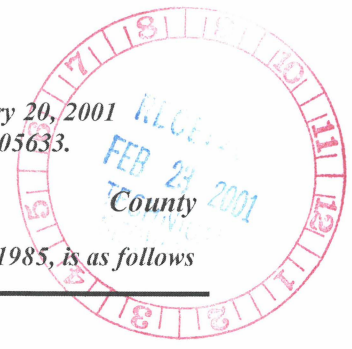


CERTIFICATE OF HIGHWAY MILEAGE
YEAR ENDING FEBRUARY 10, 2001

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2001 to: VT Agency of Transportation, Technical Services Division, Drawer 33, Montpelier, VT 05633.

We, the Selectman or Trustee or Alderman of MIDDLEBURY in ADDISON

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, Substracted Mileage, Total, Scenic Highways. Rows include Class 1, Class 1 Lane, Class 2, Class 3, State Highway, Class 4, and Total. Includes handwritten corrections like 0.210 and 0.204.

* 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 Selectman's "Certificate of Completion and Opening". *Stonegate Drive (a new Class 3 Town Highway) 1,075 ft. or 0.204 miles 0.210

2. DISCONTINUED: Please attach SIGNED copy of proceedings (minutes of meeting). Class 4 Town Highway #12 reclassified as a trail (Selectmen Minutes of 8/22/00) Class 4 Town Highway #16 altered (no change in distance) (Sel. minutes 8/22/00)

3. RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings (minutes of meeting).

4. SCENIC HIGHWAYS: Please attach a copy of order designating/discontinuing Scenic Highways.

IF THERE ARE NO CHANGES IN MILEAGE: Check box and sign below. []

PART III - SIGNATURES - PLEASE SIGN.

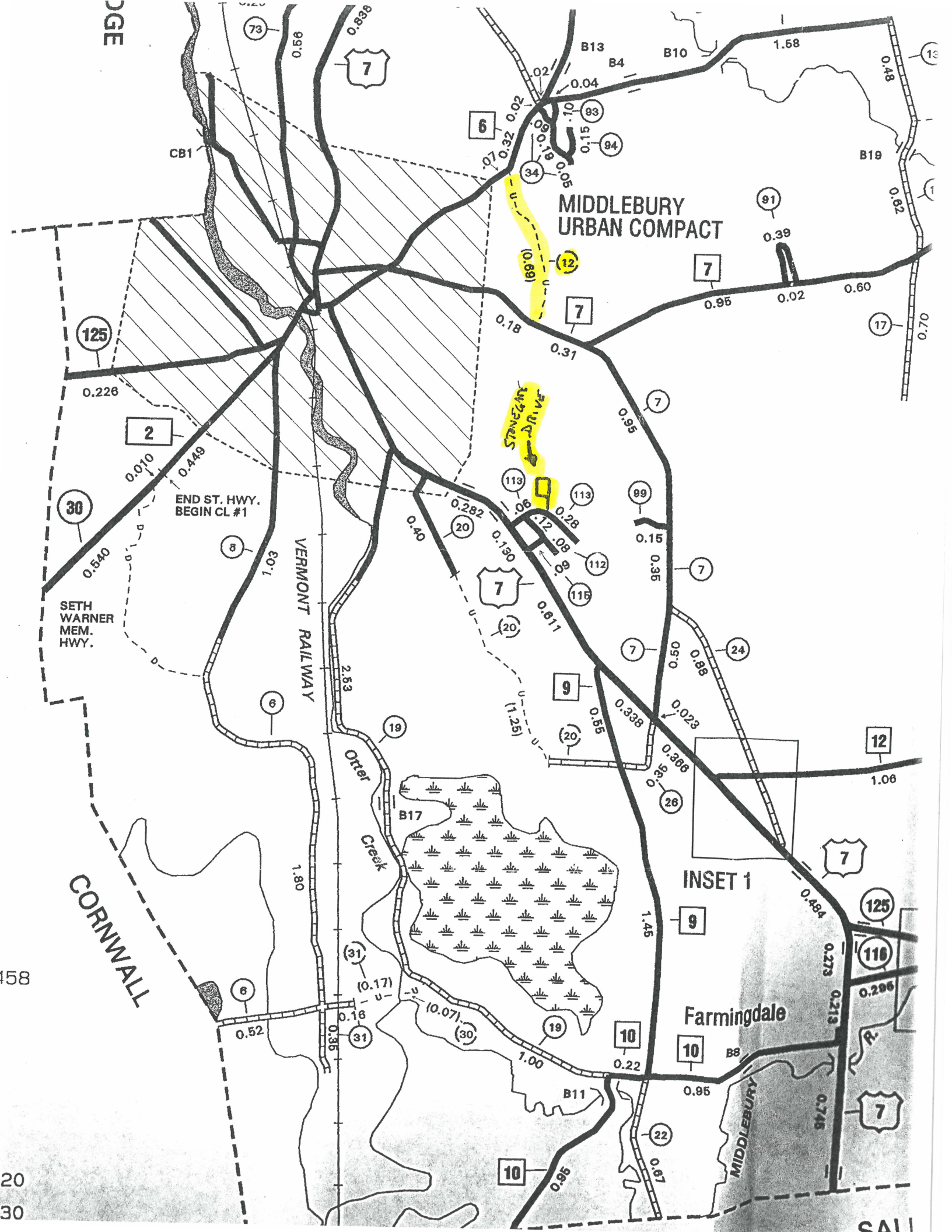
Selectman/ Alderman/ Trustees Signatures William A Finger, Town Manager and duly authorized agent of the Board of Selectmen.

Clerk Signagture: Annemarie Gebo, Asst. Date Filed: 2-20-01

Please sign ORIGINAL and return it for Transportation signature.

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

APPROVED: John H Rich Representative, Agency of Transportation DATE: 7 Mar 01



DGE

7

MIDDLEBURY URBAN COMPACT

CB1

91

125

2

END ST. HWY. BEGIN CL #1

STANLEY DRIVE

7

30

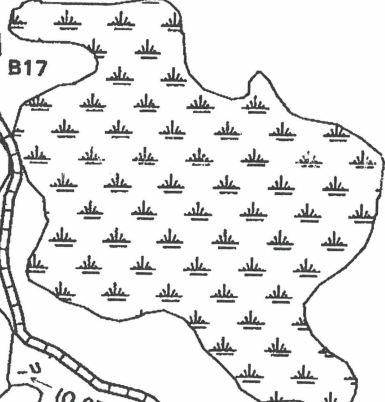
SETH WARNER MEM. HWY.

VERMONT RAILWAY

7

8

Oter Creek



INSET 1

CORNWALL

Farmingdale

MIDDLEBURY

7

125

116

158

6

31

31

10

10

10

7

20

30

SALL

**CERTIFICATE OF COMPLETION AND OPENING
OF A HIGHWAY FOR PUBLIC TRAVEL**



Jon Pominville, Town Clerk of the Town of Middlebury, Vermont.

Pursuant to Title 19, V.S.A., Section 15, as amended 1973, this is to certify that the following described section of Class 3 Highway in the Town of Middlebury was COMPLETED AND OPEN FOR PUBLIC TRAVEL ON November 8, 2000.

DESCRIPTION of RIGHT-OF-WAY:

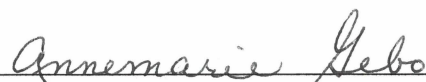
See attached Warranty Deed from Stonegate Partners to Town of Middlebury dated 11/8/00. Recorded 12/12/00 at Book 180, Page 263 of the Middlebury Land Records.

Dated at Middlebury, County of Addison and State of Vermont, this 20th day of February, A.D., 2001.

William Finger, Town Manager
And Duly-Authorized Agent of the
Middlebury Board of Selectmen

MIDDLEBURY, VERMONT
FEBRUARY 20 , 2001

THE ABOVE IS A TRUE COPY OF THE DESCRIPTION OF CLASS 3 HIGHWAY COMPLETED AND OPENED FOR PUBLIC TRAVEL, RECORDED IN BOOK 180 ON PAGE 263 OF THE LAND RECORDS OF THE TOWN OF MIDDLEBURY ON THE 12 DAY OF DECEMBER, 2000 AT 11:00 A.M.

ATTEST: 
ASST. TOWN CLERK OF MIDDLEBURY, VERMONT

WARRANTY DEED

KNOW ALL PEOPLE BY THESE PRESENTS that STONEGATE PARTNERS, a Vermont general partnership with offices located in the Town of Middlebury, County of Addison, and State of Vermont, Grantor, in consideration of Ten and More Dollars paid to its full satisfaction by the TOWN OF MIDDLEBURY, VERMONT, a municipal corporation located in the County of Addison, and State of Vermont, Grantee, by these presents does freely GIVE, GRANT, SELL, CONVEY AND CONFIRM unto the said Grantee, the TOWN OF MIDDLEBURY, VERMONT, and its successors and assigns forever, certain lands and premises in the Town of Middlebury, County of Addison, and State of Vermont, described as follows, viz:

Being a fifty foot (50') wide strip of land (the "Roadway"), within which is located an existing street known as Stonegate Drive, storm drainage and underground utility lines, all located within the Stonegate Drive planned residential development off Boardman Street in Middlebury, Vermont.

The Roadway is a portion of those lands and premises conveyed to Stonegate Partners by warranty deed of Boardman Partners dated August 9, 1990, and recorded in the Town of Middlebury Land Records in Volume 135 at Page 1.

The Roadway is a fifty foot (50') wide loop with a short fifty foot (50') wide connector to Boardman Street. The outer boundaries of the connector and loop are more particularly described as follows: Beginning at a point in the northerly edge of the right of way of Boardman Street, which point marks the intersection of the northerly edge of the right of way of Boardman Street and the easterly edge of the connector portion of the Roadway. The point or place of beginning is also located North 42° 35' 30" West a distance of 187.22 feet from an iron pipe set in the southeasterly corner of the Stonegate Drive planned residential development and in the northerly boundary of the right of way of Boardman Street.

Thence from said point or place of beginning North 47° 25' 00" East a distance of 35.96 feet to a point located in the southwesterly corner of Stonegate Drive Lot 1; thence continuing along the same bearing a distance of 52.00 feet to a point located in the northwesterly corner of Lot 1; thence continuing along the same bearing a distance of 11.87 feet;

Thence turning and going North 17° 31' 00" East the following distances:

19.30 feet to a point in the northwesterly corner of Lot 2;
37.00 feet to a point in the northwesterly corner of Lot 3;
47.00 feet to a point in the northwesterly corner of Lot 4;
44.00 feet to a point in the northwesterly corner of Lot 5;
67.00 feet to a point in the northwesterly corner of Lot 6 (Lot 6 being subject to a twenty foot (20') wide utility easement along its northerly boundary; which

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CARROLL & RUTTER, LTD.
64 COURT STREET
MIDDLEBURY, VT. 05753
(802) 388-6711
FAX 388-2111

264

easement is also hereby conveyed to Grantee below);
40.00 feet to the northwesterly corner of Lot 7;
44.50 feet to the northwesterly corner of Lot 8;
44.50 feet to the northwesterly corner of Lot 9;
40.00 feet to the northwesterly corner of Lot 10;
18.50 feet to a point in an interior southwesterly corner of Lot 12;

Thence turning and going North 72° 29' West the following distances:

3.50 feet to a point in the southeasterly corner of Lot 13;
44.50 feet to a point in the southwesterly corner of Lot 13;
42.00 feet to a point in the southwesterly corner of Lot 14;

Thence North 72° 16' 30" West a distance of 10.00 feet to a point marked by a 5/8" iron pin;

Thence North 72° 16' 30" West a distance of 76.00 feet to a point marked by a 5/8" iron pin set in the southerly boundary of Lot 15 and in a northeasterly corner of Lot 16;

Thence South 17° 40' 49" West a distance of 21.00 feet to a point marked by a 5/8" iron pin set in a southeasterly corner of Lot 16;

Thence South 17° 40' 49" West a distance of 80.00 feet to a 5/8" iron pin set in a southeasterly corner of Lot 17;

Thence South 17° 40' 49" West a distance of 80.00 feet to a point set in a southeasterly corner of Lot 18;

Thence South 17° 40' 49" West a distance of 53.19 feet to a 5/8" iron pin set in the easterly boundary of Lot 19;

Thence turning and going South 27° 29' 00" East a distance of 32.16 feet to a 5/8" iron pin set in a southeasterly corner of Lot 19;

Thence South 27° 29' 00" East a distance of 80.00 feet to a 5/8" iron pin set in a southeasterly corner of Lot 20;

Thence South 27° 29' 00" East a distance of 15.00 feet to a 5/8" iron pin set in the northeasterly boundary of Lot 21;

Thence South 72° 29' 00" East a distance of 36.09 feet to a 5/8" iron pin set in a northeasterly corner of Lot 21;

Thence South 17° 31' 00" West a distance of 65.22 feet to a 5/8" iron pin set in an easterly boundary of Lot 21;

Thence South 47° 24' 55" West a distance of 86.25 feet to a 5/8" iron pin set in the northerly boundary of the right of way of Boardman Street and in the intersection of the westerly boundary of the Roadway with the northerly boundary of Boardman Street;

Thence South 42° 35' 00" East a distance of 50.00 feet to the point or place of beginning.

Together with all water mains, sewer lines and storm drain appurtenances located within the Roadway, but excluding any service lines, if any.

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Together with the twenty foot (20') wide utility easement over and upon Lot 6 reserved by Grantor in Grantor's deed of Lot 6 to Alan Levy dated _____ and recorded in the Town of Middlebury Land Records in Book ____ at Page ____.

Together with a perpetual easement over all common areas or lots in the Stonegate Drive project adjoining the herein conveyed land for use of the existing drainage improvements located on such common areas or lots to provide drainage from the street located on the land hereby conveyed or from Boardman Street; provided, however, that Grantee shall have no obligation to maintain any drainage facilities not located within the lands herein conveyed. Grantor, its successors and assigns, further agrees that it shall hold the Town harmless for any and all liability arising out of any personal injury or property damage resulting from the maintenance of or failure to maintain the drainage pond and any other drainage appurtenances not conveyed hereby and retained on the lands of the Grantor, its successors and assigns, and not caused by the negligence or intentional wrongdoing of Grantee, its employees, agents or contractors.

Together with a right of access to any outdoor municipal water or sewer lines or appurtenances located on lots or common areas within the Stonegate Drive project.

Reference may be had to a survey map entitled "Stonegate Drive" by Kenneth W. Pinkham, dated November 15, 1990, and recorded in the Town of Middlebury Land Records on November 21, 1990, as Map No. 936A-C, and to a plan entitled "Lands of Stonegate Partners, Middlebury, Vermont" by Phelps Engineering, Inc. dated May 14, 1992, to be recorded in the Town of Middlebury Land Records.

Reference may also be had to a survey entitled "A Portion of Lands of Stonegate Partners Proposed Lots 15-21, Westerly and Northerly of Stonegate Drive, Northerly of Boardman Street, Middlebury, Addison County, Vermont," by Timothy L. Short, dated September 11, 1996, and recorded in the Town of Middlebury Land Records as Map No. 1097.

Subject to utility easements and rights of way of record or of establishment as of the date hereof, if any.

TO HAVE AND TO HOLD said granted premises, with all the privileges and appurtenances thereof, to the said Grantee, TOWN OF MIDDLEBURY, and its successors and assigns, to its own use and behoof forever; and the said Grantor, STONEGATE PARTNERS, for itself and its successors and assigns, does covenant with the said Grantee, TOWN OF MIDDLEBURY, and its successors and assigns, that until the ensembling of these presents, it is the sole owner of the premises and has good right and title to convey the same in manner aforesaid, that they are FREE FROM EVERY ENCUMBRANCE, except as aforesaid. And it does hereby engage to WARRANT AND DEFEND the same against all lawful claims whatever, except as aforesaid.

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There will be no boundary or deed changes-this is a designation only and will be maintained as a trail. The Public Hearing was closed at 7:50 p.m. with all concerned parties having been heard.

P. Martin moved that the Selectmen hereby Order the reclassification and discontinuance of Town Highway #12. The Selectmen further order that the Town Highway #12 be designated as a trail at the same width which said Town Highway (3 rods) now appears of record. Seconded by J. Waite.

VOTE: 5- in favor 0-opp. 2-absent (Hill & Barlow)

2. Public Hearing- Road Alteration Abbey Pond

The Board held a site visit at Abbey Pond road prior to the meeting. J. Tenny noted that a similar visit was held in October 1996. Since that time, difficulties have surfaced concerning the US Forest Service. The Forest Service now feels they should not have agreed to certain conditions of the Order. The Order has been revised (#9) as it relates to the Forest Service. They do not want to be a party to conservation easements or joint ownership. The relocation of the road came as a request from D. Forbes.

The Board reviewed the revised order, specifically Finding #9. L. Danyow, B. Forbes and P. Armstrong were present for this discussion. Danyow inquired about a cap on expenses and referred to Finding #3. The survey map is incomplete and there will be legal expense's for preparing the deed. According to the original agreement between the Town and the Forbes, the Town would not have any legal expenses since this was being done at the request of the Forbes. B. Wheeler was uncertain and reluctant to agree to any type of cap.

J. Tenny noted the physical improvements to the site were complete and nicely done. The Public Hearing was closed at 8:05 p.m. with the following motion offered:

D. George moved to approve the Amended Order of Alteration and Discontinuance of Town Highway. The Alteration being #9 in its amended form reads as stated. Seconded by P. Martin.

VOTE: 5- in favor 0-opp. 2-absent (Hill & Barlow)

3. Public Works Committee-

August 10,2000-

August 17,2000-

P. Martin moved to accept the minutes of 8/10 and 8/17 as presented. Seconded by J. Waite.

VOTE: 5- in favor 0-opp. 2-absent (Hill & Barlow)

B. Wheeler reported that the application that the Board approved for ACCAG has been submitted. It does not include the Maple St. house. The application is now for the 13 units located next to K of C.

Two ACT 250 permits have been issued- 1) VT Industrial Parks (VT Hard Cider addition) and 2) Middlebury Indoor Tennis Facility on Boardman St.

Additional agenda item: 1) Class II Liquor License-Middlebury Beef

B. Perkins moved to add the Liquor License request as stated. Seconded by J. Waite.

VOTE: 5- in favor 0-opp. 2-absent (Hill &

Barlow)

IV. BUSINESS

1. Public Hearing- Road Discontinuance Class IV Road Adjacent to Means Woods

Prior to the scheduled meeting, the Board conducted a site visit at Means Woods. The Board met with adjacent property owners Dutton, Bushey and Malcolm who also attended the meeting.

The Board has been asked to consider discontinuing the now Class 4 road and reclassify/designate it as a trail. Copies of the Order of Discontinuance as drafted by K. Neuse were distributed for review.

C. Malcolm inquired about the designation of the trail and ownership of the road. For several years the Town has not maintained the Class 4 road. Currently the road dead ends into a grown thicket (northerly). The Town has been approached about opening the northerly section as a useable road. After numerous discussions and site visits, the Board unanimously agreed the area unsafe to access (poor site lines, fast traffic, strong curves etc.).

Malcolm suggested that the Washington St. end should remain in an "as is" condition but allow accessibility to adjoining landowners. He did not favor "throwing up" the road and felt that the Town should still have jurisdiction. The Dutton's and Bushey's concurred and suggested installing a gate/barrier (at Seminary St. Ext.) which could be unlocked by a key supplied to the abutting landowners. Mrs. Dutton also felt that a written agreement related to the gate was necessary. Mrs. Bushey spoke in favor of the gate, but questioned the need for the trail. Malcolm felt that the designation of the trail was reasonable provided that it did not impede the abutters ability to access their land.

The Board referred to Findings of Fact #5 and agreed that the language sufficiently covered the issue/change of use. Abutting landowners will be allowed the use of motor vehicles for harvesting purposes (logging, sugaring etc.) and maintenance of their property. The trail will be closed to general motor vehicle traffic.

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Dated at Middlebury, Vermont, this 8th day of November, 2000.

IN PRESENCE OF:

STONEGATE PARTNERS

Linda Hunt
Witness

BY: Charles F. Kireker III
Charles F. Kireker III, Duly Authorized Agent

STATE OF VERMONT
COUNTY OF ADDISON, SS.

At Middlebury, in said County, this 8th day of November, 2000, personally appeared Charles F. Kireker III, duly authorized agent of Stonegate Partners, and he acknowledged this instrument, by him signed, to be his free act and deed and the free act and deed of Stonegate Partners.

Before me,

Linda Hunt
Notary Public
My Commission Expires: 2/10/03

Vermont Property Transfer Tax
32 V.S.A. Chap. 231
-ACKNOWLEDGMENT-
Town Rec'd.-Tax Paid- Board of Health Cert. Rec'd.
Land Use & Development Plans Act Cert. Rec'd.
Return No. 002651
Signed [Signature], Clerk
Date 12-12-2000

Stonegate/WD.Road
PEC&R 6 11/0900

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64 COURT STREET
MIDDLEBURY, VT. 05753
(802) 388-6711
FAX 388-2111

Town Clerk's Office Middlebury, Vermont
12th day of December, 2000
11 o'clock 00 Minutes A.M
Rec'd and recorded in Vol. 180 Page 263
Attest [Signature] Town Clerk