Lake Road at the northeasterly corner of the land of George R. and Averill E. Hain and the southeasterly corner of the land of Lillian R. Rothberg. All of the preceding courses from the southerly terminus to the northerly terminus of this layout are along the approximate centerline of the highway as now traveled and said highway is laid out 49.5 feet (3 rods) wide. All bearings are referenced to the 1981 magnetic meridian and said layout contains 2.0307 acres.

to a point, said curve has a radius of 1500.0 feet

is hereby laid out as a Class 3 Town Highway with a width of 3 rods.

Dated at Brattleboro, Vermont, as of this 24th day of February, 1982.

BRATTLEBORO BOARD OF SELECTMEN

Carlton J Orne  
Carlton J. Orne

Hugh J Bronson  
Hugh J. Bronson

David S Calef  
David S. Calef

Gordon E Bristol  
Gordon E. Bristol

Town Clerk's Office, Brattleboro, Vt., March 4, 1982 at 4:50 P. M. A true record.  
Attest:

*Evelyn B. Galt*  
Asst. Town Clerk

\*\*\*\*\*

Change of Name-  
Optical Drive changed to Justin Holden Drive

EXERPT

MINUTES OF BOARD OF SELECTMEN'S  
MEETING OF JULY 28, 1982

"Chairman Orne called the meeting to order at 7:00 p.m. in the Vermont District Courtroom. Present were Selectmen Carlton Orne, Byron Sprague, Hanna Cosman, Hugh Bronson, and David Calef; Assistant Town Manager David Sichel, Administrative Assistant Vicki Seymour, and Town Attorney Robert Pu; news media representatives Dale Houston, Kevin O'Connor, and Laurence Smith; and several citizens.

\* \* \* \* \*

JUSTIN HOLDEN DRIVE. IT WAS MOVED BY MRS. COSMAN, SECONDED BY MR. SPRAGUE, TO CHANGE THE NAME OF OPTICAL DRIVE TO JUSTIN HOLDEN DRIVE. APPROVED 5-0.

\* \* \* \* \*

The meeting adjourned at 8:09 p.m. upon motion of Mr. Calef."

Town Manager's Office, Brattleboro, Vermont, August 6, 1982

I hereby certify that the foregoing is a true copy of the record of the minutes of the Board of Selectmen of July 28, 1982, which are recorded in Book 24, Page 35, Selectmen's Minutes of the Town of Brattleboro.

**CERTIFICATE OF COMPLETION AND OPENING  
OF A HIGHWAY FOR PUBLIC TRAVEL**

Annette L. Cappy, Town Clerk of the Town of Brattleboro, Vermont.

Pursuant to Title 19, V.S.A. Section 15, as amended 1989, this is to certify that the following described section of Class 3 Highway in the Town of Brattleboro was DISCONTINUED on November 2, 1999: PORTION OF OLD TURNPIKE ROAD.

DESCRIPTION OF RIGHT-OF-WAY: That entire portion of Old Turnpike Road lying east of the intersection of Old Turnpike Road with Cooke Road.

and NOT SHOWN on the most recent General Highway Map of Urban Compact of Brattleboro-West Brattleboro, but the Findings and Order of the Selectboard, dated November 2, 1999, are filed in Volume/Book 23 on Page(s) 117-120 of the Highway Books/Records of the Town of Brattleboro by the Town Clerk of Town of Brattleboro incorporated herein by reference and attested to therein by said Town Clerk.

DATED at Brattleboro, County of Windham and State of Vermont, this 15 day of

February, A.D. 2000.

  
\_\_\_\_\_  
Robert S. Fagelson, Chairman

  
\_\_\_\_\_  
Greg Worden, Vice-Chairman


  
\_\_\_\_\_  
Daryl L. Pillsbury

\_\_\_\_\_  
Matthew W. Speno

  
\_\_\_\_\_  
Newell B. West, Jr., Clerk

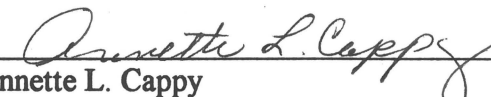
Selectboard, Town of Brattleboro

Old Turnpike Road--Discontinued Portion  
Certificate of Completion and Opening  
February 15, 2000

  
\_\_\_\_\_  
Jerry Remillard  
Town Manager of the Town of Brattleboro

BRATTLEBORO, VERMONT  
February 17, A.D. 2000

THE ABOVE IS A TRUE DESCRIPTION OF THE CLASS 3 HIGHWAY  
DISCONTINUED, RECORDED IN VOLUME/~~BOOK~~ 2 ON PAGE(S) 117-120  
OF THE ~~TOWN RECORDS~~ <sup>HIGHWAY BOOKS</sup> OF THE TOWN OF BRATTLEBORO ON THE 3  
DAY OF November, 1999 AT 10 O'CLOCK, A. M.

ATTEST:   
\_\_\_\_\_  
Annette L. Cappy  
Town Clerk of Brattleboro, Vermont

TOWN OF BRATTLEBORO  
DEPARTMENT OF PUBLIC WORKS  
211 FAIRGROUND ROAD  
BRATTLEBORO, VT 05801

STATE OF VERMONT  
TOWN OF BRATTLEBORO

WHEREAS, at Brattleboro, Vermont, on the 6th day of July 1999, the Selectboard of the Town of Brattleboro, on their own Motion, did vote to propose that pursuant to Title 19 Vermont Statutes Annotated, Chapter 7, as amended, that the following public highway in the Town of Brattleboro be RECLASSIFIED in part and DISCONTINUED in part.

Highway to be reclassified from Class Three to Class Four: Beginning at the terminus of the so-called Cooke Road and proceeding westward to the intersection of the Old Turnpike Road with the so-called Stark Road.

Highway to be discontinued: Being all of the so-called Old Turnpike Road lying east of the intersection of Old Turnpike Road and Cooke Road.

WHEREAS, the Selectboard did order and appoint that on the 17<sup>th</sup> day of August 1999 at 4:00 p.m. they would meet at the Brattleboro Selectboard Meeting Room in Brattleboro, Vermont for the purpose of hearing all persons interested in said public highway and its alteration, and for the purpose of examining the premises affected thereby, and did give notice thereof to the statutory parties and to those set forth in Exhibit "A" attached hereto all being persons who own or are interested in the lands on which said proposed road now lies or abutting on said roadway at their last known addresses; and did give notice thereof to the

voters of the Town of Brattleboro by posting notices thereon on July 14, 1999 in the public places within the Town, and did give notice to the voters of the Town of Brattleboro by causing a notice to be published in the Brattleboro Daily Reformer, a newspaper with a circulation in Brattleboro, Vermont on August 11, 1999 again on August 20, 1999 and did leave a copy of such notice with the Brattleboro Town Clerk

AND, afterwards, on or before August 17, 1999 all of the Selectmen did examine said premises, and did hold a public hearing on August 17, 1999 at 6:15 p.m. at the Brattleboro Selectboard Meeting Room at which time individuals appeared and gave testimony regarding said road. There were no claims for damages. A second hearing on the matter was held on September 7, 1999.

AND, the Selectboard determined that the present status of the public highway is as follows:

1. That the roadway is a public highway;
2. That the roadway has not been open to the public because of its disrepair and unsafe condition; in essence the highway is a woods road used for logging access and recreation.
3. That some of the landowners, from time to time, use the road for access to hunting and for winter recreation;
4. That the cost to repair the roadway to Class three standards and specifications would be prohibitive

for the Town.

AND, after due discussion and deliberation with those in attendance and after review of the premises with the adjoining landowners, the Selectboard were of the opinion and did so vote that the necessity and convenience of the inhabitants and the public good requires that the road as previously laid out be maintained as follows:

A. That in view of the disrepair and unsafe condition of the highway, said highway not meeting the standards of a Class 3 road, the roadway sought to be reclassified to the status of a class four highway (between the terminus of the so-called Cooke Road and proceeding westward to the intersection of the Old Turnpike Road with the so-called Stark Road) be RECLASSIFIED as a class four highway as permitted by Title 19 V.S.A. § 302;

B. That in view of the disrepair and the apparent abandonment of the Old Turnpike Road lying east of the intersection of the Old Turnpike Road with Cooke Road, said highway lying east of the intersection of Cooke Road with the Old Turnpike Road be Discontinued.


AND, the said Selectboard did determine and vote that no damage was sustained by any person owning or interested in lands through which said proposed highway runs or abuts.

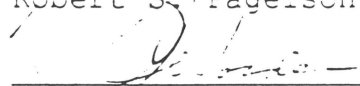
THEREFORE, it is ORDERED by the Selectboard that the roadway as above described be RECLASSIFIED as a Class Four Highway as



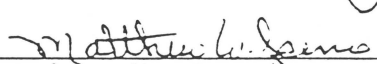
permitted by Title 19 V.S.A. § 302 between the terminus of the so-called Cooke Road and the intersection of Old Turnpike Road with Stark Road; and be DISCONTINUED in total from the intersection of Cooke Road and Old Turnpike Road easterly to the village of West Brattleboro

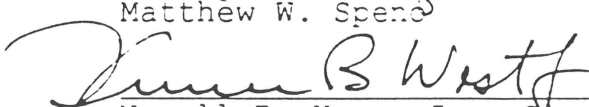
Dated at Brattleboro, Vermont this 2<sup>nd</sup> day of November 1999.

  
\_\_\_\_\_  
Robert S. Fagelson, Chairman

  
\_\_\_\_\_  
Greg Worden, Vice Chairman

  
\_\_\_\_\_  
Daryl L. Pillsbury

  
\_\_\_\_\_  
Matthew W. Spens

  
\_\_\_\_\_  
Newell B. West, Jr., Clerk

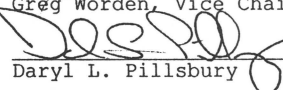
Selectboard, Town of Brattleboro

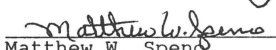
permitted by Title 19 V.S.A. § 302 between the terminus of the so-called Cooke Road and the intersection of Old Turnpike Road with Stark Road; and be DISCONTINUED in total from the intersection of Cooke Road and Old Turnpike Road easterly to the village of West Brattleboro

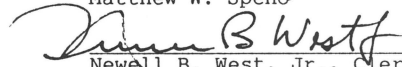
Dated at Brattleboro, Vermont this 2<sup>nd</sup> day of November 1999.

  
Robert S. Fagelson, Chairman

  
Greg Worden, Vice Chairman

  
Daryl L. Pillsbury


  
Matthew W. Speno

  
Newell B. West, Jr., Clerk

Selectboard, Town of Brattleboro

Town Clerk's Office, Brattleboro Vermont

On this 3rd day of November, 1999 at 10:00 A.M. received and recorded; the foregoing road reclassification and discontinuance in Highway Book 2, Page 117.

Attest:  , Asst. Town Clerk

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**CERTIFICATE OF COMPLETION AND OPENING  
OF A HIGHWAY FOR PUBLIC TRAVEL**

Annette L. Cappy, Town Clerk of the Town of Brattleboro, Vermont.

Pursuant to Title 19, V.S.A. Section 15, as amended 1989, this is to certify that the following described section of Class 3 Highway in the Town of Brattleboro was RECLASSIFIED AS Class 4 Highway and remained OPEN FOR PUBLIC TRAVEL ON November 2, 1999: PORTION OF OLD TURNPIKE ROAD.

DESCRIPTION OF RIGHT-OF-WAY: Beginning at the terminus of the so-called Cooke Road and proceeding westward approximately one mile to the intersection of the Old Turnpike Road with the so-called Stark Road.

and NOT SHOWN on the most recent General Highway Map of Urban Compact of Brattleboro-West Brattleboro, but the Findings and Order of the Selectboard, dated November 2, 1999, are filed in Volume/Book 2 on Page(s) 117-120 of the Highway Books/ Records of the Town of Brattleboro by the Town Clerk of Town of Brattleboro incorporated herein by reference and attested to therein by said Town Clerk.

DATED at Brattleboro, County of Windham and State of Vermont, this 15 day of February A.D. 2000.

  
\_\_\_\_\_  
Robert S. Fagelson, Chairman

  
\_\_\_\_\_  
Greg Worden, Vice-Chairman

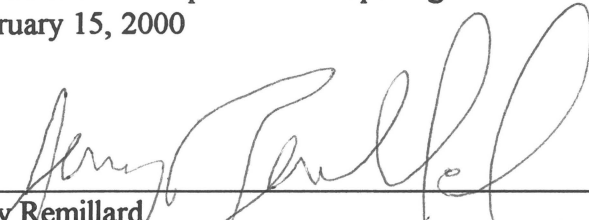
  
\_\_\_\_\_  
Daryl L. Pillsbury

\_\_\_\_\_  
Matthew W. Speno

  
\_\_\_\_\_  
Newell B. West, Jr., Clerk

Selectboard, Town of Brattleboro

Old Turnpike Road--Reclassified Portion  
Certificate of Completion and Opening  
February 15, 2000

  
\_\_\_\_\_  
Jerry Remillard  
Town Manager of the Town of Brattleboro

BRATTLEBORO, VERMONT  
February 17, A.D. 2000

THE ABOVE IS A TRUE DESCRIPTION OF THE CLASS 3 HIGHWAY  
RECLASSIFIED AS A CLASS 4 HIGHWAY AND REMAINING OPEN FOR PUBLIC  
TRAVEL, RECORDED IN VOLUME/BOOK 2 ON PAGE(S) 117-120 OF THE  
TOWN RECORDS OF THE TOWN OF BRATTLEBORO ON THE 3 DAY OF  
November, 1999 AT 10 O'CLOCK, A.M.

Highway  
Books

ATTEST:   
Annette L. Cappy  
Town Clerk of Brattleboro, Vermont

TOWN OF BRATTLEBORO  
DEPARTMENT OF PUBLIC WORKS  
211 FAIRGROUND ROAD  
BRATTLEBORO, VT 05301

STATE OF VERMONT  
TOWN OF BRATTLEBORO

WHEREAS, at Brattleboro, Vermont, on the 6th day of July 1999, the Selectboard of the Town of Brattleboro, on their own Motion, did vote to propose that pursuant to Title 19 Vermont Statutes Annotated, Chapter 7, as amended, that the following public highway in the Town of Brattleboro be RECLASSIFIED in part and DISCONTINUED in part.

Highway to be reclassified from Class Three to Class Four: Beginning at the terminus of the so-called Cooke Road and proceeding westward to the intersection of the Old Turnpike Road with the so-called Stark Road.

Highway to be discontinued: Being all of the so-called Old Turnpike Road lying east of the intersection of Old Turnpike Road and Cooke Road.

WHEREAS, the Selectboard did order and appoint that on the 17<sup>th</sup> day of August 1999 at 4:00 p.m. they would meet at the Brattleboro Selectboard Meeting Room in Brattleboro, Vermont for the purpose of hearing all persons interested in said public highway and its alteration, and for the purpose of examining the premises affected thereby, and did give notice thereof to the statutory parties and to those set forth in Exhibit "A" attached hereto all being persons who own or are interested in the lands on which said proposed road now lies or abutting on said roadway at their last known addresses; and did give notice thereof to the

voters of the Town of Brattleboro by posting notices thereon on July 14, 1999 in the public places within the Town, and did give notice to the voters of the Town of Brattleboro by causing a notice to be published in the Brattleboro Daily Reformer, a newspaper with a circulation in Brattleboro, Vermont on August 11, 1999 again on August 20, 1999 and did leave a copy of such notice with the Brattleboro Town Clerk

AND, afterwards, on or before August 17, 1999 all of the Selectmen did examine said premises, and did hold a public hearing on August 17, 1999 at 6:15 p.m. at the Brattleboro Selectboard Meeting Room at which time individuals appeared and gave testimony regarding said road. There were no claims for damages. A second hearing on the matter was held on September 7, 1999.

AND, the Selectboard determined that the present status of the public highway is as follows:

1. That the roadway is a public highway;
2. That the roadway has not been open to the public because of its disrepair and unsafe condition; in essence the highway is a woods road used for logging access and recreation.
3. That some of the landowners, from time to time, use the road for access to hunting and for winter recreation;
4. That the cost to repair the roadway to Class three standards and specifications would be prohibitive



for the Town.

AND, after due discussion and deliberation with those in attendance and after review of the premises with the adjoining landowners, the Selectboard were of the opinion and did so vote that the necessity and convenience of the inhabitants and the public good requires that the road as previously laid out be maintained as follows:

A. That in view of the disrepair and unsafe condition of the highway, said highway not meeting the standards of a Class 3 road, the roadway sought to be reclassified to the status of a class four highway (between the terminus of the so-called Cooke Road and proceeding westward to the intersection of the Old Turnpike Road with the so-called Stark Road) be RECLASSIFIED as a class four highway as permitted by Title 19 V.S.A. § 302;

B. That in view of the disrepair and the apparent abandonment of the Old Turnpike Road lying east of the intersection of the Old Turnpike Road with Cooke Road, said highway lying east of the intersection of Cooke Road with the Old Turnpike Road be Discontinued.


AND, the said Selectboard did determine and vote that no damage was sustained by any person owning or interested in lands through which said proposed highway runs or abuts.


THEREFORE, it is ORDERED by the Selectboard that the roadway as above described be RECLASSIFIED as a Class Four Highway as

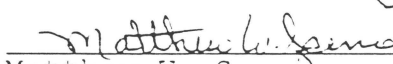
permitted by Title 19 V.S.A. § 302 between the terminus of the so-called Cooke Road and the intersection of Old Turnpike Road with Stark Road; and be DISCONTINUED in total from the intersection of Cooke Road and Old Turnpike Road easterly to the village of West Brattleboro

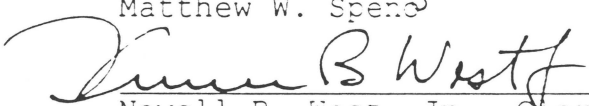
Dated at Brattleboro, Vermont this 2<sup>nd</sup> day of November 1999.

  
\_\_\_\_\_  
Robert S. Fagelson, Chairman

  
\_\_\_\_\_  
Greg Worden, Vice Chairman

  
\_\_\_\_\_  
Daryl L. Pillsbury

  
\_\_\_\_\_  
Matthew W. Spens

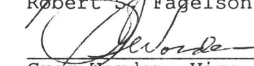
  
\_\_\_\_\_  
Newell B. West, Jr., Clerk

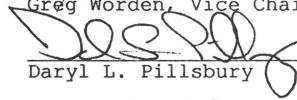
Selectboard, Town of Brattleboro

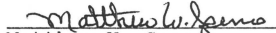
permitted by Title 19 V.S.A. § 302 between the terminus of the so-called Cooke Road and the intersection of Old Turnpike Road with Stark Road; and be DISCONTINUED in total from the intersection of Cooke Road and Old Turnpike Road easterly to the village of West Brattleboro

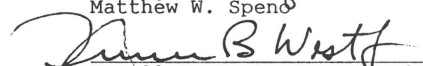
Dated at Brattleboro, Vermont this 2<sup>nd</sup> day of November 1999.

  
Robert S. Fagelson, Chairman

  
Greg Worden, Vice Chairman

  
Daryl L. Pillsbury


  
Matthew W. Speno

  
Newell B. West, Jr., Clerk

Selectboard, Town of Brattleboro

Town Clerk's Office, Brattleboro Vermont

On this 3rd day of November, 1999 at 10:00 A.M. received and recorded the foregoing road reclassification and discontinuance in Highway Book 2, Page 117.

Attest:  , Asst. Town Clerk

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**CERTIFICATE OF COMPLETION AND OPENING  
OF A HIGHWAY FOR PUBLIC TRAVEL**

Annette L. Cappy, Town Clerk of the Town of Brattleboro, Vermont.

Pursuant to Title 19, V.S.A. Section 15, as amended 1989, this is to certify that the following described section of Open Public Highway in the Town of Brattleboro was RECLASSIFIED AS A PROVISIONAL CLASS 3 HIGHWAY OF 3 RODS' WIDTH on May 4, 1999: FROST PLACE.

DESCRIPTION OF RIGHT-OF-WAY: Beginning at a point which is 400' southerly of the south side of Willow Street, so-called, thence southerly a distance of 234' to the intersection of Frost Place and Brook Street, and as further described in the Findings and Order of Reclassification attached hereto.

and NOT YET SHOWN on the most recent General Highway Map of Urban Compact of Brattleboro-West Brattleboro, but the Findings and Order of Reclassification, dated May 4, 1999 are filed in Volume/Book 2 on Page 108-111 of the Highway Books/Town Records of the Town of Brattleboro by the Town Clerk of Town of Brattleboro incorporated herein by reference and attested to therein by said Town Clerk.

DATED at Brattleboro, County of Windham and State of Vermont, this 15 day of February, A.D. 2000.

  
Robert S. Fagelson, Chairman

  
Greg Worden, Vice-Chairman

  
Daryl L. Pillsbury

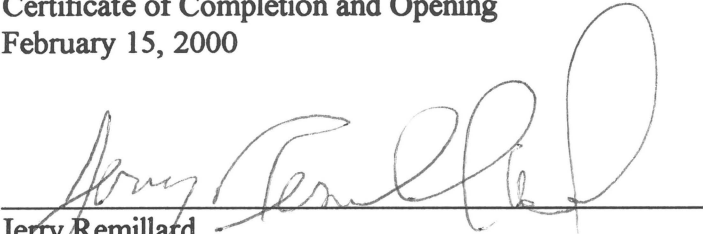
  
Matthew W. Speno

  
Newell B. West, Jr., Clerk

Selectboard, Town of Brattleboro

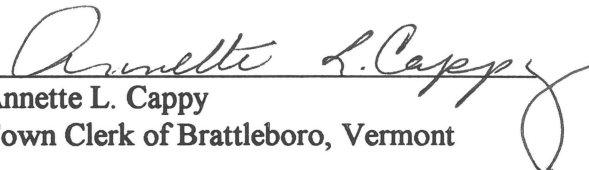
NA

Frost Place  
Certificate of Completion and Opening  
February 15, 2000

  
\_\_\_\_\_  
Jerry Remillard  
Town Manager of the Town of Brattleboro

BRATTLEBORO, VERMONT  
February 17, A.D. 2000

THE ABOVE IS A TRUE DESCRIPTION OF THE RECLASSIFIED PROVISIONAL CLASS  
3 HIGHWAY RECLASSIFIED AND REMAINING OPEN FOR PUBLIC TRAVEL,  
RECORDED IN VOLUME/BOOK 2 ON PAGE 108-111 OF THE HIGHWAY  
BOOKS/~~TOWN RECORDS~~ OF THE TOWN OF BRATTLEBORO ON THE 5  
DAY OF May, 1999 AT 11:45 O'CLOCK, A. M.

ATTEST:   
\_\_\_\_\_  
Annette L. Cappy  
Town Clerk of Brattleboro, Vermont

TOWN OF BRATTLEBORO  
DEPARTMENT OF PUBLIC WORKS  
211 FAIRGROUND ROAD  
BRATTLEBORO, VT 05301

STATE OF VERMONT  
TOWN OF BRATTLEBORO

WHEREAS, at Brattleboro, Vermont, on the 15<sup>th</sup> day of December 1998, the Selectboard of the Town of Brattleboro, on their own Motion, did vote to propose that pursuant to Title 19 Vermont Statutes Annotated, Chapter 7, as amended, that the following public highway in the Town of Brattleboro be RECLASSIFIED from an open public highway to a Town Trail of three (3) rods in width:

"FROST STREET: Beginning at a point which is 400 feet southerly of the south side of Willow Street, so-called; thence southerly a distance of 234 feet to the intersection of Frost Street and Brook Street."

WHEREFORE, the Selectboard did order and appoint that on the 2<sup>nd</sup> day of February 1999 at 7:00 p.m. they would meet at the Brattleboro Selectboard Meeting Room in Brattleboro, Vermont for the purpose of hearing all persons interested in said public highway and its alteration to a Town Trail, and for the purpose of examining the premises affected thereby, and did give notice thereof to the statutory parties and to those set forth in Exhibit "A" attached hereto all being persons who own or are interested in the lands on which said proposed road now lies or abutting on said roadway at their last known addresses; and did give notice thereof to the voters of the Town of Brattleboro by posting notices thereon on December 15, 1998 in the public places



within the Town, and did give notice to the voters of the Town of Brattleboro by causing a notice to be published in the Brattleboro Daily Reformer, a newspaper with a circulation in Brattleboro, Vermont on January 23, 1999 and did leave a copy of such notice with the Brattleboro Town Clerk

AND, afterwards, on or before April 6, 1999 all of the Selectmen did examine said premises, and did hold a public hearing on February 2, 1999 at 7:00 p.m. at the Brattleboro Selectboard Meeting Room at which time individuals appeared and gave testimony regarding said road. There were no claims for damages.

AND, the Selectboard determined that the present status of the public highway is as follows:

1. That the roadway is a public highway;
2. That the roadway has not been open to the public because of its disrepair and unsafe condition;
3. That some of the landowners, from time to time, use an alternate exit through the private premises of CIFCO because of the disrepair of this section of the highway;
4. That the Brattleboro Fire Department has oral permission from CIFCO to use its private exit in emergencies;
5. That it is improper for the Town and/or various adjoining landowners to use the private lands of CIFCO as a means of ingress and egress to and from Frost Street.

AND, after due discussion and deliberation with those in attendance and after review of the premises with the adjoining landowners, the Selectboard were of the opinion and did so vote that the necessity and convenience of the inhabitants and the public good requires that the road as previously laid out be maintained as a public road under and pursuant to the following conditions:

A. That in view of the disrepair and unsafe condition of the highway, said highway not meeting the standards of a Class 3 road, the roadway sought to be reclassified to the status of a Trail, shall be RECLASSIFIED as a PROVISIONAL CLASS 3 HIGHWAY as permitted by Title 19 V.S.A. § 302(C);

B. That the Town of Brattleboro shall, within five (5) years, repair the highway to meet the standards of a Class 3 Highway as set forth in Title 19 V.S.A. § 302(B);

C. That the repair of the road shall be done in a manner to allow motor vehicle traffic from both directions; and

D. That the Brattleboro Traffic Safety Committee. and/or the Brattleboro Public Works Department may for cause shown close this section of the highway during the winter months for traffic safety reasons.

AND, the said Selectboard did determine and vote that no damage was sustained by any person owning or interested in lands through which said proposed highway runs or abuts.

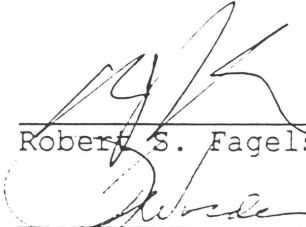
THEREFORE, it is ORDERED by the Selectboard that the roadway as above described be RECLASSIFIED as a Provisional CLASS 3 HIGHWAY as permitted by Title 19 V.S.A. § 302(c) and

1. That the Town of Brattleboro shall, within five (5) years, repair the highway to meet the standards of a Class 3 Highway as set forth in Title 19 V.S.A. § 302(B);

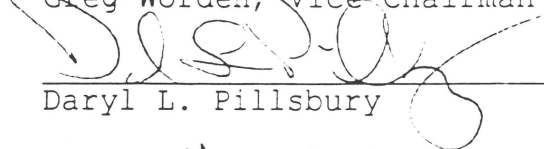
2. That the repair of the road shall be done in a manner to allow motor vehicle traffic from both directions; and

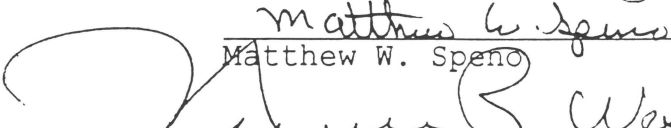
3. That the Brattleboro Traffic Safety Committee and/or the Brattleboro Public Works Department may for cause shown close this section of the highway during the winter months for traffic safety reasons.

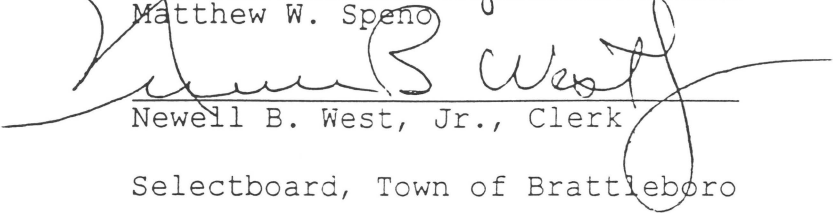
Dated at Brattleboro, Vermont this 4<sup>th</sup> day of May 1999.

  
Robert S. Fagelson, Chairman

  
Greg Worden, Vice Chairman

  
Daryl L. Pillsbury

  
Matthew W. Speno

  
Newell B. West, Jr., Clerk

Selectboard, Town of Brattleboro

Exhibit A

Nicholas Zervakis  
Voula Zervakis  
For Property Located at 14 Brook Street  
14 Brook Street  
Brattleboro, VT 05301

Ellen Smith  
Alan Jordan  
For Property Located at 19 Brook Street  
19 Brook Street  
Brattleboro, VT 05301

Bob Leach  
Rosalie Leach  
For Property Located at 24 Brook Street  
83 Pine Street  
Brattleboro, VT 05301

Paul & Louisa Frechette  
Kenneth & Lucilla Frechette  
For Property Located at Frost Place  
9-11 Frost Place  
Brattleboro, VT 05301

Walter White  
Linda Jean White  
For Property Located at 3 Frost Place  
4 Frost Place  
Brattleboro, VT 05301

John Martel  
Dolores Martel  
For Property Located at 22 Frost Place  
22 Frost Place  
Brattleboro, VT 05301

Robert Henry  
Helene Henry  
For Property Located at 5 Willow Street  
5 Willow Street  
Brattleboro, VT 05301

John Wheelden  
For Property Located at 7 Brook Street  
7 Brook Street  
Brattleboro, VT 05301

Joyce Miller / Rosalie McFerrin  
Sandra Balet  
For Property Located at 16 Brook Street  
85 Coventry Wood Road  
Bolton, MA 01740

Olin Stephens, III  
For Property Located at 20 Brook Street  
RR 1, Box 885  
Newfane, VT 05345

Crystal Ice & Fuel Inc.  
For Property Located at Frost Place  
34 Frost Place  
Brattleboro, VT 05301

June Manning  
For Property Located at Frost Place  
PO Box 1924  
Brattleboro, VT 05302

Vasiliki Barrows  
For Property Located at 8 Frost Place  
55 Chestnut Street  
Brattleboro, VT 05301

William Heydolph  
Barbara Heydolph  
For Property Located at 2 Willow Street  
2 Willow Street  
Brattleboro, VT 05301

Peter Amidon  
Mary Alice Amidon  
For Property Located at 6 Willow Street  
6 Willow Street  
Brattleboro, VT 05301

Bridgton-Hanover Properties  
c/o Frank Martocci  
For Property Located at 8 Brook Street  
9 Highland Street  
Brattleboro, VT 05301

Frederick Tyler  
Anna Tyler  
For Property Located at 17 Brook Street  
17 Brook Street  
Brattleboro, VT 05301

Myles Danaher  
Sarah Page  
For Property Located at 22 Brook Street  
PO Box 1919  
Brattleboro, VT 05302

Kevin Duby  
Jane Swanson  
For Property Located at Frost Place  
16 Frost Place  
Brattleboro, VT 05301

William Murray  
Alison Macrae  
For Property Located at Frost Place  
933 Weatherhead Hollow Road  
Guilford, VT 05301

William Keefe  
Mary McCarthy-Keefe  
For Property Located at 12 Frost Place  
12 Frost Place  
Brattleboro, VT 05301

Vera Deyo  
For Property Located at 4 Willow Street  
4 Willow Street  
Brattleboro, VT 05301

Anne Whitman  
For Property Located at 8 Willow Street  
8 Willow Street  
Brattleboro, VT 05301

Ronald L. Ferris, Jr.  
For Property Located at 10 Brook Street  
100 Gulf Road  
Brattleboro, VT 05301

TOWN CLERK'S OFFICE  
BRATTLEBORO, VT.  
RECEIVED  
May 5, 1999  
at 11 H. 45 M. A. M.  
Recorded Book 2 Page 108  
Highway

Annette R. Cappy  
Town Clerk