

CERTIFICATE OF HIGHWAY MILEAGE

YEAR ENDING FEBRUARY 10, 2004

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2004 to: VT Agency of Transportation, Program Development Division, Drawer 33, Montpelier, VT 05633.

We, the Selectmen or Aldermen or Trustees of FERRISBURGH 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. Handwritten values include +.75, 56.60, -.75, 2.73, 82.025, and 82.775.

* Class 1 Lane Mileage and Class 4 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).

This section on T.H. #43 was MIS labeled as Class 4. This is a Class 3 Highway by VT State Court order

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 Larry T. Ajimino, Allan H. Busson, and Loretta D. Lawrence.

Clerk Signature:

Handwritten signature of Janet Osterman.

Date Filed:

Handwritten date 1/27/04.

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 M. Elmy.

Representative, Agency of Transportation

DATE:

Handwritten date 2/13/04.

449

CERTIFICATE

ORVILLE DANYOW, SR, ET AL

VS.

TOWN OF FERRISBURG

DOCKET NO. C104-73Ac

FERRISBURGH Lien Bt 3

STATE OF VERMONT,

Addison County, ss. I, Kathleen B. Keeler, Clerk of the County of Addison and Clerk of the Superior Court. within and for said County, the same being a court of record, and having a seal, hereto attached, do hereby certify that

the attached copy of JUDGMENT ORDER filed in the above captioned matter on November 25, 1974 is a true and complete copy of same.

as the same now appears on file and recorded in the office of the Clerk of said Court.

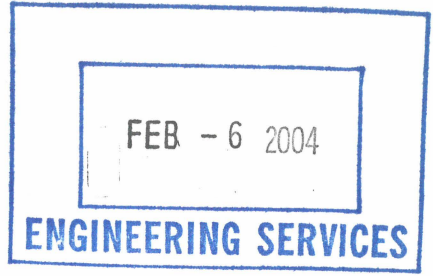
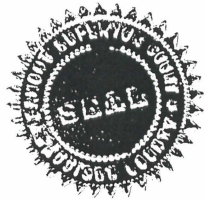
IN TESTIMONY WHEREOF, I hereunto subscribe my official signature and affix

the seal of said Court, at Middlebury

in said County of Addison

this 11th day of December, 1992

Kathleen B. Keeler Clerk



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SUPERIOR COURT OF ADDISON COUNTY

June Term 1974

ORVILLE DANYOW, SR., PHILIP and DORIS O'BRIEN and CLARENCE and SYLVIA FISK

Docket No. C104-73Ac

TOWN OF FERRISBURG

JUDGMENT ORDER

The parties to this action have filed with the Court a Stipulation approved by their respective counsel and executed by each of the Plaintiffs and by the Town of Ferrisburg, acting by and through its selectmen.

In accordance with said Stipulation, which is hereby approved by the Court, it is ordered that:

1. Defendant shall modify its Order of 21 November 1973, by amending and revising same upon the town records, to show and indicate that so much of said highway as is encompassed by said Order, is and will hereafter be designated as a Class Four (4) road, within the meaning of, and pursuant to 19 VSA S931.

2. That any maintenance of said highway to be hereafter performed by the Town of Ferrisburg shall be in accordance with the standards set forth in 19VSA S931.

3. That the legal rights and liabilities of the parties in this action shall be as set forth in the applicable provisions of 19 VSA, specifically Chapter 7 and Chapter 9 thereof, insofar as said statutes establish and impose upon the Town of Ferrisburg duties and responsibilities in regard to said highway.

Dated at Middlebury, Vermont this 25th day of November 1974.

Approved as to form:

S/ Wynn Underwood

S/ John R. Barrera Attorney for the Plaintiffs

S/ Morton A. Coons

S/ Forrest S. Rose Attorney for the Defendant

S/ Stanley K. James Judges of the Addison Superior Court

Alma F. Shearn Clerk

Received for record December 22, 1992 at 11:55 A.M. . A true copy.

Attest: Lynn M. George, Asst.

Town Clerk

STATE OF VERMONT

ADDISON COUNTY COURT

ADDISON COUNTY, ss

Deputy Sheriff

Civil Action, Docket Number _____

ORVILLE DANYOW, SR., and
PHILIP and DORIS O'BRIEN and
CLARENCE and SYLVIA FISK

vs.

TOWN OF FERRISBURG

Summons

To the above-named Defendant(s):

You are hereby summoned and required to serve upon John R. Barrera, Esq.,
plaintiff's attorney, whose address is Drawer 391, Middlebury, Vermont, an
answer to the complaint which is herewith served upon you, within 20 days after service of this summons
upon you, exclusive of the day of service.* If you fail to do so, judgment by default will be taken against
you for the relief demanded in the complaint. Your answer must be filed with the court. Unless the
relief demanded in the complaint is for damage covered by a liability insurance policy under which the
insurer has the right or obligation to conduct the defense, or unless otherwise provided in Rule 13(a),
your answer must state as a counterclaim any related claim which you may have against the plaintiff, or
you will thereafter be barred from making such claim in any other action.

Dated December 10, 1973

John R. Barrera
Plaintiff's Attorney

* Served on _____
Date

Deputy Sheriff

COPY

4. The discontinuance of Highway No. 43 was not made in accordance with the provisions of 19 VSA Sec. 531 in that there is no showing as to whether or not said highway was originally laid out by Commissioners of the County Court, or Town Commissioners, and hence the Selectmen may be without authority in acting upon said highway discontinuance.

5. The highway in question has not been surveyed in accordance with the requirements of 19 VSA Sec. 296, in that the monuments described in said Notice of Proposed Discontinuance of Highway and Order, do not exist.

6. There is no showing that the Selectmen have notified the State Board of Recreation as required by 19 VSA Sec. 535.

7. The Selectmen have disregarded substantial evidence that the convenience of the inhabitants of the Town of Ferrisburg and the public good requires that said highway should remain open and its status as a public highway not be discontinued.

8. The Order of discontinuance does not state findings of fact, or sufficiency findings of fact to support the conclusion that said discontinuance is consistent with the welfare of the Town of Ferrisburg and its inhabitants.

WHEREFORE, Plaintiffs request that the Court:

1. Review the decision of the Selectmen within the provisions of Rule 75 of the Vermont Rules of Civil Procedure.

2. Or, in the alternative that the Court proceed to appoint Commissioners under 19 VSA Sections 422, 423 and 424.

3. Stay the Order of the Selectmen until further Order of this Court.

4. Grant such other relief, including damages to Plaintiffs,
as is proper in the matter.

Dated at Middlebury, Vermont, this 10th day of December, 1973.

ORVILLE DANYOW, SR., PHILIP and
DORIS O'BRIEN, and CLARENCE and
SYLVIA FISK

by: CONLEY & FOOTE

by: 
John R. Barrera, Esq.

COPY

STATE OF VERMONT

ADDISON

COUNTY COURT

ADDISON COUNTY, SS

Civil Action, Docket Number _____

ORVILLE DANYOW, SR., PHILIP
and DORIS O'BRIEN and CLARENCE
and SYLVIA FISK

vs.

Return of Service

TOWN OF FERRISBURG

On the 10th day of December 1973 I made service of the within

Summons & Complaint upon Each of the Selectmen of

(HERE INSERT NAME OF PERSON(S), SO SERVED)

the Town of Ferrisburg, Alfred Jerger, Alan Langeway and Samuel Essex

and Arthur Thompson, Clerk of said town of Ferrisburg

by delivering to by delivering to each of them a true

and attested copy thereof, with this my

return thereon

(INSERT NAME OF PERSON TO WHOM DELIVERY IS MADE AND ADDRESS OF PLACE OF DELIVERY AND RELATIONSHIP OF SUCH PERSON TO PERSON(S) SERVED)

Service \$

Attachment

Travel,

_____ miles one way

Postage _____

Amount \$

Allen J. Chandler
Sheriff

attn: Copy, Allen J. Chandler
Deputy Sheriff

Ferrisburg as a whole and by virtue of the authority given us by Title 19 Section 531, 533, 534 and 535 we hereby order that the above described highway be and hereby is discontinued as a public highway and the same is hereby designated as a trail.

Dated at Ferrisburg in the County of Addison and State of Vermont this 21st day of November, 1973.

Selectmen, Town of Ferrisburg

Carbon copies to:

Philip O'Brien

Clarence Fisk

Elson Husk

The Federal Land Bank of Springfield

Burlington Savings Bank

Selectmen, Town of Ferrisburg

Appendix A

ORDER

The undersigned, selectmen of the Town of Ferrisburg hereby certify that on September 19, 1973, after posting notice in two public places in said Town of Ferrisburg, Notice was given by Certified Mail addressed to all persons owning or interested in land abutting the highway herein described at the last known address of each of them that on October 4, 1973 at 1:30 P.M. the selectmen would meet at the Town Clerk's office in said Town of Ferrisburg to hear all parties interested in the proposed discontinuance of the following highway lying entirely within the Town of Ferrisburg and the designation of same as a trail; namely: #43

Beginning at a point in the Center line of said Town highway #43 said point being located S 05° 21' W 24.75 feet from a concrete marker in a southerly line of lands of Philip O'Brien (formerly Timothy Santry) and N 05° 21' E 24.75 feet from a concrete marker in a northerly line of lands of Atkins Brothers; thence S 84° 39' E 715.17 feet to a point; thence S 84° 14' E 525.18 feet to a point; thence S 82° 57' E 870.87 feet to a point; thence S 83° 28' E 436.82 feet to a point; thence S 77° 55' E 313.22 feet to a point; thence S 84° 34' E 707.55 feet to a point; thence S 84° 23' E 351.43 feet to a point in the westerly line of town highway #42 said point being located S 25° 03' W 26.24 feet from a concrete marker in the corner of lands of Elson Husk and N 36° 01' E 10.12 feet and N 31° 38' E 17.83 feet from a concrete marker in a corner of lands now or formerly of Clarence Fisk, All as shown on a survey of same by Lee Lowell, Surveyor on file in the Town Clerk's office, and the designation of same as a trail.

The undersigned, selectmen of the Town of Ferrisburg also hereby certify that at 1:30 P.M. on October 4, 1973 they met at the Town Clerk's office in said Town of Ferrisburg for the purpose of hearing all parties interested in the proposed discontinuance of the aforesaid highway. Present were the selectmen, Alfred Jerger and Samuel Essex, attorney Forrest S. Rose, and many interested parties.

Upon hearing the evidence and arguments presented by the respective parties and considering the welfare of the Town of

STATE OF VERMONT
ADDISON COUNTY, VS.

NOTICE OF PROPOSED DISCONTINUANCE OF HIGHWAY

All parties interested are hereby notified that the Selectmen of the Town of Ferrisburg in the County of Addison and State of Vermont will meet at the Town Clerk's office in said Town of Ferrisburg at 1:30 P.M. in the- afternoon Eastern Daylight Savings time on ~~September~~ ^{October 4,} 1973, for the purpose of examining the premises and hearing parties interested in the proposed discontinuance of that part of Town Highway #43 described as follows:

Beginning at a point in the Center line of said Town highway #43 said point being located S 05° 21' W 24.75 feet from a concrete marker in a southerly line of lands of Philip O'Brien (formerly Timothy Santry) and N 05° 21' E 24.75 feet from a concrete marker in a northerly line of lands of Atkins Brothers; thence S 84° 30' E 715.17 feet to a point; thence S 84° 14' E 325.18 feet to a point; thence S 82° 57' E 870.87 feet to a point; thence S 83° 28' E 436.82 feet to a point; thence S 77° 55' E 313.22 feet to a point; thence S 84° 34' E 707.55 feet to a point; thence S 84° 23' E 351.43 feet to a point in the westerly line of town highway #42 said point being located S 25° 03' W 26.24 feet from a concrete marker in the corner of lands of Elson Husk and N 36° 01' E 10.12 feet and N 31° 38' E 17.83 feet from a concrete marker in a corner of lands now or formerly of Clarence Fisk.

All as shown on a survey of same by Leo Lowell, Surveyor, on file in the Town Clerk's office, and the designation of same as a trail.

Dated at Ferrisburg in the County of Addison and State of Vermont this 19th day of September, 1973.

s/Alfred Jerger

s/Alan Langeway

s/Samuel Essex

Selectmen

Carbon copy to:

Philip and Doris O'Brien ✓

Clarence Fisk ✓

Elson Husk