

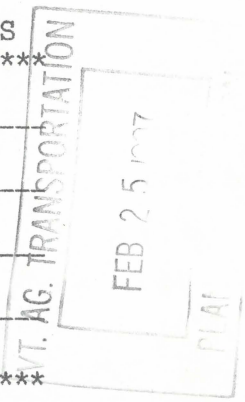
CERTIFICATE OF HIGHWAY MILEAGE year ending FEB. 10, 1997

Fill out form, make & file COPY with the Town Clerk, & mail ORIGINAL before Feb. 20, 1997 TO: Vt. Agency of Transportation, Planning Dept., 133 State Street, Montpelier, Vt. 05633.

We, the Selectmen or Trustees or Aldermen of WILMINGTON, 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. DISTRICT 1,2

TOWN HIGHWAYS	PREVIOUS MILEAGE	ADDED MILEAGE	SUBTRACTED MILEAGE *	TOTAL	* SCENIC HIGHWAYS
CLASS 1	.000		*	.000	*
* CL1 LANE	.000		*	.000	*
CLASS 2	9.850		*	9.850	*
CLASS 3	52.900		0.050*	52.850	*
STATE HWY	14.696		*	14.696	*
TOTAL	77.446		0.050*	77.396	*
CLASS 4	6.190		*	6.190	*



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

PART II - INFORMATION & DESCRIPTION OF CHANGES SHOWN ABOVE.

- (1) NEW HIGHWAYS: Please attach Selectmen's "Certificate of Completion and Opening".
- (2) DISCONTINUED: Please attach SIGNED copy of proceedings(minutes of meeting).
SEE ATTACHMENT
- (3) RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings(minutes of meetings).
- (4) SCENIC HIGHWAYS: Please attach copy of order designating/discontinuing Scenic Highways.

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

PART III - SIGNATURES - PLEASE SIGN.


SELECTMEN/ALDERMEN/TRUSTEES SIGNATURES: *Fred Skurik*
Merrill C. Mendell, Jr.
Paul B. Duran
Chell Calin
 CLERK SIGNATURE: *[Signature]* DATE FILED *2/20/97*
 Please sign ORIGINAL & return for Transportation signature.

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

APPROVED: *Donald C. Harvey* DATE: *2/28/97*
 Representative, Agency of Transportation

FILE COPY

WHEELER ROAD


TOWN CLERKS OFFICE
WILMINGTON, VERMONT
Received 7/11/96
At 1 Hrs. 30 Min. P M.
Recorded Book # ROAD BK 2B

Pursuant to the authority of 19 VSA Section 708, et seq., the attached NOTICE OF HEARING TO CONSIDER DISCONTINUANCE OF A PUBLIC HIGHWAY (Wheeler Road) was issued.

On May 2 and 3, 1996, copies of the Notice were sent by certified mail to New England Power Company, Leonard Chapman, Green Mountain National Forest, Attn: Michael K. Schrotz, persons owning lands through which the highway passes or abuts. Copies of the Notice were sent by first class mail to Henry Wheeler, Robert Wheeler, Matthew Cole, Verne Aiken and Howard Dix, persons who have an interest in the road.

The Notice was posted in the Town Clerk's office on May 2, 1996, and published in the Deerfield Valley News on May 9, 1996. The Notice was also sent to the Wilmington Planning Commission.

In accordance with the referenced Notice of Hearing, a majority of the Board of Selectpersons met at 7:00 o'clock P.M. to examine the highway proposed for discontinuance. Interested persons and members of the public accompanied the members of the Board. Among those present were landowners Leonard Chapman, Matthew Cole, representing New England Power Company and Robert Clark and Ed Griffith representing the U.S. Forest Service. Also present were Planning Commission Member Barbara Cole, and Robert Wheeler.

Those present looked at the road and discussed the location of the road and the location of the Forest Service right-of-way. Mr. Chapman said that he had moved the road to the westerly side of his barn before he knew it was considered a town road. The Forest Service right-of-way is located on the side of the barn where the road was formerly located.

At 7:30 PM, at the Town Hall, a public hearing was convened to consider the proposed discontinuance. The above mentioned were present plus Reporter Dawn Nieters, Reporter Tracy Schmalzer and Jack Dolan.

THE BOARD FINDS:

Leonard Chapman believing that the road was a drive into his property moved the drive to a location more convenient for his purposes. Upon learning that the road was listed as a town road, he asked that the road be discontinued or laid out in the new location.

The U.S. Forest Service has a right-of-way through the property which is held in common with other landowners. Ed Griffith of the Forest Service said that the Forest Service does not need the road known as Wheeler Road for access as they have a right-of-way anyway.

In answer to Barbara Cole's question regarding public access over the Forest Service right-of-way, Rob Clark of the Forest Service said that the Forest Service does consider their right of way a public right-of-way and they shall continue to allow foot traffic, but they will control vehicular traffic. He said that it is the intention of the Forest Service to meet with the other right-of-way holders and come up with a management plan for the right-of-way.

Robert Wheeler said that he and his father have a right-of-way. Howard Dix and New England Power also have rights-of-way. Both Matthew Cole of New England Power Company and Rob Wheeler said that so long as they have access over the road, they have no objection to its being discontinued.

Leonard Chapman said that if the road is discontinued, he is willing to grant rights-of-way over the new road on his property to all of the same people who have them now. He also said that he has no problem with public foot traffic over the right-of way.

In February, 1981, the Selectboard asked the Vermont Secretary of Transportation to include as a Class 3 highway, Town Highway No. 86 (provisional) a distance of 0.050 miles known as Wheeler Road.

Sonia Alexander said that former Road Supervisor Andrew Crawford told her that the road was never laid out as a town road but was plowed as a courtesy to Ms. Wheeler who lived in the farmhouse.

There is no evidence that the road was laid out in accordance with Vermont Statutes.

All parties with rights of way through the property shall retain their rights of way.

Even though the road has never been laid out as a public highway, it has been treated for certain purposes as a public highway.

The Board concludes:

That after examining the premises, hearing interested parties, and considering the public good, necessity and convenience of the inhabitants of the municipality we hereby discontinue any interest which the Town may ever have had in the road.

Dated at Wilmington, Vermont this 10th day of July, 1996.

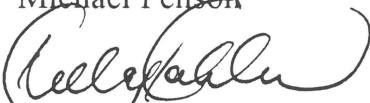
WILMINGTON BOARD OF SELECTPERSONS


Fred J. Skwirut, Chair

ABSTAINED

Merrill A. Mundell


Michael Penson


Kelly Kahler


Donald De Jong

To Whom it May Concern:

FILE COPY

Pursuant to the authority of 19 VSA Section 708, et seq., I have enclosed a copy of the Selectboard's Findings and Conclusions relative to the Hearing to Consider Discontinuance of a Public Highway (Wheeler Road).

**Certificate of Service
Wheeler Road Discontinuance**

I, Sonia Alexander, hereby certify that I sent a copy of the Selectboard's Findings and Conclusions relative to the Hearing to Consider Discontinuance of a Public Highway (Wheeler Road) on July 12, 1996, by U.S. Mail, postage prepaid, to the following:

STATUTORY PARTIES:

New England Power Co.
25 Research Drive
Westborough, MA 01581

Leonard Chapman
P O Box 864
Wilmington, VT 05363

Green Mountain National Forest
Michael K. Schrotz, District Ranger
Manchester Ranger District
RD 1, Box 1940
Manchester Ctr., VT 05255

Wilmington Planning Commission
PO Box 217
Wilmington, VT 05363

FOR INFORMATION:

Henry Wheeler
HCR 63 Box 9
Wilmington, VT 05363

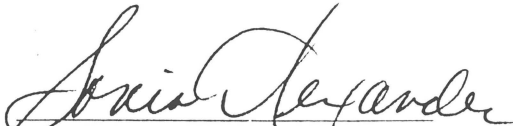
Robert Wheeler
HCR 63 Box 9
Wilmington, VT 05363

Matthew Cole, Public Relations Rep.
New England Power Company
P.O. Box 218
Readsboro, VT 05350

Verne Aiken
P O Box 846
Wilmington, VT 05363

Howard Dix
P O Box 104
Wilmington, VT 05363

By:



Sonia Alexander
Town Manager
Town of Wilmington

FILE COPY

NOTICE OF HEARING
TO CONSIDER DISCONTINUANCE OF
A PUBLIC HIGHWAY

(Wheeler Road, TH #86)

The Wilmington Board of Selectpersons, pursuant to the authority of 19 VSA Section 708, et seq., hereby give notice that on Wednesday, the 5th day of June, 1996, they will examine the location of the public highway (Wheeler Road, TH #86) at 7:00 o'clock PM. Immediately following the site visit, the Board will adjourn to the Meeting Room at the Wilmington Town offices to hear interested persons give testimony on the question of whether or not to discontinue Town Highway #86, known as Wheeler Road.

The Board of Selectpersons will meet at Wheeler Road and commence the examination of the highway promptly at 7:00 PM. Interested persons may accompany the Board.

Dated at Wilmington, Vermont this 1st day of May, 1996.

WILMINGTON BOARD OF SELECTPERSONS

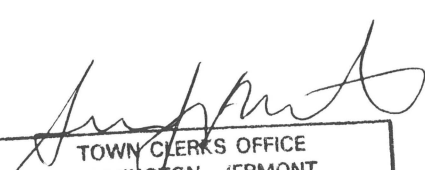

Ann P. Manwaring, Chair


Merrill A. Mundell, Jr.


Fred J. Skwirut


Michael B. Penson


Kelly Kahler


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