

**CERTIFICATE OF HIGHWAY MILEAGE
YEAR ENDING FEBRUARY 10, 2011**

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2011 to:
Vermont Agency of Transportation, Division of Planning, Outreach and Community Affairs, One National Life
Drive, Montpelier, VT 05633.

We, the members of the legislative body of JAMAICA in WINDHAM 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	0.000
Class 2	6.440			6.44	0.000
Class 3	43.06		0.04	43.02	0.000
State Highway	14.675			14.675	0.000
Total	64.175			64.135	0.000
* Class 1 Lane	0.000				0.000
* Class 4	2.95				
* Legal Trail	19.57	0.04		19.61	
* Unidentified Corridor	0.00				

* Mileage for Class 1 Lane, Class 4, Legal Trail, and Unidentified Corridor classifications are 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).
attached
3. RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings (minutes of meeting).
attached
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:

Brian [Signature]
Thomas A. [Signature]
Paul V. [Signature]

T/C/V Clerk Signature: *Bonnie West*

Date Filed: *2/14/11*

Please sign ORIGINAL and return it for Transportation signature.

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

APPROVED:

[Signature]
Representative, Agency of Transportation

DATE:

6/30/2014

Johnathan Croit

Received

VT Agency of Transportation

FEB 16 2011

Planning Outreach and
Community Affairs Division

Vermont Statutes Annotated

19 V.S.A. § 305. Measurement and inspection

§ 305. Measurement and inspection

(a) After reasonable notice to the selectboard, a representative of the agency may measure and inspect the class 1, 2, and 3 town highways in each town to verify the accuracy of the records on file with the agency. Upon request, the selectboard or their designee shall be permitted to accompany the representative of the agency during the measurement and inspection. The agency shall notify the town when any highway, or portion of a highway, does not meet the standards for its assigned class. If the town fails, within one year, to restore the highway or portion of the highway to the accepted standard, or to reclassify, or to discontinue, or develop an acceptable schedule for restoring to the accepted standards, the agency for purposes of apportionment under section 306 of this title shall deduct the affected mileage from that assigned to the town for the particular class of the road in question.

(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.

(c) All class 1, 2, 3, and 4 town highways and trails shall appear on the town highway maps by July 1, 2015.

(d) At least 45 days prior to first including a town highway or trail that is not clearly observable by physical evidence of its use as a highway or trail and that is legally established prior to February 10, 2006 in the sworn statement required under subsection (b) of this section, the legislative body of the municipality shall provide written notice and an opportunity to be heard at a duly warned meeting of the legislative body to persons owning lands through which a highway or trail passes or abuts.

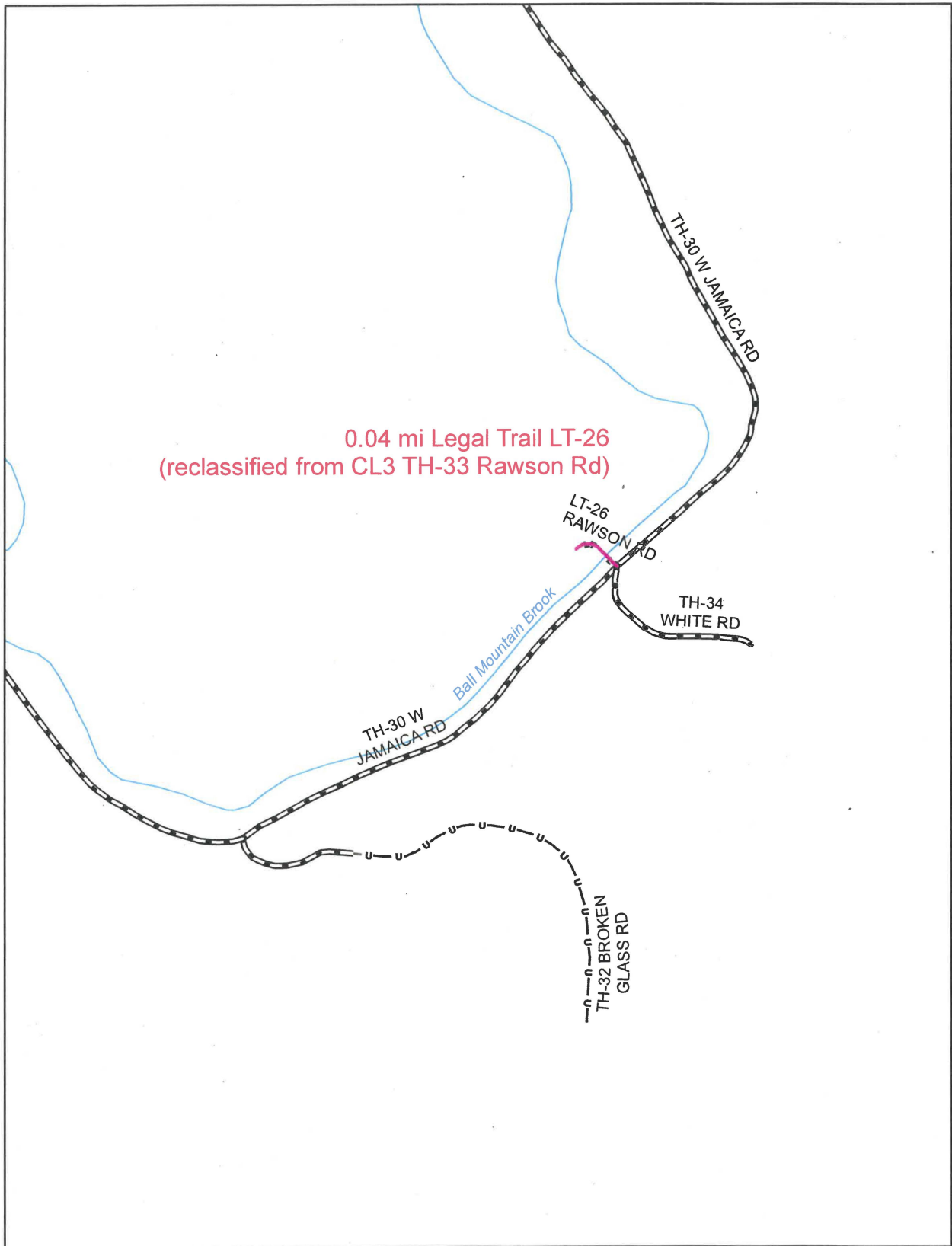
(e) The agency shall not accept any change in mileage until the records required to be filed in the town clerk's office by this section are received by the agency. A request by a municipality to the agency for a change in mileage shall include a description of the affected highway or trail, a copy of 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.

(f) The selectboard of any town who are aggrieved by a finding of the agency concerning the measurement, description or classification of a town highway may appeal to the transportation board by filing a notice of appeal with the executive secretary of the transportation board.

(g) The agency shall provide each town with a map of all of the highways in that town together with the mileage of each class 1, 2, 3, and 4 highway, as well as each trail, and such other information as the agency deems appropriate.

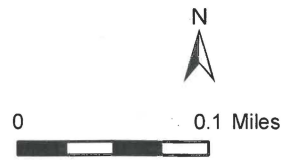
Excerpt of 19 V.S.A. § 305 - *Measurement and inspection* from Vermont Statutes Online located at –
<http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=19&Chapter=003&Section=00305>

12/20/2010



**Mileage Certificate Change 2011
JAMAICA**

Mapping Unit
 Division of Policy and Planning
 Vermont Agency of Transportation -- April 2011



Moulton, Sara

From: Croft, Johnathan
Sent: Monday, July 18, 2011 9:01 AM
To: Moulton, Sara
Subject: FW: Final decision in Simmons' appeal/Rawson Bridge off West Jamaica Road, Jamaica, Vermont
Attachments: 20110706085939908.pdf

FYI

Johnathan

From: Williams, Chris
Sent: Monday, July 11, 2011 9:07 AM
To: Thurber, Pam; Croft, Johnathan
Subject: FW: Final decision in Simmons' appeal/Rawson Bridge off West Jamaica Road, Jamaica, Vermont

This is the official notice about changing Jamaica TH 33 into a legal trail. Not sure of the process but think you folks should know.

From: Lexa Clark [<mailto:lexasteve@gmail.com>]
Sent: Friday, July 08, 2011 11:59 AM
To: Williams, Chris
Subject: FW: Final decision in Simmons' appeal/Rawson Bridge off West Jamaica Road, Jamaica, Vermont

Chris,

1. 4/19/2010 the Selectboard forwarded a letter to the land owner reclassification of Rawson Road from a Class 3 road to a town trail.
2. 6/14/2010 Notice of Hearing on the reclassifying Rawson Road from a Class 3 town highway to a trail. All parties were notified by certified mail.
3. 7/26/2010 Findings of Fact, Conclusion of Law & Decision by the Jamaica Selectboard was forwarded to all parties.
4. 8/23/2010 Robert Simmons, land owner, filed a notice of appeal with the Windham Superior Court.
5. 6/7/2011 stipulation to dismiss was filed with the Court by the parties.
6. Order has been signed by Judge Wesley (copy attached).

Chris, if you need anything further from the board, please let me know.

Lexa..

Alexandra Clark, chair, Jamaica Selectboard

From: Paul Gillies [<mailto:PGillies@tgrvt.com>]
Sent: Wednesday, July 06, 2011 10:02 AM
To: Lexa Clark
Subject: Final decision in Simmons' appeal

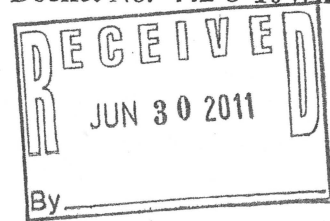
Morning Lexa,
This is more for your records than a surprise.
On to other challenges.

STATE OF VERMONT

SUPERIOR COURT
WINDHAM UNIT

CIVIL DIVISION
Docket No. 442-8-10WmCv

Appeal of Robert and Heidi Simmons)
Reclassification of Jamaica Town)
Highway 34 (Rawson Road))




STIPULATION OF DISMISSAL

NOW COME the parties to the above-captioned matter, by and through their respective counsel, and hereby STIPULATE AND AGREE that the above matter shall be dismissed WITH PREJUDICE. The parties hereby dismiss with prejudice pursuant to V.R.C.P. 41(a)(1)(ii) all the claims that they asserted or could have asserted against each other in the above-captioned matter. Each party shall bear its own costs and fees.

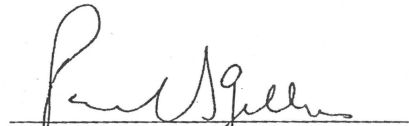
Dated: June 7, 2011

By:


Glenn J. Barnes, Esq.
Pearson, Flory & Bixby, L.L.C.
Attorneys for Ron and Heidi Simmons

Dated: June 8th, 2011

By:

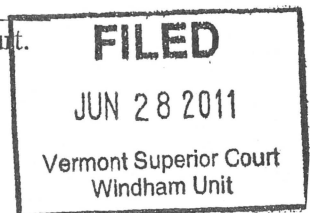

Paul S. Gillies, Esq.
Tarrant, Gillies, Merriman & Richardson
Attorneys for Town of Jamaica

SO ORDERED

Dated: June 28, 2011

By:


Judge, Vermont Superior Court.
Windham Civil Division



cc: Atty Barnes; Atty Gillies

Moulton, Sara

From: Croft, Johnathan
Sent: Tuesday, March 22, 2011 1:11 PM
To: Thurber, Pam
Cc: Moulton, Sara; Trunzo, Michael
Subject: RE: Regarding Bridge 31 in Jamaica

Good afternoon Pam,

The Town of Jamaica did reclassify TH-33 to be a legal trail. The bridge is still standing and will retain the B31 number, the town is no longer maintaining it. I can provide a copy of the findings to you regarding this reclassification for your files. Since the bridge is standing, I don't think it needs to be dropped from the map or from the BIS, it just may not warrant any consideration in the project planning process.

Johnathan Croft
VTrans Mapping Unit
(802) 828-2600

From: Thurber, Pam
Sent: Tuesday, March 22, 2011 12:02 PM
To: Croft, Johnathan
Cc: Moulton, Sara; Trunzo, Michael
Subject: RE: Regarding Bridge 31 in Jamaica

Johnathan,
Did you ever receive any confirmation on this? I'm hesitant to remove it from the database until then.

From: Croft, Johnathan
Sent: Monday, February 07, 2011 11:13 AM
To: Thurber, Pam
Cc: Moulton, Sara; Trunzo, Michael
Subject: RE: Regarding Bridge 31 in Jamaica

Good morning Pam,

The process to reclassify does include notice to adjoining landowners and a public hearing. I haven't seen the documentation regarding the reclassification yet, but expect it with the Mileage Certificate. Lou said they had been talking with the landowner, but this doesn't truly indicate whether the statutory process was followed or not.

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From: Thurber, Pam
Sent: Monday, February 07, 2011 11:11 AM
To: Croft, Johnathan
Cc: Moulton, Sara; Trunzo, Michael
Subject: RE: Regarding Bridge 31 in Jamaica

Johnathan,

Before reclassifying doesn't the board have to warn the public and see if there is any opposition? I recall this trying to be done in another community and the property owner was able to stop it. I don't want to remove it from our list until we are certain that it will no longer be considered a public highway.

From: Croft, Johnathan

Sent: Monday, February 07, 2011 11:05 AM

To: Thurber, Pam

Cc: Moulton, Sara; Trunzo, Michael

Subject: Regarding Bridge 31 in Jamaica

Pam,

I have learned from Selectboard member, Lou Brusco that the Town of Jamaica is reclassifying TH-33 (Rawson Road) from class 3 to legal trail and no longer plan to maintain Bridge 31. B31 is a long structure and is currently inspected by Structures. He asked that it be taken off the list and since it is number 14 on the worst bridges in the state, it didn't need to be scheduled for a project anymore. This bridge only serves one house that is currently unoccupied and it is served by a trail, instead of a highway.

Please let me know if you have any questions about this reclassification and B31 in Jamaica.

Johnathan Croft
VTrans Mapping Unit
(802) 828-2600

TOWN OF JAMAICA
SELECTBOARD

In re: Reclassification of T.H. 34)
(Rawson Road))
)

**Findings of Fact, Conclusions of Law
and Decision**

The Jamaica Selectboard held a hearing on June 14, 2010, at the Jamaica Town Hall, to consider the reclassification of Town Highway 34 (Rawson Road), pursuant to 19 V.S.A. § 708 and following, from a Class 3 highway to a trail.

The Board met at the site of the road and bridge at 6:00 p.m., and then returned to the Town Hall for the hearing. Present were Board chair Alexandra Clark, and members Lou Brusco, Stewart Barker, and David Phillips, as well as town attorney Paul Gillies. Following the hearing, the Board made the following

Findings of Fact

1. Rawson Road (T.H. 34) is presently a Class 3 town highway, of approximately 0.10 miles in length, as shown on the official town highway map.
2. Rawson Road includes a short length of road before reaching Bridge No. 31, crossing Ball Mountain Brook, and then proceeds onto lands owned by Robert and Heidi Simmons.
3. Bridge No. 31 has been inspected and rated by the Structures Section of the Vermont Agency of Transportation as having a serious substructure rating, and has been closed off by the Selectboard with a Jersey barrier for safety reasons. Exhibits 1, 2.
4. There is no direct evidence that Rawson Road serves any properties other than the Simmons' land, which is presently unoccupied.
5. Robert Simmons testified that the road leads to two trails across his property that are open to the public and used for recreation by Jamaica residents and others.
6. Mr. Simmons opposed the reclassification on the grounds that he had paid taxes on land in Jamaica for more than 45 years while asking for few municipal services, that Rawson Road was the sole access to this part of this land, and that reclassification constitutes a taking, in violation of the Fifth Amendment to the U.S. Constitution, without just compensation.
7. Mr. Simmons advised that in his view the bridge could be repaired at a relatively modest expense.
8. Rod Durkin spoke as an abutting landowner, asking questions about what the State of Vermont had found relative to the bridge and urging the Selectboard to consider its priorities in deciding what roads should be maintained.
9. Tom Moore, who resides 160 yards away from the road and bridge, expressed concern that without regular mowing and maintenance of the road beyond the brook that the mountain would collapse onto the road, and related how the town formerly plowed the road beyond the Rawson dwelling house.
10. Mr. Simmons stated that in his view there were two other town highways beyond the terminus of this town highway, and that the Town used to plow these roads.

Based on the evidence and these findings, the Board makes the following

Conclusions of Law

The standard for deciding on the reclassification of town highways including the change from a Class 3 to a town trail, is the public good, necessity, and convenience of the inhabitants. 19 V.S.A. § 710.

That Rawson Road serves only one property-owner is a strong factor in convincing the Selectboard that reclassification is prudent, in the public interest, necessary to avoid undue expense to the Town, and not an issue of convenience to the public, as the public's rights of access to the land will be preserved by the continuation of the public right-of-way as a town trail. There is no evidence that the road once traveled beyond the lands of Simmons.

A town trail requires no maintenance by the Town; a Class 3 highway must be kept open in all seasons of the year, and would necessitate substantial costs in repairing the bridge. 19 V.S.A. § 302(a)(3)(B) & (4).

If the owners of the land presently served by highway (and subsequently by the trail) choose to apply to the Selectboard, the board may authorize improvements of the public right-of-way. 19 V.S.A. § 1111(b). But the expense of improving the bridge to meet state specifications, is not a wise use of public funds, when the principal user of the bridge is the landowner.

This is not a compensable taking. That question has already been decided by the Vermont Supreme Court, in the case of *Perrin v. Town of Berlin*, 138 Vt. 306 (1980), where the Court explained, "the loss of the right to require such maintenance or repair is not a right for which an abutting neighbor is entitled to compensation, since it is not a right in the landowner, but is a right held in common by all the citizens and taxpayers of the state." *Id.* at 307. See also *Whitcomb v. Town of Springfield*, 123 Vt. 386, 394 (1963) (reduction of town highway to trail involves no acquisition of property rights from the abutting owners).

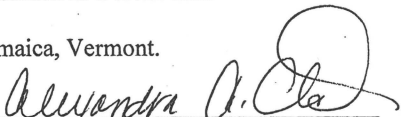
The Town of Jamaica is not obliged by law to maintain all town highways ever laid out, or to continue to provide full-season access and a good bridge to serve a private purpose, as here.

What was formerly done need not be continued forever; priorities change, and so do public needs.

Decision

T.H. 34 (Rawson Road) is hereby reclassified as a town trail.

Dated this 26th day of July, 2010, at Jamaica, Vermont.

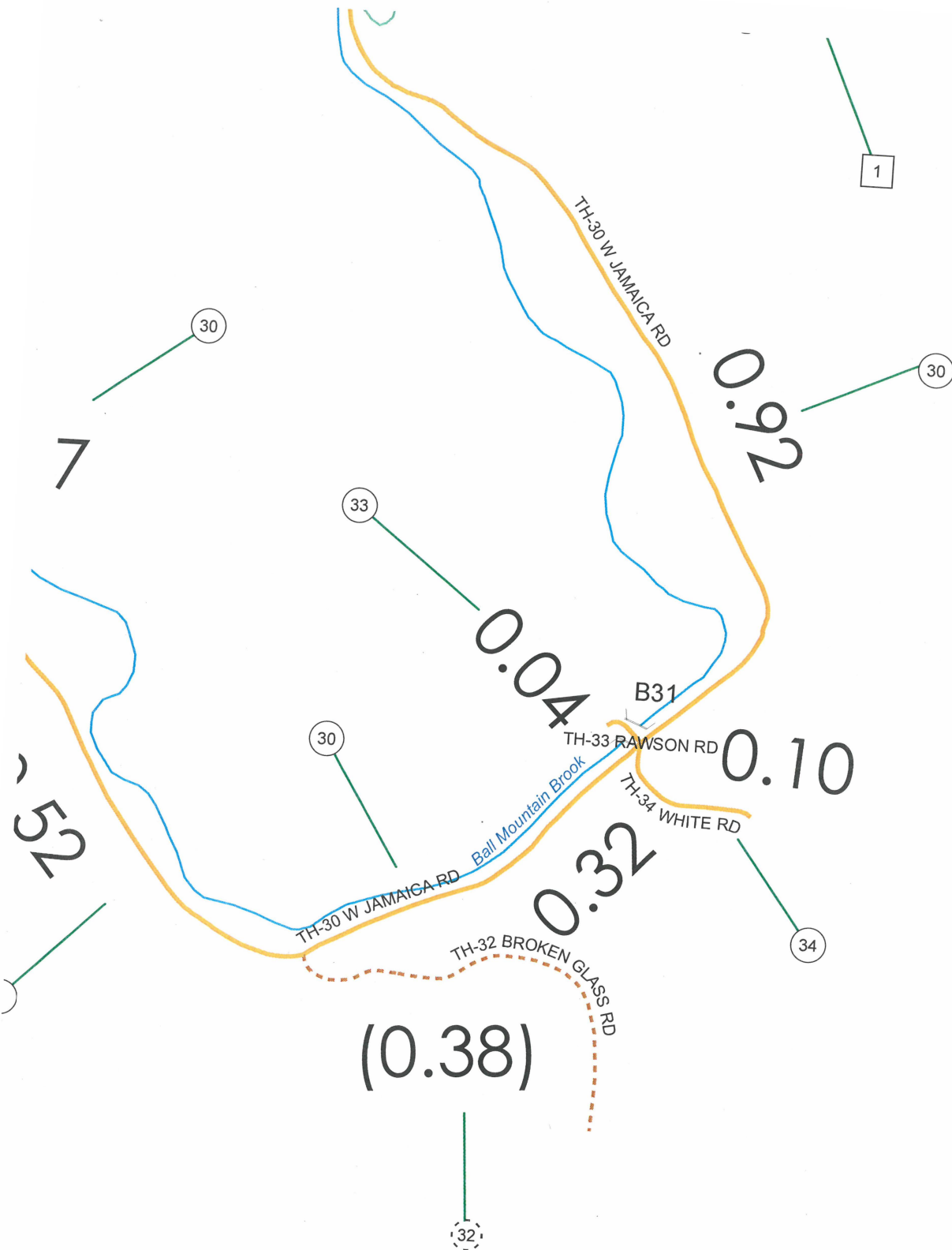

Alexandra Clark, for the Selectboard

Appeal

Persons interested in the highway who object to this decision may have appeal rights pursuant to 19 V.S.A. § 740 and V.R.C.P. 74 (or alternatively V.R.C.P. 75), which rules require notice in writing within 30 days of the date of this decision, to Windham Superior Court.

TOWN OF JAMAICA, VT

Received for record July 27, 2010
at 9:00 o'clock AM and recorded in
Jamaica ~~Land~~ Records, Vol. 7 Page 222-23
Bonnie West
Town Clerk



Jamaica
24 Feb 2011

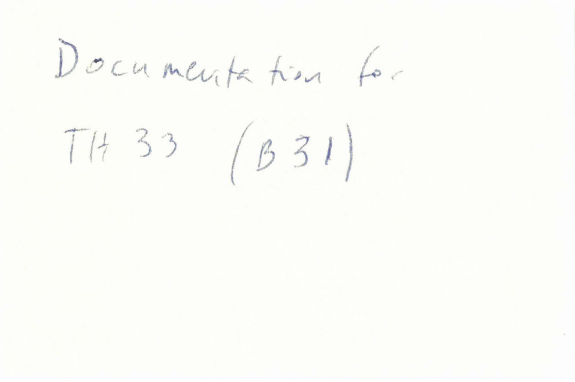
Croft, Johnathan

From: Croft, Johnathan
Sent: Tuesday, March 22, 2011 1:11 PM
To: Thurber, Pam
Cc: Moulton, Sara; Trunzo, Michael
Subject: RE: Regarding Bridge 31 in Jamaica

Good afternoon Pam,

The Town of Jamaica did reclassify TH-33 to be a legal trail. The bridge is still standing and will retain the B31 number, the town is no longer maintaining it. I can provide a copy of the findings to you regarding this reclassification for your files. Since the bridge is standing, I don't think it needs to be dropped from the map or from the BIS, it just may not warrant any consideration in the project planning process.

Johnathan Croft
VTrans Mapping Unit
(802) 828-2600



Documentation for
TH 33 (B31)

From: Thurber, Pam
Sent: Tuesday, March 22, 2011 12:02 PM
To: Croft, Johnathan
Cc: Moulton, Sara; Trunzo, Michael
Subject: RE: Regarding Bridge 31 in Jamaica

Johnathan,
Did you ever receive any confirmation on this? I'm hesitant to remove it from the database until then.

From: Croft, Johnathan
Sent: Monday, February 07, 2011 11:13 AM
To: Thurber, Pam
Cc: Moulton, Sara; Trunzo, Michael
Subject: RE: Regarding Bridge 31 in Jamaica

Good morning Pam,

The process to reclassify does include notice to adjoining landowners and a public hearing. I haven't seen the documentation regarding the reclassification yet, but expect it with the Mileage Certificate. Lou said they had been talking with the landowner, but this doesn't truly indicate whether the statutory process was followed or not.

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Before reclassifying doesn't the board have to warn the public and see if there is any opposition? I recall this trying to be done in another community and the property owner was able to stop it. I don't want to remove it from our list until we are certain that it will no longer be considered a public highway.

From: Croft, Johnathan

Sent: Monday, February 07, 2011 11:05 AM

To: Thurber, Pam

Cc: Moulton, Sara; Trunzo, Michael

Subject: Regarding Bridge 31 in Jamaica

Pam,

I have learned from Selectboard member, Lou Brusco that the Town of Jamaica is reclassifying TH-33 (Rawson Road) from class 3 to legal trail and no longer plan to maintain Bridge 31. B31 is a long structure and is currently inspected by Structures. He asked that it be taken off the list and since it is number 14 on the worst bridges in the state, it didn't need to be scheduled for a project anymore. This bridge only serves one house that is currently unoccupied and it is served by a trail, instead of a highway.

Please let me know if you have any questions about this reclassification and B31 in Jamaica.

Johnathan Croft
VTrans Mapping Unit
(802) 828-2600

Moulton, Sara

From: Paul Gillies [pgillies@tmgvt.com]
Sent: Wednesday, March 09, 2011 6:08 AM
To: Moulton, Sara
Cc: 'Lexa Clark'
Subject: RE: Jamaica - town trail

Thanks, Sara,
We've corrected the original decision, and you should be getting a copy shortly.
P

From: Moulton, Sara [mailto:Sara.Moulton@state.vt.us]
Sent: Tuesday, March 08, 2011 4:01 PM
To: 'Paul Gillies'
Cc: 'Lexa Clark'
Subject: RE: Jamaica - town trail

Paul,
For your convenience, attached is a copy of my letter.

Sara Moulton, GISP
Mapping & GIS Specialist, Mapping Unit
Division of Policy and Planning
Vermont Agency of Transportation (VTTrans)
Tel: 802-828-2109

From: Lexa Clark [mailto:lexasteve@gmail.com]
Sent: Saturday, March 05, 2011 9:56 AM
To: 'Paul Gillies'
Cc: Moulton, Sara
Subject: town trail

Paul,
We received a letter from Sara Moulton from the State re: division of policy and planning-mapping unit stating that in our Findings of Fact regarding the Rawson Road/Bridge we have T.H.34 and it should be T.H. 33. We checked our maps and we do have the incorrect number. Do we need an amended findings of fact to correct this? Please advise.
Lexa..



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

Telephone: 802-828-2109
Fax: 802-828-2334
Email: sara.moulton@state.vt.us

Agency of Transportation

February 24, 2011

Chair, Selectboard
Jamaica, c/o Town Clerk
PO Box 173
Jamaica, VT 05343-0173

Dear Town Clerk and Selectboard:

In processing the Jamaica 2011 Certificate of Highway Mileage, I noticed a discrepancy in the Findings of Fact and in the Decision regarding the description of Rawson Road as part of its reclassification from Class 3 to Legal Trail.

The Findings of Fact states:

- "1. Rawson Road (T.H. 34) is presently a Class 3 town highway, of approximately 0.10 miles in length, as shown on the official town highway map.
2. Rawson Road includes a short length of road before reaching Bridge No. 31, crossing Ball Mountain Brook, and then proceeds onto lands owned by Robert and Heidi Simmons."

The Decision states: "T.H. 34 (Rawson Road) is hereby reclassified as a town trail."

According to our information, the road name of Rawson Road is applied to TH-33 (not TH-34) and has an approximate length of 0.04 miles (not 0.10 miles). Also, Bridge No. 31 is located on TH-33 which travels over Ball Mountain Brook.

The mileage amount recorded on the Certificate is 0.04. Unless I hear otherwise from the Town, I will assume that the highway that was reclassified from Class 3 to a Legal Trail was TH-33, on the northwest side of TH-30, instead of TH-34 which is on the southeast side of TH-30.

Please let me know if you have any questions.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Sara Moulton".

Sara Moulton
Mapping & GIS Specialist

Moulton, Sara

From: Thurber, Pam
Sent: Monday, February 07, 2011 11:21 AM
To: Croft, Johnathan
Cc: Moulton, Sara; Trunzo, Michael
Subject: RE: Regarding Bridge 31 in Jamaica

To be on the safe side, we'll wait to remove the bridge until you've received and verified the documentation. Keep me posted.

From: Croft, Johnathan
Sent: Monday, February 07, 2011 11:13 AM
To: Thurber, Pam
Cc: Moulton, Sara; Trunzo, Michael
Subject: RE: Regarding Bridge 31 in Jamaica

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