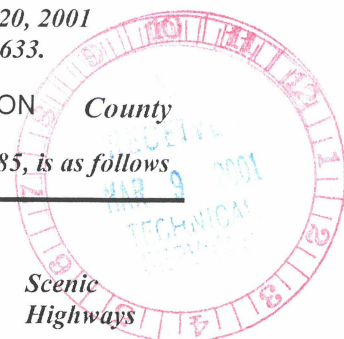


CERTIFICATE OF HIGHWAY MILEAGE

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 WATERBURY in WASHINGTON 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.

Town Highways	Previous Mileage	Added Mileage	Subtracted Mileage	Total	Scenic Highways
Class 1	1.381			1.381	0.000
* Class 1 Lane	0.000			0.000	
Class 2	7.930			7.930	0.000
Class 3	38.620		• 03	38.590	0.000
State Highway	18.473			18.473	0.000
* Class 4	7.220		• 30	6.920	0.000
Total	66.404		• 33 • 03	66.374	0.000

66.074

\* 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".

2. DISCONTINUED: Please attach SIGNED copy of proceedings (minutes of meeting).

Class 3 - Morin Lane in Village District  
Class 4 - Jennie Davis Rd (T.H. 43) off RT 2 near Bolton Line

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

Handwritten signatures of Selectman/Alderman/Trustees

Clerk Signagture:

Donna Centonze

Date Filed:

2/19/01

Please sign ORIGINAL and return it for Transportation signature.

AGENCY OF TRANSPORTATION APPROVAL:

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

APPROVED:

Handwritten signature of Agency Representative

Representative, Agency of Transportation

DATE:

30 Mar 01

**REPORT OF FINDINGS RELATED TO THE DISCONTINUANCE OF  
MORAN LANE**

Pursuant to the requirements of V.S.A. Title 19 Chapter 7, the Board of Selectmen of the Town of Waterbury (the "Board") hereby report the following:

1. At its regular meeting of November 6, 2000, the Board voted to begin the process of DISCONTINUING a town highway known as MORAN LANE. Said highway runs from U.S. Route 2 westerly to the Canadian National Railway railroad right of way.
2. The following adjoining landowners were notified by letters, dated December 19, 2000 and sent by certified mail, that the Selectmen intended to examine Moran Lane at 6:30 p.m. on February 5, 2001:
  - a. Lee and Donna Delphia  
57 North Main St.  
Waterbury, VT 05676
  - b. Canadian National Railway  
PO Box 5025  
Troy, MI 48007-5025
3. The Waterbury Planning Commission was notified of the Selectmen's action by a letter sent to Charles Sayah, Chair, dated December 19, 2000.
4. A Public Notice was mailed to the Town Clerk by letter dated December 19, 2000. The Town Clerk subsequently posted said Notice in the Town Office. Said Notice is attached hereto as Exhibit A.
5. The same Public Notice was published in the Barre-Montpelier Times-Argus, a newspaper of general circulation, on January 9, 2001.
6. On February 5, 2001, the Board of Selectmen examined Moran Lane at 6:30 p.m.
7. At a regular meeting of the Board of Selectmen on February 19, 2001, the Selectmen made the following findings:
  - a. The adjoining landowners have access to their properties directly from North Main St.
  - b. No other properties are served by Moran Lane.

c. The Town Manager opined that the proposed discontinuance was in the public good.

8. Based on the preceding findings, and pursuant to 19 V.S.A. Chapter 7, the Board concludes that the public good, necessity and convenience require the DISCONTINUANCE of Moran Lane, which is more particularly described as follows:


Being a highway 24.8 feet in width running generally westerly from North Main St. to the railroad right of way of the Canadian National Railway. The northeasterly limit of said highway is marked by an iron pipe on the westerly edge of the sidewalk on North Main St., which iron pipe is located 55.06 feet S 22°13'55"E from a manhole on North Main St., and on the southeasternmost boundary of Parcel 1, all as shown on a survey entitled, "SAM MILLER SMALL BUSINESS ADM. WATERBURY, VERMONT," dated June 1979 and recorded as Slide 233 in the Waterbury Land Records. The easternmost portion of Moran Lane is further described in a deed from Ivis Stearns to the Village of Waterbury dated November 23, 1956 and recorded in Book 56 Page 208.

9. THEREFORE, it is hereby ORDERED that Moran Lane, as hereinbefore described, be DISCONTINUED.

10. All lands underlying Moran Lane shall henceforth be owned by the adjoining landowners, with each adjoiner owning to the center line of the discontinued highway.

Dated this 19<sup>th</sup> day of February, 2001.

WATERBURY BOARD OF SELECTMEN

  
\_\_\_\_\_  
Edward Steele

  
\_\_\_\_\_  
Christopher Palermo

**Board of Selectmen  
Waterbury, Vermont  
Discontinuance of a Portion of Town Highway 43 (Jenny Davis Road)**

On Saturday, January 6, 2001 at 10:00 a.m. at the Town Offices located at 51 South Main Street, Waterbury, Vermont, the selectmen met to consider their motion to discontinue a portion of Town Highway 43 (Jenny Davis Road), the centerline of the town highway at which the proposed discontinuance shall commence is a point in the assumed centerline of said town highway #43 which lies S 19°43'W from an iron pipe at the edge of said town highway #43, which iron pipe is the southeasterly corner of Plot #3 as shown on a Survey of Lands of Jeannette T. Davis recorded in Map Book 2, Page 132 of the Waterbury Land Records. The portion of town highway #43 proposed to be abandoned continues along said centerline in a generally westerly or northwesterly direction to its terminus on property believed to belong to Green Mountain Power Corporation and/or James E. Sargent and Lisa Durgan Sargent and/or Michael W. Abajian and Marion E. Abajian, Trustees of the Michael and Marion Abajian Trust created February 8, 1999.

The meeting was recessed, and the Selectboard and interested members of the public inspected and viewed the portion of the road proposed to be discontinued.

After the inspection, the meeting was reconvened at the municipal offices at approximately 7:00 p.m. on January 10, 2001. At the hearing, William Shepeluk, Town Manager, and Richard Barany were duly sworn. Due notice was given by certified mail to all owners and interested persons at least 30 days before the date of the hearing. The list of all owners and interested persons is attached hereto as Exhibit A.

After making the inspection and hearing the witness, the Selectboard made the following findings of fact:

1. The portion of Town Highway 43 (Jenny Davis Road) proposed to be discontinued is a class 4 highway.
2. There are no residences or camps located on that portion of Town Highway 43 (Jenny Davis Road) proposed to be discontinued that are without access to Town Highway 43 (Jenny Davis Road) not proposed to be closed.
3. The Town does not repair or maintain the portion of Town Highway 43 (Jenny Davis Road) proposed to be discontinued.
4. The centerline of the town highway at which the proposed discontinuance shall commence is a point in the assumed centerline of said town highway #43 which lies S 19°43'W from an iron pipe at the edge of said town highway #43, which iron pipe is the southeasterly corner of Plot #3 as shown on a Survey of Lands of Jeannette T. Davis recorded in Map Book 2, Page 132 of the Waterbury Land Records. The portion of town highway #43 proposed to be abandoned continues along said centerline in a generally westerly or northwesterly direction to its terminus on property believed to belong to Green Mountain Power Corporation and/or James E. Sargent and Lisa Durgan Sargent and/or Michael W. Abajian and Marion E. Abajian,



Findings re: Town Highway 43 (Jenny Davis Road)  
Page 2 of 3

Trustees of the Michael and Marion Abajian Trust created February 8, 1999.

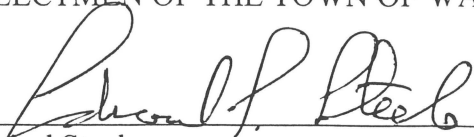
5. The Town Manager indicated that he had received a copy of the State of Vermont, Agency of Natural Resources, Department of Forests, Parks and Recreation policy recommending that class four roads be down graded to trails rather than discontinued. The Town Manager also indicated that through counsel, the Town had contacted John Farr, Jr., of Green Mountain Riders, the local snowmobile club, and the local snowmobile club had no objection to the proposed discontinuance.
6. The opinion of the Town Manager was that the proposed road discontinuance was in the public good.

Based on the preceding findings, and pursuant to 19 V.S.A. §§708-711, the selectmen find that the public good, necessity and convenience of the inhabitants require that the portion of Town Highway 43 (Jenny Davis Road), The centerline of the town highway at which the proposed discontinuance shall commence is a point in the assumed centerline of said town highway #43 which lies S 19°43'W from an iron pipe at the edge of said town highway #43, which iron pipe is the southeasterly corner of Plot #3 as shown on a Survey of Lands of Jeannette T. Davis recorded in Map Book 2, Page 132 of the Waterbury Land Records. The portion of town highway #43 proposed to be abandoned continues along said centerline in a generally westerly or northwesterly direction to its terminus on property believed to belong to Green Mountain Power Corporation and/or James E. Sargent and Lisa Durgan Sargent and/or Michael W. Abajian and Marion E. Abajian, Trustees of the Michael and Marion Abajian Trust created February 8, 1999.

Reference is made to the following surveys of Town Highway 43 (Jenny Davis Road): i) Survey of Sections Of Highway Relinquished to Town dated October 7, 1959 and recorded November 22, 1961 in Book 61, Page 39 of the Town of Waterbury Land Records, and ii) Survey of Lands of Jeannette T. Davis, Town of Waterbury, County of Washington, Irwin A. Trask Registered Land Surveyor, recorded May 29, 1979 in Map Book 2, Page 132 of the Waterbury Land Records.

Dated this <sup>and</sup> 22 day of January, 2001 at Waterbury, Vermont.

SELECTMEN OF THE TOWN OF WATERBURY

  
Edward Steele

  
Christopher Palermo

**PUBLIC NOTICE**

At a meeting of the Waterbury Board of Selectmen on November 6, 2000, the Board, pursuant to 19 V.S.A. §708, voted to commence the process to discontinue Moran Lane.

All interested persons are hereby notified that on **Monday, February 5, 2001 at 6:30 p.m.** the Board will examine Moran Lane and hear testimony from any interested person regarding the discontinuance of Moran Lane.

Dated this 18<sup>th</sup> day of December, 2000.

Town of Waterbury

By:



William Shepeluk,  
Town Manager

*Carol Miller*

Carol Miller

*Alec Tuscany*

Alec Tuscany

*Edward Brown*

Edward Brown

Received for recording this 19<sup>th</sup> day of February, 2001 at Waterbury, Vt.

*Carylyn H. Parker*

Town Clerk

**EXHIBIT A OWNERS AND INTERESTED PARTIES.**

1. Richard D. Barany Property

a. Richard Barany to Larry Barany, Liana Barany West, Richard A. Barany, and Robert Barany by Warranty Deed dated July 21, 2000, recorded July 28, 2000 in Book 170, Page 325.

Larry Barany  
HCR 1, Box 585  
White Bend, ID 83554

Liana Barany West  
P.O. Box 34  
Waterbury, VT 05676

Richard A. Barany  
12 Vt. Route 12  
Middlesex, VT 05602

Robert Barany  
1215 Trestle Rd.  
Danville, VT 05828

b. Same conveyance, rental income interest reserved to

Richard D. Barany  
Mary-Catherine Leavy  
Barany  
352 Jenny Davis Road  
Waterbury, VT 05676

c. Mortgage dated January 5, 1994, recorded January 12, 1994 from Richard D. Barany to New England IBM Employees Credit Union, recorded in Book 136, Page 63.

New England IBM Employees Credit Union  
P.O. Box 527  
Williston, VT 05495

d. Mortgage dated June 18, 1997,

recorded June 20, 1987 from Richard D. Barany to New England IBM Employees Credit Union, recorded in Book 152, Page 326.

2. Abajian Property

a. Michael Abajian and Marion Abajian to Michael W. Abajian and Marion E. Abajian, Trustees of the Michael and Marion Abajian Trust Created February 8, 1999, Warranty Deed dated February 17, 1999, recorded April 9, 1999 in Book 163, Page 350.

Michael W. and Marion E. Abajian,  
Trustees  
285 Jenny Davis Road  
Waterbury, VT 05676

b. Mortgage from Michael Abajian and Marion Abajian to Banknorth Mortgage Company, Inc. dated January 28, 1994, recorded Book 136, Page 307, now First Massachusetts Bank:

First Massachusetts Bank, N.A.  
5 Commerce Park No.  
Bedford, NH 031110

3. Green Mountain Power Property

a. Owner:  
Green Mountain Power Corp.  
c/o Nancy Rowden Brock  
163 Acorn Lane  
Colchester, VT 05446

b. Mortgage holder under several trust indentures:

United States Trust Company  
114 W. 47th Street  
New York, NY 10036

## 4. Sargent Property

a. Warranty Deed from Arlene A. Sargent, Kenneth N. Sargent, Judith Sargent Richardson, and James E. Sargent to James E. Sargent and Lisa Durgan Sargent dated January 21, 1993, recorded March 8, 1993 in Book 130, Page 154.

James E. and Lisa A. Sargent  
360 Jenny Davis Road  
Waterbury, VT 05676

b. Reserved life estate in above conveyance to Arlene A. Sargent

Arlene A. Sargent  
356 Jenny Davis Road  
Waterbury, VT 05676

c. Mortgage from James E. Sargent and Lisa A. Sargent to The Howard Bank, N.A. dated March 31, 1995 recorded in Book 142, Page 84 of the Waterbury Land Records.

The Howard Bank, N.A.  
111 Main Street  
Burlington, VT 05401

## 5. State of Vermont

a. State of Vermont relinquished the right of way in and to "old route 2" by Certificate of Relinquishment dated November 3, 1961, recorded November 22, 1961 in Book 61, Page 39, but may still use the former town highway as access to the interstate rest area.


Agency of Transportation  
c/o William H. Rice, Ass't A.G.  
109 State Street  
Montpelier, VT 05609-1001

## Others:

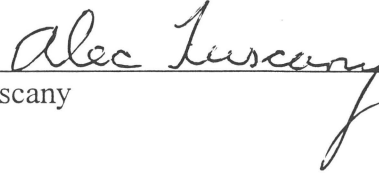
Conrad Motyka, Commissioner  
Dept of Forests Parks and Recreation  
103 South Main Street, 9 South  
Waterbury, VT 05671-0605

Charles Sayah, Chairman  
Town of Waterbury, Planning Commission  
P.O. Box 9  
Waterbury, VT 05676

Findings re: Town Highway 43 (Jenny Davis Road)  
Page 3 of 3



\_\_\_\_\_  
Carol Miller



\_\_\_\_\_  
Alec Tuscany

\_\_\_\_\_  
Edward Brown

Received for recording this 23 day of January, 2001 at 1:30 a.m./(p.m)



\_\_\_\_\_  
Donna Centonze  
Assistant Town Clerk



STATE OF VERMONT  
OFFICE MEMO

TO: ERNIE ENGLEHARDT

FROM: JOHN DUNLEAVY

DATE: 12-11-2000

SUBJECT: WATERBURY - TH #43

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> APPROVAL                           | <input type="checkbox"/> NOTE AND SEE ME                 | <input type="checkbox"/> PER CONVERSATION      |
| <input type="checkbox"/> SIGNATURE                          | <input type="checkbox"/> NOTE AND RETURN                 | <input type="checkbox"/> AS REQUESTED          |
| <input type="checkbox"/> COMMENT                            | <input type="checkbox"/> NOTE AND FILE                   | <input type="checkbox"/> NECESSARY ACTION      |
| <input type="checkbox"/> REVIEW                             | <input checked="" type="checkbox"/> FOR YOUR INFORMATION | <input type="checkbox"/> GIVE ME THE FACTS     |
| <input type="checkbox"/> PREPARE REPLY FOR MY SIGNATURE     |  | <input type="checkbox"/> SUGGESTIONS REQUESTED |
| <input type="checkbox"/> YOUR ACTION REQUESTED BY THIS DATE |  |  |

REMARKS:

IS THIS ANYTHING WE SHOULD  
CARE ABOUT?

CC: BARRY DRISCOLL  
JOHN PERKINS

**JEFFREY P. KILGORE, P.L.C.**

ATTORNEY AT LAW

10 SOUTH MAIN STREET, P.O. BOX 357

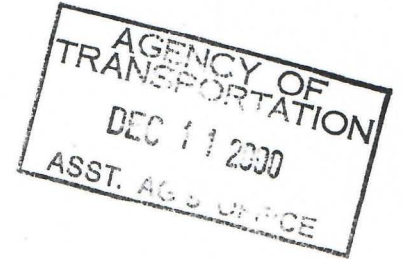
WATERBURY, VERMONT 05676-0357

(802) 244-5144

FAX (802) 244-1721

E-MAIL: kilgore@sover.net

December 5, 2000



Agency of Transportation  
c/o William H. Rice, Ass't A.G.  
109 State Street  
Montpelier, VT 05609-1001

RE: Town of Waterbury, Road Discontinuance  
Portion of T.H. 43, Jenny Davis Road  
Property now or formerly of State of Vermont

Dear Bill:

The Town and the Highway Department have been discussing this road closing for some time. Apparently, the portion of the road to be discontinued provides unauthorized access to the southbound "turnout" on interstate 89. I am sending you this notice as a courtesy.

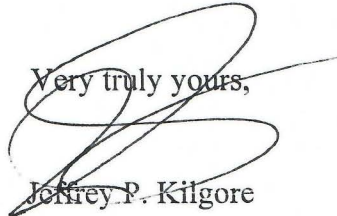
**NOTICE OF ROAD DISCONTINUANCE**

On its own motion and in accord with 19 V.S.A. §§771 and 708-711, The Selectmen of the Town of Waterbury will meet on Saturday, January 6, 2000 at 10:00 o'clock a.m. at the municipal offices located at 51 South Main Street for the purposes of examining the premises and hearing the persons interested with respect to the discontinuance of a portion of town highway #43, Jenny Davis Road, so-called. The centerline of the town highway at which the proposed discontinuance shall commence is a point in the assumed centerline of said town highway #43 which lies S 19°43'W from an iron pipe at the edge of said town highway #43, which iron pipe is the southeasterly corner of Plot #3 as shown on a Survey of Lands of Jeannette T. Davis recorded in Map Book 2, Page 132 of the Waterbury Land Records. The portion of town highway #43 proposed to be abandoned continues along said centerline in a generally westerly or northwesterly direction to its terminus on property believed to belong to Green Mountain Power Corporation and/or James E. Sargent and Lisa

Durgan Sargent and/or Michael W. Abajian and Marion E. Abajian, Trustees of the Michael and Marion Abajian Trust created February 8, 1999. It is anticipated that the meeting will be promptly recessed for an inspection of the premises followed by the taking of testimony at the Town offices.

If you have any questions about this matter or desire additional information, please feel free to give me a call.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeffrey P. Kilgore", written over the typed name below.

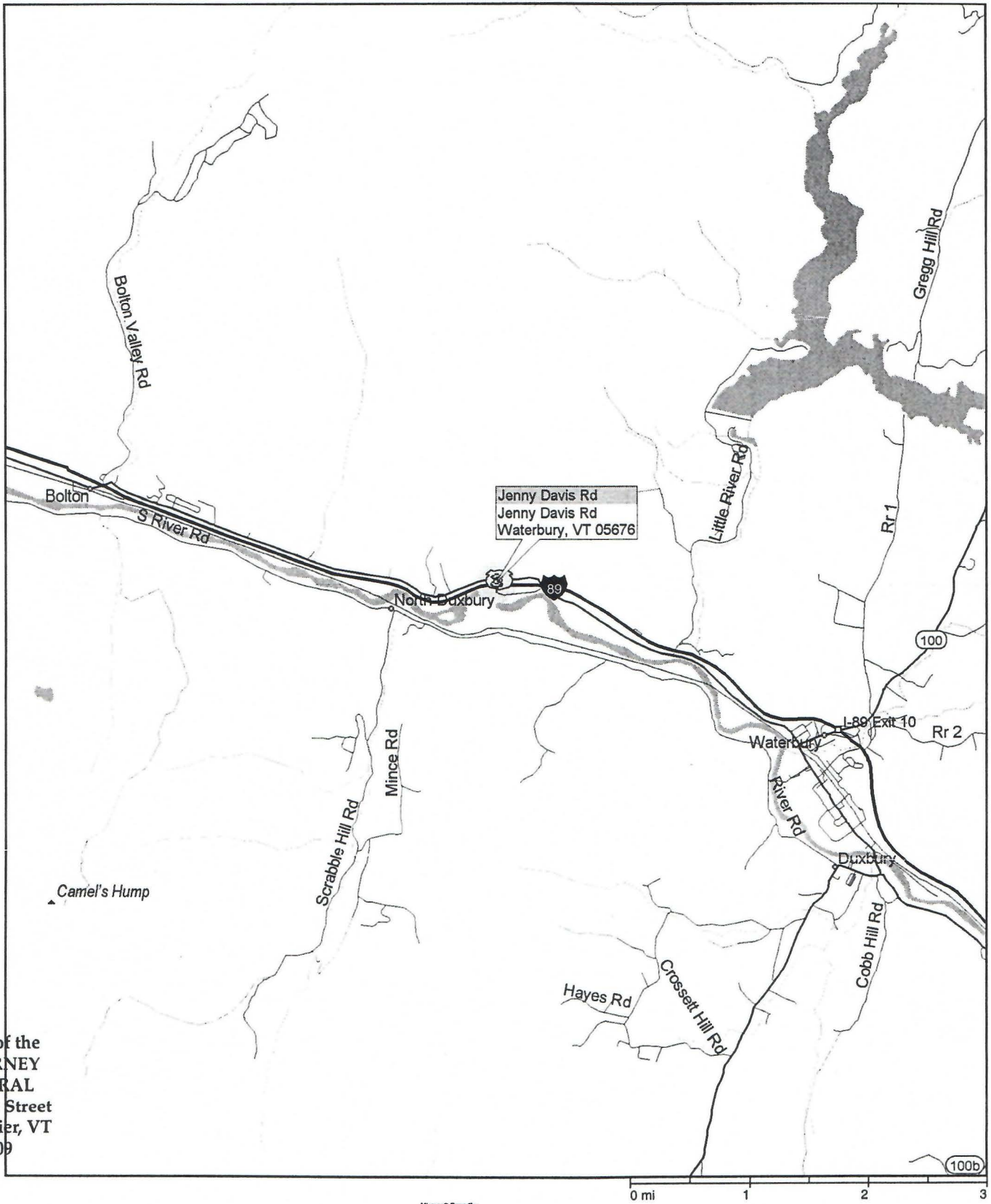
Jeffrey P. Kilgore

JPK/br

cc: William Shepeluk, Municipal Manager

C:\Practice\Waterbury\Jenny Davis Closing\Notice.interest.owners.wpd

# Jenny Davis Rd. Waterbury, VT



Office of the  
ATTORNEY  
GENERAL  
109 State Street  
Montpelier, VT  
05609

Microsoft Expedia  
**Streets98**