

CERTIFICATE OF HIGHWAY MILEAGE

YEAR ENDING FEBRUARY 10, 2002

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2002 to: VT Agency of Transportation, Technical Services Division, Drawer 33, Montpelier, VT 05633.

We, the Selectmen or Aldermen or Trustees of STRATTON in WINDHAM 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 0.16 and 29.477.

* Class 1 Lane Mileage and Class 4 is NOT included in total.

Handwritten note: Total entered by Mike Eling AOT 1/23/02 MWE.

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 of three individuals.



Clerk Signature:

Handwritten signature: David Kent Yea

Date Filed:

Handwritten date: January 14, 2002

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: Donald R. Lettner, Representative, Agency of Transportation

DATE:

Handwritten date: 1-24-02

Town of Stratton, Vermont

Report of the Discontinuance of Town Highway #6

We, the Selectmen of the Town of Stratton, hereby report on our doings concerning the discontinuance of Town Highway Number 6 located within the Town of Stratton. Pursuant to the authority granted to the Board of Selectmen by the provisions of 19 VSA Chapter 7 and other such general or specific enactments as may be material hereto, the Board of Selectmen agreed to discontinue Town Highway #6 (Lost Ln.) which runs easterly 0.16 miles within Stratton from its intersection with Town Highway No. 5 to the Jamaica Town line. This effort was coordinated with the Town of Jamaica, which simultaneously pursued the discontinuance of the length of this same road that lies within the Town of Jamaica. Notices of the proposed discontinuance, dated September 19th, 2001, were posted in the Stratton Town Office, the Office of the Town Clerk, at the Stratton Town Garage and at the Stratton Mountain Post Office and submitted to the Stratton Planning Commission, the Jamaica Town Clerk and the Selectmen of Jamaica. This notice was published in both the Brattleboro Reformer and the Rutland Herald on September 24, 2001. A copy of the notice was also sent certified mail to the only adjacent property owner within Stratton:

Ross Powers
PO Box 283
S. Londonderry, VT 05155

In accordance with said notice, a copy of which is attached hereto, the Board of Selectmen met at the site – the intersection of Lost Ln. and County Rd. – at 6:00PM on October 22, 2001, a Monday and examined the premises affected by the possible discontinuance of this highway by walking its full length. Those present were: Robert Pu, Esq., Town Attorney; Select Chair, Al Dupell; Selectmen, Chris Liller and Earl Pickering; Town Clerk, Kent Young; David Hamilton, Timothy O'Connor, Michael Bills, Michael Fitzpatrick, Gary Washburn and Rachel Stoll. The site visit concluded and the parties returned to the Stratton Town Office to conduct the Public Hearing.

Al Dupell called the Public Hearing to order at 7:20PM.

Present: Robert Pu, Esq., Town Attorney; Select Chair, Al Dupell; Selectmen, Chris Liller Greg Marcucci and Earl Pickering; Town Clerk, Kent Young; Jamaica Selectmen, David Hamilton, Arnold Young, Joel Beckwith; Jamaica Town Attorney, Carol Melis; Interested parties: Timothy O'Connor, Michael Bills, Michael Fitzpatrick, Douglas Forrester, Elinor Forrester, Gary Washburn and Rachel Stoll.

Testimony was given by Gary Washburn, a resident of Jamaica, who stated that he uses the road to run or cross country ski on. Rachel Stoll, also a resident of Jamaica, stated that she uses this road daily and asked why it was necessary to discontinue the road. Al Dupell stated that the road was unnecessary as it does not provide access to any adjacent property and so the town does not want to maintain it any longer. Ms. Stoll asked that it be made a trail, since a trail does not require upkeep by the town, but still provides a path for public use. Carol Melis added that there are no legal obligations concerning maintenance or liability if it was made a trail and that the adjacent owners

RECEIVED FOR RECORD
November 12 A.D. 2001
at 10 O'clock 00 Minutes A. M.
Attest: David Young
Town Clerk



were allowed to gate it as a pent road. Al Dupell stated that if it were kept as a trail, under the jurisdiction of the town, and should the adjacent property be developed, the town would have to take it over if that private individual upgraded it to town standards. By throwing the road up, that obligation no longer exists. Gary Washburn stated that several people use this road and he believed that he could find the needed Stratton petitioners to request that the road be made a trail and he asked that time be granted to do so. Kent Young, Stratton Town Clerk, stated that the timelines for notification were met by proper postings and publishment in the Brattleboro Reformer and Rutland Herald. Al Dupell stated that speaking for himself, he wanted the road thrown up and he believed the remainder of the Selectmen felt the same. Attorney, Robert Pu stated that the town of Stratton had attempted to discontinue this road in 1987, but the Town of Jamaica had issues with discontinuance at that time. This recent effort is a result of Jamaica's willingness to discontinue their portion of the road.

At 7:45, the Stratton Selectmen recessed the Public Hearing on Lost Lane and the Jamaica Selectmen continued with their Public Hearing concerning their length of this road through Jamaica and other Jamaica roads as per their Public Hearing schedule.

At 8:05, the Stratton Selectmen reconvened. Greg Marcucci motioned to adjourn. Chris Liller seconded and the Public Hearing for the discontinuance of Town Highway #6 (Lost Ln.) in Stratton adjourned.

At a regularly scheduled meeting of the Board of Selectmen held on October 22, 2001 and in consideration of the testimony, discussion, site visit and official town records, the Board of Selectmen makes the following findings of fact, conclusions of law, and order:

Findings of Fact

- 1) Town Highway No. 6, which runs easterly 0.16 miles within Stratton from its intersection with Town Highway No. 5 to the Jamaica Town line, is presently a Class 4 highway of 0.16 miles.
- 2) The Town of Jamaica has no objection to the discontinuance of this road and is in favor of also discontinuing Jamaica's portion of this same road.
- 3) Two citizens of the Town of Jamaica requested that this road be kept as a trail.

Conclusions of Law

- 4) The Board of Selectmen has the authority to lay out, alter and discontinue highways, subject to the public good, necessity or convenience.
- 5) When a highway is discontinued, the right of way may be continued at the same width by the Board of Selectmen by designating the right of way as a trail.
- 6) If a discontinued highway is not designated as a trail, it shall be set and belong to the owners of the adjoining lands; if it is located between lands of two different owners, it shall be set to the lots to which it originally belonged, if they can be ascertained; if not, it shall be equally divided between the owners of the land on each side.
- 7) Since Town Highway No. 6 continues into Jamaica and that portion of the highway is also under consideration for discontinuance in that town, and there


were no objections from residents or property owners of Stratton or the Board of Selectmen of the Town of Jamaica, the Board of Selectmen of Stratton believe that the inhabitants of Stratton are best served by the discontinuance of this road, which shall be set and belong to the owner of the adjoining lands.

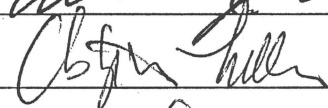
Order

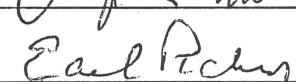
Wherefore, Town Highway No. 6 (Lost Ln.), which runs easterly 0.16 miles within Stratton from its intersection with Town Highway No. 5 to the Jamaica Town line, is hereby discontinued and the existing highway is hereby set to the owners of the adjoining land – this land falls entirely within a parcel designated as 0800039 upon the Stratton Tax Maps and is owned by Ross Powers, per Warranty Deeds dated July 16, 1999 and recorded in the Stratton Land Records Book 74 Pages 237 through 255.

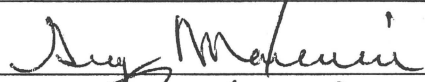
Dated at Stratton, Vermont, this 22nd day of October, 2001.

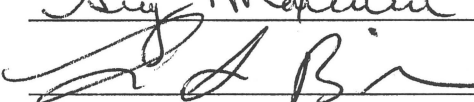
STRATTON BOARD OF SELECTMEN











LEGAL NOTICE
Town of Stratton, Vermont
Board of Selectmen

Notice of Hearing on Discontinuance of Town Highway #6

Pursuant to the authority granted to us by the provisions of 19VSA Chapter 7 and such other general or special enactments as may be material hereto, we, the undersigned Board of Selectmen of the town of Stratton, hereby give notice to persons owning or interested in lands through which the above described highway are presently laid out, to persons owning or interested in lands abutting said highway, to the Town of Jamaica, to the Stratton Planning Commission and the Town Clerk and to any other interested parties, that we will meet at 6:00 PM on Monday, the 22nd Day of October, 2001 at the intersection of County Rd. (TH #5) and Lost Ln. (TH #6) for a site visit. A public hearing addressing the discontinuance of said road will convene at the Stratton Town Office immediately following the site visit.

Town Highway #6 (Lost Ln.) runs easterly from its intersection with Town Highway #5 (County Rd.) entirely through property owned by Ross Powers and to the Jamaica Town line where it becomes Hamilton Hill Road (Jamaica J-25) – a distance of 0.16 miles.

Dated at Stratton this 19th Day of September, 2001

Earl Pichay
Ray [unclear]
Christina [unclear]

RECEIVED FOR RECORD
September 20 A.D. 2001
at 8 O'clock 30 Minutes A.M.
Attest: Dana [unclear]
Town Clerk

Board of Selectmen
Town of Stratton