

District 2
Certcode 1319-0

**CERTIFICATE OF HIGHWAY MILEAGE
YEAR ENDING FEBRUARY 10, 2018**

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2018 to:
Vermont Agency of Transportation, Division of Policy, Planning and Intermodal Development, Mapping Section
One National Life Drive, Montpelier, VT 05633.

We, the members of the legislative body of WARDSBORO in WINDHAM County
on an oath state that the mileage of highways, according to Vermont Statutes Annotated, Title 19, Section 305,
added 1985, is as follows:

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

Town Highways	Previous Mileage	Added Mileage	Subtracted Mileage	Total	Scenic Highways
Class 1	0.000			0	0.000
Class 2	6.360			6	0.000
Class 3	40.29		- .03	40.26	0.000
State Highway	7.373			7	0.000
Total	54.023		- .03	54.993	0.000
* Class 1 Lane	0.000			0	
* Class 4	6.51			6	0.000
* Legal Trail	2.36			2	

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

PART II - INFORMATION AND DESCRIPTION OF CHANGES SHOWN ABOVE.

1. NEW HIGHWAYS: Please attach Selectmen's "Certificate of Completion and Opening".
2. DISCONTINUED: Please attach SIGNED copy of proceedings (minutes of meeting).
-0.03mi CL3 TH-40 Ayers Rd
3. RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings (minutes of meeting).
4. SCENIC HIGHWAYS: Please attach a copy of order designating/discontinuing Scenic Highways.

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

PART III - SIGNATURES - PLEASE SIGN.

Selectmen/ Aldermen/ Trustees Signatures:

[Handwritten signatures]

T/C/V Clerk Signature:

[Handwritten signature]

Date Filed: 2/6/2018

Please sign ORIGINAL and return it for Transportation signature.

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

APPROVED:

[Handwritten signature]
Representative, Agency of Transportation

DATE:

4/18/2018

Received

FEB 15 2018

Policy, Planning & Intermodal
Development Division

Vermont Statutes Annotated

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

§ 305. Measurement and inspection

(a) After reasonable notice to the selectboard, a representative of the agency may measure and inspect the class 1, 2, and 3 town highways in each town to verify the accuracy of the records on file with the agency. Upon request, the selectboard or their designee shall be permitted to accompany the representative of the agency during the measurement and inspection. The agency shall notify the town when any highway, or portion of a highway, does not meet the standards for its assigned class. If the town fails, within one year, to restore the highway or portion of the highway to the accepted standard, or to reclassify, or to discontinue, or develop an acceptable schedule for restoring to the accepted standards, the agency for purposes of apportionment under section 306 of this title shall deduct the affected mileage from that assigned to the town for the particular class of the road in question.

(b) Annually, on or before February 10, the selectboard shall file with the town clerk a sworn statement of the description and measurements of all class 1, 2, 3, and 4 town highways and trails then in existence, including any special designation such as a throughway or scenic highway. When class 1, 2, 3, or 4 town highways, trails, or unidentified corridors are accepted, discontinued, or reclassified, a copy of the proceedings shall be filed in the town clerk's office and a copy shall be forwarded to the agency.

(c) All class 1, 2, 3, and 4 town highways and trails shall appear on the town highway maps by July 1, 2015.

(d) At least 45 days prior to first including a town highway or trail that is not clearly observable by physical evidence of its use as a highway or trail and that is legally established prior to February 10, 2006 in the sworn statement required under subsection (b) of this section, the legislative body of the municipality shall provide written notice and an opportunity to be heard at a duly warned meeting of the legislative body to persons owning lands through which a highway or trail passes or abuts.

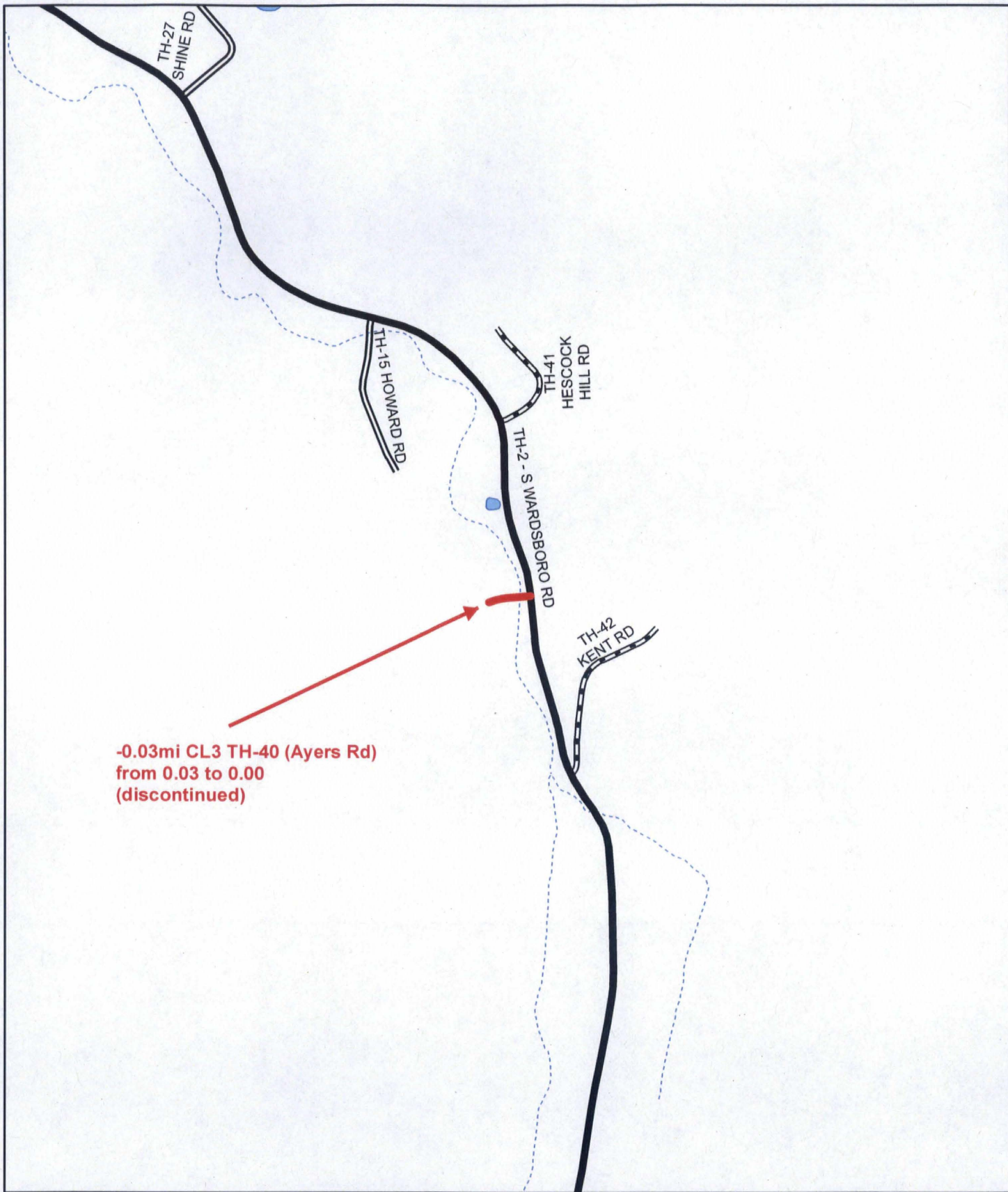
(e) The agency shall not accept any change in mileage until the records required to be filed in the town clerk's office by this section are received by the agency. A request by a municipality to the agency for a change in mileage shall include a description of the affected highway or trail, a copy of any surveys of the affected highway or trail, minutes of meetings at which the legislative body took action with respect to the changes, and a current town highway map with the requested deletions and additions sketched on it. A survey shall not be required for class 4 town highways that are legally established prior to February 10, 2006. All records filed with the agency are subject to verification in accordance with subsection (a) of this section.

(f) The selectboard of any town who are aggrieved by a finding of the agency concerning the measurement, description, or classification of a town highway may appeal to the transportation board by filing a notice of appeal with the executive secretary of the transportation board.

(g) The agency shall provide each town with a map of all of the highways in that town together with the mileage of each class 1, 2, 3, and 4 highway, as well as each trail, and such other information as the agency deems appropriate.

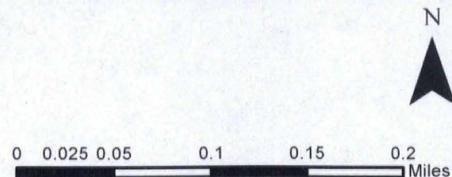
Excerpt of 19 V.S.A. § 305 - *Measurement and inspection* from Vermont Statutes Online located at – <https://legislature.vermont.gov/statutes/section/19/003/00305>

December 2017



Mileage Certificate Change 2018
WARDSBORO
(CTUA: 1319-0)

Mapping Section
Division of Policy, Planning, and Intermodal Development
Vermont Agency of Transportation - January 2018



TOWN OF WARDSBORO, VERMONT
SELECTBOARD

REPORT OF SELECTBOARD TO DISCONTINUE HIGHWAY #40 ALSO KNOWN AS
AYERS ROAD

The public hearing was called to order at 7:03 pm at the town office with selectpersons James Knapp, Peter Sebastian, Michael Fitzpatrick and Mitchell Plimpton present. Also present were clerk Jackie Bedard, road foreman Greg Donna and property owner Russell Ayers. A site visit was conducted at 4:30 pm earlier in the day with all but Bedard present.

BACKGROUND:

At a regularly scheduled selectboard meeting held on October 4, 2016 the board discussed town Highway # 40 also known as Ayers Road. The discussion was prompted by a report from the road foreman that he had had a discussion with state bridge inspectors about bridge #24, a town maintained bridge, which provides access to the one dwelling house at the end of Ayers Road. Based on the information provided and a discussion regarding the actual use of the road which provides access to one single family dwelling, on their own petition, the selectboard voted to proceed with discontinuance of the Ayers Road. At the November 1st meeting, the board received a recommendation from VTRans to reduce the weight limit on the bridge. The board set December 20 at 4:30 pm as the date and time for the site inspection and 7 pm for the hearing to be held at the town office. At the November 15th meeting, the board signed the notice of public hearing. The notice was mailed to Russell Ayers by certified mail on November 17th and posted in the town office, at the West Wardsboro Store and the Wardsboro Country Store. The notice was published in the Deerfield Valley News on December 8th, mailed to the Vermont Department of Forest, Parks and Recreation and hand delivered to the Wardsboro Planning Commission at the town office. The public hearing came to order and Russell Ayers & road foreman Greg Donna were sworn in.

FINDINGS:

Based upon the evidence presented at the public hearing and their inspection of the premises, and as a result of their deliberation and investigation, the selectboard makes the following findings:

1. Town Highway #40, a class 3 highway, leaves the South Wardsboro Road and runs in a generally westerly direction, .03 miles, ending in front of the garage and dwelling house currently owned by Russell Ayers.
2. The road only provides access to this one parcel of land, noted on the tax map as parcel ID#7-43 consisting of 8.3 acres.
3. Russell Ayers acknowledges that the town has not always maintained the road but has done so since the late 1990's. It was noted that the Ayers family had reportedly taken care of plowing for many years prior to this.
4. The road foreman submitted copies of state bridge reports for 2008, 2014 & 2016. In 2008 concerns were noted that the abutments were cracking and stream erosion occurring. These were mitigated by the town. In 2014 the structure was listed "in good condition" and it was recommended that the "curb downstream be replaced and beams should be spot cleaned and painted". In 2016 the state inspectors noted that the beams had heavy rusting and large holes in 2 of the 4 beams.
5. The town has done major repairs to the bridge at least twice in the last few years, spending significant amounts of local tax dollars.
6. The Vermont Department of Fish & Wildlife did not respond in writing.
7. History shows that the selectboard in office at the time the road and bridge were constructed did not find in favor of them becoming a public road and bridge. December 15, 1937 at Book 6, page 452 the Wardsboro Selectboard, acting on a petition to "lay out a public highway from the South Wardsboro Road, so called, to the residence recently erected by Leon J. Cobb" concluded that "the road is not for the public good and the convenience of the inhabitants and the Board of Selectmen should not lay out the above described highway."
8. It appears that the road and bridge were built with town funds because the voters ordered it done. The evidence is found in town records at Book 6, page 466, dated March 7, 1939 where the town meeting warning included an article "#12 to see if the town will vote to lay out and build a highway.. inserted upon a petition in writing of nineteen legal voters.", which resulted in an affirmative ballot vote. Then on September 20, 1939, at

TOWN OF WARDSBORO, VERMONT
SELECTBOARD

Book 6, page 473 of the Wardsboro Town Records the town held a special town meeting and voted to appropriate a sum of money not to exceed \$500 for the purpose of building a road to the Leon Cobb's residence. An additional note in the proceedings indicated that "Leon Cobb rose and thanked the people for his bridge."

9. Further information is found on January 8, 1940 at Book 20, page 458 & 459 of the Wardsboro Land Records where there are deeds recorded from E.H. Cobb and Leon Cobb conveying segments of the road to the town of Wardsboro.
10. Also, on January 8, 1940 at Book 6, page 475 of the Wardsboro Town Records, the selectmen filed a report indicating that they "laid out and built a pent road leading to the residence of Leon J. Cobb.. three rods wide, the length is 169.4 feet..."

CONCLUSIONS:

The road leading to the Ayers household was built specifically to provide access to one dwelling house then owned by Leon Cobb. The selectboard at that time found "the road is not for public good and the convenience of the inhabitants and that the Board of Selectmen should not lay out the above described highway." While the voters of the town overturned this decision and ordered the selectboard to layout and build the road, it was not a unanimous decision and it was never determined to be "in the public good, necessity, and convenience of the inhabitants of the municipality" to do so.

The same road currently still serves just the one dwelling house and could not be used for public access to any other parcels because of its location and limited length.

The bridge over the South Wardsboro Brook has been town maintained since it was installed in 1939. Over the years the town has spent thousands of dollars to upgrade and maintain it for the benefit of one household. It is once again found to be inadequate and will require significant public money to upgrade it to acceptable town specifications for public travel.

DECISION: Based on the facts and conclusions, the selectboard hereby determines that it is in the public good, necessity and convenience of the inhabitants to now discontinue TH#40 along with Bridge #24.

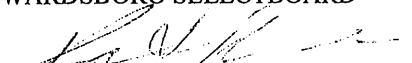
ORDERED: that the following highway in the Town of Wardsboro, Vermont be and hereby will be DISCONTINUED;

It being Town Highway #40, also known as Ayers Road, along with Bridge #24, located in the east central part of town, running in a generally westerly direction off the west side of the South Wardsboro Road, a distance of .03 miles (169 feet), to the garage and dwelling house now owned by Russell Ayers.

This DISCONTINUANCE shall become effective on May 1, 2017 and the land upon which this road was laid out shall revert to the owner, Russell Ayers.

Dated at Wardsboro, Vermont this 17th day of February, 2017.


WARDSBORO SELECTBOARD

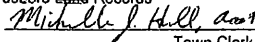

Kathleen Andersen


Michael Fitzpatrick


James Knapp


Mitchell Plimpton


Peter Sebastian

Wardsboro, Vermont, Town Clerk's office
February 17, 2017 at
10 o'clock 0 minutes A M
Received for record and recorded in
book 17 on page(s) 279
of Wardsboro ~~Land~~ Records
Attest: 
Town Clerk