

**CERTIFICATE OF HIGHWAY MILEAGE
YEAR ENDING FEBRUARY 10, 2010**

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2010 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 **MARLBORO** 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 | | | | 0.000 |
| Class 1 Lane | 0.000 | | | | |
| Class 2 | 14.950 | | | 14.950 | 0.000 |
| Class 3 | 39.33 | 0.07 | | 39.40 | 0.000 |
| State Highway | 8.304 | | | 8.304 | 0.000 |
| Class 4 | 1.54 | 0.12 | | 1.66 1.54 | 0.000 |
| Legal Trail | 0.84 | | | 0.84 0.84 | |
| Total | 62.584 | 0.07 | | 62.654 | 0.000 |

* Mileage for Class 1 Lane, Class 4, and Legal Trail classifications 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).
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: Amy L. ...]
[Handwritten signatures: ...]
[Handwritten signature: Lucy ...]

T/C/V Clerk Signature:

[Handwritten signature: NDRA WILSON]

Date Filed: 2-10-2010

Please sign ORIGINAL and return it for Transportation signature.

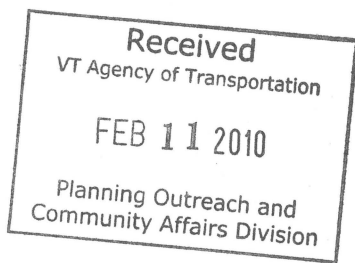
AGENCY OF TRANSPORTATION APPROVAL: Signed copy will be returned to T/C/V Clerk.

APPROVED:

[Handwritten signature]
 Representative, Agency of Transportation

DATE:

5/19/2010



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.

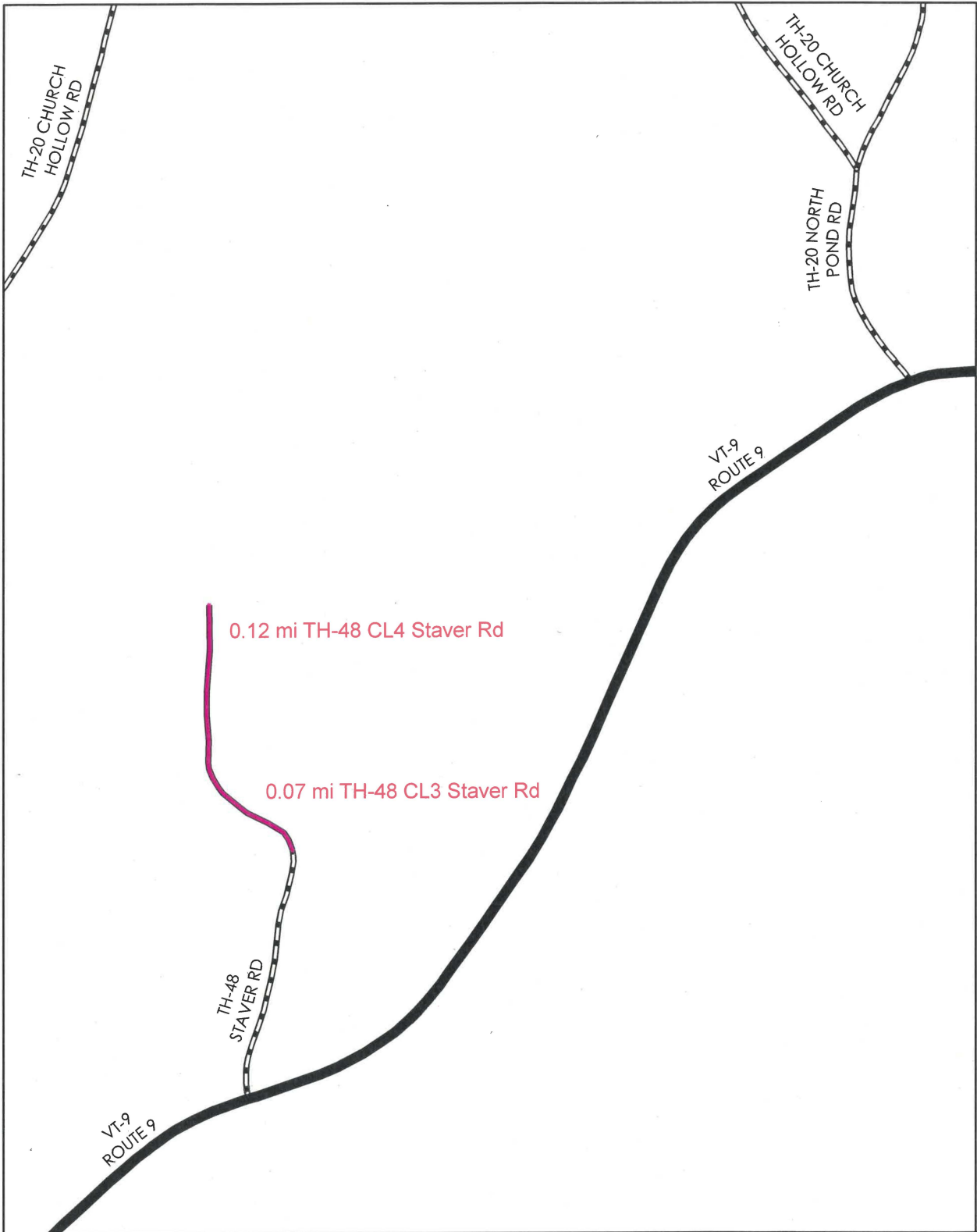
(e) The agency shall not accept any change in mileage until the records required to be filed in the town clerk's office by this section are received by the agency. A request by a municipality to the agency for a change in mileage shall include a description of the affected highway or trail, a copy of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

12/29/2009



**Mileage Certificate Change 2010
MARLBORO**

Mapping Unit
Division of Planning, Outreach and Community Affairs
Vermont Agency of Transportation -- February 2010



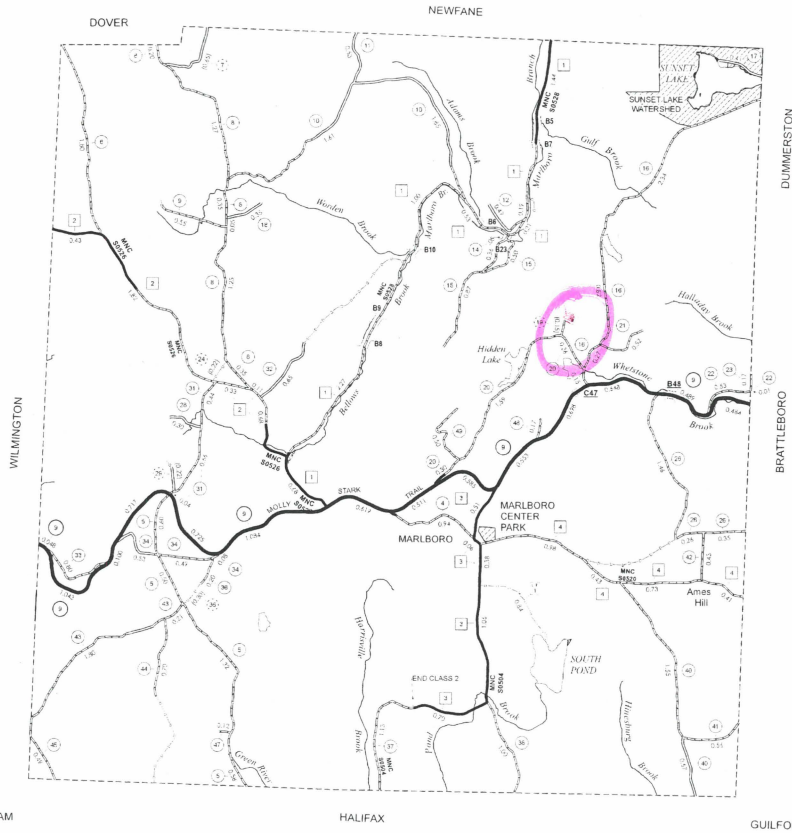
| TOWN | LENGTH IN MILES |
|--------------|-------------------|
| 4 | 0.94 |
| 5 | 3.00 |
| 6 | 1.80 |
| 7 | |
| 8 | 3.47 (0.65) |
| 9 | 0.55 |
| 10 | 3.46 |
| 11 | 0.53 |
| 12 | 0.49 |
| 14 | 0.41 |
| 15 | 1.37 |
| 16 | 3.43 |
| 17 | 0.41 |
| 18 | 0.35 |
| 19 | |
| 20 | 2.40 (0.15) |
| 21 | 0.52 |
| 22 | 0.54 |
| 23 | 0.17 |
| 24 | |
| 26 | 2.07 (0.22) |
| 28 | 0.30 |
| 29 | |
| 31 | 1.14 (0.22) |
| 32 | 0.65 |
| 33 | 0.80 |
| 34 | 1.10 |
| 36 | 0.20 (0.30) |
| 37 | 1.13 |
| 38 | 1.00 |
| 40 | 2.12 |
| 41 | 0.56 |
| 42 | 0.43 |
| 43 | 2.01 |
| 44 | 0.70 |
| 45 | 0.49 |
| 47 | 0.12 |
| 48 | 0.17 |
| 49 | 0.50 |
| TOTAL | 39.33 1.54 |

| LEGAL TRAIL NO. | LENGTH IN MILES |
|-----------------|-----------------|
| 1 | 0.84 |
| TOTAL | 0.84 |

* This portion of town highway is Class 3, but is functionally Class 4.

| MILEAGE SUMMARY | |
|----------------------------|---------------|
| CLASS 2 | |
| TH-1 | 6.320 |
| TH-2 | 3.370 |
| TH-3 | 2.710 |
| TH-4 | 2.550 |
| TOTAL CLASS 2 | 14.950 |
| CLASS 3 | |
| TOTAL CLASS 3 | 39.330 |
| TOTAL TOWN | 54.280 |
| STATE HIGHWAY | |
| VT-9 | 8.304 |
| TOTAL STATE HIGHWAY | 8.304 |
| TOTAL STATE | 8.304 |

TOTAL TRAVELED HIGHWAYS, FEB. 10, 2008: 62.584
(Excludes Class 4 and Legal Trail Mileage)

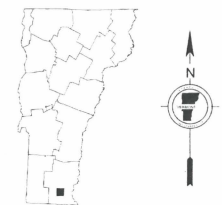


- HIGHWAYS**
 - INTERSTATE
 - U.S. ROUTE
 - STATE ROUTE
 - CLASS 1
 - CLASS 2
 - CLASS 3
 - CLASS 4
 - LEGAL TRAIL
 - INTERSTATE OR DIVIDED HIGHWAY
 - STATE - HARD SURFACE OR PAVED
 - TOWN - HARD SURFACE OR PAVED
 - GRAVEL
 - SOIL OR GRADED AND DRAINED EARTH
 - UNIMPROVED OR PRIMITIVE
 - IMPASSABLE OR UNTRAVELED
 - LEGAL TRAIL
 - DISCONTINUED
 - RAILROAD
 - HIGHWAY CLASS CHANGE
- PUBLIC LAND
 - POLITICAL SUBDIVISIONS
 - STATE BOUNDARY
 - COUNTY BOUNDARY
 - TOWN BOUNDARY
 - VILLAGE BOUNDARY
 - URBAN COMPACT BOUNDARY
 - OPEN WATER
 - STREAM OR BROOK
 - BRIDGE OR CULVERT
 - BRIDGE OR CULVERT GREATER THAN 20'
 - BRIDGE OR CULVERT 6' - 20'
 - B34 / C34 STATE BRIDGE OR CULVERT IDENTIFIER
 - B34 / C34 TOWN BRIDGE OR CULVERT IDENTIFIER
- FEDERAL CLASSIFICATION IDENTIFIER
 - FAU URBAN ARTERIAL OR COLLECTOR
 - MA MINOR ARTERIAL
 - MIC MAJOR COLLECTOR
 - MNC MINOR COLLECTOR
 - PA PRINCIPAL ARTERIAL

DISCLAIMER
The untraveled highways (bid-out town highways), discontinued highways, and legal trails shown hereon are those of which the Agency of Transportation has record; others may exist.
Highway and bridge data by the Agency of Transportation, Policy & Planning Division. All other data from the Vermont Center for Geographic Information.

STRUCTURES - SURFACE WATER NOTE
Town short structures (bridges or culverts from 6-feet to less than 20 feet) were not represented due to inconsistencies in the data.
The surface waters are from the Vermont Hydrological Dataset (VHD). Only the named streams are shown.

Vermont State Plane Coordinate System
North American Datum of 1983
SPCS Zone Identifier: 4400
Geoid Reference System of
4,500-meter grid. Easting, Northing

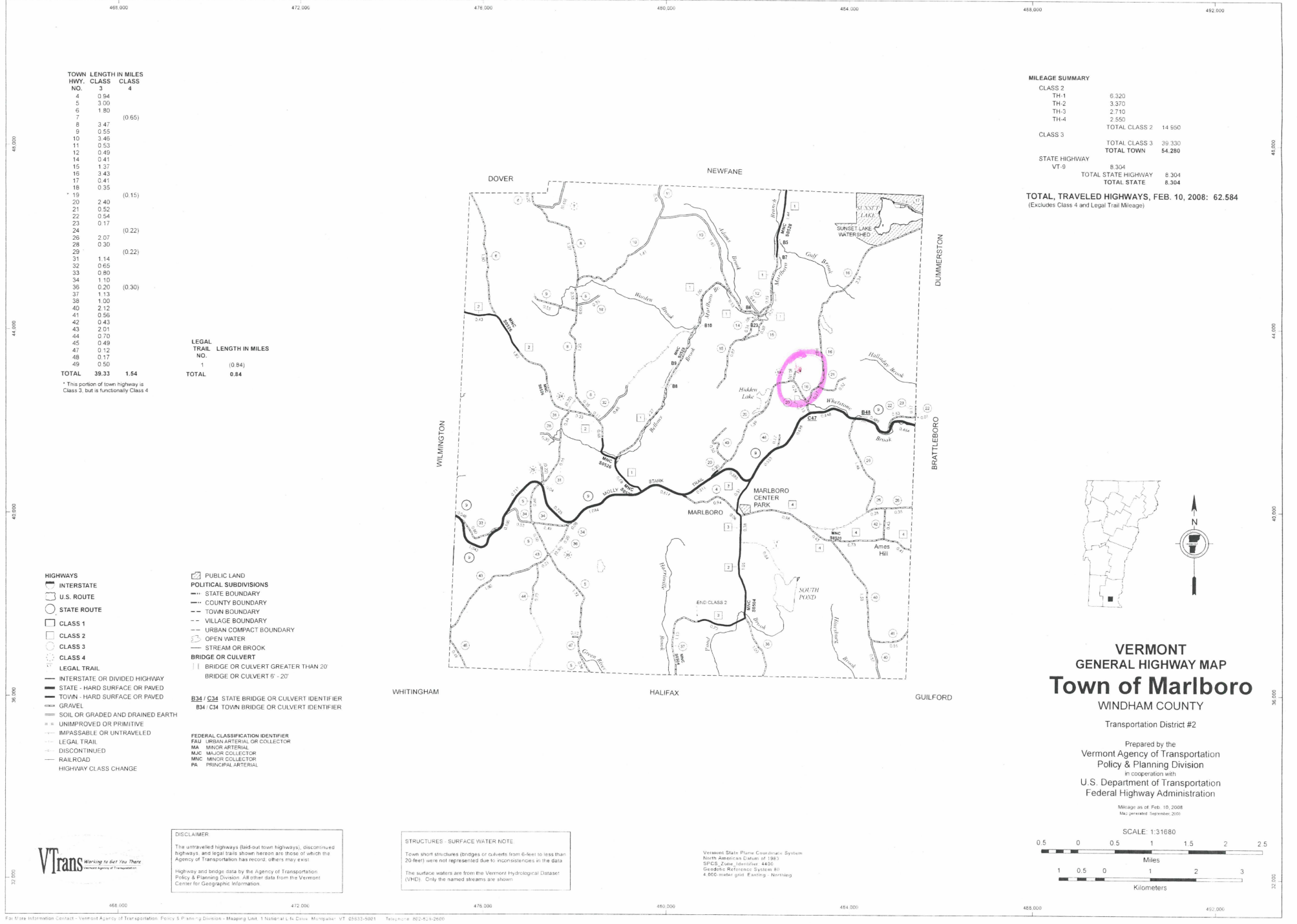
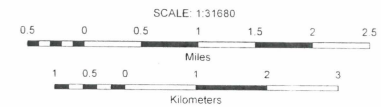


VERMONT
GENERAL HIGHWAY MAP
Town of Marlboro
WINDHAM COUNTY

Transportation District #2

Prepared by the
Vermont Agency of Transportation
Policy & Planning Division
in cooperation with
U.S. Department of Transportation
Federal Highway Administration

Map as of Feb. 10, 2008
Map generated September 2001



TOWN OF MARLBORO
SELECT BOARD REPORT
DECISION TO UPGRADE AND RECLASSIFY A PRIVATE PORTION OF STAVER ROAD
September 24, 2009

At 6:00 p.m. on August 20, 2009, the Selectboard held a site inspection, and at 6:45 p.m. convened a hearing at the Marlboro Town Office for the purpose of taking testimony on whether the public good, necessity and convenience of the inhabitants of Marlboro require the upgrade and reclassification of a private portion of Staver Road.

When the Select Board and residents met on site at Staver Road to inspect the road, the sky was overcast and the ground was dry. The inspection lasted approximately 25 minutes. Select Board members Craig Hammond, Gail MacArthur, and Lucy Gratwick were present. Also present were the following residents who live along Staver Road and Indian Pipe Road: Carl Christensen, Lisa Christensen, Richard Lemmon, Winnie Lemmon, John Marinaro, Nancie Marinaro, Julianne Mills, Barbara Parker, Lynn Perna, and Cheryl Smith. Also present was Select Board Assistant, Marcia Hamilton.

The Class 3 portion of Staver Road, Town Highway 48 begins at the intersection with State Route 9 and proceeds in a northerly direction for a distance of approximately 897 feet, or approximately 0.170 miles. The private portion continues for approximately 900 feet, or approximately an additional 0.170 miles, and ends at the residence of Carl and Lisa Christensen.

The Select Board, at its discretion, initiated the reclassification action. There is no record the entire length of the road, a distance of approximately 1,797 feet, or approximately 0.340 miles, was ever laid out by the Town or county. It was originally the long driveway to the home at the end, now owned by the Christensens. More homes and Indian Pipe Road, another private road, were added as time went on. The Town maintained Staver Road, both summer and winter, for a number of years. In 1984, the Select Board added approximately 897 feet, or approximately 0.170 miles from State Route 9 to the Town Highway map and designated it Town Highway 48. The Select Board at that time never pursued adding the additional private portion to the Town Highway map, but the Town continued to maintain the road.

The Select Board, at its June 11, 2009 meeting, decided to look into upgrading and reclassifying a private portion of Staver Road as a Class 3 highway. The Select Board warned a special meeting for June 22, 2009 for the purpose of conducting a field inspection of Town owned and privately owned sections of Staver Road for the possible upgrade and reclassification of a private portion of Staver Road.

On Thursday, June 25, 2009, at the Select Board's regular meeting, David Elliott, the Road Foreman, led a discussion of cost estimates to bring Staver Road up to minimum standards for reclassification, using estimates for 14-, 16-, and 18-foot widths. They discussed what distance to consider for the upgrade. They discussed surveying the private portion of the road. The Select Board then voted to reclassify a private portion of Staver Road as a Class 3 town highway, a distance of approximately 260 feet, or approximately 0.049 miles, beyond the original 897 feet, approximately, or approximately 0.170 miles already established as a Class 3 town highway. The

Select Board set August 20, 2009 at 6:00 p.m. for the site visit and 6:45 p.m., same day, for hearing to receive testimony.

The Selectboard gave more than thirty days' notice, by certified mail, to persons owning or interested in lands near Staver Road and Indian Pipe Road; gave notice to the Town planning commission and Town Road Foreman; posted copies of the notice inside and outside of the Town Clerk's office, at Sweeties' Store and on the Town Web Site; and caused a notice to be published in the *Brattleboro Reformer*, on Thursday, August 6, 2009 which, as required, is not less than ten days before the time set for the hearing on August 20, 2009.

The same persons were present at the hearing as were present at the site inspection with the exception of George and Hilda Schneeberger who attended only the hearing.

During the hearing, the Select Board introduced the cost estimate exhibit prepared by the Road Foreman, David Elliott that would bring private portions of Staver Road up to minimum standards for reclassification. He answered questions about various old culverts, proposed culverts, ditches, swales to channel the water and drainage. Residents asked about snow plowing, where the snow would go, and where the truck would turn around if the stopping point was changed. Individuals wanted to know how the new construction would impact their property. The residents were in favor of doing as little as possible to widen the road as long as it is 14 feet wide.

Based on the evidence and exhibits presented at the hearing, the Board makes the following findings and decision:

1. The public portion of Staver Road is Town Highway 48, a Class 3 town highway, which begins at the intersection with State Route 9 and proceeds in a northerly direction for a distance of approximately 897 feet, or approximately 0.170 miles. The remainder of the road, warned for the hearing, is the private portion of Staver Road, a distance of approximately 900 feet, or approximately 0.170 miles, and ends at the residence of Carl and Lisa Christensen.
2. In 1984, the Select Board added the approximately 897 feet or approximately 0.170 miles of the road from State Route 9 to the Town Highway map and designated it Town Highway 48. Before then, the Town maintained the road.
3. After 1984, the Select Board never pursued upgrading, reclassifying or adding the additional private portion to the Town Highway map, but the Town continued to maintain the road.
4. It is the decision of the Select Board to reclassify the first approximately 260 feet or approximately 0.049 miles of the private section of Staver Road as a Class 3 town highway. It satisfies the criteria of the public good, necessity and convenience of the inhabitants because this section is shared by most of the residents of Staver Road and all of the residents of Indian Pipe Road.

Consideration was given to the owners of the land that will be affected by the upgrade of the road.

5. The public good, necessity and convenience of the inhabitants require that the remaining approximately 640 feet, or approximately 0.121 miles be reclassified a Class 4 road based on the number of people impacted because only one house is served by this section of road. The people in this household are in agreement with this option.
6. The road incurs a small amount of public traffic for the residents of Indian Pipe Road and Staver Road.
7. All of the residents were in agreement that the minimum amount of work should be done to bring the road up to Class 3 standards with a 14-foot width.

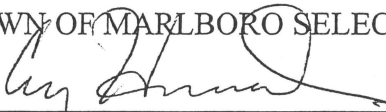
Based on the preceding findings, the Marlboro Select Board orders the first approximately 260 feet or approximately 0.049 miles beyond the portion of Staver Road classified as Class 3, be classified from private to Class 3, and the remaining approximately 640 feet or approximately 0.121 miles to the home of the Christensens be classified from private to Class 4.

As those portions of Staver Road that are the subject of this action by the Marlboro Select Board are already public rights-of-way by action of dedication and acceptance, the Select Board awards no compensation for any changes to the status, character, or classification of the road.

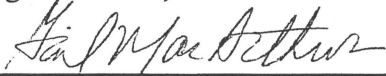
Any person interested in this decision to reclassify the private portions of Staver Road may appeal this decision to the Superior Court of Windham County in writing within 30 days of the decision.

Dated: September 24, 2009 at Marlboro, Vermont.

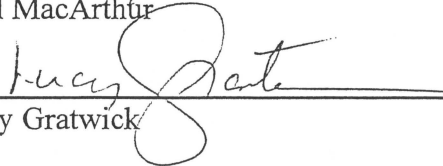
TOWN OF MARLBORO SELECT BOARD



Craig Hammond, Chair



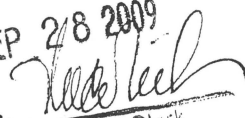
Gail MacArthur



Lucy Gratwick

MARLBORO, VERMONT
Received and Recorded

SEP 28 2009

Signed: 
Town Clerk

CERTIFICATIONS

I, Marcia L. Hamilton, Assistant for the Select Board in the Town of Marlboro, state that I mailed by certified mail on July 14, 2009, Notice of Road Reclassification Hearing for a portion of Staver Road to the following:

George Schneeberger
PO Box 273
Marlboro, VT 05344

Barbara Parker
PO Box 411
Marlboro, VT 05344

Carl and Lisa Christensen
PO Box 233
Marlboro, VT 05344

David Rountree
Mimi Brill
PO Box 511
Marlboro, VT 05344

Donald S. and Julianne W.
Mills
PO Box 235
Marlboro, VT 05344

Lynn Perna Goldstein
PO Box 83
Marlboro, VT 05344

Cheryl L Smith
PO Box 21
Marlboro, VT 05344

Robert and Nancy
Anderson
PO Box 20
Marlboro, VT 05344

Richard E. and Winifred M.
Lemmon
PO Box 500
Marlboro, VT 05344

John and Nancie Marinaro
PO Box 276
Marlboro, VT 05344

Brattleboro Savings &
Loan Association, F.A.
PO Box 1010
Brattleboro, VT 05302

Chittenden Trust Co
PO Box 278
Wilmington, VT 05363

Brattleboro Savings & Loan
Association, F.A.
PO Box 1010
Brattleboro, VT 05302

Marlboro Planning
Commission
Carol Hendrickson, Chair
PO Box E
Marlboro, VT 05344

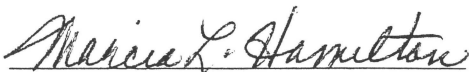
David Elliott
Marlboro Highway
Department
PO Box E
Marlboro, VT 05344

I hereby certify that I posted the Notice of Road Reclassification Hearing for a portion of Staver Road at the Town Office and at Sweeties' Store on Route 9, on July 14, 2009.. I also caused a public notice to be published in the *Brattleboro Reformer* on August 6, 2009.

The Select Board signed the written decision at a regular Select Board meeting on September 24, 2009. According to 19 VSA § 710 and 19 VSA § 33, a survey is required, and I mailed to the names and addresses above, with the cover letter, by certified mail, the decision and the notice that the Select Board causes the road to be surveyed in the fall of 2009.

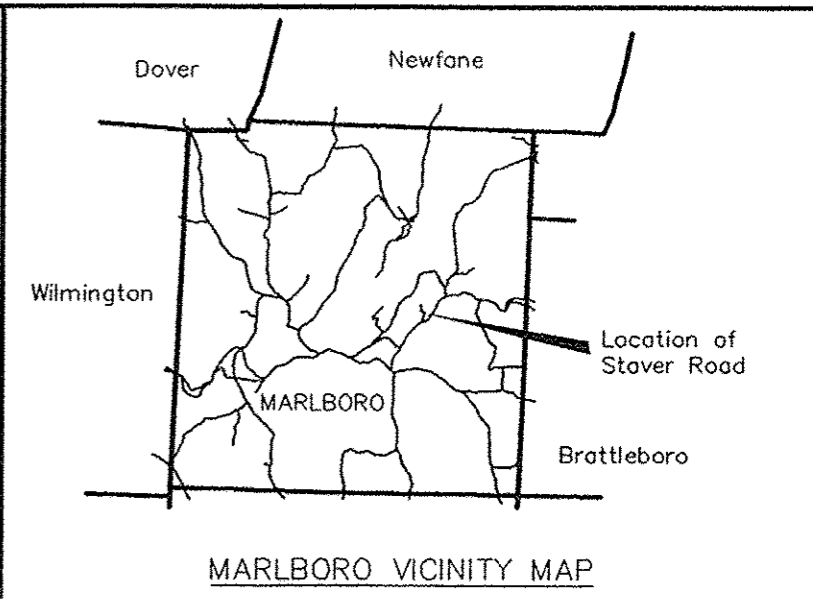
This certificate is hereby attached to the Report of the Select Board for filing with the Town Clerk.

September 28, 2009
Date


Marcia L. Hamilton, Select Board Assistant

LEGEND

- Property Boundary
- Stone Wall
- Traveled Portion of Road
- x-x-x-x-x- Wire Fence
- o--- Utility Pole & Overhead Wires
- ~~~ Brook
- Iron Pipe or Pin Found
- 3/4" rebar set
- ⊙ Tree
- Culvert

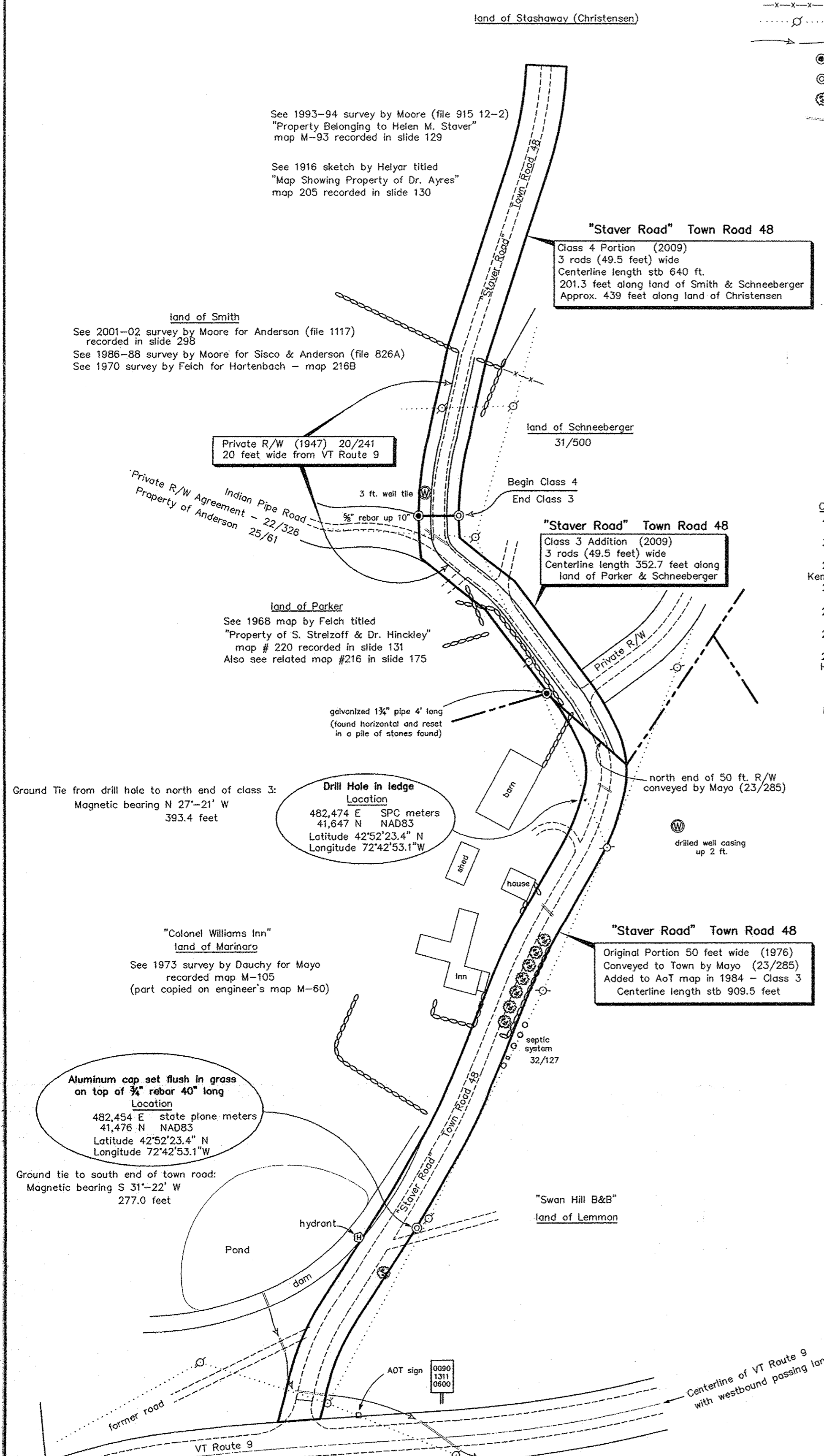
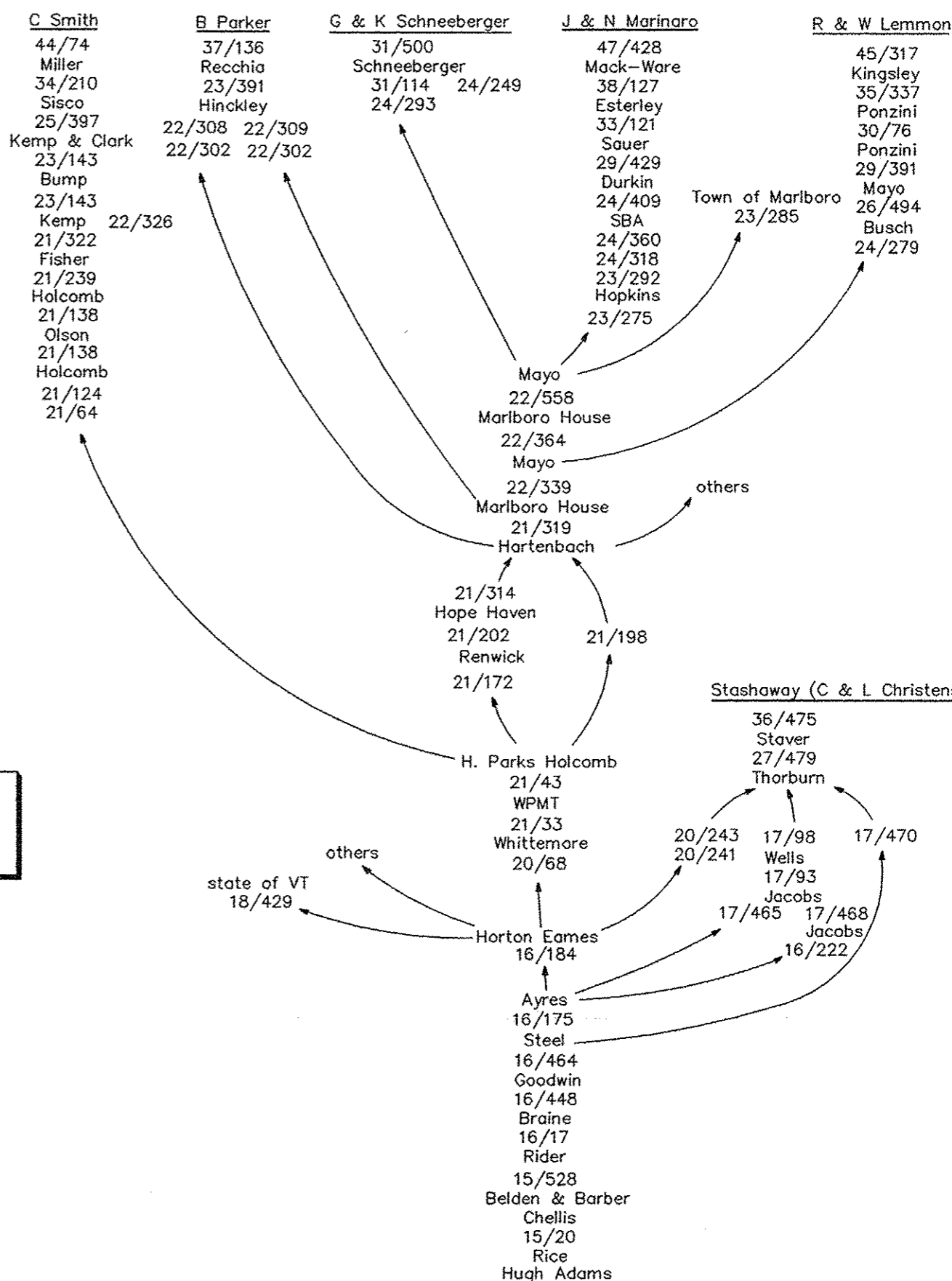


NOTES

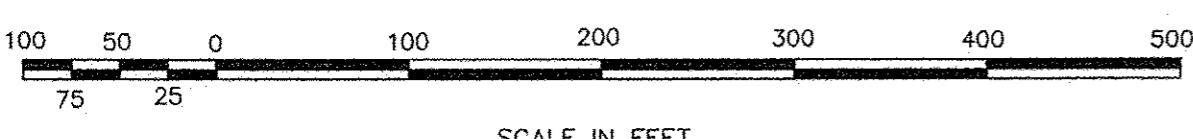
1. The purpose of this survey is to show the location of Town Road 48 ("Staver Road") as classified by the Marlboro Selectboard on September 24, 2009.
2. Conveyances are outlined so the reader may compare deed descriptions of adjoining parcels. This is not a complete abstract of title.
3. Control monuments were set by this surveyor and locations were determined by John Whitman using a Trimble GeoExplorer GPS and software with apparently sub-meter accuracy.
4. Physical measurements for this survey were made by random open traverse with a theodolite and electronic distance meter. Directions shown are 2009 magnetic bearings, related to a compass bearing on the traverse. Distances shown are horizontal.
5. Utility poles and overhead wires exist as shown. Utility easements were not researched.

Current owners' names are underlined>.

Chains of deed references are shown to identify record descriptions of adjoining parcels. This is not a complete abstract of title.



VT Route 9 Right of Way:
 1938 construction plan for project 63-L
 Right of Way three rods wide (QC 18/429)
 1968 passing lane added on north side - BP 010-1-6629
 Right of Way expanded to 33 feet from centerline (QC 22/221 & 222)

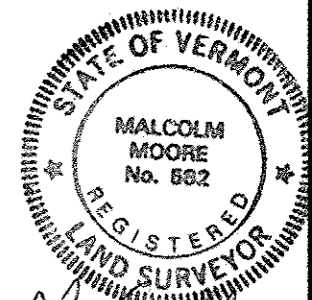


Certification to the Marlboro Selectboard:

This plat represents the surveyor's opinion of the location of the Staver Road and adjoining boundaries, based on physical evidence and public records and parcel evidence. The boundaries shown are consistent with that evidence unless otherwise noted (26 VSA 2596).

This survey was conducted according to the current normal standard of care for rural land surveys in Vermont (Rules of the Board, Part 5).

This plat is for the sole use of the Marlboro Selectboard; use by any private property owner is specifically unauthorized. A copy of this plat for recording conforms with 27 VSA 1403.



- Plat of Boundary Survey -
 2009 Classifications of
STAVER ROAD
 Marlboro ~ Vermont

Survey by: Malcol Moore, PLS
 Marlboro, VT 05344
 (with Abe Noe-Hays)

Scale: 1 inch = 100 feet
 Date: November - December 2009
 File: 1229
 Copyright © 2009 by M. Moore, PLS