

CERTIFICATE OF HIGHWAY MILEAGE
YEAR ENDING FEBRUARY 10, 2006

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2006 to: VT Agency of Transportation, Program Development Division, Drawer 33, Montpelier, VT 05633.

We, the Selectmen or Aldermen or Trustees of ADDISON in ADDISON County on an oath state that the mileage of highways, according to Title 19, V.S.A, Sec #305, added 1985, is as follows:

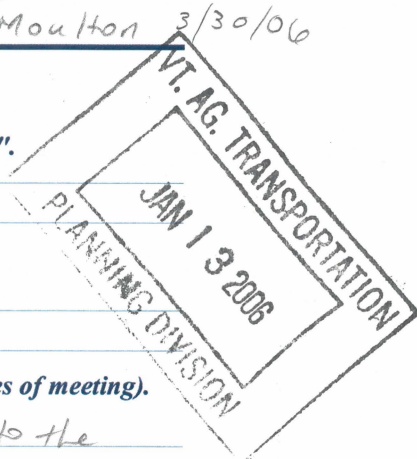
PART I - CHANGES TOTALS - Please fill in and calculate totals.

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, and Total.

* Class 1 Lane Mileage and Class 4 is NOT included in total. Total by S. Moulton 3/30/06

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). See Findings & Order re: POTASH BAY AREA attached. 0.05 mi of TH-33 discontinued
3. RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings (minutes of meeting). previously discontinued section of TH-33 extended to the east 0.05 mi Notes by S. Moulton 3/30/06
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.

Clerk Signature:

Handwritten signature of the Clerk.

Date Filed:

1/4/2006

Please sign ORIGINAL and return it for Transportation signature.

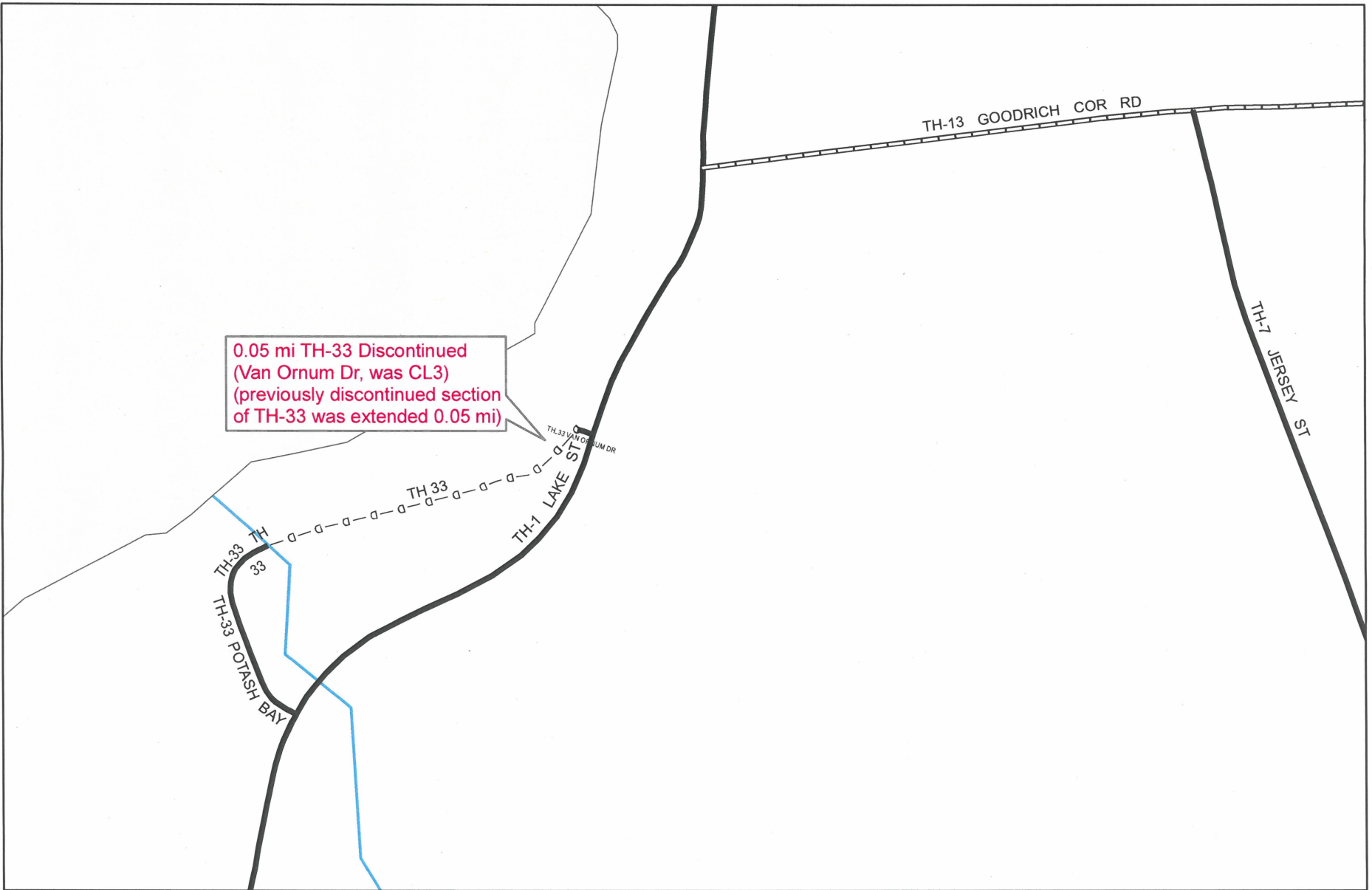
AGENCY OF TRANSPORTATION APPROVAL: Signed copy will be returned to T/C/V Clerk.

APPROVED:

Handwritten signature and text: Representative, Agency of Transportation

DATE:

4/7/2006



0.05 mi TH-33 Discontinued
 (Van Ornum Dr, was CL3)
 (previously discontinued section
 of TH-33 was extended 0.05 mi)

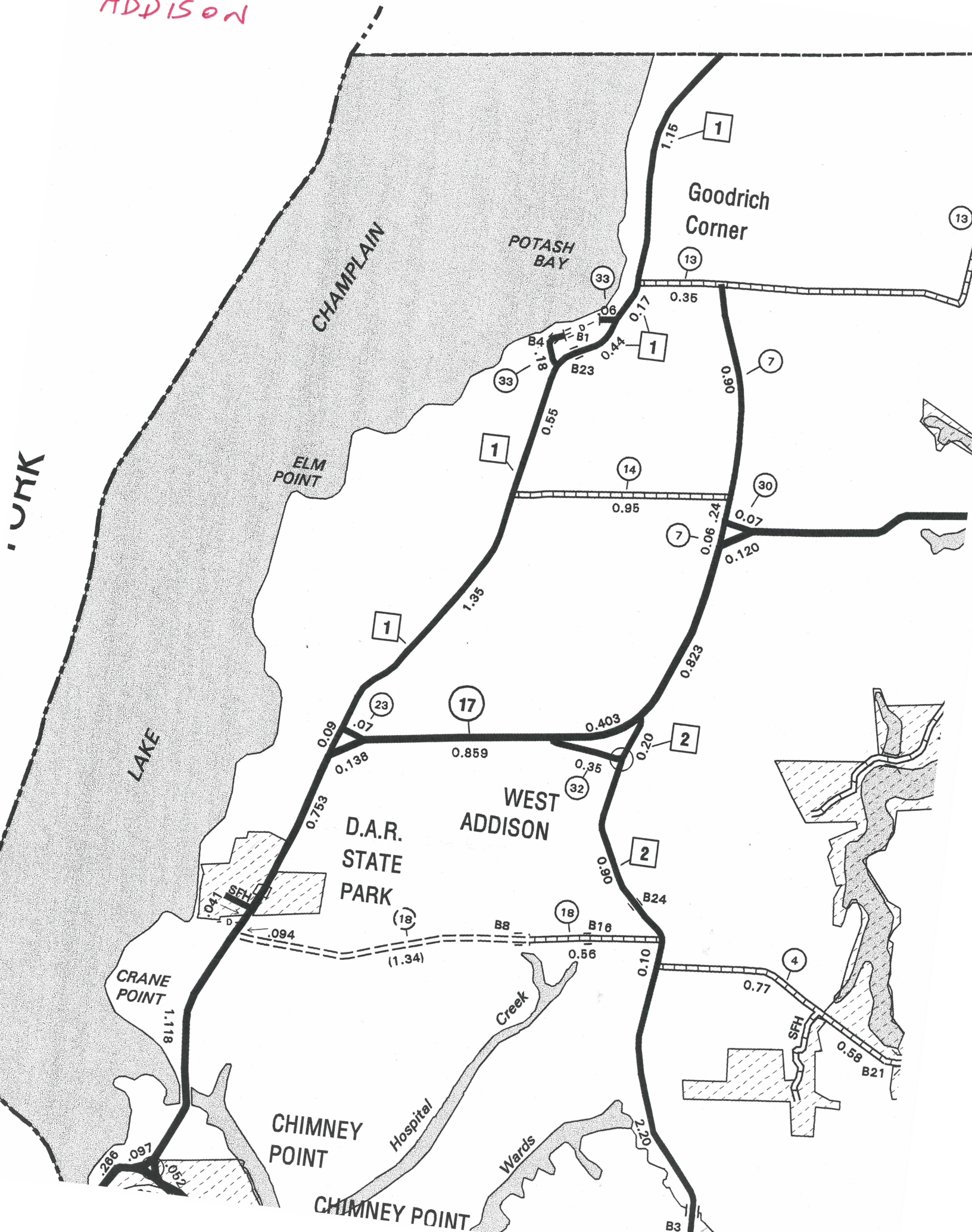
Mileage Certificate Change 2006 -- ADDISON

Mapping Unit
 Policy & Planning Division
 Vermont Agency of Transportation -- March 2006



ADDISON

UNK



Area Highways Proposal

Exhibit--A

SKETCH

↑
North

Goodrich
Corner
Road
(13)
↓

Lake Champlain

(Potash Bay)

old roadway

Affirm and/or Establish
as Discontinued

Ad Bridge

1975 Closing

1955
Highway
Relocation

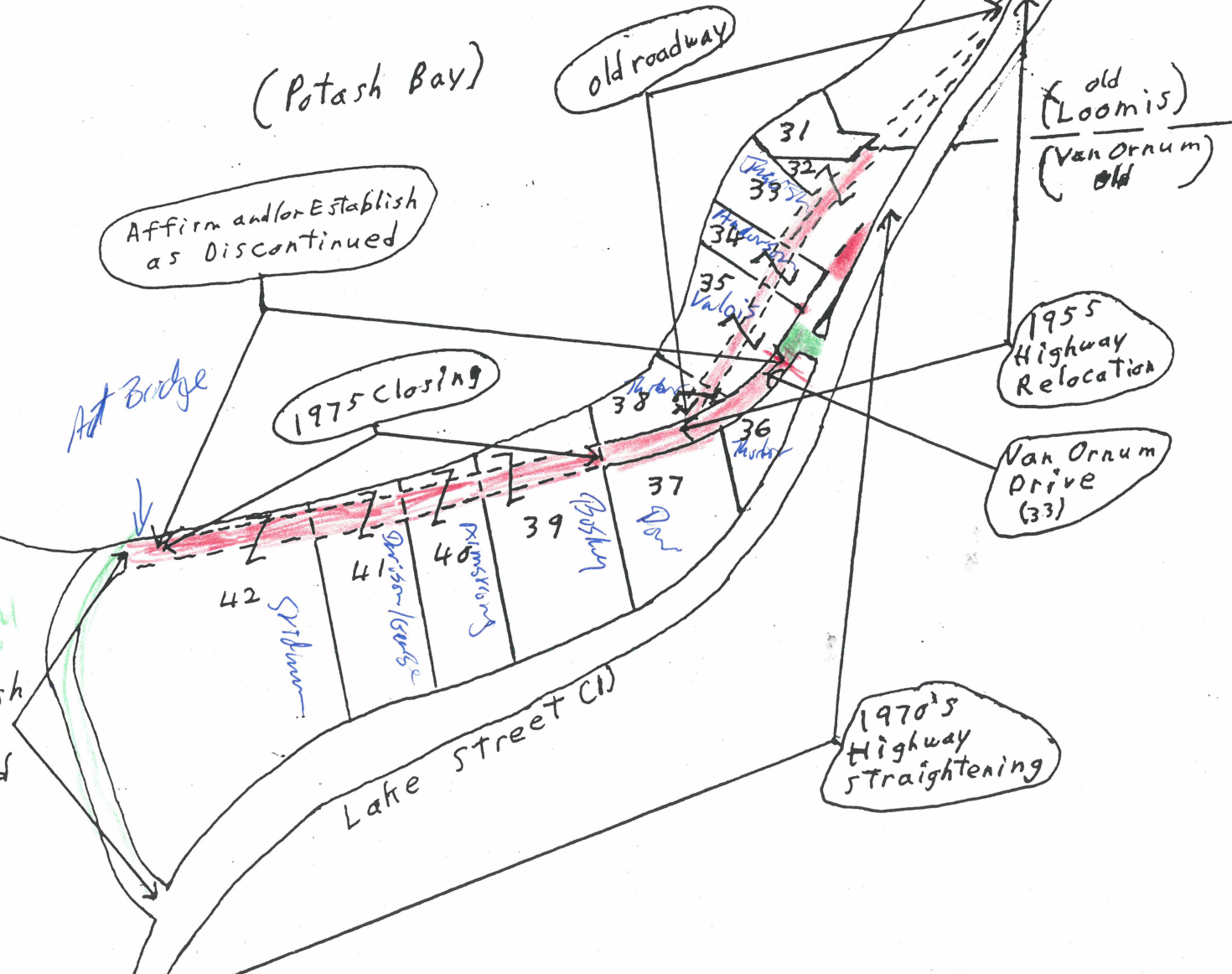
Van Ornum
Drive
(33)

(old
Loomis)
(Van Ornum
old)

1970's
Highway
Straightening

Potash
Bay
Road
(33)

Lake Street (1)



Findings and Order concerning the July 5, 2005,
Addison Potash Bay Area Highways Proposal

Pursuant to the Addison Potash Bay Area Highways Proposal dated July 5, 2005, and the Town of Addison Road Notice therefor; the Town of Addison Selectboard met on Van Ornum Drive at its intersection with Lake Street on Tuesday, August 16, 2005, at 7:00 o'clock in the evening and proceeded to examine the premises that would be affected and heard from persons or parties interested in this matter (which included the right for any person or party wanting to present any claim for damage because of any such actions presenting their claim and the legal basis therefor at that time).

Attached as Exhibit--B is a copy of said Town of Addison Road Notice; a copy of which was posted in the office of the Addison Town Clerk by July 8, 2005; a copy of which was published in the August 1, 2005, edition of the Addison Independent newspaper; and a copy of which was mailed by U.S. certified mail on July 8, 2005, to each of the following persons, etc. owning or interested in lands respectively affected by said Proposal:

Sally Conway, Chair for Addison Planning Commission, 37
NortonTown Road, Addison, VT 05491;
Waitsfield Telecom Champlain Valley, PO Box 9, Waitsfield, VT
05673;
Green Mountain Power Corp. business office, 163 Acorn Lane,
Colchester, VT 05446;
Tri-Town Water Dist. No. 1, Bridport, VT 05734;
Commissioner Vermont Forests, Parks & Recreation, 103 South Main
St., 10 South, Waterbury, VT 05671-0601;
Bernard W. & Robyn Kasupski, 16 Pearl St, Brandon, VT 05733;
Elizabeth Armstrong, 3920 BlueGrade Dr, Canal Winchester, OH
43110;
Tsering Ngudu, Marisa R. Volino, 237 West 11th St, New York, NY
10014;
Peter O. and Virginia R. Fiore, 64 Burnt Swamp Rd, Cumberland,
RI 02864;
IAA Credit Union, 808 IAA Drive, Bloomington, IL 61701;
PHH Mortgage Services, PO Box 5451, Mt Laurel, NJ 08054-9251;
Fleet National Bank Consumer Loan Operations, 315-317 Court St,
PO Box 3092, Utica, NY 13502;
Mortgage Electronic Registration System, Inc., PO Box 2026,
Flint, MI 48581;
Chittenden Trust Co. d/b/a Mortgage Service CTR., 629 Putney Rd,
Brattleboro, VT 05301;
Malcolm R. & Margaret M. Randall, 280 Potash Bay Rd, Addison, VT
05491;
Ameriquest Mortgage Co., PO Box 11507, Santa Ana, CA 92711;
William Snow Current Use Program Chief Property Valuation &
Review VT. Dept. of Taxes, 109 State St, Montpelier, VT
05609-1401;
First Nationwide MTG Corp., 5280 Corporate Drive, Frederick, MD
21703;
GMAC MTG. Corp., 100 Witmer Road, Horsham, PA 19044-0963;
National Bank of Middlebury, PO Box 189, Middlebury, VT 05753;
Wells Fargo Home Mtg., 3601 Minnesota Dr., Suite 200,
Bloomington, MN 55435;
Charter One Bank, 1215 Superior Ave., Cleveland, Ohio 44114;
Reinhard & Anna F. Felton, 21 Clear Lake Rd, Whiting, NJ 08759;
Frederick & June M. Jaquish, 145 Old Stage Rd, Williston, VT
05495;
Mary Van Ornum (life estate), 3754 Lake St, Addison, VT 05491;

John G. & Roberta E. Anderson, 550 Round Barn Farm, Ferrisburgh, VT 05456;
Paul Valois, 2026 Williston Rd, S. Burlington, VT 05403;
Robert R. Dow, 41 Sparwell Ln, Brunswick, ME 04011;
Richard & Linda Thurber, 5305 Jersey St, Panton, VT 05491;
Timothy F. & Barbara M. Buskey, 3692 Lake St, Addison, VT 05491;
Wendell O. Davison, Jr. & Linda W. Davison & Connie L. George, 19 Holland Heights, MT Tabor, VT 05739;
Ewing and Irene Stidham, 475 Pond Brook Rd, Hinesburg, VT 05461;
Susan G. Barber, PO Box 63, Harvard, MA 01451;
John & Carolyn Stephens Revocable Trust, 8017 North Santa Monica, Milwaukee, WI 53217;
Robert W. Benoit, 6 Broadview Lane, Addison, VT 05491;
John Peters & Hilarie Gade, 1675 Lime Kiln Road, New Haven, VT 05472;
Edward E. Cloe, 417 Buck St, Pembroke, NH 03275;
Nancy Webb, 525 Main St Unit 2, Amesbury, MA 01913;
William A. & Ritva H. Burton, 92 Mays Rd, Springfield, VT 05156;
Doris Terry Life Estate, 122 Potash Bay, Addison, VT 05491;
Michael Lavin, 3310 Moores Glen Dr, Charlotte, NC 28209;
Walter D. & Corrine L. Nevers, 126 Potash Bay Rd, Addison, VT 05491;
Linda M. Jones, 144 Potash Bay Rd, Addison, VT 05491;
Catherine P. Kamencik, 158 Potash Bay Rd, Addison, VT 05491;
NIP Revocable Living Trust Koenig & Kirk, 825 Fairway Drive, Indianapolis, IN 46260;
Vincent A. & Deborah K. Paradis, 40 Alpine Dr, Jericho, VT 05465;
The Paradis Family Trust (Vincent A. & Elizabeth Eileen S. Paradis), 856 Darwin Rd, Venice, FL 33595;
Ellyn M. Mack (Mcqueeney), 254 Mountain Road, Bridport, VT 05734;
Jeffrey K. Randall, 6182 VT RTE 125, Bridport, VT 05734;
Linda R. Hanson, 10 Mountain St, Bristol, VT 05443;
Anita K. Cassidy & Martin T. Kilgour, PO Box 2007, Middlebury, VT 05753;
John Breen, 139 North-Wind Drive, Stamford, CT 06903;
Edda-Louise Stefanic, 33 Tiroga Beach Ln, Ticonderoga, NY 12883;
Moorby Life Estate, 319 Potash Bay Rd, Addison, VT 05491;
C. Michael & John Forand, Moriah, NY 12960;
Stirling Farm Partnership, 4156 Lake St, Addison, VT 05491;
Walter J. & Donna L. Desjardin, 3427 Lake St, Addison, VT 05491;
Bernard & Elizabeth Andrews, 104 Jersey St, Addison, VT 05491;
Nor-Dic Farm, 5305 Jersey St, Panton, VT 05491;
Robert & Jocelyne Bradley, 3653 Lake St, Addison, VT 05491;
James M. Breur & Sandra Yandow-Breur, 1678 Green St, Vergennes, VT 05491;
Kevin R. & Karen M. Quinn, 117 Summer St, Rehoboth, MA 02769;
James J. Anderson, 3775 Lake St, Addison, VT 05491;
Brent J. Perkins, 3791 Lake St, Addison, VT 05491.

Those present at the site for the aforesaid meeting on August 16, 2005, included the following persons:

Addison Selectboard members: Jeff Kauffman, Dwight Burnham, Kim Provencher and Dana Franklin;
Brian Nolan, Road Commissioner;
Atty. John P. Healy on behalf of the Town of Addison;
Atty. David A. Bronson for Richard and Linda Thurber; and
the following property owners:
Timothy Buskey (not as a selectboard member),
Irene Stidham,
Richard Thurber,
Martin D'Onofrio,

Wendell Davison,
Linda Davison,
John Anderson,
Robertta Anderson,
Doris Terry.

Property owner Paul Valois arrived after the meeting had concluded.

Said meeting included a walk along the portion of the road proposed to be discontinued from a place in Van Ornum Drive generally southwesterly to the Stidham Lands.

At said meeting the Selectboard was given a Letter to it from Attorney David A. Bronson dated August 16, 2005, for and on behalf of his clients, Richard N. Thurber and Linda L. Thurber, in support of their position concerning the Proposal; particularly in regards to what of any public highway discontinued lands should return or belong to them.

Pursuant to the laws and statutes of the State of Vermont including but not limited to Sections 708, 709, 710, 711 and 775 of Title 19 of the Vermont Statutes Annotated, the Town of Addison Selectboard makes the following findings and order in regards to this matter:

1. WHEREAS, the Selectboard of the Town of Addison has certain concerns about certain public highways as now or formerly located in the vicinity of Lake Street near the Potash Bay area of Lake Champlain. Attached as Exhibit--A is a SKETCH for general use in connection herewith that is based on a portion of the Town of Addison's so-called property map no. 4 and is subject to what any accurate survey would disclose. The parcels and their numbers shown on the SKETCH are based on the block 01 part of said property map. Unless otherwise specified, references herein to where something is recorded are to the Town of Addison Land Records.
2. WHEREAS, the public highway now known as Lake Street (also now known as Addison State Aid or Town Highway No. 1) in general as originally located formed the northerly part of a public highway laid out from Hospital Creek in Addison to the north boundary of the Town of Addison, that was apparently originally laid out with a purported 10-rod wide so-called right of way (see Addison Town Records Book 2 at Page 72 for a 1776 survey description and see a 1785 survey description of record in Book 1 at Page 4).
3. WHEREAS, a PORTION of said public highway is presently located where what is now known as Lake Street runs from Eaton Cemetery generally northeasterly to the intersection of Lake Street with the public highway now known as Goodrich Corner Road (also now known as Addison Town Highway No. 13). Said PORTION is also herein referred to as Lake Street.
4. WHEREAS, parts of said PORTION of Lake Street used to be located closer to Lake Champlain.
5. WHEREAS, two Quit-Claim Deeds to the Town of Addison, both dated November 22, 1955, one from Dell and Minnie Van Ornum and the other one from Bertha and Horace Loomis, and respectively of record in Book 31 at Pages 211-212 and 260-261, describe the conveyance of so-called rights of way 66 feet or thereabouts in width "for the purpose of relocating the public

highway, commonly known as Lake Street". On Hanger "K" of the Town of Addison Map or Plat records in a Map Cabinet are two sheets of a survey map (they each have "ADDISON R.O.W." thereon and have a scale of 1-inch equals 20-feet) showing a 66-foot wide so-called right of way for such highway relocation (said map is herein also referred to as the "ADDISON R.O.W. Map"). The southerly end of such highway relocation is understood to have extended no further southerly than to a point on the land described in a Warranty Deed to Richard N. Thurber and Linda L. Thurber from Lucille R. Fleming, dated November 18, 1999, and of record in Book 69 at Pages 31-32. When proceeding generally northerly from the southerly end of such highway relocation over such highway as relocated, one first passes over the public highway now known as Van Ornum Drive (also now known as being a part of Addison Town Highway No. 33) and eventually then passes over the present Lake Street to the northerly end of such highway relocation. Such highway relocation is also herein referred to as the "1955 Highway Relocation".

6. WHEREAS, there are respectively of record in Book 31 at Pages 263-264 and 261, two Quit Claim Deeds from the Town of Addison, both dated November 22, 1955, one to Dell and Minnie Van Ornum and the other one to Bertha and Horace Loomis. Both Deeds respectively described the conveyance of a certain "portion of Lake Street, so-called" "which was abandoned by the said Town of Addison upon relocation of said Lake Street in 1940." Since both of said Deeds and both of the said Deeds to the Town of Addison described in the last WHEREAS paragraph were all dated November 22, 1955, it is believed and assumed that the actual physical relocation of the affected part of the public highway took place in or about 1940 from its prior location to as located by the 1955 Highway Relocation. It is understood that evidence of such prior location of the public highway is shown on the ADDISON R.O.W. Map and on the following two survey maps:

---as "TRACES OF OLD ROADWAY" on a survey map entitled "A Map of Certain VAN ORNUM LAKE LOTS ADDISON, VERMONT", dated October 30, 1989, done by Kenneth G. Weston, and of record in the Town of Addison Map or Plat Records at Page 58 in Plat Book 2 of 2, (herein also referred to as the "Van Ornum Map"); and
---as "OLD HIGHWAY" on a survey plat entitled "Lands of Reinhard Felten and Anna F. Felten NORTHWESTERLY OF LAKE STREET ADDISON, ADDISON COUNTY, VERMONT", dated October 23, 2001, done by Short Surveying, Inc. (Timothy C. Short) and of record in the Town of Addison Map or Plat Records at Page 29 of Plat Book 5, (herein also referred to as the "Felten Map").

7. WHEREAS, there is of record in Book 31 at Page 398 a Warranty Deed from Lella Van Ornum to the Town of Addison, dated April 19, 1971, describing the conveyance of "a parcel of land containing three and three-fourths (3-3/4) acres, more or less, near Potash Bay, so-called, to be used by the Grantee herein for the purpose of straightening the highway known as Lake Street (State Aid Highway #1), and being that portion of land outlined in red on a survey by Vermont Highway Department entitled 'Sketch of taking by Town of Addison from Mrs. Henry Van Ornum for relocation of State Aid Highway #1 (the Lake Road) at Potash Bay'", dated November 1970, and of record in the Town of Addison Map or Plat Records at Page 2 of Plat Book 1, (herein also referred to as the "1970 Highway Map"). By 1975 the roadway for Lake Street had been constructed upon said land and was being used for said intended straightening of Lake Street with the intent of leaving separate therefrom the then by-passed portion of the old such public highway. Said

construction is assumed to have taken place mostly in 1973 (the Town of Addison Annual Report for the twelve months ending December 31, 1973, on page 25 thereof, shows the expenditure of \$23,756.51 for the "Potash Bay By-Pass", including \$6,131.66 for a culvert). Such highway straightening is also herein referred to as the "1970's Highway Straightening".

8. WHEREAS, the Town of Addison Selectboard held proceedings concerning the closing of a portion of Potash Bay Road (as at least part of the section of the old public highway by-passed by the 1970's Highway Straightening was then called) which resulted in a June 5, 1975, decision "that the road would be closed from the west end of the second bridge to C. Dow's line and left open from there to the new road." The owners of the 4-parcels numbered 39, 40, 41 and 42 on the SKETCH on either side of said 1975 road closing decision are believed and assumed to be as follows:

Parcel 39, meaning the lands of Timothy F. Buskey and Barbara M. Buskey described in a Warranty Deed to them from Gordon Morseth, Jr. and Judith E. Morseth, dated February 28, 1995, and of record in Book 58 at Pages 407-410, herein also referred to as the Buskey Lands.

Parcel 40, meaning the lands of Elizabeth Armstrong (formerly known as Betty J. Hutchins, with name change to Elizabeth Scarlet Alexandrina Victoria Regina Armstrong of record in Book 67 at Pages 59-60) described in a Warranty Deed to her from Mary P. Van Ornum, who retained a life estate, dated November 29, 1994, and of record in Book 58 at Pages 191-192, herein also referred to as the Armstrong Lands.

Parcel 41, meaning the lands of Wendell O. Davison, Jr., Linda W. Davison and Connie L. George described in a Quit Claim Deed to them from Timothy Nicholas Maikoff, dated August 16, 1988, and of record in Book 47 at Pages 426-427, herein also referred to as the Davison/George Lands.

Parcel 42, meaning the lands of Irene Stidham and Ewing Stidham described in a Warranty Deed to them from Minnie Van Ornum, dated May 24, 1968, and of record in Book 33 at Pages 337-338, and described in two Warranty Deeds to Irene Stidham, both dated May 19, 1977, one from Roger H. Van Ornum and the other one from Lella Van Ornum, and respectively of record in Book 37 at Pages 450-452 and 452-453, herein also referred to as the Stidham Lands.

9. WHEREAS, the owners of the 7-parcels numbered 32, 33, 34, 35, 37, 36 and 38 on the SKETCH are believed and assumed to be as follows:

Parcels 32 and 33, meaning to include the lands of Frederick J. Jaquish and June M. Jaquish after the following Deeds (which lands are herein also referred to as the Jaquish Lands):

---Warranty Deed to them (Jaquish mistakenly spelled therein as Jaguish) from Patricia A. Mativi, et al, dated November 5, 1993, and of record in Book 56 at Pages 183-186.

---Warranty Deed to them from Wayne B. Mativi, dated December 10, 1998, and of record in Book 66 at Pages 379-381.

---Quit Claim Deed to them from Richard N. Thurber and Linda L. Thurber, dated July 28, 2001, and of record in Book 73 at Pages 338-341.

---Quit Claim Deed from them to Richard N. Thurber and Linda L. Thurber, dated July 11, 2001, and of record in Book 73 at Pages 342-345.

---Quit Claim Deed to them from Reinhard Felten and Anna F. Felten, dated November 29, 2001, and of record in Book 75 at Pages 273-275.

---Quit Claim Deed from them to Reinhard Felten and Anna F. Felten, dated December 21, 2001, and of record in Book 75 at Pages 276-278.

Parcel 34, meaning the lands of John G. Anderson and Roberta E. Anderson described in a Warranty Deed to them from Wayne B. Mativi, dated August 13, 2003, and of record in Book 82 at Pages 345-346, herein also referred to as the Anderson Lands.

Parcel 35, meaning the lands of Paul Valois described in a Warranty Deed to him from Bernard W. Kasupski and Robin Kasupski, dated May 25, 2001, and of record in Book 72 at Pages 415-417, herein also referred to as the Valois Lands. The more particular description therein of said lands is as follows:

"Beginning at a point marking the northwesterly corner of the land and premises herein conveyed and the southwesterly corner of land of Helen Briggs, thence easterly along the southerly line of said Briggs land 235 feet more or less to the westerly line of the highway known as Lake Road; thence southerly along the westerly line of said Lake Road 222 feet; more or less, to a point; thence in a general westerly direction 158 feet, more or less, to the low water line of Lake Champlain; thence northerly along the low water line of Lake Champlain 222 feet, more or less, to the point of beginning."

Except for some differences in capitalization and punctuation, said description is the same more particular description that has been carried down through the chain of title from and that is contained in the Warranty Deed of such lands from Lucille R. Fleming to Lorenzo Agrizzo and Josephine M. Agrizzo, dated August 14, 1972, and of record in Book 35 at Page 274, Van Ornum Drive was at the time of said Deed the therein referred to "Lake Road".

Parcel 37, meaning the lands of Robert R. Dow after the following Decree and Deed (which lands are herein also referred to as the Dow Lands):

---Decree of Distribution for the Estate of Calvin W. Dow by the Addison District Probate Court to him, dated December 7, 2000, and of record in Book 71 at Pages 240-242.

---Boundary Agreement Deed between him (also joined in by Amy Bartlett Dow) AND Richard N. Thurber and Linda L. Thurber, respectively dated April 27, 2004, July 26, 2004, and August 4, 2004, and of record in Book 85 at Pages 704-708.

Parcels 36 and 38, meaning to include the lands of Richard N. Thurber and Linda L. Thurber after the following Deeds (which lands are herein also referred to as the Thurber Lands):

---Warranty Deed to them from Lucille R. Fleming, dated November 18, 1999, and of record in Book 69 at Pages 31-32.

---Quit Claim Deed to them from Lucille R. Fleming, dated March 20, 2000, and of record in Book 69 at Pages 429-430. This Deed and the previous Warranty Deed particularly involve but are not limited to concerning Parcel 38 and each say:

"This conveyance includes all and the same lands and premises previously decreed to Lucille Van Ornum Fleming, also known as

Lucille R. Fleming, from the Estate of Minnie A. Van Ornum by Decree of Distribution of the Addison Probate Court, dated April 24, 1970, and recorded at Book 34, Pages 220-222, Addison Land Records, but excepting therefrom the lands and premises previously conveyed by Lucille R. Fleming to Lorenzo Agrizzo and Josephine M. Agrizzo by Warranty Deed dated August 14, 1972, and recorded at Book 35, Page 274, Addison Land Records."

Said April 24, 1970, Decree of Distribution decreed as follows:

"To Lucille VanOrnum Fleming,

Being lot No. 1, 200 ft. x 319 ft, having main house...

'Said lot is a part of a larger undivided tract, and it is therefore my direction the bequest herein shall include a frontage on the highway and on the Lake shore of 319 ft. each, and said parcel shall extend to the low water mark of Lake Champlain.' Said bequest includes the lot as decreed in Article 6th of said Will. 'Lot lying southerly of my home-place and between the highway leading around Potash Bay and the low water mark of Lake Champlain.'". Said lands were a part of the lands reserved from and described as "All that land on the lake side of the present highway, meaning the paved highway that runs generally along the easterly shore of Lake Champlain [except for a cottage lot lying northerly of the Anderson Lands]" in a Warranty Deed from Del Van Ornum and Minnie Van Ornum to Henry Van Ornum and Lella Van Ornum, dated October 21, 1961, and of record in Book 32 at Pages 90-91.

---Quit Claim Deed to them from Roger H. Van Ornum and L.

Christine Van Ornum, dated March 1, 2000, and of record in Book 69 at Pages 345-346; of lands that particularly involve but are not limited to concerning Parcel 36 and are therein described as:

"Being all right and title in and to the lands within the Town of Addison in the County of Addison and State of Vermont that lie generally westerly and northerly of (meaning towards Lake Champlain from) the easterly and southerly edge of the so-called right of way of Lake Street, so-called, (also known as Town of Addison Town Highway No. 1 or State Aid Highway No. 1)."

---Quit Claim Deed to them from Frederick J. Jaquish and June M. Jaquish, dated July 11, 2001, and of record in Book 73 at Pages 342-345.

---Quit Claim Deed from them to Frederick J. Jaquish and June M. Jaquish, dated July 30, 2001, and of record in Book 73 at Pages 338-341.

---Boundary Agreement Deed between them and Robert R. Dow (also joined in by Amy Bartlett Dow), respectively dated August 4, 2004, April 27, 2004, and July 26, 2004, and of record in Book 85 at Pages 704-708. The surveyed common boundary between the Thurber Lands and the Dow Lands as agreed to by this Deed appears on a Survey Plat entitled "SURVEY PLAT LANDS OF CALVIN W. DOW NORTHERLY OF LAKE STREET ADDISON COUNTY, VERMONT", dated March, 1995, with a revision date of July 17, 1995, done by Timothy L. Short, and of record in the Town of Addison Map or Plat Records at Page 3 in Plat Book 4, (herein also referred to as the "Dow Map"). By this Deed said established common boundary remains so concerning "any future discontinuance" of a public highway.

10. WHEREAS, it is recognized that Van Ornum Drive includes as a part thereof the area along the existing traveled road that runs generally westerly from Lake Street.

11. WHEREAS, it is recognized that Potash Bay Road (also now known as being a part of Addison Town Highway No.

33) includes as a part thereof the area along the existing traveled road known as Potash Bay Road that runs generally westerly from Lake Street.

12. WHEREAS, the following is noted concerning any public highway proposed to be discontinued in provision "E." of the Proposal from a place on the Stidham Lands to a place on the Thurber Lands on Van Ornum Drive:

---THAT most of the old so-called traveled road or roadbed thereof has not been used in a long time, has places where the ground has slid away towards Lake Champlain and would be very expensive to rebuild;

---THAT each of the Stidham Lands, Davison/George Lands, Armstrong Lands, Buskey Lands and Dow Lands has an existing driveway access onto Lake Street for the servicing of such respective lands;

---THAT the Valois Lands have an existing driveway access for the servicing of such lands onto a portion of Van Ornum Drive which would not be discontinued; and

---THAT the Thurber Lands could continue to have access for the servicing of such lands onto Van Ornum Drive at the northeasterly end of the portion thereof that would be discontinued.

13. WHEREFORE, the Town of Addison Selectboard finds and orders that the public good, necessity and convenience of the inhabitants of the Town of Addison require it to take the below-described actions:

- A. It AFFIRMS (i) that by the end of 1955 a public highway existed at the location of the 1955 Highway Relocation, upon respective parts of which are located portions of Van Ornum Drive and the present Lake Street and (ii) that Van Ornum Drive includes as a part thereof where the existing road access for it to Lake Street is located.
- B. It AFFIRMS that by 1975 a public highway existed at the location of the 1970's Highway Straightening, upon which is located a portion of the present Lake Street.
- C. It AFFIRMS that the portion of the present Lake Street (the entire length of which highway runs between Vermont Route 17 and the north boundary of the Town of Addison) that runs between Eaton Cemetery and the intersection of Goodrich Corner Road therewith is located where it now exists.
- D. It AFFIRMS and/or ESTABLISHES the discontinuance, with no trail status, of any part of a public highway which both (i) lies generally southerly of the northerly boundary of the Jaquish Lands and (ii) lies generally westerly towards Lake Champlain of the general westerly edge of the at most 66-foot wide so-called right of way as exists for the public highway described in provision "A." above at the location of the 1955 Highway Relocation; which discontinued part has not been used as a public highway since at least the 1955 Highway Relocation.

- E. It AFFIRMS and/or ESTABLISHES the discontinuance, with no trail status, of any part of a public highway described as follows:

BEGINNING at the westerly end of the second and most northeasterly bridge of the two bridges located near Lake Champlain along a general northwesterly portion of the Stidham Lands, which place of BEGINNING is at what has been presumed to have been the general northerly end of what is now known as Potash Bay Road (also now known as being a part of Addison Town Highway No. 33);

Then proceeding generally northeasterly, upon what at one time was called Potash Bay Road, along the Stidham Lands, Davison/George Lands, Armstrong Lands and Buskey Lands to the Thurber Lands; and

Then continuing generally northeasterly, upon a portion of Van Ornum Drive, along the Dow Lands, Thurber Lands and Valois Lands to END at a line that runs South $47^{\circ}13'45''$ East (in a direction that heads towards Lake Street) across the width of the so-called right of way of Van Ornum Drive and in which line and/or a northwesterly continuation of which line there is a point that is South $44^{\circ}45'$ West a distance of 80 feet from a point now or formerly marked by a metal pipe set in the ground (which metal pipe is depicted on the Van Ornum Map as: (i) lying North $47^{\circ}13'45''$ West a distance of 33 feet, more or less, from a point in the centerline of the roadway of TOWN ROAD NO. 33 (Van Ornum Drive), (ii) lying in a northeasterly line of land of Kasupski --- now the Valois Lands, and (iii) lying in a southwesterly line of a PARCEL C --- now the Anderson Lands); (all of the above bearings are turned from and are relative to a single observation of Magnetic North as of 1989 based on the Van Ornum Map).

- F. It AFFIRMS that Potash Bay Road runs where it now exists from Lake Street generally northerly to the BEGINNING place for such a discontinued highway as described in provision "E." above.

- G. It AFFIRMS and/or ESTABLISHES that the lands covered by any portion of the public highway discontinued in provision "D." above (that is, all ownership of the Town of Addison therein which will return because of such discontinuance) belongs as follows:

- (i) as to that portion thereof, which passes along, between and/or through the Jaquish Lands, shall belong to the owners of the Jaquish Lands, understood to be Frederick J. Jaquish and June M. Jaquish as aforesaid;
- (ii) as to that portion thereof, which passes along, between and/or through the Anderson Lands, shall belong to the owners of the Anderson Lands, understood to be John G. Anderson and Roberta E. Anderson as aforesaid;
- (iii) as to that portion thereof, which passes along, between and/or through the Valois Lands, shall belong to the owner of the Valois Lands, understood to be Paul Valois as aforesaid; and

- (iv) as to that portion thereof, which passes along, between and/or through the Thurber Lands, shall belong to the owners of the Thurber Lands, understood to be Richard N. Thurber and Linda L. Thurber as aforesaid.

H. It AFFIRMS and/or ESTABLISHES that the lands covered by any portion of the public highway discontinued in provision "E." above (that is, all ownership of the Town of Addison therein which will return because of such discontinuance) belongs as follows:

- (i) as to that portion thereof, which passes along, between and/or through the Stidham Lands, shall belong to the owners of the Stidham Lands, understood to be Irene Stidham and Ewing Stidham as aforesaid;
- (ii) as to that portion thereof, which passes along, between and/or through the Davison/George Lands, shall belong to the owners of the Davison/George Lands, understood to be Wendell O. Davison, Jr., Linda W. Davison and Connie L. George as aforesaid;
- (iii) as to that portion thereof, which passes along, between and/or through the Armstrong Lands, shall belong to the owners of the Armstrong Lands, understood to be Mary P. Van Ornum with a life estate and Elizabeth Armstrong as aforesaid;
- (iv) as to that portion thereof, which passes along, between and/or through the Buskey Lands, shall belong to the owners of the Buskey Lands, understood to be Timothy F. Buskey and Barbara M. Buskey as aforesaid;
- (v) as to that portion thereof, if any, which passes upon those lands described as the Dow Lands, shall belong to the owner of the Dow Lands, understood to be Robert R. Dow as aforesaid, (the common boundary between the Dow Lands and the Thurber Lands being the surveyed common boundary between them as described in the Boundary Agreement Deed between Richard N. and Linda L. Thurber AND Robert R. Dow, et al and of record in Book 85 at Pages 704-708 as previously mentioned); and
- (vi) as to that portion thereof, which passes along, between and/or through the Thurber Lands, shall belong to the owners of the Thurber Lands, understood to be Richard N. Thurber and Linda L. Thurber as aforesaid, (which portion is all of such discontinued highway that lies generally northeasterly of the northerly boundary of the Buskey Lands except for any part thereof which passes in the previous subpart "(v)" of this provision to the owner of the Dow Lands).

I. It determines that none of the above actions result in any damages being owed to anyone and there was no testimony at said August 16, 2005, site meeting of anyone claiming any damages would result therefrom.

Dated this 6 day of Sept., 2005.

Town of Addison Selectboard

By: *Jeff Kautner* Vice Chair
selectman

By: *[Signature]*
selectman

By: *Clayton Burnham*
selectman

By: *[Signature]*
selectman

Addison Potash Bay Area Highways Proposal

Exhibit-- A
SKETCH

↑
North

Godrich
Corner
Road
(13)
↓

Lake Champlain

(Potash Bay)

old roadway

Affirm and/or Establish
as Discontinued

(old
Loomis)
(Van Ornum
old)

1975 Closing

1955
Highway
Relocation

Van Ornum
Drive
(33)

1970's
Highway
Straightening

Potash
Bay
Road
(33)

Lake Street (1)

Eaton
Cemetery

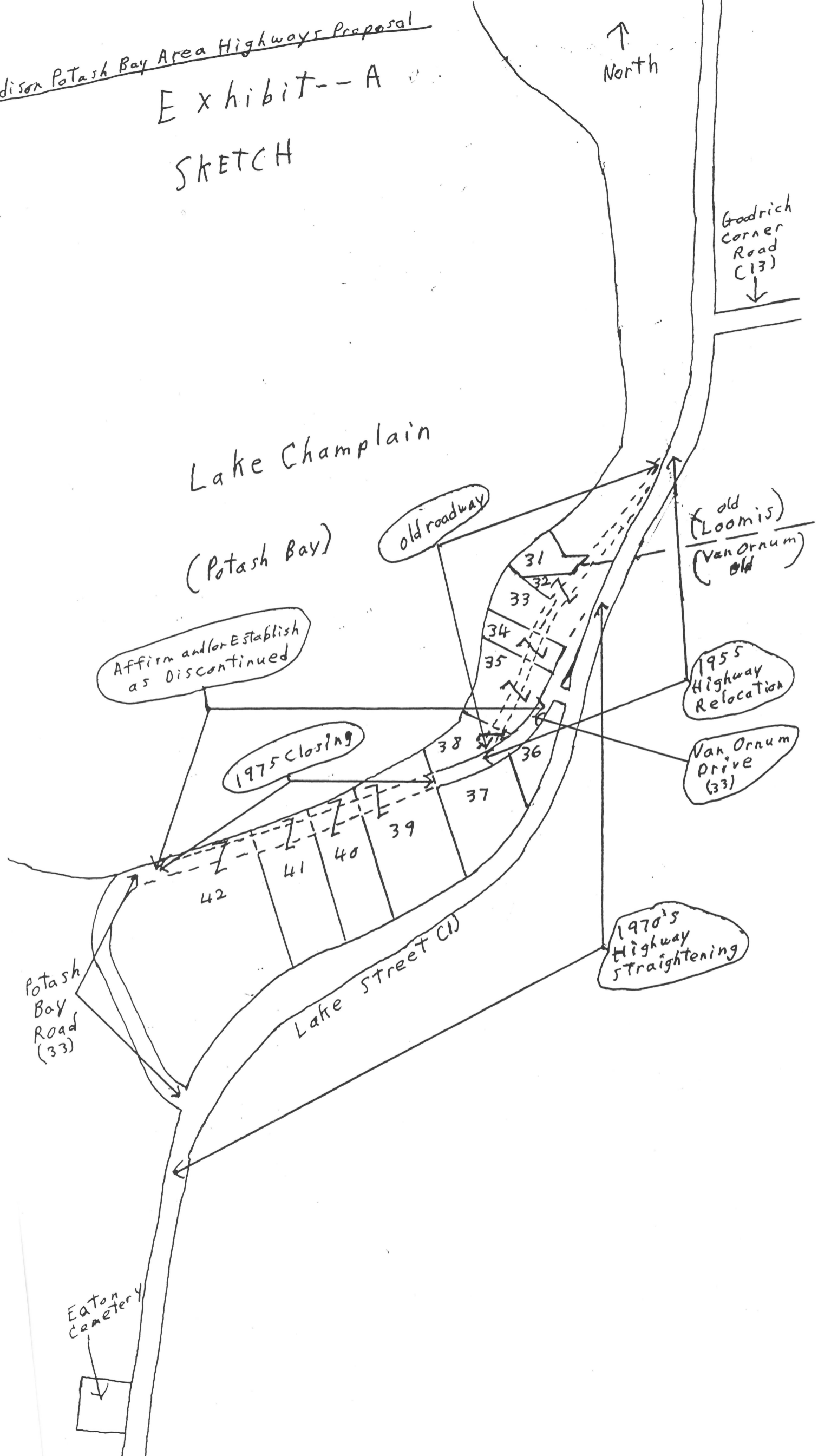


Exhibit--B.

TOWN OF ADDISON ROAD NOTICE

The Town of Addison Selectboard propose taking the following potential actions concerning Potash Bay area highways:

AFFIRMING the present existence of that part of Lake Street between Eaton Cemetery and the intersection of Goodrich Corner Road therewith and that a public highway had been established there by 1975;

AFFIRMING that by the end of 1955 a public highway existed that ran from the southerly end of Van Ornum Drive generally northeasterly over the present Van Ornum Drive and then over a portion of present Lake Street and that Van Ornum Drive includes where the existing road access for it to present Lake Street is located;

AFFIRMING and/or ESTABLISHING the discontinuance, with no trail status, of any part of a public highway which both (i) lies generally southerly of the northerly boundary of lands of Frederick J. and June M. Jaquish and (ii) lies generally westerly towards Lake Champlain of the general westerly edge of the at most 66-foot wide so-called right of way as exists for the part of the public highway described in the last clause as existed by the end of 1955 over Van Ornum Drive and a part of Lake Street;

AFFIRMING and/or ESTABLISHING the discontinuance, with no trail status, of any part of a public highway from the westerly end of the second and most northeasterly bridge of the two bridges located near Lake Champlain along a general northwesterly portion of lands of Irene Stidham and proceeding generally northeasterly upon what at one time was called Potash Bay Road to and continuing upon Van Ornum Drive to a line just short of its intersection with Lake Street, which line or extension thereof passes through a point located 80 feet southwesterly of a point near Van Ornum Drive in a northeasterly line of lands of Paul Valois; and

AFFIRMING that Potash Bay Road runs where it now exists from Lake Street generally northerly to the BEGINNING place for such a discontinued highway as described in the previous clause.

The Addison Selectboard will meet on Van Ornum Drive at its intersection with Lake Street on Tuesday, August 16, 2005, at 7:00 o'clock in the evening for the purpose of proceeding to examine the premises that would be affected and to hear from any persons or parties interested in this matter (any person or party wanting to present any claim for damage because of any such actions should present their claim and the legal basis therefor at the aforesaid time).

Any one wanting more information concerning this proposal may inquire at the Addison Town Clerk's Office, 65 VT RTE 17W, Addison, VT, (mailing address: 7099 VT RTE 22A, Addison, VT, 05491), Tel. No. 802-759-2020, and/or contact a Selectman. For a more particular description of this matter, a copy of the Addison Selectboard's Addison Potash Bay Area Highways Proposal dated July 5, 2005, is at said Town Clerk's Office.

Town of Addison Selectboard

ADDISON TOWN CLERK'S OFFICE
RECEIVED FOR RECORD

Sept 7, 19 2005

at 8:30 o'clock (AM) PM

and recorded in Addison

vol. 87 Page 565-577 of the

land records.

Attest, Mailla M. Webb
Asst. Clerk