

**CERTIFICATE OF HIGHWAY MILEAGE  
YEAR ENDING FEBRUARY 10, 2009**

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2009 to:  
Vermont Agency of Transportation, Policy and Planning Division, One National Life Drive, Montpelier, VT 05633.

We, the members of the legislative body of PLYMOUTH 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.**

Town Highways	Previous Mileage	Added Mileage	Subtracted Mileage	Total	Scenic Highways
Class 1	0.000			0.000	0.000
Class 1 Lane	0.000			0.000	
Class 2	3.720			3.720	0.000
Class 3	37.28	0.14	0.15	37.27 <sup>37.13</sup>	0.000
State Highway	14.488			14.488	0.000
Class 4	13.42	18.50	0.14	31.78	0.000
Legal Trail	0.00	3.96		3.96	
<b>Total</b>	55.488			55.338	0.000

\* Mileage for Class 1 Lane, Class 4, and Legal Trail classifications is NOT included in total. Adjustments by

**PART II - INFORMATION AND DESCRIPTION OF CHANGES SHOWN ABOVE.** S.M on 1/26/09

- NEW HIGHWAYS:** Please attach Selectmen's "Certificate of Completion and Opening".
- DISCONTINUED:** Please attach SIGNED copy of proceedings (minutes of meeting).
- RECLASSIFIED/REMEASURED:** Please attach SIGNED copy of proceedings (minutes of meeting).  
See attached folders and map
- 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:

*Rachel Lyndo*

Date Filed:

1/27/09

Please sign ORIGINAL and return it for Transportation signature.

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

APPROVED:

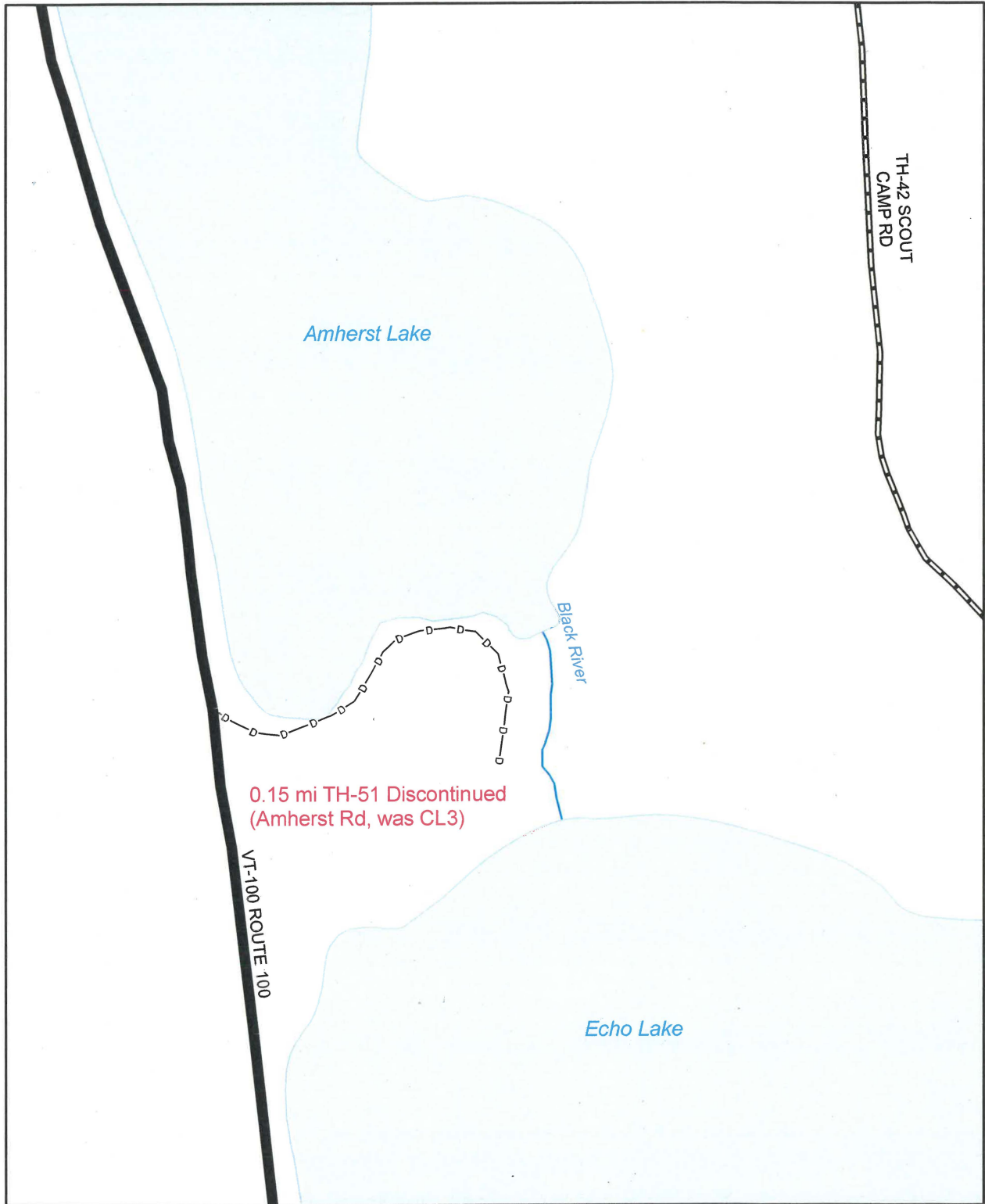
Representative, Agency of Transportation

DATE:

Vermont  
Agency of Transportation

**JAN 30 2009**

Policy & Planning Division



0.15 mi TH-51 Discontinued  
(Amherst Rd, was CL3)

**Mileage Certificate Change 2009  
PLYMOUTH**

Mapping Unit  
Policy & Planning Division  
Vermont Agency of Transportation -- March 2009



Supplemental information related to this certificate  
is stored in a separate storage box labeled

"Certificate of Highway Mileage  
Supplemental Documentation"



**MINUTES  
SELECTMENS MEETING  
NOVEMBER 10, 2003**

Present: Larry Lynds, Ralph Michael, Eric Johnsen

Catamount Trail Association has informed us that a bridge built by them in 2001 with permission from the Selectboard was altered without their permission. I will call John Stearns.

We received a letter from Mr. & Mrs. Bernard Delaney and Robert Tepper concerning Amherst road. They want the road thrown up from Rt. 100 to the end of the road.

Green Up Vermont is asking for \$50.00 for fiscal year 2004-2005.

Green Mt. Economic Development Corp. is asking for \$284.00.

Stepping Stones preschool is asking for \$200.00.

Health Care & Rehab services of Southeastern Vermont are asking for \$439.00.

The Selectboard signed off on bills to be paid.

We have decided to throw up TH51, Amherst Road. Larry will call Dave Lothrop about a form to use for this procedure.

The VLCT is charging Plymouth \$622.00 for the 2004 dues.

Eric Johnsen  
Clerk

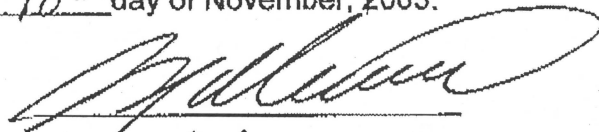
## Town of Plymouth, Vermont

### Notice of Hearing to Discontinue Highway

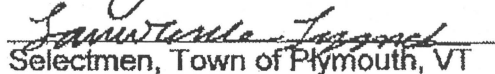
Notice is hereby given that the Selectmen of the Town of Plymouth, Vermont will hold a Hearing on December 20, 2003 at 10:00 A.M. at the Town Office in Plymouth, Vermont for the purpose of hearing parties interested in being heard on whether the Selectmen should discontinue 0.15 miles of Town Highway No. 51, leading from Vermont Route 100 along the south end of Lake Amherst to the Black River at the dam on Lake Amherst. The Selectmen will inspect the site at 9:00 A.M. immediately preceding the Hearing. Persons owning or interested in lands through which the highway may pass, or abut, are encouraged to attend the site visit and the Hearing.

This Notice and these discontinuance proceedings are pursuant to Subchapter 7 of Title 19, Vermont Statutes Annotated. In the event the highway is discontinued title to the discontinued highway shall pass in accordance with §775 of said Subchapter 7 of Title 19, VSA.

Dated at Plymouth, Vermont this 10<sup>th</sup> day of November, 2003.



Eric Johnson



Selectmen, Town of Plymouth, VT

**NOTICE OF HEARING AND DISCONTINUATION HIGHWAY**

The town of Plymouth, Vermont, has adopted an Ordinance of discontinuation of the highway from the Lake Umbagog River to the Lake Umbagog Dam on Lake Umbagog in the town of Plymouth, Vermont. This notice and these discontinuation proceedings are pursuant to Subchapter 7 of the Vermont Statutes. Appointed to be the agent, the highway is discontinued and the actual pass in accordance with § 775 of said Subchapter 7 of Title 24, Vermont Statutes. This notice and these discontinuation proceedings are pursuant to Subchapter 7 of the Vermont Statutes. Appointed to be the agent, the highway is discontinued and the actual pass in accordance with § 775 of said Subchapter 7 of Title 24, Vermont Statutes. This notice and these discontinuation proceedings are pursuant to Subchapter 7 of the Vermont Statutes. Appointed to be the agent, the highway is discontinued and the actual pass in accordance with § 775 of said Subchapter 7 of Title 24, Vermont Statutes.

Dated this 10th day of November, 2000.

*Raymond M. [Name]*

Lawrence, Vermont  
Plymouth, VT

**The Rutland Herald**

27 Wales Street  
P.O. Box 888  
Rutland, VT 05702

**SERVICE REQUESTED**

CLASS	BILLING DATE
1010	12/04/03
MOUTH, VERMONT	
DATE	TELEPHONE NO.
/04/03	672-3655
MOUTH	
MES. RATE CODE	NET AMOUNT
1 LEG	57.60
	57.60





MICHAEL ENGINEERING COMPANY, P.C.  
Engineers and Land Surveyors

November 13, 2003

Rachel Lynds, Town Clerk  
Town of Plymouth  
68 Town Office Road  
Plymouth, VT 05056

Re: Notice of Hearing to Discontinue Highway

Dear Rachel:

I have enclosed a Notice to Discontinue Town Highway No. 51 which needs to be signed by Larry and Eric and sent by certified mail with return receipt requested to the following:

Commissioner of Forest, Parks and Recreation  
103 South Main Street, 9 North  
Waterbury, Vermont 05671-0605

David Lathrop, District Administrator  
Vermont Agency of Transportation, District 3  
122 State Place  
Rutland, Vermont 05701

Bernard & Marli Delaney  
c/o Robert I. Tepper, Esq.  
Tepper, Dardeck & Levins, LLP  
73 Center Street  
Rutland, Vermont 05701-4046

Bernard & Marli Delaney  
Tax Billing Address

34 Saltmeadow Ln  
Bayport, NY 11705-2235

Hee Jong Lee and Jong Im Lee  
Tax Billing Address

4 Montague Dr  
Shelton, CT 06484

**REPORT OF DISCONTINUANCE OF TOWN HIGHWAY**

We, the Selectmen of the Town of Plymouth on December 20, 2003 at 10:00am did hold a properly warned Hearing, pursuant to Chapter 7, Title 19, VSA to listen to interested parties on the discontinuance of 0.30 miles of T.H. No. 51 leading from Vermont Route 100 through property of Bernard and Marli Delaney and Rentoul Grevatt, crossing the Black River to T.H. No. 42 known as Scout Camp Road.

Attending the Hearing were Bernard and Marli Delaney, Robert Tepper, attorney for Delaney, Rentoul Gravatt, and John Mansfield. Also one letter was received from Jong Im Lee. We, the Selectmen decided to discontinue T.H. No. 51 in its entirety between Vermont Route 100 and T.H. No. 42.

Whereupon, it is ordered by the Selectmen that the said highway be discontinued and that same shall hereby revert to the landowners abutting thereto.

Done at Plymouth in the County of Windsor this 22<sup>nd</sup> day of December, 2003.

In presence of:

Rachel Lynds

[Signature]

[Signature]

Eric Johnson

STATE OF VERMONT ) ss  
COUNTY OF WINDSOR )

At Plymouth, this 22<sup>nd</sup> day of  
December A.D. 2003

Eric Johnson, Ralph J. Michael, Larry Lynds Selectmen  
of the town of Plymouth

personally appeared, and they acknowledged this instrument, by them sealed and subscribed, to be their free act and deed and the free act and deed of the town of Plymouth.

Before me,

Rachel Lynds

Notary

PLYMOUTH TOWN CLERK'S OFFICE  
RECEIVED FOR RECORD

DATE 12-23-03 TIME 8:30 AM

RECORDED IN BOOK 94 PAGE 379

ATTEST Andrea Flynn TOWN CLERK

TOWN OF PLYMOUTH



BIRTHPLACE OF CALVIN COOLIDGE  
30<sup>TH</sup> PRESIDENT  
OF THE UNITED STATES

68 Town Office Road  
Plymouth, Vermont 05056  
Tel. (802) 672-3655  
Fax (802) 672-5466

Vermont  
Agency of Transportation

APR 02 2009

Policy & Planning

March 11, 2009

Johnathan Croft  
AOT GIS Database Administrator  
Vtrans Mapping Unit  
One National Life Drive  
Montpelier, VT 05633-5001

Dear Mr. Croft

In response to your letter dated Feb. 2, 2009, I have contacted Peter Fellows and our Ancient Roads committee to help resolve documentation issues. I believe Peter has already submitted documentation for the discontinuance of TH-51 (Amherst Rd) and is working on TH-41 (Johnson's Farm Rd). The ancient roads committee has outlined a plan to attempt to find more definitive documentation for the roads/trails submitted. As you probably realize the documentation in Plymouth is very sketchy and understanding we might not find evidence of the actual formal laying out of these roads/trails historically, we will attempt to document their use by acceptance and dedication. It was clear to us at the public hearing held last year that many landowners along some of these roads "thought" they were class 4 since they provided access to their land.

The use of the term "proposed" was a carry over from documents submitted by the ancient roads committee since these roads/trails were formally approved by the selectboard.

Please contact me for any additional questions. I will notify Bob Lambert and Russ Tonkin to contact you concerning moving ahead with the approval of these roads/trails.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Allen".

Jim Allen  
Selectboard Chair



WITTEN, WOOLMINGTON & CAMPBELL, P.C.  
ATTORNEYS AT LAW

---

Robert E. Woolmington  
rew@wittenetal.com  
802.362.2560

February 27, 2009

Mr. Johnathan Croft  
Vermont Agency of Transportation  
One National Life Building  
Montpelier VT 05633

Re: Town of Plymouth, Johnson and Crown Point roads, so-called

Dear Mr. Croft:

We are attorneys for Farm and Wilderness Foundation, Inc. and Ninevah Foundation. I am writing in regard to your letter to the Town of Plymouth, dated February 2, 2009, concerning the Town's 2009 Certificate of Highway Mileage.

The paths of the Johnson and Crown Point roads, so-called, are located on lands owned by the foundations, and subject to conservation easements held by the Vermont Department of Forests, Parks and Recreation. The opening of these forest paths to motorized vehicle traffic would have an extremely detrimental impact on the foundations' use of their properties and their charitable missions. In addition, the claim that these paths are town highways directly challenges the property rights granted to the Department in the conservation easements.

To protect their property rights from arbitrary taking by the Town, the foundations are initiating the enclosed action to quiet title. I expect it to be docketed on Monday in Windsor Superior Court. As you will see in the Complaint, and consistent with your conclusions in the February 2 letter, the Town of Plymouth has not provided any evidence that these forest paths were ever lawfully established as town highways. The foundations believe that there is no such evidence.

The Court is the appropriate forum for reviewing the evidence and adjudicating the status of these so-called "roads." Farm and Wilderness Foundation, Inc. and Ninevah Foundation therefore believe that the Agency of Transportation has correctly refused to map these so-called "roads" and request that the Agency defer any further action on their mapping at least until the court has had an opportunity to issue a final ruling. Thank you.

Sincerely,  
  
Robert E. Woolmington

Enc.  
cc: Meghan Purvee

R. MARSHALL WITTEN ROBERT E. WOOLMINGTON EDGAR T. CAMPBELL  
WILLIAM J. FISK AMY L. KLINGLER

STATE OF VERMONT  
WINDSOR COUNTY, SS

Windsor Superior Court  
Docket No.

Farm and Wilderness Foundation, Inc. and  
Ninevah Foundation

vs.

Town of Plymouth and the Department of Forests,  
Parks and Recreation of State of Vermont

]  
]  
]  
]  
]  
]

PETITION FOR  
DECLARATORY JUDGMENT

Farm and Wilderness Foundation, Inc., and Ninevah Foundation, by and through their attorneys, Witten, Woolmington, & Campbell, P.C., bring this action to quiet title to real estate in the Town of Plymouth pursuant to 12 V.S.A. chap. 167. Plaintiffs' title has been clouded by the Town of Plymouth's claim that two municipal highways cross their land.

#### INTRODUCTION

1. Plaintiffs are non-profit, publicly supported foundations that preserve undeveloped wilderness areas to promote wilderness recreational activities by the public, such as hunting, fishing, nature and wildlife observation, snowshoeing and backcountry skiing; to protect wildlife habitat; and to conduct wilderness educational programs, including but not limited to the operation of summer wilderness camps for young people.

2. Plaintiffs have been forced to bring this quiet-title action because the Select Board of the Town of Plymouth (the "Town") has voted to "approve" two forest paths on the foundations' lands as Class 4 highways, thereby opening them for use by all-terrain vehicles ("ATVs"), eliminating Plaintiffs' rights to regulate public access and to prohibit and/or regulate the use of motorized vehicles on their properties, and irreparably damaging Plaintiffs' ability to conduct wilderness programs on their lands.

3. The Town purported to act under the authority of 19 V.S.A. § 305, asserting that these paths are "ancient roads". However, the Town has never produced any evidence

that the two paths were ever lawfully established as public highways.

4. The foundations object to the Town's taking of their property without legal authority, especially because the route of one of the purported town highways runs through one of the summer wilderness camps. Creation of the public highway would effectively force closure of the camp.

#### THE PARTIES

5. Plaintiff Farm and Wilderness Foundation, Inc. ("Farm and Wilderness") is a Vermont non-profit corporation with a place of business in the Town of Plymouth. The foundation's principal purpose is to provide wilderness educational programs, including summer wilderness camps for young people.

6. Plaintiff Ninevah Foundation ("Ninevah") is a Vermont non-profit corporation with a place of business in the Towns of Plymouth and Mount Holly. The foundation's principal purposes are to own and maintain undeveloped forest land for conservation and wilderness educational uses.

7. Defendant Town of Plymouth is a Vermont municipal corporation located in Windsor County.

8. Defendant Department of Forests, Parks and Recreation is an administrative department of the State of Vermont created pursuant to 3 V.S.A. §212 (the "Department"). The Department is joined as a party Defendant because, as described hereafter, this litigation may affect the Department's interests in property owned by Ninevah, as well as its interests in State lands adjacent to one of the Class 4 highways purportedly "approved" by the Town.

#### THE FACTS

9. Farm and Wilderness is the owner of certain real estate in the Town of Plymouth, County of Windsor, State of Vermont described in Exhibit A attached hereto (the "Farm and Wilderness Property").

10. Farm and Wilderness acquired fee simple title to the Farm and Wilderness Property through a Limited Warranty Deed from The Conservation Fund to Farm and Wilderness Foundation, Inc. dated September 18, 1997 and recorded on December 8, 1997 in Book 75 at Page 58 of the Plymouth Land Records.

11. Ninevah is the owner of certain real estate in the Town of Plymouth, County of Windsor, State of Vermont described in Exhibits B and C (the "Ninevah Property").

12. Ninevah acquired fee simple title to a portion of the Ninevah Property through a Warranty Deed from John and Susan Knox dated October 1, 1996 and recorded October 3, 1996 in Book 72, Page 228 of the Plymouth Land Records.

13. Ninevah acquired fee simple title to the balance of the Ninevah Property through a Warranty Deed from the Wilderness Corporation dated March 31, 2001, and recorded April 4, 2002 in Book 83, Page 95, of the Plymouth Land Records. This conveyance confirmed of record an earlier assignment by Wilderness Corporation to Ninevah of its rights to that portion of the Ninevah Property.

14. The Farm and Wilderness Property and the Ninevah Property (together, the "Properties") are held for conservation purposes. Since their acquisition, the Properties have been open to the public for wilderness recreational activities, and have been used for conducting wilderness educational programs, including but not limited to the operation of summer wilderness camps for young people.

15. Pursuant to a lease between Ninevah and Farm and Wilderness, five summer wilderness camps operated by Farm & Wilderness are permitted to use the Ninevah Property for wilderness activities such as backpacking and overnight camping, and one of these camps, known as "Flying Cloud", has its sleeping quarters, kitchen/dining facilities, and swimming area located on the Ninevah Property.

16. To advance Ninevah's mission, and to protect the wilderness character of the area used for wilderness educational programs operated by Ninevah and its lessee, Farm and Wilderness, Ninevah bars public access from the area around Flying Cloud, and also bars motorized access over the Ninevah Property, but allows snowmobile use only on designated trails in winter.

17. To preserve the wilderness character of Farm and Wilderness' outdoor educational programs, including but not limited to its summer wilderness camps, and to advance its mission, Farm and Wilderness bars motorized access over the Farm and Wilderness Property, but allows snowmobile use only on designated trails in winter.

18. On or about October 2, 1996, with assistance from a grant from the U.S. Forest Legacy program, the Department purchased perpetual conservation easements on portions of the Ninevah Property for the price of \$618,000.

19. The conservation easements were recorded on October 3, 1996 in Book 72, at Page 229 and 246 of the Plymouth Land Records, as amended by instruments recorded on October 31, 1996 at Book 72, Pages 322 and 323 of the Plymouth Land.

20. Prior to purchasing the conservation easements described in paragraph 19, the Department gave the Town notice of the proposed transaction and an opportunity to be heard. The Town expressly consented to the proposed transaction and did not assert any claim that an alleged public highway ran through the Ninevah Property prior to the Department's purchase of the conservation easements.

21. The Farm and Wilderness Property is subject to a conservation easement granted by Farm and Wilderness' predecessor in title, The Conservation Fund, to the Department by Easement Deed dated September 18, 1997. (Together with the easements described in paragraph 19, the "Conservation Easements.")

22. The Conservation Easements allow public access on the conserved portions of

the Properties, but also impose limitations on such access. Specifically, the Conservation Easements state that the public may use the Properties:

“for non-commercial, non-motorized recreational activities, such as walking, hiking, cross-country skiing, snowshoeing, hunting, fishing, and nature observation. In consultation with the authorized representative of the [State of Vermont], the Grantor may reasonably regulate these activities to protect public safety and the purposes of this conservation easement. In consultation with the authorized representative of the State of Vermont, the Grantor may permit and regulate overnight camping activities, and snowmobiling and horseback riding on designated trails on the easement area.”

23. The Conservation Easements and their allowance of public access do not include the area around the site of one of the summer wilderness camps, Flying Cloud, operated by Ninevah’s lessee, Farm and Wilderness, on the Ninevah Property.

24. In November 2007, the Town of Plymouth gave public notice that it would hold a hearing pursuant to 19 V.S.A. § 305 with respect to what the Town described as “ancient roads” on the Properties. The Town identified these so-called “roads” as the “Johnson Road” and the “Crown Point Road”. The Town asserted that these so-called “roads” might be municipal highways or trails.

25. On May 12, 2008, without notice to Ninevah, the Town Selectboard voted to open the so-called “Crown Point Road” and other roads through the Ninevah Property “for ATV use with Insurance and Registration.”

26. On November 17, 2008, over the Plaintiffs’ objection, the Town Selectboard voted to “approve” Johnson Road and Crown Point Road, so called, as Class 4 town highways.

27. The Town’s purported approval of these forest paths as public highways opens the Properties to motorized use that is barred by the Conservation Easements and is contrary to the mission and rights of the Plaintiffs.

28. The route of the so-called “Johnson Road” is through or near the center of one of the summer wilderness camps, Flying Cloud, operated by Farm and Wilderness on the



Ninevah Property. The Town's purported approval of this forest path as a public highway through or near the center of a wilderness camp for young people would effectively force its closure.

29. On or about November 25, 2008, Plaintiffs served the Town with a public records request pursuant to 1 V.S.A. § 315 *et seq.* Plaintiffs requested, *inter alia*, that the Town provide any and all documentation that would evidence the lawful establishment of Johnson Road and Crown Point Road, so called, as town trails or highways.

30. The Town's response to the public records request did not include any documents that evidence the lawful establishment of these "roads" as town trails or highways.

31. On or about January 19, 2009, the Town of Plymouth filed its Certificate of Highway Mileage for 2009 with the Vermont Agency of Transportation (the "Agency") pursuant to 19 V.S.A. § 305. In this filing, the Town included Johnson Road and Crown Point Road, so called, as Class 4 town highways.

32. To date, the Agency has declined to list Johnson Road and Crown Point Road, so called, as Class 4 town highways due to lack of documentation that these were ever lawfully established as such.

33. The foregoing actions by the Town interfere with the Plaintiffs' property rights and their use and enjoyment of their Properties.

34. The foregoing actions by the Town create a cloud on Plaintiffs' title.

35. The foregoing actions by the Town interfere with the rights granted to the Department as set forth in the Conservation Easements.

36. Plaintiffs make no claim in this action against any mortgagee or other non-party who might claim a title interest of record in the Properties.

WHEREFORE, the Plaintiffs pray the honorable Court to:

A. Declare that no Town highway, unidentified corridor or trail exists along or

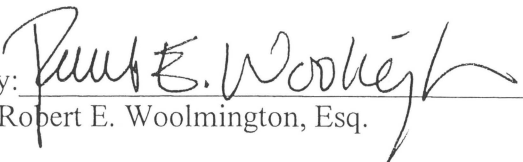
near the routes of Johnson Road or Crown Point Road, so-called, on the Properties;

B. Grant equitable relief as just to enforce Plaintiffs' property rights; and

C. Grant such other relief as the Court may deem appropriate, including but not limited to an award of the reasonable attorneys' fees and costs incurred by the Plaintiffs in bringing this action.

Dated at Manchester, Vermont, this 27th day of February, 2009.

Witten, Woolmington & Campbell, P.C.  
P.O. Box 2748  
Manchester Center, VT 05255  
(802) 362-2560  
Attorneys for the Plaintiff

By:   
Robert E. Woolmington, Esq.

## Exhibit A

Being the lands and premises conveyed by Limited Warranty Deed from The Conservation Fund to Farm and Wilderness Foundation, Inc. dated September 18, 1997 and recorded on December 8, 1997 in Book 75 at Page 58 of the Plymouth Land Records, and therein described as follows:

Being all and the same lands and premises conveyed to The Conservation Fund by the Guardians' Deed of Albert Vivier and Louise Vivier, Guardians of Yvonne Snow dated September 12, 1994 and recorded in Volume 68 at Page 397 of the Town of Plymouth Land Records, wherein said property is more particularly described as follows:

"A portion of that lands and premises as were conveyed to Reginald W. Snow, now deceased, and Yvonne Snow, husband and wife, by Quit Claim Deed of Frank P. Snow, dated May 5, 1981 and recorded in Book 41, Page 51 of the Plymouth Land Records.

'The herein conveyed premises may also be described as the same land and premises that was decreed by the Windsor Probate Court in the Estate of George Sumner, which decree is dated the 8th day of December, 1947, and recorded the 30th day of December, 1947, in Book 26, at Page 481 of the Plymouth Land Records.

'It is the purpose and intent of the herein conveyance to convey all such lands of Yvonne Snow which lie westerly of Route 100 in the Town of Plymouth, County of Windsor and State of Vermont, and none of her lands which lie easterly of said highway in said Town excluding hereby, therefore, the so-called homestead premises and property of Yvonne Snow.

The conveyance of the lands and premises described herein is made subject to the terms and conditions of the following instruments:

1. Boundary Line Agreement between Arthur H. and Ida Wong and The Conservation Fund, dated April 8 and 11, 1997 and recorded on April 16, 1997 in Volume 73 at Page 278 of the Town of Plymouth Land Records, the terms of which are hereby incorporated by reference;
2. Easement Deed in favor of the State of Vermont, Department of Forests, Parks and Recreation granted by The Conservation Fund, of even date herewith, not yet but to be recorded in the Town of Plymouth Land Records. The terms and conditions of said instrument are hereby incorporated by reference.

## Exhibit B

### Knox Parcel

Being the lands and premises conveyed by John R. Knox and Susan B. Knox to Ninevah Foundation by Warranty Deed dated October 1, 1996 and recorded October 3, 1996 in Book 72, Page 228 of the Plymouth Land Records, and therein described as follows:

1. Being all in the same lands and premises conveyed to John R. Knox by Warranty Deed of Alfred Knudsen and Marjorie B. Knudsen, which Warranty Deed is dated July 16, 1958 and recorded in the Town of Plymouth Land Records in Volume 27, page 321 to which deed reference may be had for a more particular description. A portion of the Archer Farm, included in this parcel, believed to be about 35 acres, is Leaseland. As to that portion, the Owner has only a leasehold interest.

2. Being all and the same lands and premises conveyed to John R. Knox, by Warranty Deed of Faith G. Knox, which Warranty Deed is dated September 24, 1971 and recorded in the Town of Plymouth Land Records, Volume 33, Page 350 to which reference may be had for a more particular description.

3. Being all and the same lands and premises conveyed to John R. Knox by Warranty Deed of Faith G. Knox which Warranty Deed is dated September 24, 1971 and recorded in the Town of Plymouth Land Records, Volume 33, Page 354 to which reference may be had for a more particular description.

And being all and the same lands and premises conveyed to John R. Knox and Susan B. Knox by Warranty Deed of John R. Knox, recorded on March 14, 1990 in Volume 60, Pages 387-388 in the Town of Plymouth Land Records.

### Exhibit C

Being a portion of the lands and premises conveyed by Warranty Deed of Wilderness Corporation to Ninevah Foundation dated March 31, 2001, and recorded April 4, 2002 in Book 83, Page 95, of the Plymouth Land Records.

Being all of the land and premises conveyed by Warranty Deed of F. J. Glover, as Trustee, to Wilderness Corporation, dated November 8, 1963, and recorded November 9, 1963 in Book 30, Page 47, of the Plymouth Land Records; and

Being all of the land and premises conveyed by Quitclaim Deed of F. J. Glover, as Trustee to Wilderness Corporation, dated November 8, 1963, and recorded November 9, 1963 in Book 29, Page 268, of the Plymouth Land Records.

4777

WITTEN, WOOLMINGTON  
CAMPBELL & BOEPPLE, P.C.  
ATTORNEY ACCOUNT  
PO BOX 2748  
MANCHESTER CENTER, VT 05255

TD BANKNORTH  
VERMONT  
58-3-116

2/27/2009

PAY TO THE ORDER OF Windsor Superior Court

\$ \*\*250.00

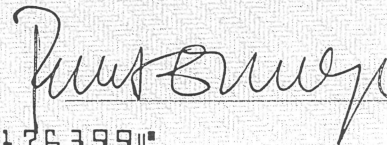
Two Hundred Fifty and 00/100\*\*\*\*\*

DOLLARS

Windsor Superior Court

MEMO

Farm & Wilderness/Ninevah-Complaint Filing Fee



MP

⑈004777⑈ ⑆011600033⑆ 80176399⑈

081064/07-05

Security Features Included. Details on back.





State of Vermont  
Policy & Planning Division-Mapping Unit  
One National Life Drive  
Montpelier, VT 05633-5001  
<http://www.aot.state.vt.us>

*Agency of Transportation*

Telephone: 802-828-2600  
Fax: 802-828-2334  
Email: [johnathan.croft@state.vt.us](mailto:johnathan.croft@state.vt.us)

February 5, 2009

Robert Woolmington, Esq.  
Witten, Woolmington & Campbell, P.C.  
PO Box 2748  
Manchester Center, VT 05255-2748

Dear Mr. Woolmington,

Please find enclosed documents from the VTrans Mapping Unit files regarding town highways within the Town of Plymouth, as per your request.

I have copied the contents of the Plymouth Town Highway file and the Plymouth Mileage Certificate file that includes the Certificates of Highway Mileage from 1993 to 2008. I have enclosed a copy of the 2009 Certificate and attached documents from the Town of Plymouth.

I have also included a copy of the response letter from VTrans to the Town of Plymouth Selectboard regarding the Mileage Certificate submittal.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Johnathan Croft".

Johnathan Croft  
AOT GIS Database Administrator  
VTrans Mapping Unit

JFC/jfc

Enclosures

cc: Mel Adams – Director, Policy & Planning Division  
John Dunleavy – Assistant Attorney General



WITTEN, WOOLMINGTON & CAMPBELL, P.C.  
ATTORNEYS AT LAW

FEB 03 2009

Policy & Planning Division

Robert E. Woolmington  
rew@wittenetal.com  
802.362.2560

January 30, 2009

Mr. Johnathan Croft  
Vermont Agency of Transportation  
One National Life Building  
Montpelier VT 05633

Re: Public Records request  
**By Certified Mail, Return Receipt Requested**

Dear Mr. Croft:

This is a request for public records made pursuant to 1 V.S.A. § 315 *et seq.*

For purposes of this request, “documents” shall mean any and all papers, documents machine-readable materials, or any other written or recorded matters, regardless of their physical form.

We hereby request copies of any and all documents on file with the Vermont Agency of Transportation relating to Johnson Road and/or Crown Point Road, so-called, in the Town of Plymouth, Vermont.

We also hereby request copies of any and all documents received from the Town of Plymouth or sent to the Town of Plymouth during the past ten years relating to the addition of new “town roads” to the Town of Plymouth town highway map.

As provided by 1 V.S.A. § 318, the custodian of records for the State Department of Transportation must respond promptly in writing to this request within one week, except that any claim of exemption must be made and certified in writing within two days.

We are prepared to pay a reasonable fee for copies as provided in 1 V.S.A. § 316.

Please make arrangements to copy the materials and remit them to us with an invoice for fees authorized under 1 V.S.A. § 316.

R. MARSHALL WITTEN ROBERT E. WOOLMINGTON EDGAR T. CAMPBELL  
WILLIAM J. FISK AMY L. KLINGLER

Mr. Johnathan Croft  
January 30, 2009  
Page 2 of 2

Thank you for your assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Woolmington", with a long horizontal flourish extending to the right.

Robert E. Woolmington, Esq.

State of Vermont  
Policy & Planning Division-Mapping Unit  
One National Life Drive  
Montpelier, VT 05633-5001  
<http://www.aot.state.vt.us>

*Agency of Transportation*

Telephone: 802-828-2600  
Fax: 802-828-2334  
Email: [johnathan.croft@state.vt.us](mailto:johnathan.croft@state.vt.us)

February 2, 2009

Lawrence Lynds, Selectboard Chair  
Town of Plymouth  
68 Town Office Road  
Plymouth, Vermont 05056

Dear Mr. Lynds,

The VTrans Mapping Unit has received the 2009 Certificate of Highway Mileage from the Town of Plymouth. The Certificate shows changes in Class 3, Class 4, and Legal Trail mileage. Based on the submittal, I am unable to fully process the Certificate and request additional documentation for the additions, reclassifications, or discontinuances.

There was no documentation submitted regarding the reclassification of TH-41 (Johnson Farm Road) from Class 4 to Class 3, with the exception of a notation on the overview map.

There was no documentation submitted regarding the discontinuance of TH-51 (Amherst Road), with the exception of the notation on the overview map. VTrans has received a letter sent from the Agency of Natural Resources regarding the discontinuance, but has not received any documents regarding the process from the town.

Vermont State Statutes require the municipality to provide the documentation regarding the acceptance, reclassification, and discontinuance of highways and trails within the city, town, or village. There are processes defined in Chapter 7 of V.S.A. Title 19 – *Laying Out, Discontinuing and Reclassifying Highways* which define records that need to be put on file with the Clerk.

This documentation is then supplied to VTrans with the Mileage Certificate to evidence the process defined in statute has been followed by the municipality. The statute that requires this submitted is as follows:

**Title 19: Highways - § 305. Measurement and inspection**

(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.

When reviewing the additional changes, I have noticed a deficiency in the submitted information. There is a lack of documentation to show the roads have been legally established and are still town highways, other than the Selectboard's acceptance of the Ancient Road Committee's description. There is a packet for each road, with an overview map with topographic background, recent minutes of the Selectmen's meeting when the Selectboard agreed to the roads presented by the Ancient Road Committee, a current description of the road or trail, a list of point coordinates along the road or trail, photos taken from a site inspection, and various maps with the highlighted segment of the described road or trail. This documentation provides a wealth of information to where the roads and trails are located and will allow the Mapping Unit to add these to the map, but this documentation does not provide enough information to evidence that these highways were legally established (either by formal laying out or through dedication and acceptance) and have continued to be town highways or legal trails.

"LT 14" (Dix Hill Road) has information in the packet that references being a town highway with deed references to the town highway, constituting some level of evidence. The packet for "LT 17" (Barbara Mann Road) includes a survey with references a "Trail or Untravelled Road," but there is no specific linkage to this being deeded to the town or previously designated a town highway. There is still more information needed for this road.

Vermont State Statute requires the municipality to provide certain documents when adding highways and trails that were legally established and not mapped by February 10, 2006. The governing statute is as follows:

**Title 19: Highways - § 305. Measurement and inspection**

(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.

Several of these documents have been provided in each packet, but there is limited information to show the roads or trails have been legally established and continue to be town highway or legal trails.

I have reviewed each of the descriptions and created a matrix showing the added or subtracted mileage. I have finding a discrepancy in the mileage between this listing and the total shown on the Mileage Certificate. The Class 4 Town Highway and Legal Trail Mileage are not matching. Please review the individual mileages and the total included on the Mileage Certificate.

One item that I noticed that the cover letter and enclosed documents is the notation of "proposed" roads. Based on my understanding of the statutory process with Mileage Certificates, any mileage changes reflected on the Mileage Certificate have gone through the proper process at the municipal level and are being forwarded to the State

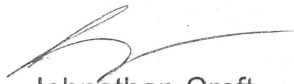
for addition to the mileage listing and General Highway Map. I seek your clarification on what the "proposed" is referencing, whether this was a remnant of the Ancient Road Committee submittal to the Selectboard and the roads are no longer proposed, but are affirmed to be town highways or legal trails, or if there is another meaning of "proposed".

For a better understanding of the Class 4 highways and Legal Trails to be added, I have attached an accounting of the mileage submitted with the Mileage Certificate.

Before I can continue processing the Mileage Certificate, I need the proper documentation for the reclassification of TH-41, discontinuance of TH-51, and the addition of Class 4 and Legal Trail mileage.

Please feel free to contact me with any questions or comments regarding the Mileage Certificate process, town highways, or mapping in general.

Sincerely,



Johnathan Croft  
AOT GIS Database Administrator  
VTrans Mapping Unit

JFC/jfc

Enclosures

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cc: Tammy Ellis, DTA District 3  
Susan Clark, Policy & Planning Division



**Town of Plymouth - 2009 Mileage Certificate - Interpretation of Mileage Changes by Vtrans**

**Class 3 Town Highway**

Description	Added Mileage	Subtracted Mileage	Total Change
TH-41	0.14		0.14
TH-51		0.15	-0.15
<b>Total</b>	<b>0.14</b>	<b>0.15</b>	<b>-0.01</b>

**Class 4 Town Highway**

Description	Added Mileage	Subtracted Mileage	Total Change	Selectboard Approval Date
TH-41		0.14	-0.14	
LT 1 - Colby Pond Trail	2.37		2.37	3/31/2008
LT 2 - Reading Pond Trail	2.09		2.09	3/31/2008
LT 3 - Buxton School House Trail	1.54		1.54	3/31/2008
LT 4 - Pine Hill Trail	2.80		2.80	3/31/2008
LT 5 - Ranger Station to Route 100A	1.22		1.22	5/12/2008
LT 6 - Mount Moses Trail	0.56		0.56	3/31/2008
LT 8 - Skim Milk Trail	1.50		1.50	3/31/2008
LT 9 - Johnson Road	1.75		1.75	11/17/2008
LT 10 - Crown Point Trail	1.30		1.30	11/17/2008
LT 11 - Five Corners Cemetery Road	1.05		1.05	6/23/2008
LT 12 - Old Notch Trail	1.00		1.00	1/19/2009
LT 13 - Pollard Cemetery Trail	0.32		0.32	1/19/2009
LT 15 - Bruyn Road	1.10		1.10	1/19/2009
<b>Total</b>	<b>18.60</b>	<b>0.14</b>	<b>18.46</b>	

**Legal Trail**

Description	Added Mileage	Subtracted Mileage	Total Change	
LT 7 - Mecawee Pond Trail	0.68		0.68	3/31/2008
LT 14 - Dix Hill Road	0.85		0.85	1/19/2009
LT 16 - Frank Hall Trail	0.23		0.23	1/19/2009
LT 17 - Barbara Mann's Trail	1.00		1.00	8/4/2008
LT 18 - Beyond Reggie's Trail	1.30		1.30	8/4/2008
<b>Total</b>	<b>4.06</b>	<b>0.00</b>	<b>4.06</b>	

TOWN OF PLYMOUTH



BIRTHPLACE OF CALVIN COOLIDGE  
30<sup>TH</sup> PRESIDENT  
OF THE UNITED STATES

68 Town Office Road  
Plymouth, Vermont 05056  
Tel. (802) 672-3655  
Fax (802) 672-5466

January 19, 2009

Vermont Agency of Transportation  
Policy and Planning Division  
Drawer 33  
Montpelier, VT 05633

Dear Sirs,

Enclosed is our current Certificate of Highway Mileage for 2009 which adds several miles of class 4 roads and trails. In addition there is an upgrade of a class 4 to class 3 road and a discontinuance of a short segment of road. Also enclosed is a map with the road changes drawn in and folders with documentation/selectboard minutes of roads/trails added. None of the proposed roads are "new" roads. They are old town roads that had not been discontinued but did not appear on the Plymouth town map. The roads/trails are labeled PLT on the map but the folders are labeled LT.

Copies of all this information has been sent to the Department of Forest, Parks and Recreation. In addition the Regional Planning Commission has been notified of the proposed changes.

Please let us know if you require any additional information.

Sincerely,

Lawrence Lynds  
Selectboard Chairman

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

Encl: Plymouth's Vtrans map with changes drawn in  
Folders of all purposed roads containing detailed documentation and selectboard minutes.

CERTIFICATE OF HIGHWAY MILEAGE
YEAR ENDING FEBRUARY 10, 2009

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2009 to: Vermont Agency of Transportation, Policy and Planning Division, One National Life Drive, Montpelier, VT 05633.

We, the members of the legislative body of PLYMOUTH 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 1 Lane, Class 2, Class 3, State Highway, Class 4, Legal Trail, and Total.

\* Mileage for Class 1 Lane, Class 4, and Legal Trail classifications is 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).
3. RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings (minutes of meeting). See attached folders and map
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 of selectmen/aldermen/trustees.

T/C/V Clerk Signature:

Handwritten signature of Rachel Lynds.

Date Filed:

1/27/09

Please sign ORIGINAL and return it for Transportation signature.

AGENCY OF TRANSPORTATION APPROVAL:

Signed copy will be returned to T/C/V Clerk.

APPROVED:

Representative, Agency of Transportation

DATE:

TOWN OF PLYMOUTH



68 Town Office Road  
Plymouth, Vermont 05056  
Tel. (802) 672-3655  
Fax (802) 672-5466

BIRTHPLACE OF CALVIN COOLIDGE  
30<sup>TH</sup> PRESIDENT  
OF THE UNITED STATES

January 19, 2009

Vermont Agency of Transportation  
Policy and Planning Division  
Drawer 33  
Montpelier, VT 05633

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Copies of all this information has been sent to the Department of Forest, Parks and Recreation. In addition the Regional Planning Commission has been notified of the proposed changes.

Please let us know if you require any additional information.

Sincerely,

Lawrence Lynds  
Selectboard Chairman

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Encl: Plymouth's Vtrans map with changes drawn in  
Folders of all purposed roads containing detailed documentation and selectboard minutes.

State of Vermont  
Department of Forests, Parks and Recreation  
103 South Main Street, 10 South  
Waterbury, VT 05671-0601  
[www.vtfpr.org](http://www.vtfpr.org)

[fax] 802-244-1481  
[tdd] 800-253-0191

Agency of Natural Resources

802.241.3693  
ANR Lands Division

August 14, 2008

Town of **Plymouth** Selectboard  
c/o Rachel Lynds, Town Clerk  
68 Town Office Road  
Plymouth, Vermont 05056

Vermont  
Agency of Natural Resources

AUG 19 2008

Dear Board Members:

We are in receipt of the notice pursuant to the requirements of Title 19 V.S.A. that you propose to discontinue a portion of Town Highway #51 in the Town of Plymouth. The Department of Forests, Parks & Recreation has reviewed the proposal and finds that this will not affect any existing trail corridors and therefore, has no objection to the proposed discontinuation. For your information, it has been the policy of this Department to encourage towns to continue ownership of highway rights-of-way where they are of sufficient length or location to be of value to recreational users. Such existing rights-of-way can be valuable recreation resources for our growing population.

With the passage of H. 83 in the 1991 Legislature, the laws regarding Class 4 roads and trails give much more strength to towns in their ability to preserve these rights-of-way. Title 19 V.S.A. 711 states in part:

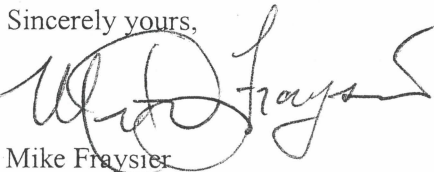
"...the selectmen may order that the petitioner bear the cost of upgrading a class 4 town highway to the class 3 town highway standards established in 19 V.S.A. 302(a)  
(3)(B). Nothing in this section shall be construed to require a town to maintain a class 4 highway or to upgrade a highway from class 4 to class 3."

Enclosed is a copy of the "Town Policy on Class 4 Roads and Trails," issued by the Vermont Trails and Greenways Council. In addition, you will find a copy of the Department's policy on road discontinuance. You may want to consider a similar policy in Plymouth. Having such a policy will help to ensure that you will not be required to maintain Class 4 roads or trails or upgrade them to Class 3.

This Department was not represented at your meeting on December 20, 2003 but we ask that this letter and attachments be entered into the proceedings. We also request that local trail organizations such as snowmobile clubs be notified of the proposed discontinuance.

Thank you for contacting us on this matter. We always appreciate the opportunity to comment on these important recreation resources.

Sincerely yours,



Mike Frayster  
ANR Lands Director

Enclosures

Cc: Trails Coordinator, VAST; FPR District Trails Coordinator, Rick White; Planning Office, AOT



State of Vermont  
Policy & Planning Division-Mapping Unit  
1 National Life Drive, Drawer 33  
Montpelier, VT 05633-5001  
<http://www.aot.state.vt.us>

*Agency of Transportation*

Telephone: 802-828-2600  
Fax: 802-828-2334

July 7, 2008

Chair, Selectboard  
Plymouth, c/o Town Clerk  
68 Town Office Rd  
Plymouth, VT 05056

TO: TOWN CLERK and SELECTBOARD

As part of the Ancient Roads legislation, municipalities have the option of mass discontinuing their town highways that are not included on their town highway map by February 10, 2010.

The Mapping Unit has formalized documentation for a mass discontinuance with the creation of a document similar to the Certificate of Highway Mileage. This new document, the Certificate of Mass Discontinuance of Town Highways, provides a check list of the items required by Vermont Statutes Annotated, Title 19, Section 305(h). This document has been enclosed.

If a municipality decides to avail itself of the mass discontinuance provisions in Section 305(h), we request the Town fill out this document and return the original to VTTrans, and file a copy with the Town Clerk. Please note that the decision to mass discontinue town highways as provided by V.S.A. Title 19, Section 305(h) is optional.

Feel free to contact me with any questions or comments regarding the Mass Discontinuance Certificate or the process. I can be reached via telephone at (802) 828-2600 or via email at [johnathan.croft@state.vt.us](mailto:johnathan.croft@state.vt.us).

Sincerely,



Johnathan Croft  
AOT GIS Database Administrator

Enc



**CERTIFICATE OF MASS DISCONTINUANCE OF TOWN HIGHWAYS**

YEAR ENDING FEBRUARY 10, 2009

District **3**

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2009 to:  
Vermont Agency of Transportation, Policy and Planning Division, One National Life Drive, Montpelier, VT 05633.

We, the members of the legislative body of **PLYMOUTH** in **WINDSOR** County

on an oath state that the mass discontinuance of highways not on the official town highway map was performed according to Vermont Statutes Annotated, Title 19, Section 305(h), as follows:

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**CHECKLIST**

The public informational hearing was warned in two public locations in town plus the town clerk's office 30 days prior to the hearing.  Yes (copy of warning attached)

The warning and a transmittal memo were mailed return receipt requested more than 30 days before the informational hearing to each of the following:

- the municipal planning commission  Yes (copy attached)  Not Applicable
- the conservation commission in the municipality  Yes (copy attached)  Not Applicable
- the legislative body of each abutting municipality  Yes (copy attached)
- the regional planning commission  Yes (copy attached)
- the commissioner of forest, parks and recreation  Yes (copy attached)

The public informational hearing was held on the following date. \_\_\_\_\_

The action was taken at a warned meeting.  Yes (copy of warning attached)

**Effective date of Mass Discontinuance of town highways not on the official town highway map (include a copy of the meeting minutes).** \_\_\_\_\_

---

**SIGNATURES - PLEASE SIGN.**

Selectboard Members/  
Aldermen/ Trustees Signatures: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

T/C/V Clerk Signature: \_\_\_\_\_ Date Filed: \_\_\_\_\_

Please sign ORIGINAL and return it for Transportation signature.

---

**AGENCY OF TRANSPORTATION  
ACKNOWLEDGEMENT OF RECEIPT OF MASS DISCONTINUANCE**

Signed copy will be returned to T/C/V Clerk.

RECORDED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
Representative, Agency of Transportation