

CERTIFICATE OF HIGHWAY MILEAGE
YEAR ENDING FEBRUARY 10, 2011

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2011 to: Vermont Agency of Transportation, Division of Planning, Outreach and Community Affairs, One National Life Drive, Montpelier, VT 05633.

We, the members of the legislative body of BARNARD in WINDSOR 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.

Table with 6 columns: Town Highways, Previous Mileage, Added Mileage, Subtracted Mileage, Total, Scenic Highways. Rows include Class 1, Class 2, Class 3, State Highway, Total, Class 1 Lane, Class 4, Legal Trail, and Unidentified Corridor.

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

PART II - INFORMATION AND DESCRIPTION OF CHANGES SHOWN ABOVE. Change not accepted

- 1. NEW HIGHWAYS: Please attach Selectmen's "Certificate of Completion and Opening".
2. DISCONTINUED: Please attach SIGNED copy of proceedings (minutes of meeting).
3. RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings (minutes of meeting).
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. [X]

PART III - SIGNATURES - PLEASE SIGN.

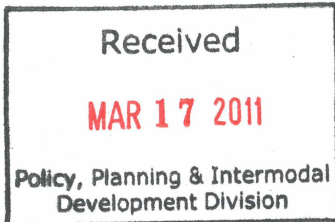
Selectmen/ Aldermen/ Trustees Signatures: Tom Payne, CHAIR, SELECTBOARD (AUTHORIZED TO SIGN FOR BOARD)

T/C/V Clerk Signature: [Signature] Date Filed: 3/16/11

Please sign ORIGINAL and return it for Transportation signature.

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

APPROVED: [Signature] DATE: [Blank] Representative, Agency of Transportation



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 – <http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=19&Chapter=003&Section=00305>

12/20/2010



State of Vermont
Division of Policy, Planning & Intermodal Development
Mapping Unit

1 National Life Drive
Montpelier, VT 05633-5001
<http://www.aot.state.vt.us>

Telephone: 802-828-2600
Fax: 802-828-2334
Email: johnathan.croft@state.vt.us

Agency of Transportation

April 15, 2011

Tom Morse, Selectboard Chair
Barnard, c/o Town Clerk
PO Box 274
Barnard, VT 05031-0274

Dear Mr. Morse,

The VTrans Mapping Unit has not accepted the addition of 3.0 miles of unidentified corridor as submitted on Barnard's 2011 Certificate of Highway Mileage, due to the lack of documentation showing the legal establishment of these highways through the formal laying out process or "dedication and acceptance".

VTrans sent an email on March 17, 2011 requesting documentation regarding the establishment of these highways and no documents have been received to date. The Vermont Supreme Court decision, *Austin v. Town of Middlesex*, 2009 VT 102 (Oct. 27, 2009) has reaffirmed the need for documentation showing the legal establishment of town highways. A copy of this decision can be found at the following link –

<http://info.libraries.vermont.gov/supct/current/eo2008-428.html>

The changes that were listed on the 2011 Certificate of Highway Mileage may be re-submitted on the 2012 Certificate for review and the potential inclusion on the 2012 Town Highway Map.

Please feel free to contact me with any questions or comments related to this letter, or mapping in general.

Sincerely,

A handwritten signature in blue ink, appearing to read "Johnathan Croft", written over a horizontal line.

Johnathan Croft
AOT GIS Database Administrator
VTrans Mapping Unit

JFC/jfc

Enclosures

cc: Chris Cole, Director of the VTrans Policy, Planning & Intermodal Development Division
John Dunleavy, Assistant Attorney General
Tammy Ellis, District Transportation Administrator
Susan Clark, VTrans Planning Coordinator

Croft, Johnathan

From: Darylthedog [darylthedog@aol.com]
Sent: Tuesday, March 22, 2011 12:44 PM
To: Croft, Johnathan
Cc: BarnardTO@gmail.com
Subject: Re: Barnard Unidentified Corridors - Request for Documentation

Hi, Mr. Croft,

Thanks, I'll get on it. It's one particular road that you earlier rejected for lack of sufficient documentation. It's one that's clear on the ground, mentioned in property deeds and well used currently and as far back as anyone can remember. Perhaps it was erroneous to list it as "unidentified" but we want to keep it alive and see if we can get it accepted.

Thanks. Tom Morse

-----Original Message-----

From: Croft, Johnathan <Johnathan.Croft@state.vt.us>
To: 'Darylthedog' <darylthedog@aol.com>
Sent: Thu, Mar 17, 2011 4:12 pm
Subject: Barnard Unidentified Corridors - Request for Documentation

Good afternoon Mr. Morse,

Thank you for sending the Mileage Certificate for Barnard. I see that there is an addition of 3.0 miles of "unidentified corridor." Please forward documentation regarding the location and legal establishment of the "unidentified corridors" and VTrans will review the information, then proceed as necessary.

Please feel free to contact me with any questions or comments regarding this request, or mapping in general.

Thanks,

Johnathan Croft
VTrans Mapping Unit
(802) 828-2600