

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 ROYALTON in WINDSOR 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.

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, Legal Trail, and Total.

* 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.

Totals by S. Moulton 3/29/10

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

PART III - SIGNATURES - PLEASE SIGN.

Selectmen/ Aldermen/ Trustees Signatures:

Handwritten signatures: Margaret C. Truby, Gary Trotter, Peggy Ainsworth

T/C/V Clerk Signature:

Handwritten signature of Theresa M. Hennigh

Date Filed:

2/8/10

Please sign ORIGINAL and return it for Transportation signature.

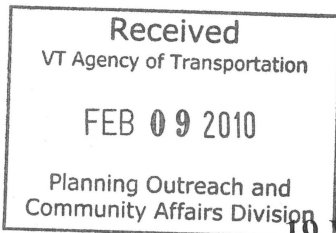
AGENCY OF TRANSPORTATION APPROVAL: Signed copy will be returned to T/C/V Clerk.

APPROVED:

Handwritten signature of Jonathan Croft, Representative, Agency of Transportation

DATE:

5/19/2010



Vermont Statutes Annotated

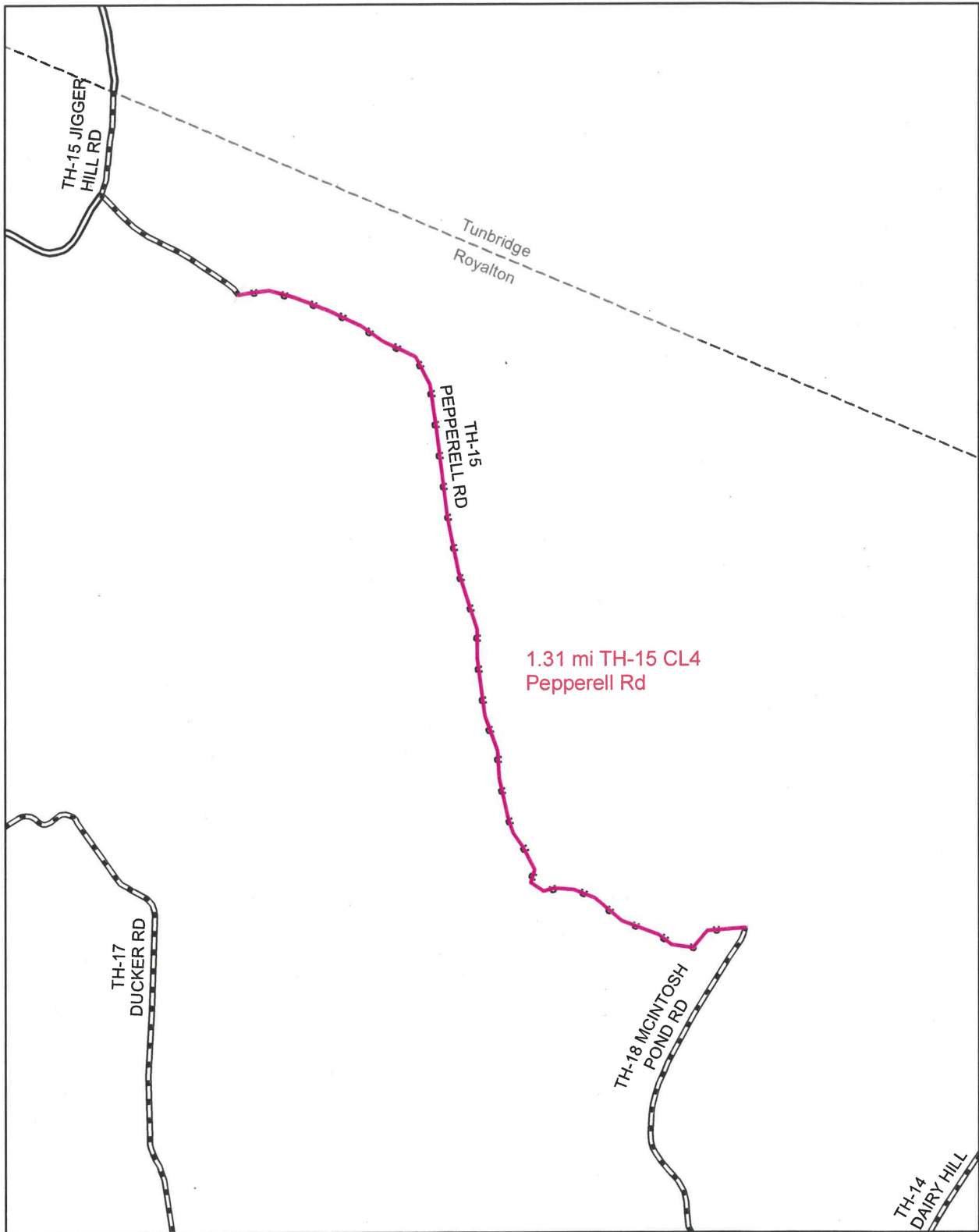
19 V.S.A. § 305. Measurement and inspection

§ 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>

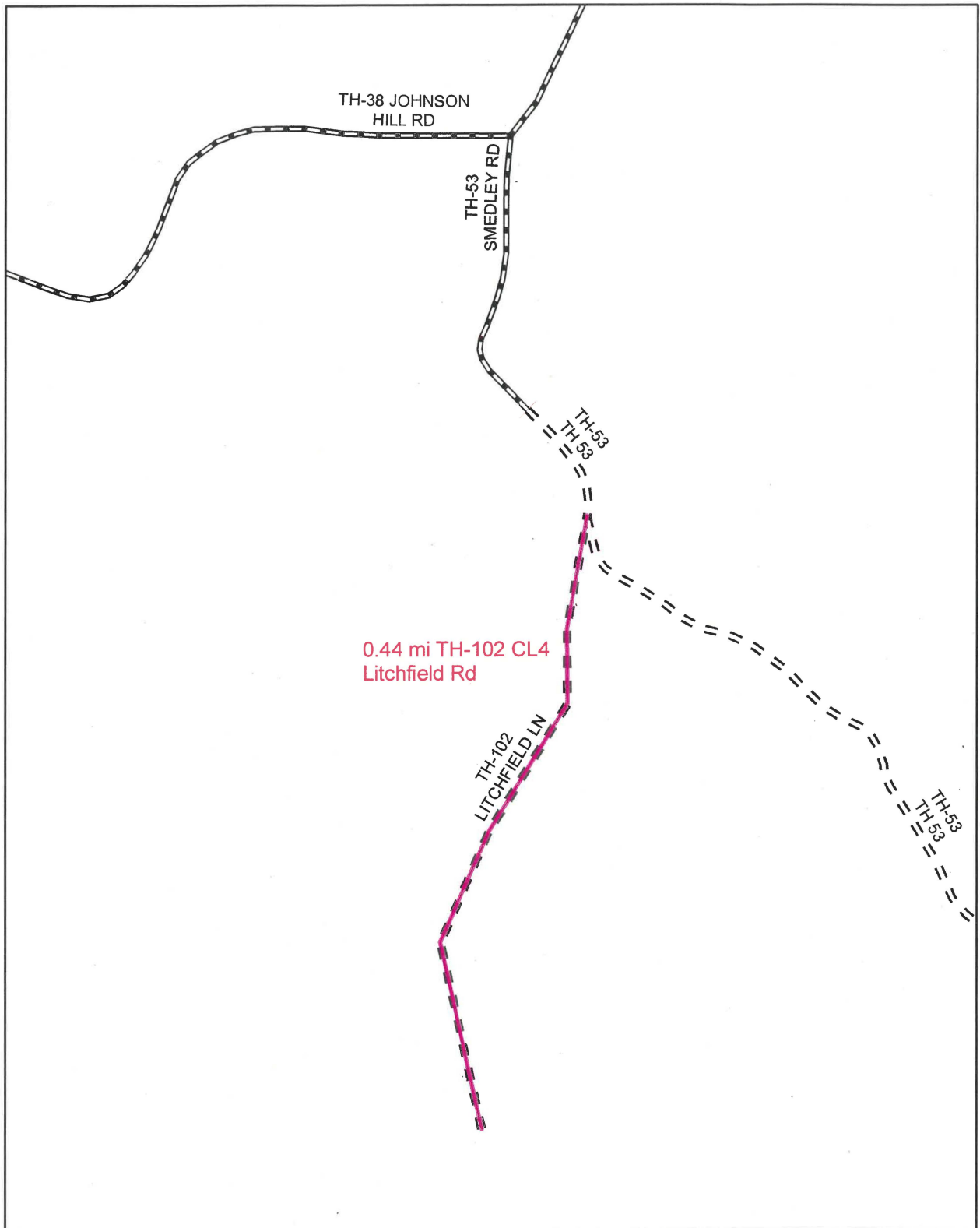
12/29/2009



**Mileage Certificate Change 2010
ROYALTON**

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

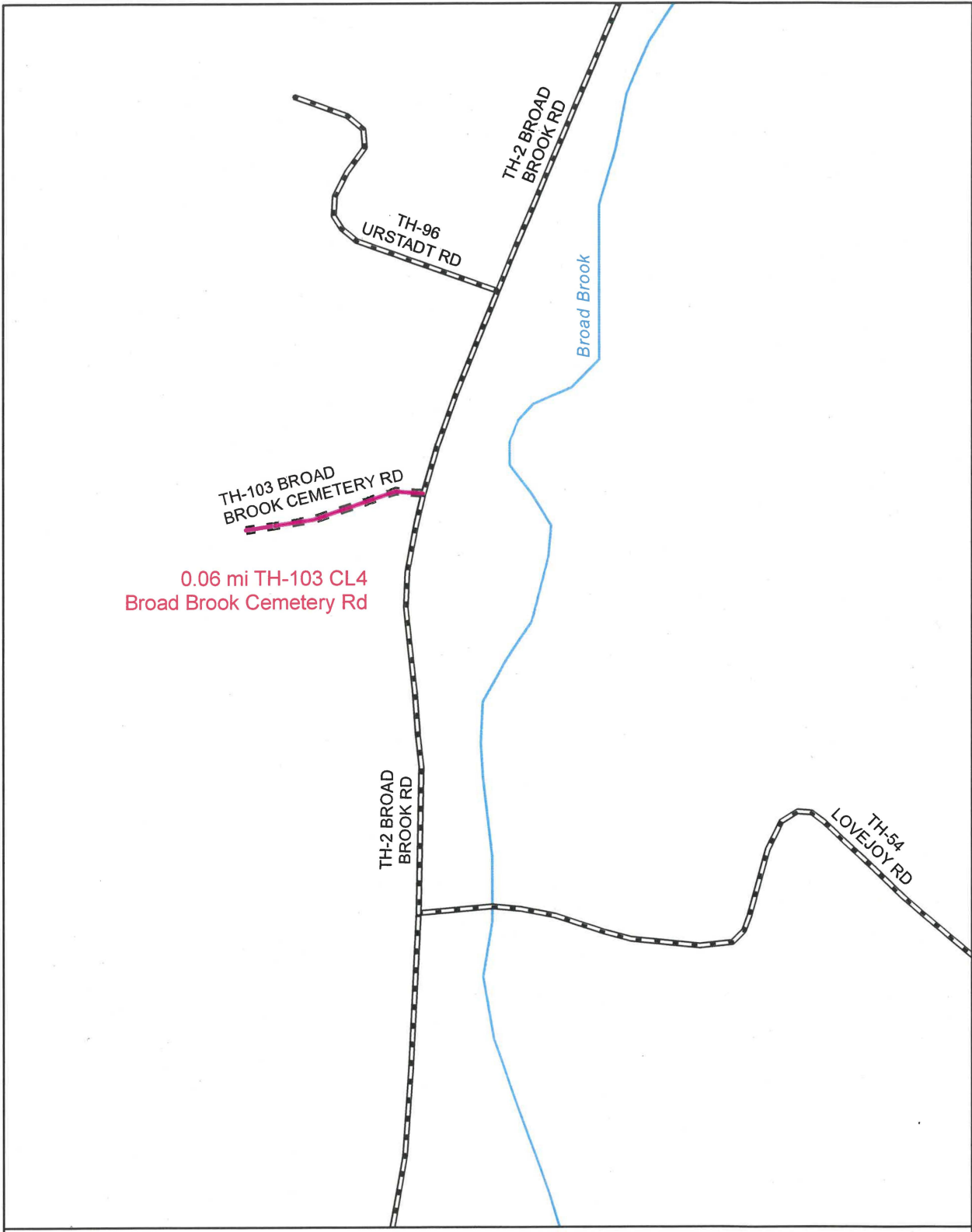




**Mileage Certificate Change 2010
ROYALTON**

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





0.06 mi TH-103 CL4
Broad Brook Cemetery Rd

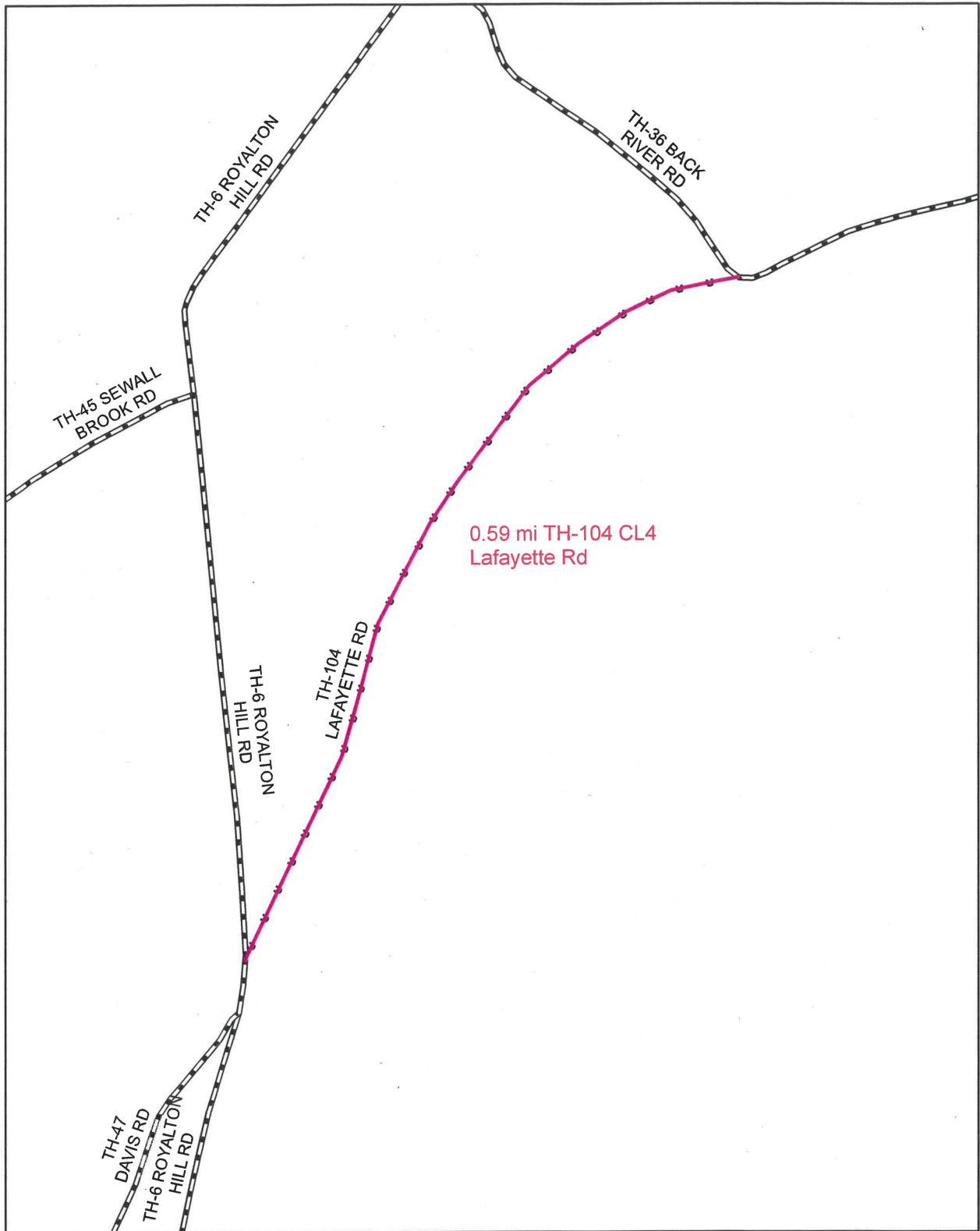
**Mileage Certificate Change 2010
ROYALTON**

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



0 0.05 Miles

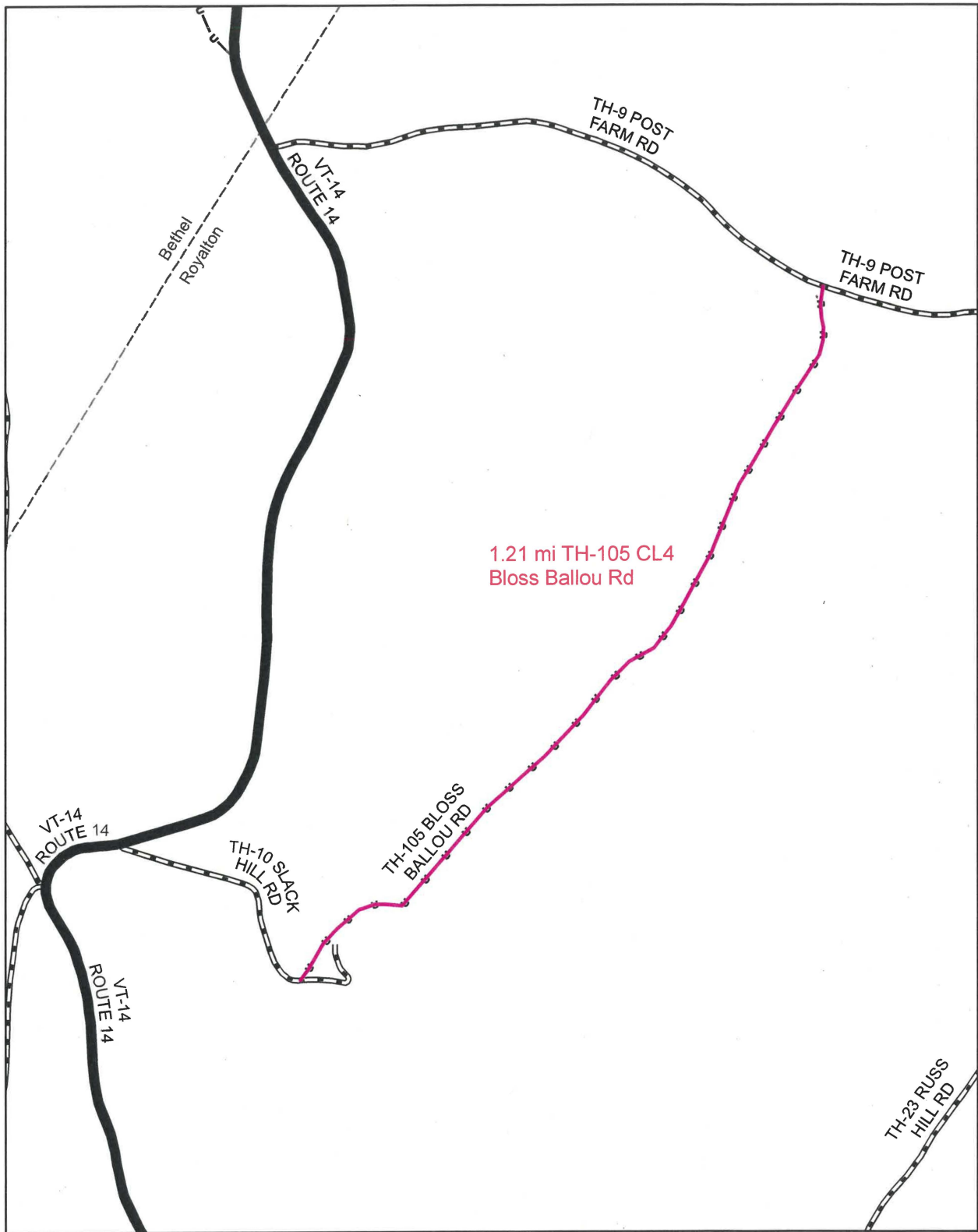




**Mileage Certificate Change 2010
ROYALTON**

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





**Mileage Certificate Change 2010
ROYALTON**

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



Supplemental information related to this certificate
is stored in a separate storage box labeled

"Certificate of Highway Mileage
Supplemental Documentation"

State of Vermont
Department of Forests, Parks and Recreation
103 South Main Street, 10 South
Waterbury, VT 05671-0601
www.vtfpr.org

[fax] 802-244-1481
[tdd] 800-253-0191

Agency of Natural Resources

802.241.3693
ANR Lands Division

July 28, 2008

Town of Royalton Selectboard
c/o Theresa Harrington, Town Clerk
P. O. Box 680
South Royalton, Vermont 05068

Vermont
Agency of Transportation

JUL 30 2008

Policy & Planning Division

Dear Board Members:

We are in receipt of the notice pursuant to the requirements of Title 19 V.S.A. that you propose to discontinue a portion of Town Highway known as Bloss-Ballou Road in the Town of Royalton. The Department of Forests, Parks & Recreation has reviewed the proposal and finds that this will not affect any existing trail corridors and therefore, has no objection to the proposed discontinuations. For your information, it has been the policy of this Department to encourage towns to continue ownership of highway rights-of-way where they are of sufficient length or location to be of value to recreational users. Such existing rights-of-way can be valuable recreation resources for our growing population.

With the passage of H. 83 in the 1991 Legislature, the laws regarding Class 4 roads and trails give much more strength to towns in their ability to preserve these rights-of-way. Title 19 V.S.A. 711 states in part:

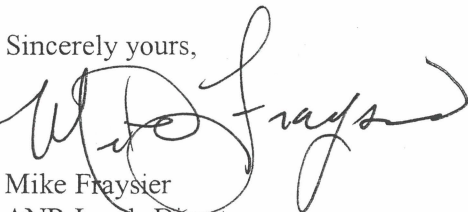
"...the selectmen may order that the petitioner bear the cost of upgrading a class 4 town highway to the class 3 town highway standards established in 19 V.S.A. 302(a)
(3)(B). Nothing in this section shall be construed to require a town to maintain a class 4 highway or to upgrade a highway from class 4 to class 3."

Enclosed is a copy of the "Town Policy on Class 4 Roads and Trails," issued by the Vermont Trails and Greenways Council. In addition, you will find a copy of the Department's policy on road discontinuance. You may want to consider a similar policy in Royalton. Having such a policy will help to ensure that you will not be required to maintain Class 4 roads or trails or upgrade them to Class 3.

This Department will not be represented at your meeting on August 26, 2008 but we ask that this letter and attachments be entered into the proceedings. We also request that local trail organizations such as snowmobile clubs be notified of the proposed discontinuance.

Thank you for contacting us on this matter. We always appreciate the opportunity to comment on these important recreation resources.

Sincerely yours,



Mike Fraysier
ANR Lands Director

Enclosures

Cc: Trails Coordinator, VAST; FPR District Trails Coordinator, Rick White; Planning Office, AOT

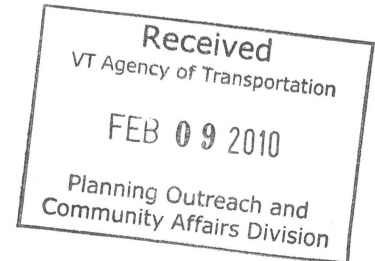




TOWN OF ROYALTON

PO Box 680
23 Alexander Place #1
South Royalton, VT 05068

Selectboard Office (802) 763-7967
Town Clerk Office (802) 763-7207
Lister's Office (802) 763-2202
FAX # (802) 763-7967 & (802) 763-7207
www.royaltonvt.com



February 3, 2010

Vermont Agency of Transportation
Planning, Outreach and Community Affairs Division
- Mapping Unit
1 National Life Drive
Montpelier, VT 05633-5001

RE: Ancient Roads

To Whom It May Concern:

Enclosed please find the documentation for adding five "Ancient Roads" to the Town of Royalton's official highway map. These roads include Bloss-Ballou Road, Lafayette Road, Litchfield Lane, Power's Broad Brook Cemetery Road, and Peperell Road. (Please note that Lafayette Road is being asked to be added to our map but has been identified by the Town of Royalton's Ancient Roads committee as not being an ancient road.) If there should be any questions feel free to contact myself or Fred Glanzberg (Chair of the Ancient Roads Committee fredg@sover.net).

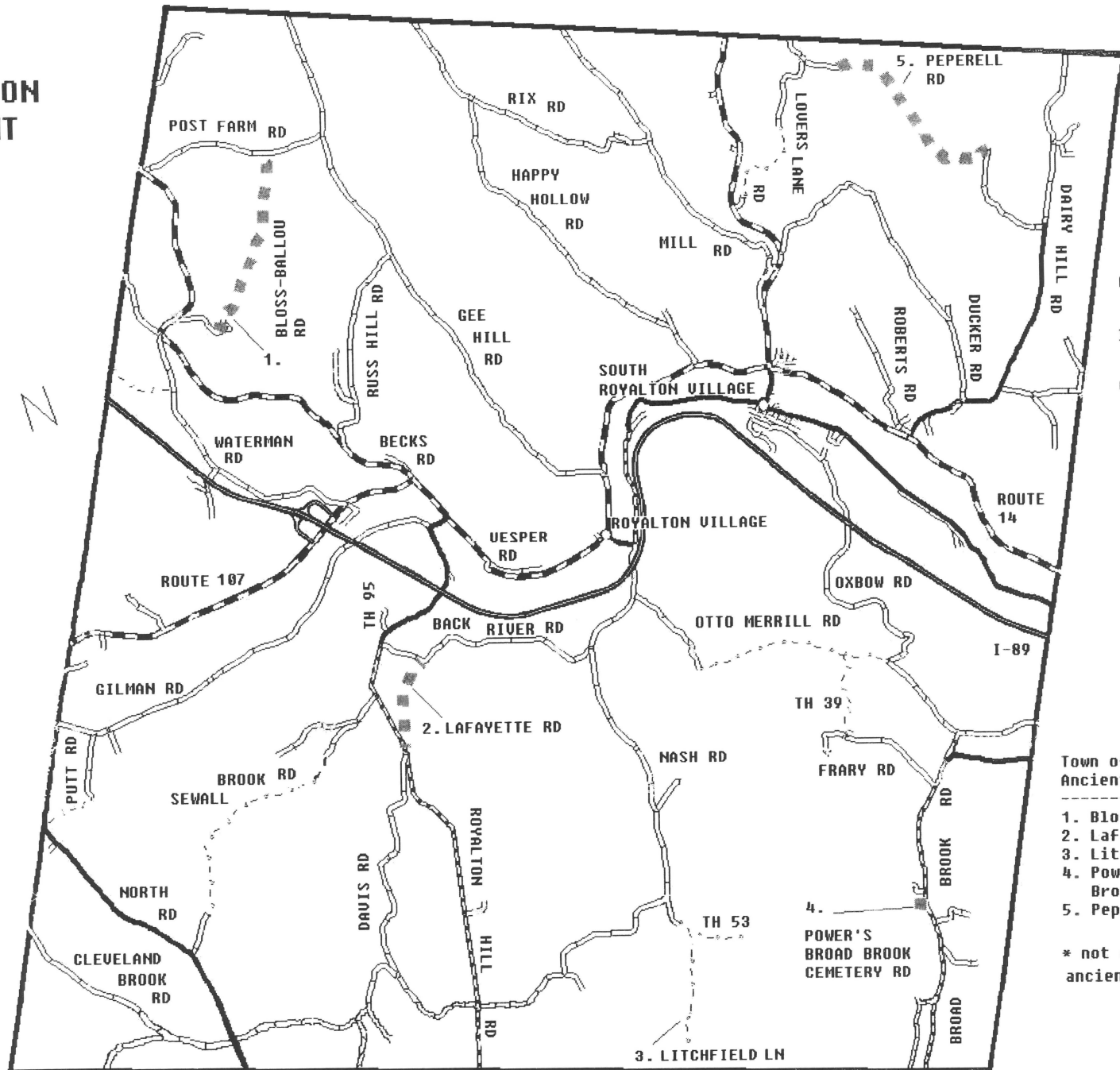
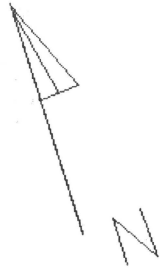
Thank you for your time and consideration.

Sincerely,

Nathan P. Cleveland

Administrative Assistant

ROYALTON VERMONT



Legend:

- Interstate
- VT Route
- Class 2 gravel
- Class 3 paved
- Class 3 gravel
- Class 4
- Ancient road (class 4)

Town of Royalton Ancient Roads 2010

1. Bloss-Ballou Rd
2. Lafayette Rd
3. Litchfield Ln*
4. Power's Broad Brook Cemetery Rd
5. Peperell Rd

* not considered an ancient road

TH-15 CL4 (2010)
1.31 mi

Ancient Roads Characteristics Checklist

1. Name and/or location of road: Pepperell Road
2. How did we learn of this road? Selectboard input
3. Is it physically visible? Yes
4. Is this road the only access to interior parcels? Yes
5. How has the road been used, and when? Access for interior parcels, recreation
6. What maps, if any, show this road? Beers map, Lovejoy- History of Royalton”and Nash-“History of Royalton”
7. What records include reference to this road? See attached surveys
8. Physical condition: unimproved dirt
 - a. Are there man-made obstructions? Both ends were blocked when we walked it on Sept. 22, 2007
 - b. Large trees in the roadbed? No
 - c. Steep grade? No
 - d. Washouts and erosion? Some mud holes
 - e. Wetlands? no
9. What are the GPS coordinates: (in State Plane units) MacIntosh Pond 501448
148198
Pepperell Road 500360
149570

10. Where does the road "start" and "end", access from what Town highways?
MacIntosh Pond Road to Pepperell Road

11. Length of road: 1.31 miles

12. Number of parcels within or abutting the road: 5

13. Is there scenic value or sites of historic interest? Stone chambers located just off road

14. What are the landowners wishes and concerns? Some want it open some want it to be closed

Royalton Selectboard

Public Hearing on Proposed Town Plan

Royalton Academy Building

December 18, 2009

Selectboard present: Peg Trombly, Larry Trottier, Peggy Ainsworth, Ernie Amsden, Joan Goldstein

Public Present: Stuart Levasseur, Jo Jo Levasseur, Fred Glanzberg

Chairwoman Trombly opened the Public Hearing at 7:00 p.m.

There was some discussion about whether scenic areas should be better identified. J. Levasseur recommended we not get too specific. The Selectboard agreed and felt the scenic areas section on pages 14-15 is sufficient.

Chairwoman Trombly noted the additions to the document since last hearing (solid waste, junkyard, and VAST. Administrative Assistant Nathan Cleveland is working with the Town Clerk to update the historic building's section (pages 60-61). It was suggested to just list the historic building and its physical address. By eliminating the current owner listing, that part of the document wouldn't have to be updated.

The Public Hearing was adjourned at 7:15 p.m.

Chairwoman Trombly opened the special Selectboard meeting at 7:15 p.m.

Ancient Roads Committee

Fred Glanzberg recommended the following road be added to the Town Highway map – Lafayette Rd., Roger's Rd., Litchfield Lane, Pepperill Rd., and Powers Broad Brook Cemetery Rd. Although there is still more research to do on Roger's Rd, Litchfield Lane, and Pepperill Rd. the Town must get them on the map before February 10, 2010.

E. Amsden made a motion that was seconded by J. Goldstein to authorize Two Rivers Ottauquechee Regional Commission to add the roads to the Town's Highway map. The motion passed unanimously.

Planning Commission

J. Levasseur presented a bill to the Selectboard for legal work regarding Times and Seasons litigation.

No new information was available. Discussion ensued about whether the Town should pay the termination fee. The board decided to not take any action until information is received from the Vermont League of Cities and Towns.

Driveway Access Fee

L. Trottier made a motion that was seconded by J. Goldstein to increase the fee to the cost of the recording fee plus a \$10.00 administrative fee. The motion passed unanimously.

Streets and Sidewalks

There have been three applicants for the snow removal position. The Selectboard would like to arrange short interviews with Travis French-Dyer and Chester Clark for 6:30 p.m. and 6:45 p.m. on Tuesday, December 22, 2009.

Civics Club Phone

P. Ainsworth made a motion that was seconded by J. Goldstein to take over paying for the Civics Club phone line since the new fire alarm system is tied into it. The motion passed unanimously.

Historic Preservation Grant

The Town has been awarded a Historic Preservation Grant for repairs to the Town House foundation.

J. Goldstein made a motion that was seconded by E. Amsden to accept the grant for the repair of the Town House Foundation. The motion passed unanimously.

Selectboard Office

The Selectboard reviewed the correspondence folder.

Health Insurance

L. Trottier made a motion that was seconded by E. Amsden to offer the VLCT 2250 Value Plan to all Town employees eligible. The Town will pay 50% of the deductible. The motion passed unanimously.

Other Business

Discussion was held concerning the possibility of the ambulance joining into the proposed Town Office facility.

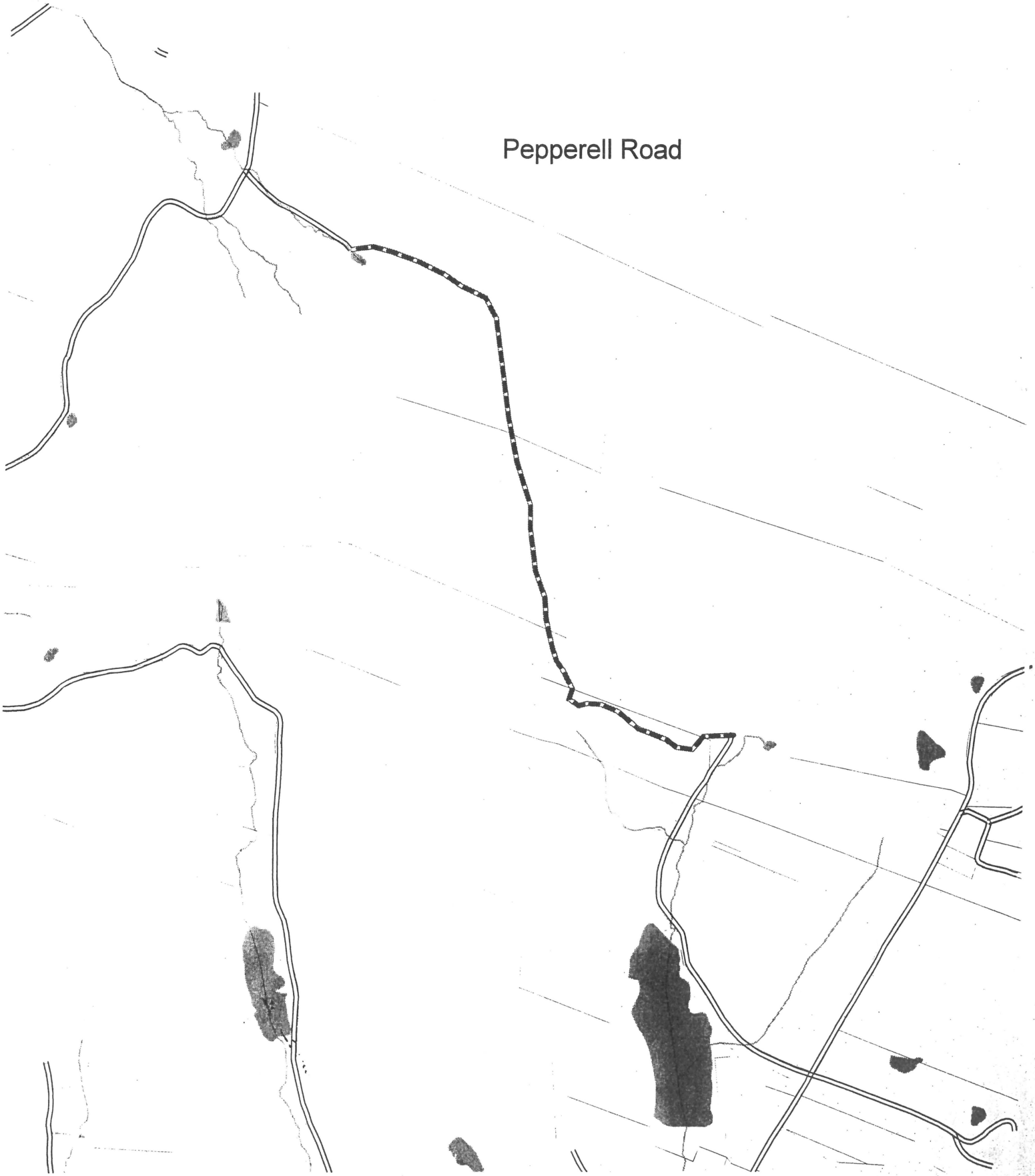
A listing error in the Grand List has resulted in a tax revenue loss for the Town and Highway of \$50,000.00. More information will be forthcoming at the next Selectboard meeting on December 22, 2009 when the board will meet with Treasurer Theresa Harrington.

Meeting Adjourned at 9:15 p.m.

Respectfully submitted by:

Peggy Ainsworth, Royalton Selectboard Clerk

Pepperell Road



Survey of a road beginning at a stake and stones on the road leading from Jonathan Coys to Tunbridge line a little below John Marshals house thence

N 294 deg W 80.48 Meters

N 328degW 160.96 meters

To the old road a little below Harvey Skinners place

June 22 1818

A survey of a public road in Royalton beginning at the north east corner of the house owned by Benjiman Denison formerly owned and occupied by Apollus Dewey thence

N 9deg E 7.20Meters

N 32deg E 412.46Meters

Runing a little by the house of Johnathan Coy thence

S 252deg W 150.9 Meters

S 247deg W 201.2meters

S 265deg W 110.66Meters

N 330degW 150.9meters

S 265deg W 201.2Meters

Thence W 231.38Metersthence

S267degW40.24 Meters

N 305degW 70.42meters

N289degW 211.26Meters

To the east side of lot 29 Dutch allotment

Aug1815

A survey of a road laid out in Royalton beginning at a swamp or marshy piece of ground nearly on the line between Johnathan Coys and Josiah Wright near an elm tree that has been ? On the easterly side of the road runing from said Coys to said Wrights thence

N352degW 70.42 meters

N349degW 90.54 meters

N350degW70.42 meters

N358degW 211.26meters

N356degW 221.32meters

N358degW 75.45meters

N301degW 412.46meters

N316degW 150.90meters

N327degW90.54meters

N337degW 90.54meters

N342degW90.54meters

Tillit intersects the road leading from Harvey skinners to silas Buttons in Tunbridge

Sept.6 1816

oy 1815

oy 1816

peeled
pealed

(Formerly of Silas Denny)
Denny, A. Denison
Jonathan Coy
East line of
W 29 South

A survey of a public road in Roylton beginning at the Northeast corner of the house owned by Ben. A. Denison formerly owned and occupied by Apollo Denny thence N. 9° E 24 rods thence S 36° E. 82 rods turning a little to the house of Jonathan Coy thence S 72° W. 30 rods thence S 67° W. 40 rods. S 85° W 22 rods thence N. 30° E. 3 rods thence S 86° W. 40 thence West 46 rods thence S 87° W 8 rods thence S 85° W 4 rods thence N 71° W. 42 rods to the east line of lot No. 29 Dutch Allotment. - said road laid three rods wide on the east and N. E. side of said survey

Roylton August 1815.
Reviewed and Recorded

Elias Stevens } select
Isaac Skinner } men
Daniel Pix } men

~~Attest~~ Attest Wm Safford Town Clerk

cut between
Jonathan Coy and
Josiah Wright
from side of road
(about) rd running
to intersect
Silas Button
Stevens to
Tomb

A survey of a road laid out in Roylton. Beginning at a swamp or marshy piece of ground nearly on the line between Jonathan Coy & Josiah Wright near an elm tree that has been felled. --- on the easterly side of the road running from said Coy to said Wright's thence N 8° W 44 rods thence N 88° W 12 rods thence N 10° W. 44 rods then S 82° W 42 rods then N 74° W 44 then N 2° W. 48 then N 24° W. 8 rods then N 2° W 15 rods. then N 65° W. 82 rods then N 44° W 60 rods then N 53° W. 18 rods then N 3° W. 18 rods then N 18° W 18 till it intersects the road leading from Norway Skinner to Silas Button in Ferrisburgh laid out by us on the N. E. side of said survey

Roylton September 6th 1816

Reviewed and Recorded Attest Wm Safford Town Clerk

Isaac Skinner } select
Daniel Pix } men

State of Vermont) Is either Constable of Roylton in said County or Secretary Windsor County & you are hereby commanded to summons Hannah Bond now residing in Roylton to depart said town. Hereof fail not but of this precept and your doings herein due return make according to law given under our hands at Roylton this 25th day of November. 1816

Elias Stevens } select
Isaac Skinner } men
Daniel Pix } men

1844

is little travel on the publick highway
 ds from John Coys' in Royalton to
 a village in Tunbridge we the
 bers respectfully petition the Selectmen
 - the privilege the following gates
 said road to John Coys'.

one near his house to Stephen E. Roots
 at the South line of his Denison
 one at the North line of said lot
 of W. Rowell's
 one at or near the West line of his
 fence .

1844

Selectmen of Royalton on application to
 writing by Eight Freeholders of said Royalton
 : discontinuance of the highway from
 : to the West line of George W. Rowell's
 : as an open highway but continue
 : as a pent road and direct that the
 : be of convenient gates at the places
 : erected across said road and kept
 : the persons who own the land on said
 : said gates. viz: one gate across the
 : Coy's house, one at the South line
 : of Stephen Denison lot so called, one at
 : of the last mentioned lot, and one
 : at the West line of George W. Rowell's farm

Geo. M. Powell

perst Rd

Notes for Clerks
State of Missouri
A Government making legal records and has
not neglected on the same Secretary of Missouri A.D. 1844
the notes for Clerks of Records and the President of the State
which records have been duly taken and examined the following

Records of Clerks
25 1844

Mr. the Select Men of Regatta are appointed to no more
in writing by eight members of the Regatta hereby and
the disbursements of the Regatta from John Boyd's house
to the West line of George's Creek from the Regatta as
open highway and certain the same as a part of the
same street that the gathering number of companies the
at the place designated in another copy of the same
held in relation by the Regatta also over the same on
about eight days before the Regatta; the Regatta copy the
has John Boyd's house on the West line of which
to Arab's corner of the street, on at the West line
the West Mountain Rd. and on at a near the W.
line of George's Creek from the Regatta. John Boyd's
may be held open from 15th December to 15th June in
each year.
Regatta Street
Town (City)
Regatta July 12th 1844
Town (City)

Copy

Set over
Daniel Tuller

... and their own proper use benefit and comfort for our women men
thus laid over formerly belonged to said Misses from laid over and set over
by us
Daniel Priest & select men
Gace Skinner

Set over
Amah Adams
corner of Adams & Lord Hillbards
to SW corner of Adams

A survey of a road laid out by us the subscribers select men of Boyakton town
beginning one-half rod from a maple tree which is the corner between Ammah
Adams and Joel Pebbards and thence S 75° E 26 rods then S 70° E 26 rods
to the South west corner of said Adams land then S 90° E 28 rods then S 87° E
16 rods said road laid on the west side of the former survey and the old road
laid to Stephen Bowman
September 23rd 1817
Stephen Bowman
Elias Keorns
Daniel Priest
Rodolphus Severy

the two foregoing surveys -
Recorded April the 16th 1817
Jacob Safford town Clerk

Jonathan Coy
John Marshall
Harvey Steim

Survey of a road beginning at a stake and stone on the road leading from Jonathan Coy to a bridge a little
a little below John Marshalls house thence S 66° W 16 rods thence S 32° W 32 rods to the old road a little
below Henry Seimours house

Recorded June 22nd 1818
Jacob Safford town Clerk

Rodolphus Severy
Stephen Freeman } select
Nathan Safford } men

Sharon line

Survey of a road beginning at stake and stone a little north of the southwest corner
of the lot on which Samuel Howe lives on the road lead from said Howe to Abraham
Watermans thence S 79° E 32 rods thence S 74° W 14 rods thence S 5° W 28 rods thence
S 28° E 52 rods thence S 75° E 14 rods thence southeast 28 rods thence S 20° W
19 rods to stake and stone on Sharon line a little below Moses Beck-
withers house said highway 3 rods wide the survey the center of said

road - Laid out in Boyakton June 22nd 1818
Recorded June 22nd 1818

Rodolphus Severy
Stephen Freeman } select
Nathan Safford } men

Samuel Howe
Abraham Waterman
Abner Beck - Sharon line

Jacob Safford town Clerk

Line - Elias Stevens } Select
 Laid out by us Nathan Page } men
 Recorded by Isaac Skinner }
 Abel Stevens Town Clk

Royalton October 1794 then laid out the
 following ~~road~~ ~~the~~ ~~high~~ ~~way~~ road, viz, beginning on
 the west side of the road leading by Jeph Dunham's about
 two rods north of his house then N. 54° W 50' - N. 20°
 W. 94' - N. 55° W. 64' - N. 10° W. 52' - N. 34' - S. 31°
 W. 50' - S. 40° W. 54' - S. 25° W. 161' to Bethel line
 & to extend one half road each way from P. Line -

Laid out by us Elias Stevens } Select
 Recorded by Nathan Page } men
 Isaac Skinner }
 Abel Stevens Town Clk

P-350

* Survey of a road from Apollus Dewey's to Gays
 &c. beginning at a Stake & Stones on n. South side
 of n. Road going from Durkee's Mills by P. Apollus
 Dewey's to Church's &c. at a Line dividing Land
 of P. Apollus & Ebenezer Dewey's thence N. 40° E. on
 the line of P. Lot's Lots 56 rods thence N. 13° E. 16' -
 thence N. 10° E. 20' - thence N. 9° E. - thence N. 32° E.
 30 rods N. 15° E. 20' thence N. 15° W. 14' to the line

351.

N. 12° E. 30' thence N. 10° E. 20' unto y^e Lane of John ...
the land lying to the right hand of a road now described as you
go from Dewey's no. 44 by to Coys & is laid out there was

May 25th 1793

Samuel D. Seale Surveyor

Witnessed the immediate inspection & order of
Recorded by

Abel Stevens Town Clerk Elias Stevens & Seth
Thomas Bingham men

The Survey of a road in Royalton Sept 1. 1st 1794
beginning at Barnard Line at a stake & stones near M^r. Ben:
in the Morgan's old Line what is called Broad brook.
runs - the said follows N. 30° E. 104' road - N. 36° E. 40'
N. 10° E. 22' - N. 25° E. 30' - N. 36° E. 30' - N. 11° E. 30'
N. 40° E. 42' - N. 26° E. 20' - N. 50° E. 11' - N. 35° E. 22'
N. 12° E. 52' - N. 19° E. 52' - N. 54° E. 80' - N. 64° E. 48'
N. 42° E. 20' - N. 57° E. 30' - N. 42° E. 16' - N. 60° E. 40'
S. 67° E. 22' - S. 67° E. 62' - S. 00° E. 44' road To the Iron
Line near M^r. William Lovjoy's to extend over & lay
road on each side of line

Recorded by W. M. Elias Stevens & Seth
Abel Stevens Town Clerk Isaac Skinner men

The Survey of a road in Royalton December
1. 1794. beginning at a stake & stones near Joseph
... thence N. 10° E. 40' - S. 90° W. 26' - S. 32° W. 60'
S. 49° W. 26' - S. 29° W. 40' - S. 20° W. 60' - S. 24° W. 36'
by road the runs by David Hoyens

Joseph
Pierce 190

who has been, now is, and probably will continue
to be a dealer in distilled Spirituous Liquors.
But instead thereof that they be requested a remon-
strance to the Court against the Licensing of any
such person to deal in such Liquors

voted to raise the highway tax to 36 cts on the dollar.
voted that the Select Men be a committee to take
care of the Town House

voted to pass the following Resolution viz-
Resolved - that the 14th School District have the
privilege, at their own risk in relation to any future
action of the Town, to erect a School House on S. E.
corner of the Common as near the Pond, as that will
allow a meeting between the Pond and Mr
Spruys's Building

voted that the Center School District be requested
to move their School House off the Common as soon
as convenient

voted to dissolve the meeting

I hereby certify that the foregoing is a true record
of the proceedings of Town Meeting held in the
Town of Roylton March 6. 1844

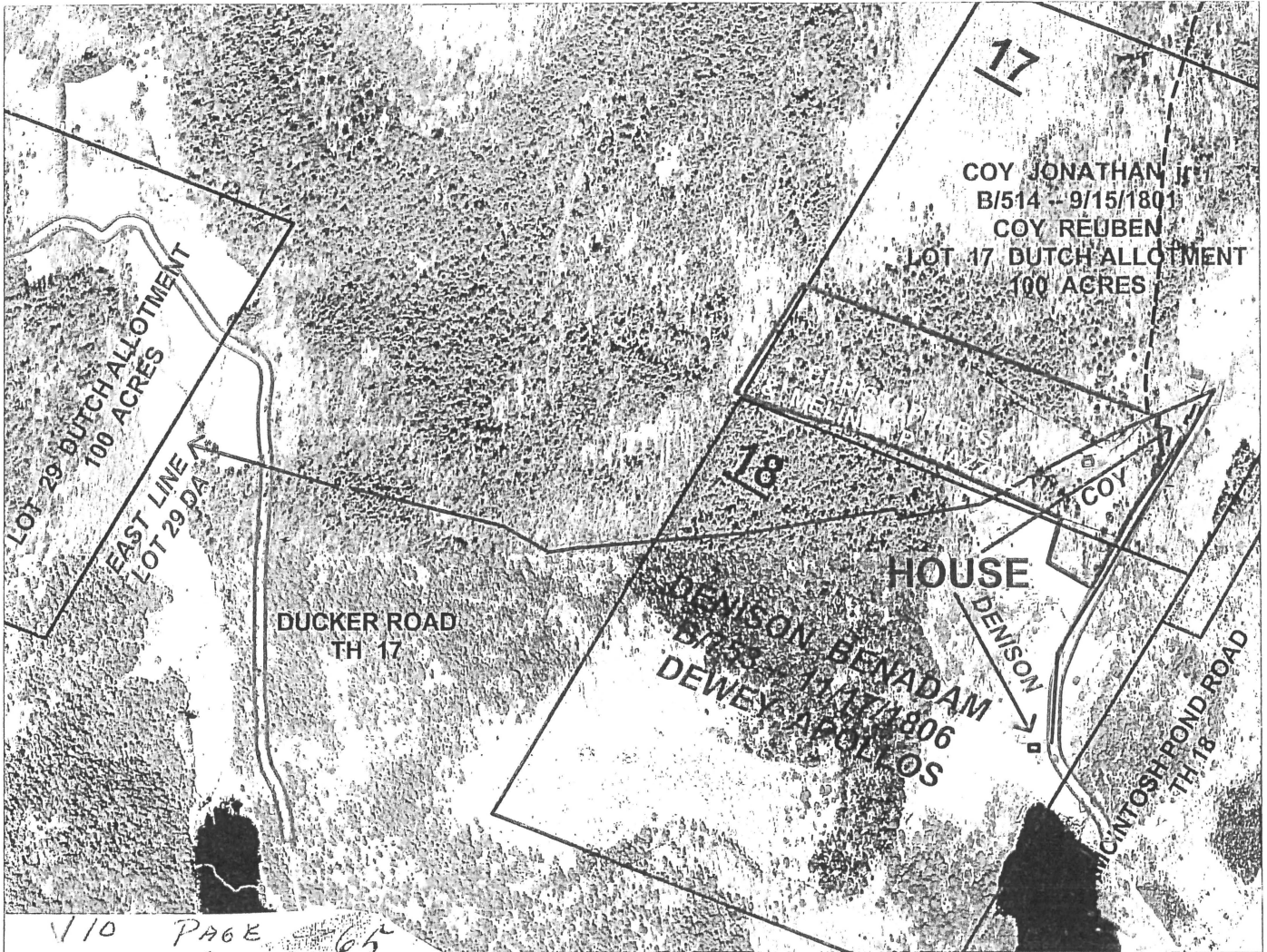
Calvin Skinner - Town Clerk

oy to (Ambridge we?) Pent Rd
Roylton June 4. 1844
To the Hon. Select Men of Roylton. Greeting
gentlemen. As there is but little travel on the public
highway that leads from John Coy's in Roylton to the
Seven Village in Ambridge we the Subscribers respectfully petition
the Select Men to grant the privilege the following gates across
said road to John Coy's. one gate near his house to
Stephen C. Root. One gate at the South line of his Division
& area one at the North line of said lot to George M.
Wells. One gate at or near the West line of his Lot on farm in
yath Stephen C. Root, Calvin Wheeler, Charles Wheeler
Moses Reddell, Rodolphus H. Devoey, John Coy
Reuben Docty, Betu Decker

BOOK 11
P. 8



THE COY ROAD



V 10 PAGE 65
1814-1845

A survey of a public road in Maryland beginning at the Northeast corner of the house owned by Ben. A. Denison formerly owned and occupied by Apollus Dewey thence N. 9° E 24 rods thence N 36° E. 82 rods turning a little by the house of Jonathan Coy - thence S 72° W. 30 rods thence S 67° W. 40 rods. S 85° W 22 rods thence N 31° E. 3 rods thence S 86° W. 40 thence S 82° W 46 rods thence S 87° W 8 rods thence S 85° W 24 rods thence N 71° W. 42 rods to the east line of Lot No. 29 Dutch Allotment - said road 3 rods wide on the east and N. E. side of said survey

By action August 1815.
Surveyed and recorded

Chas Stevens } test
Isaac Skinner }
Daniel Wolf } men

James Gifford Town Clerk

A survey of a public Road in Brighton beginning at the Northeast corner of the house owned by Ben. A. Denison formerly owned and occupied by Apollo Dewey thence N 9° E 24 rods thence N 36° E. 82 Rods running a little by the house of Jonathan Coy - thence S 72° W. 30 Rods thence S 67° W. 40 Rods. S 85° W 22 Rods thence N 30° W. 3 Rods thence S 86° W. 40 thence West 46 Rods thence S 87° W 8 Rods thence N 55° W 14 Rods thence N 71° W. 42 Rods to the east line of Lot No. 29 Dutch Allotment - said Road. Paice three Rods wide on the east and N. E. side of said Survey

Brighton August 1815.
 Surveyed and recorded

Thos Stevens }
 Isaac Skinner } Titled
 Daniel Pratt } men

James Safford Town Clerk

Benjamin A. Denison - now - Carl D. Sawyer et al.
 Jonathan Coy - now - Myrorie Steuder

N 09° E	24 rods	=	396 Feet	
N 36° E	82 "	=	1353 "	running a little by Coy House
S 72° W	30 "	=	495 "	
S 67° W	40 "	=	660 "	
S 85° W	22 "	=	363 "	
N 30° W	3 "	=	49.5 "	
S 86° W	40 "	=	660 "	
WEST 46	46 "	=	759 "	
S 87° W	8 "	=	132 "	
N 55° W	14 "	=	231 "	
N 71° W	42 "	=	693 "	To East line Lot 29 Dutch allotment.

DUTCH ALLOTMENT

775 LS	Daniel Havens 42	Robert Havens 37	Samuel Benedict 32	John Evans 27	Elias Stevens 22	Samuel Benedict 16	William Jones 9	John Kent 1
	Daniel Rix 43	Daniel Rix 38	Nathaniel Alger 33	Elias Stevens 28	Phineas Parkhurst 23	Daniel Gilbert 17 Jabez Parkhurst	Joseph Fish 10	Daniel Gilbert 2
	Joseph Havens 44	Elias Curtis 39	Elias Curtis 34	John Evans 29	Ebenezer Church 24	Daniel Havens 18	Joseph Fish 11	Ebenezer Church 3
	John Kent 45	Comfort Saver 40	Isaac Morgan 35	David Brewster 30	Josiah Wheeler 25	Daniel Gilbert 19	Ebenezer Dewey 12	Ebenezer Dewey 4
	Ebenezer Brewster 46	Elias Stevens 41	Joseph Havens 36	Jo. Parkhurst 31 I Morgan	N Morgan M Benton 26 C Parkhurst Dan. Rix	Nathaniel Morse 20 Nathaniel Morse 21	Tille Parkhurst 13	Ebenezer Dewey 5
							Benjamin Day Jr. 14	Israel Walker 6

17 = Coy

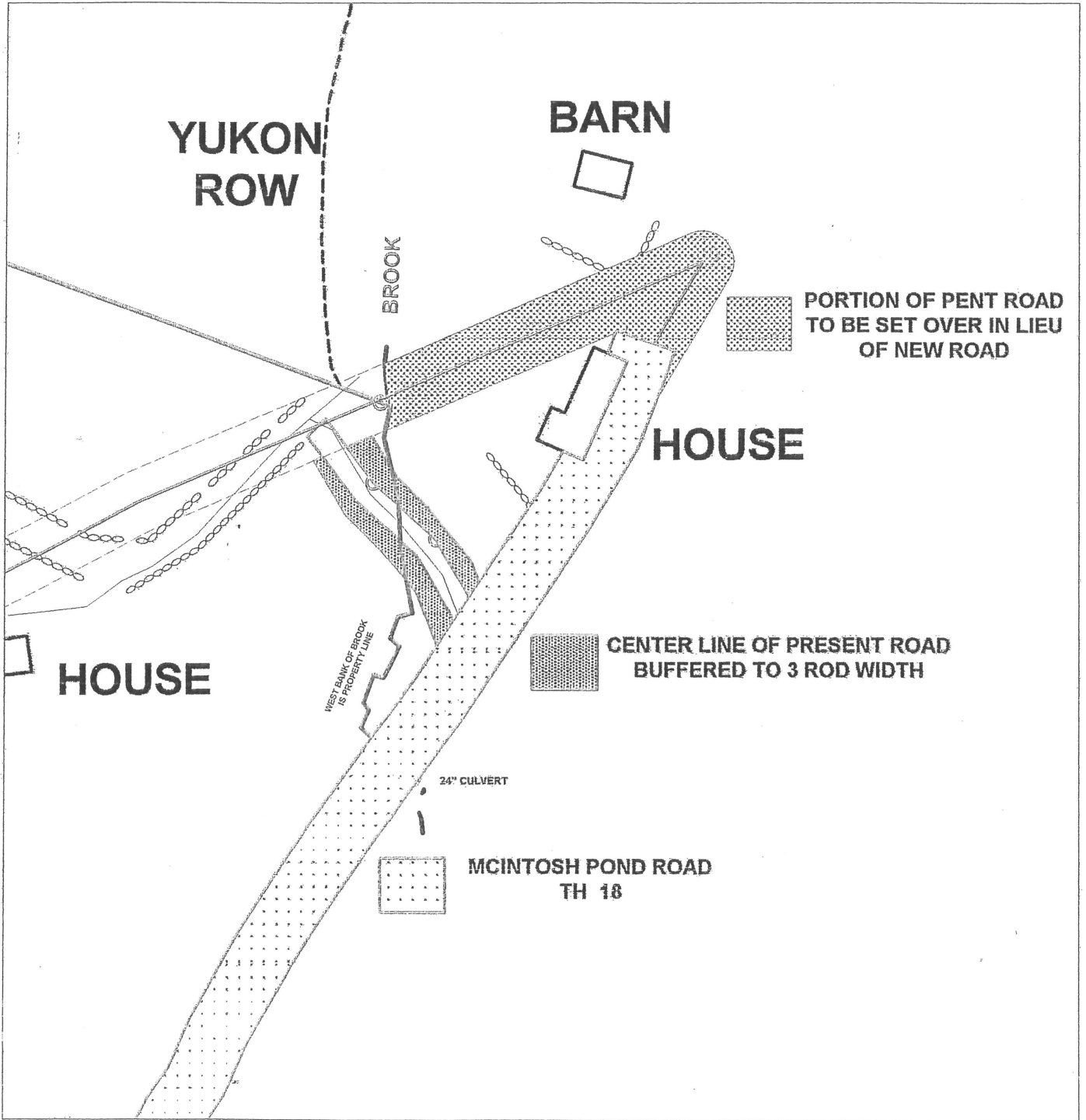
Refer to Vol 10 Pg 65
1814-1843

Road survey from Coy on lot 17
to East line lot 29

4



POSSIBLE SOLUTION ???





PEPPERILL ROAD INCOMPLETE SURVEYS



A true copy as recorded in Town Records Book, 2nd page 849
May 25, 1977
Attest - Reading & Ferris
Royatten June 11. 1844 Town Clerk

To the Hon. Select Men of Royatten. Greeting
Gentlemen. As there is but little travel on the publick
highway that leads from John Coys, in Royatten to the
Lower Village in Cambridge we the Subscribers respectfully petition
the Select Men to grant the privilege the following gates across
said road to John Coys. One gate near his house to
Stephen E Root. One gate at the South line of his Dennis
Lot and one at the North line of said Lot to George M.
Rowell. One gate at or near the West line of his Lot in Royatten
Royatten. Stephen E Root, Calvin Wheeler, Charles Wheeler,
Lyman Redell, Rodolphus H. Devoey, John Coy
Nathan Dodge, Peter Decker,

9
We the Select Men of Royatten on application to us made
in writing by Eight Freeholders of said Royatten hereby order
the discontinuance of the highway from John Coys house
to the West line of George M Rowells farm in Royatten as an
open highway but continue the same as a private Road
and direct that the following number of convenient Gates
at the places designated be erected across said Road and
kept in repair by the persons who own the lands on the
Road opposite said Gates. viz: One Gate across the Road
near John Coys house, one at the South line of Stephen
E Roots Dennis Lot as aforesaid, one at the North line of
the last mentioned Lot, and one at or near the West
line of George M Rowells farm in Royatten. Said Gates
may be kept open from 15th December to 15th April in
each year.
Royatten July 12th 1844
Forest Adams } Select Men
Levi Rice }

Recorded August
23rd 1844

C-700

7174

Farnsworth Surveys

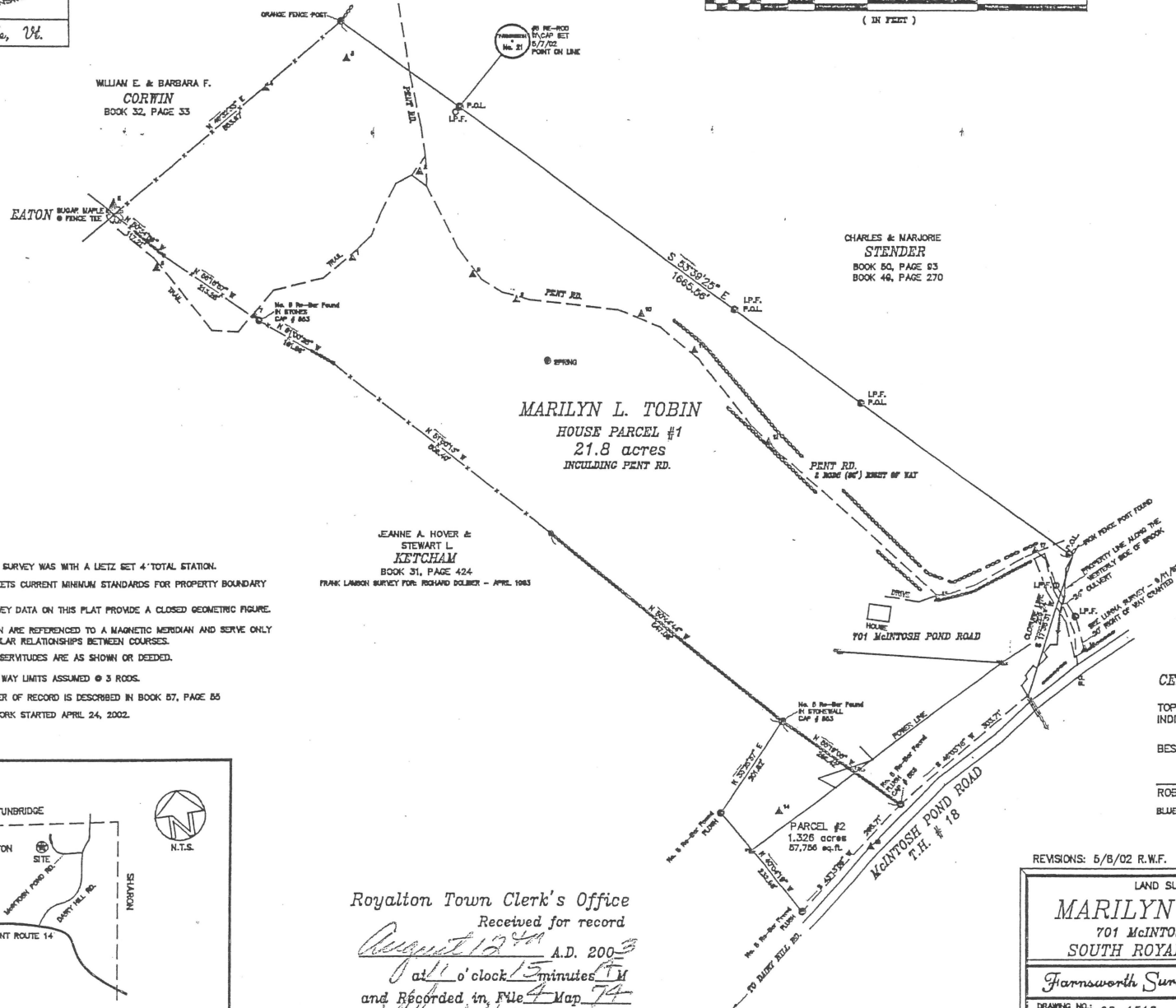
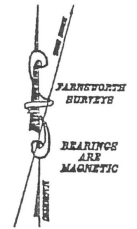
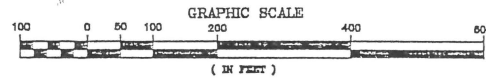
Celebrating our 28th Year



Brownsville, Vt.

21.8 acres
1,326 acres
23.1 acres TOTAL

TOTAL LAND SURVEYED: 23.1 Acres



LEGEND:

PROPERTY LINE	---
FENCE	- - - - -
STONEWALL	o-o-o-o-o-o-o-o-o-o
IRON PIPE FOUND	o L.P.F.
TRAVERSE POINT	△
ANGLE POINT	•
RE-ROD W/CAP SET	⊙ RE-ROD Cap No. 21
POWER POLE	⊕
BOUND	■
WELL OR SPRING	⊙
POINT ON LINE	P.O.L.
ROAD RIGHT OF WAY	---
DRAINAGE OR STREAM	~ ~ ~ ~ ~

NOTES:

THE METHOD OF SURVEY WAS WITH A LIETZ SET 4" TOTAL STATION.

THIS SURVEY MEETS CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

BOUNDARY SURVEY DATA ON THIS PLAT PROVIDE A CLOSED GEOMETRIC FIGURE.

BEARINGS SHOWN ARE REFERENCED TO A MAGNETIC MERIDIAN AND SERVE ONLY TO DEFINE ANGULAR RELATIONSHIPS BETWEEN COURSES.

EASEMENTS OR SERVITUDES ARE AS SHOWN OR DEEDED.

ROAD RIGHT OF WAY LIMITS ASSUMED @ 3 RODS.

THE TITLE HOLDER OF RECORD IS DESCRIBED IN BOOK 07, PAGE 05

SURVEY FIELD WORK STARTED APRIL 24, 2002.

JEANNE A. HOVER &
STEWART L.
KETCHAM
BOOK 31, PAGE 424
FRANK LAMBSON SURVEY FOR: RICHARD DOLBER - APRIL 1983

CERTIFICATION:

THIS SURVEY IS BASED ON MONUMENTATION FOUND, TOPOGRAPHIC EVIDENCE, CONVERSATIONS WITH VARIOUS INDIVIDUALS AND DEED DESCRIPTIONS.

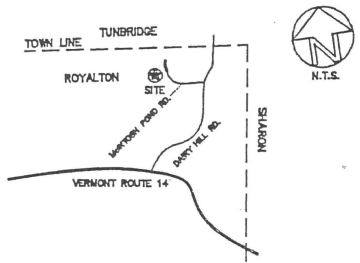
IT IS CONSISTENT WITH THIS INFORMATION TO THE BEST OF MY BELIEF AND KNOWLEDGE.

ROBERT W. FARNSWORTH R.L.S. #21 DATE
BLUEPRINTS (COPIES) ARE NOT CERTIFIED UNLESS SIGNED & DATED.

REVISIONS: 5/8/02 R.W.F.

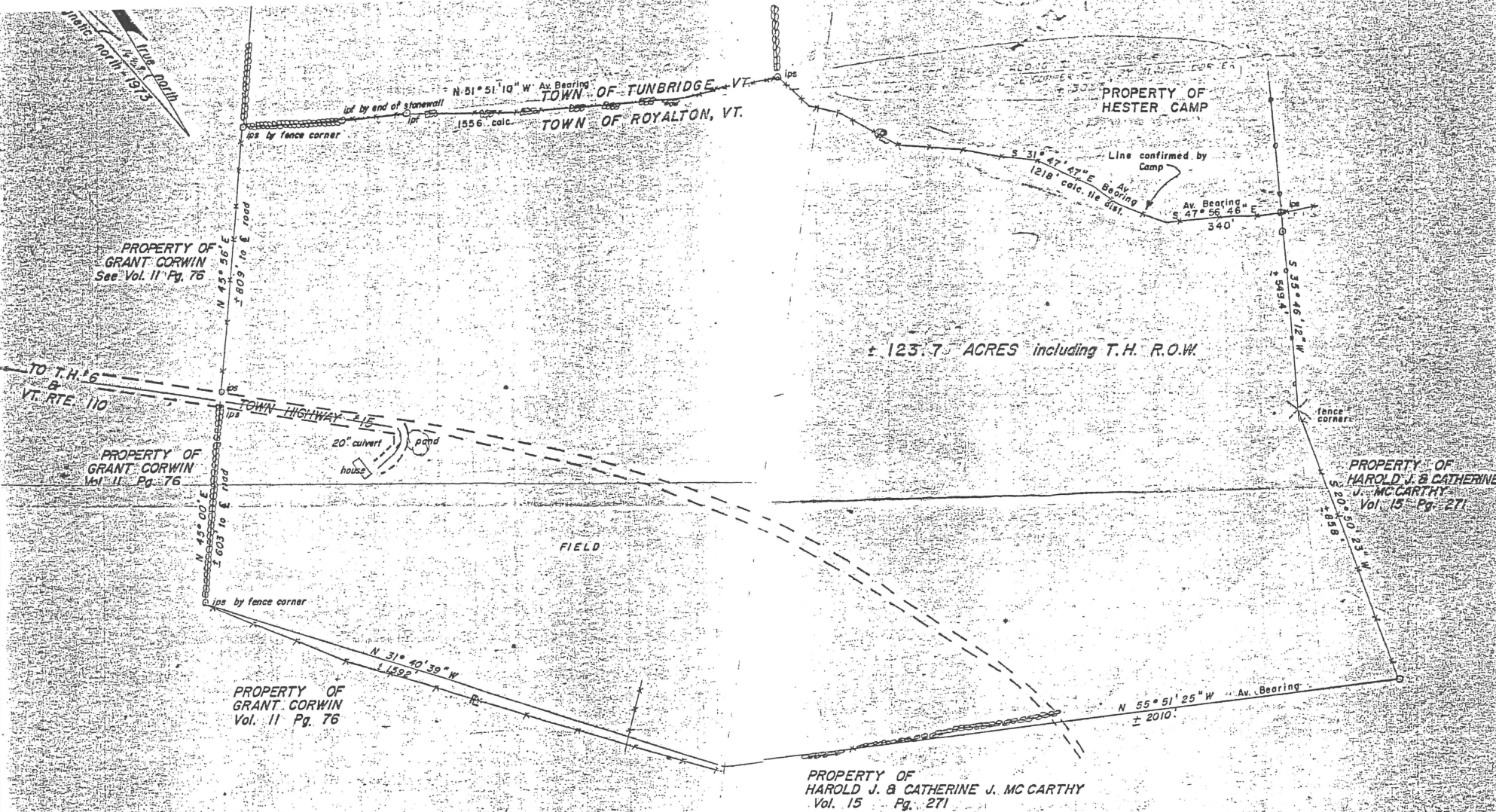
LAND SURVEYED FOR:	
MARILYN L. TOBIN	
701 McINTOSH POND ROAD	
SOUTH ROYALTON, VERMONT	
Farnsworth Surveys	
P. O. BOX 60 BROWNVILLE, VERMONT (802)484-8731 08007	
DRAWING NO.: 02-1518	FULL SCALE: 1" = 100'
DATE: APRIL 29, 2002	DRAWN BY: R.W.F. & L.B.
23.1 Acres	
COMPUTER NAME: TOBIN.DWG	

Royalton Town Clerk's Office
Received for record
August 12th 2003
at 11 o'clock 15 minutes P.M.
and Recorded in File 4 Map 74
Attest: *[Signature]* Town Clerk

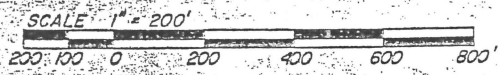


ROYALTON, Vt LOCUS MAP

E-Mail: farnsworth@vermontinfo.net THIS PLAT MEETS THE REQUIREMENTS OF 27 VSA § 1403 ORIGINAL UNDED PLAT PRODUCED BY: FARNSWORTH SURVEYS - P.O. BOX 60, BROWNVILLE, VERMONT 05037



- LEGEND**
- iron pin set oips
 - iron pin found oipf
 - fence line —x—x—x—
 - stonewall —o—o—o—o—
 - blazed line —|—|—|—|—
 - centerline —c—c—c—c—
 - town line —TL—TL—TL—TL—
 - right of way R.O.W.



DEED REFERENCE
 Royalton, Vt. Land Records
 August L. Zollikofer to
 Harold Block
 Vol. 20 Pg. 31 1/18/72
 See Vol. D Pg. 433 8/18/1819 for description.

A Transit and Tape Survey of the
HAROLD BLOCK PROPERTY
 Royalton, Vt. Scale 1" = 200'

I certify I prepared this map from a complete search of the land records & from field evidence.

Richard F. Towne
 7/19/73

6

Harold & Catherine McCarthy
7895 Highland - Croft Rd
Plain City Ohio

Ancient Roads Committee
Royalton, Vermont 05068

Thank you for your response to our mailing concerning ancient roads. We will try to help as we can. This committee's primary task is to identify roads which are Town right of ways, but do not currently appear on the Town Highway map for mileage certification issued by the State of Vermont. You may be able to help us by answering the following questions:

- 1 Is there mention of the road in your deed?
- 2 Do you know of Town records which may include reference to this road?
- 3 Can you sketch the position of the road on a map?
- 4 Do you wish to attend one of our meetings?
- 5 We may wish to visit your property to view the physical evidence of the road.

Please reply to:

Fred Glanzberg, Chair
Ancient Roads Committee
PO Box 680
So. Royalton, Vermont 05068

5-31-07

1. No! See item 1 attached. See Book 15 Page 188 for further description of the Pepperell Lot.
2. See item 1
3. See attachment 3. From the former Zollicoffer property thru to house at the end of MacDontost Pond road.
4. Not present from Ohio
5. Help yourself.
Call 614-873-3340 if I can help.

Harold McCarthy

Deed

WARRANTY

W. Sidney Gilman
and
Marion P. Gilman

TO
Harold J. McCarthy, Jr.
and
Catherine J. McCarthy

Dated, November 20th 1964

Royalton Town CLERK'S OFFICE

RECEIVED FOR RECORD

November 26th, A. D., 1964

AT 2 O'CLOCK 40 MINUTES P. M.

AND RECORDED IN Royalton, Vt.

BOOK 15 PAGE 271 OF LAND RECORDS

ATTEST Hathorne M. Doyle
CLERK

RECORDERS FEE \$ 2.00



1

Know all Men by these Presents

That We, W. Sidney Gilman and Marion P. Gilman, husband and wife, both

of Chelsea in the County of Orange
and State of Vermont Grantors, in the consideration of
--- One Dollar and Other Valuable Consideration --- Dollars
paid to our full satisfaction by

Harold J. McCarthy, Jr. and Catherine J. McCarthy, husband and wife, both

of Windsor in the County of Windsor
and State of Vermont Grantees, by these presents, do
freely Give, Grant, Sell, Convey and Confirm unto the said Grantee s

Harold J. McCarthy, Jr. and Catherine J. McCarthy

and their heirs and assigns forever, a
certain piece of land in Royalton in the
County of Windsor and State of Vermont, described as
follows, viz:

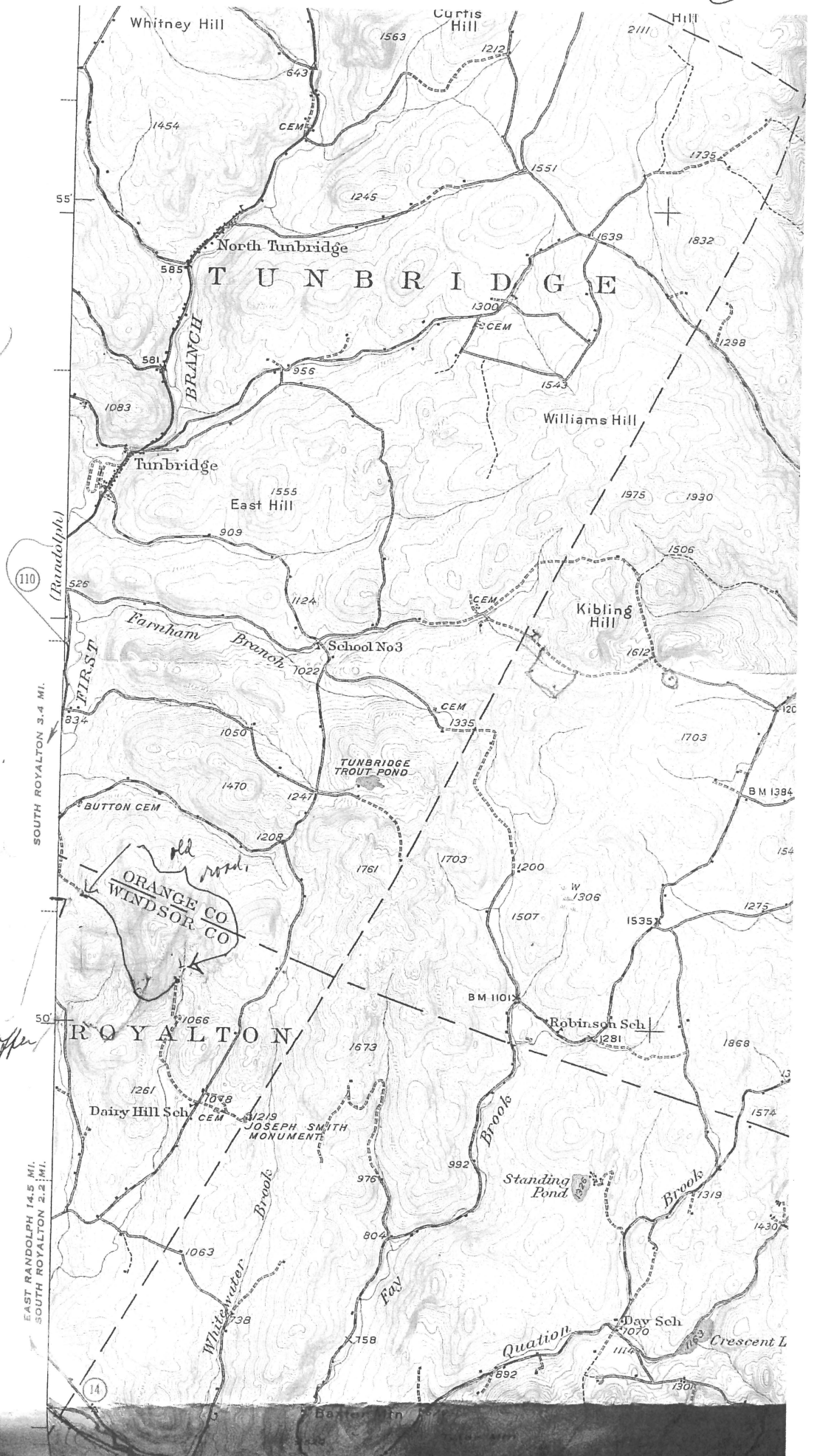
Being the Pepperell Lot, so-called, containing 125 acres,
more or less, and being all and the same land and premises
conveyed to the said W. Sidney and Marion P. Gilman by
Warranty Deed of Clarence E. and Vernie V. Woodward dated
July 17, 1964 and recorded in Book 15, Page 188 of the
Royalton Land Records, to which deed and its record and
to all former deeds and records thereof, reference is
hereby made for a further and more particular description
of the within conveyed land and premises.

Howard & Catherine McCreedy

3

#252
Ester Rogers

Zolickoff



May 31, 2007

Dear Mr. Blankenship,

Sorry for the delay in answering you but I was hospitalized when you letter arrived. I am enclosing information which should answer your questions with a little research in the Boynton archives.

When I answered the original inquiry back in the winter I knew that the road through my property was clearly an old town road.

On further reflection, however, I can now think of four other old roads on and/or near the property. One of these may well be an old town road. One was the old road used to remove the boulders from my property to the house down over the hill to the town road south of the Pepperell Lot.

The other two ~~are~~ probably old access roads, used in the mid 1800's when our high ridge was pasture land for cattle and I believe Wether Camp tended those cattle in the 1850-1860 time frame. Wether Camp I believe lived near the Button Cemetery and has been dead thirty or forty years.

At any rate, the road that I believe could be an old town road is clearly visible. If you cross my eastern boundary fence on the Pepperell Lot Road, a road runs in from the south about 2-300 yards from my boundary.

It proceeds generally south when a fence crosses the road (east-west) Continue beyond that fence maybe 3 to 500

yards and you come to an old round "root cellar" on your right. I have not been there in 30-40 years but you could walk into the rock chamber in the 1970's. Anyway, the road veers to the southeast at that point. I have never ventured further but the topography suggests the road slides the side of the ridge down to the town road below. That is why I think it might be an ancient road.

Another road can be found on the west boundary as you approach my property. You can readily see it perhaps 100 yards short of my property on the left (north) as it slabs the ridge and goes westerly to the top where it my new westerly on adjoining property. This was probably an access road in the mid 1800's when Hester Camp tended cattle on the top of the ridge -

Another road begins at the base of the westerly ridge just beyond our spring. This road goes so steeply up to the top of the ridge that I don't believe a person on horseback could get up or down it because of the steepness (60° or so). My recollection is that that road steps at the top is very hard to descend thereafter. I doubt this was ever a town road. No wagon could traverse it.

The last road begins at the south west corner of the property and there is a bar-way of some sort and meanders in a generally south wester direction to the town road below. I also recall that some other

roads meander on the southerly exposure and
none of them may have been town roads. But they've
been there probably seventy - five years or more.

If I can help in any way feel
free to call 614-873-3340

Best regards

Stephen J. McCarthy

March 18, 2007

Dear Ancient Roads Committee

I have received the yellow postcard and Town report for 2006 and read the brief description on page 53 of the "Ancient Roads Committee". It is not clear to me exactly what a Class IV road is or what the "Ancient Roads" bill does. However, knowing that the citizenry is always at risk any time a legislative body meets I am at best skeptical of what this "law" implies - like eliminating access to land I have owned, paid taxes on and obtained no benefit of for over forty years.

I have chosen not to "post" this land to anyone - hikers, horseback riders, hunters, snowmobilers, tourists, neighbors or

anyone else. That's the way it was when I first came to know & love Vermont in 1953 and when I lived for twenty five or more years. Land was open everywhere for everyone.

When I was transferred out of Vermont in 1975, we chose to huddle into this quiet somewhat remote piece of land to pass on to our heirs. I have returned and hunted on it whenever I could, and as recently as about five years ago.

The land I refer to is called the Peppercall lot on my deed. It lies on both sides of the road between the Grant Corwin dairy farm and the road coming from the east by Macintosh pond. It contains the so called "Calendar Bowl" referred to in the book "Manitou"

to which many South Royalton's are familiar.

Coming from the west by the Corwin farm turning left and going to the driveway of the Jallikoff's home the road progresses on the north side of open land behind the small Jallikoff's pond.

After about 500 yard the road begins its ascent up between the ridge to the north and the ridge that rises on the south as you enter our property.

At that point you emerge from the cover of the trees or woods on both sides. There is an old wire fence going to the left (north) straight up the ridge. On the right a stone wall corner occurs running to the south and up what was mostly an open ridge but is now covered with many scrub pine.

At this corner or entrance to the land (from the west) the stone wall going westerly peters out and is followed by very large individual irregular boulders nearly the size of a VW bug. One of these huge rocks was stolen from that location by one of my neighbors using a tractor to pull it up over the ridge to the right where it rests today in front of a house on the curve in the road below. This occurred about 1975 to 1978 or so when Moore was exploring the "Calender Bowl" with my permission.

Along this row of boulders are some very old classic sugar maples. At about the base of the look (most easterly) old tree you get a beautiful view to the southeast and the mountains of New Hampshire.

At the end of the row of rocks & huge maple trees on the right (south) the ancient road went essentially straight but veering slightly toward the ridge on the left (north) and connected to the road that exists today, under the mantle of pines essentially right at the base of the ridge to the left and finally exits my land and begins to go down hill to the houses in and around Moe's task pond.

From end where the rocks & maple trees are to where the road is covered by tree canopy is probably a hundred yards or so \pm 50 yards one way or another. When I acquired this land I would estimate that ^(the road) it had not been maintained by the town for 15 years or so because the original track of the road went through

wet muddy sand that vehicles would tear up and would be a mudhole. Brush turns into trees covers this area now and did over forty years ago.

Locals with vehicles, chose not to go through the wetland but instead went around it east of the large maples on higher ground, on their way, weered left nearby to the ancient stone structure, whether about in "Manitou", In essence, the vehicles went onto our land (dry and higher) to avoid the wetland.

I have gone to all this trouble to describe this so that the committee can properly describe the ancient and essentially straight road through to the eastern side of the wetland, and eliminate the "high and dry loop around it on my property which is not the ancient road.

It is my desire that this road be kept open legally so I have access to the property from both the west and the east, from Zollikoffer place or from Macintosh Pond. But please - exclude the high & dry loop - and rerod the original location through the wetland.

I would like to cooperate with the committee, and I can be reached by phone, or fax or mail and would be happy to answer any questions I can.

I can recall stopping at the town hall a few years ago and inquiring with the town engineer about my concern for the road. I was told that the town never closes these old roads. I hope that remains true today as well.

I remain yours truly

Harold J. McCarthy Jr

7895 Hyland-Cray Road
Plain City, Ohio
43064

TEL 614-873-3340

FAX 614-873-0163

PAYABLE TO:
MAIL TO:

TOWN OF ROYALTON

Treasurer
PO Box 680
South Royalton, Vt 05068
802-763-7207

TAX BILL

This is the only tax bill.
FORWARD to your escrow agent
or new owner if property

PARCEL ID	BILL DATE	TAX YEAR
J--640.	08/24/2006	2006

Taxes unpaid after the due date are delinquent and will be charged
8% penalty, 1% per month interest and any additional costs.

Location: TH 16-LOVERS LN
Description: 125 AC (BULK LAND):

OWNER MCCARTHY, HAROLD J & CATHERINE J
7895 HYLAND-CROY ROAD
PLAIN CITY OH 43064

SPAN # 534-168-10773 SCL CODE: 168
TOTAL PARCEL ACRES 125.00

FOR INCOME TAX PURPOSES

ASSESSED VALUE		NON RESIDENTIAL	
REAL	34,700		34,700
TOTAL TAXABLE VALUE	<u>34,700</u>		<u>34,700</u>
GRAND LIST VALUES	347.00		347.00
For further explanation of spending adjustment and CLA please see insert.	TAX RATE NAME	TAX RATE x GRAND LIST =	TAXES
	GENERAL	0.4040 x347.00=	140.19
	HIGHWAY	0.4140 x347.00=	143.66
	NON RESIDENTIAL EDUCATION	2.0262 x347.00=	703.09
Base Rate/CLA 1.44 / 0.7107			
PAYMENT	11/01/2006	TOTAL TAX DUE	986.94
DUE	986.94		

*Pd. 10/31/06 #
Ch# 3040 \$986.94*

DETACH THE STUBS BELOW AND RETURN WITH YOUR PAYMENT

Ancient Roads Characteristics Checklist

1. Name and/or location of road: Litchfield Lane

Traverse for this
Road differs from
what the shapefile
has.

2. How did we learn of this road? Selectboard action

3. Is it physically visible? Yes

used original survey
alignment S. Mon 1707
3/26/10

4. Is this road the only access to interior parcels? Unknown

5. How has the road been used, and when? Access

6. What maps, if any, show this road?

7. What records include reference to this road? Survey dated June 19, 1834 filed in vol. II at page 319

8. Physical condition:

a. Are there man-made obstructions?

b. Large trees in the roadbed?

c. Steep grade?

d. Washouts and erosion?

e. Wetlands? *no*

9. What are the GPS coordinates: (in State Plane units)

dead end= 495139
14144

Smedley Rd.= 495400
142080

10. Where does the road "start" and "end", access from what Town highways? Survey runs from dead end to Smedley Road (TH53)

11. Length of road: 0.44 miles

12. Number of parcels within or abutting the road: 5

13. Is there scenic value or sites of historic interest?

14. What are the landowners wishes and concerns?

319 Road

We the Subscribers Settle of Royall do hereby certify that on the 14th day of June 1834 We Surveyed laid out and have this day established a road or highway described as follows viz, Beginning at North end of the Shed adjoining the dwelling house of John Lyman, the North 3rd W, 41 rods then N 33rd E, 26 rods, then N 41st E, 32 rods then N 9th E, 16 rods, then N 24th E, 24 rods intersecting the Johnson road, the line being the center of said Road which is established 2 rods wide,

Nayatten June 19, 1834, Harry Bingham
 Reewood July 30, 1834, John Marshall
 Attest R. B. J. In Clerk, Sarah Kimmey's } Subscribers

"Witchfield Lane"

beginning N end of Shed

N 30th W 41 rods
 N 33rd E 26 "
 N 41st E 32 "
 N 9th E 16 "
 N 24th E 24 "

intersecting Johnson Rd (Invent: Smedley)
 TH # 53

Book II
 P. 319
 June 19, 1834

April 26, 2006

Mayer & Mayer
Tavien Mayer
P.O. Box 59
South Royalton, VT 05068

Re: Litchfield Lane Classification

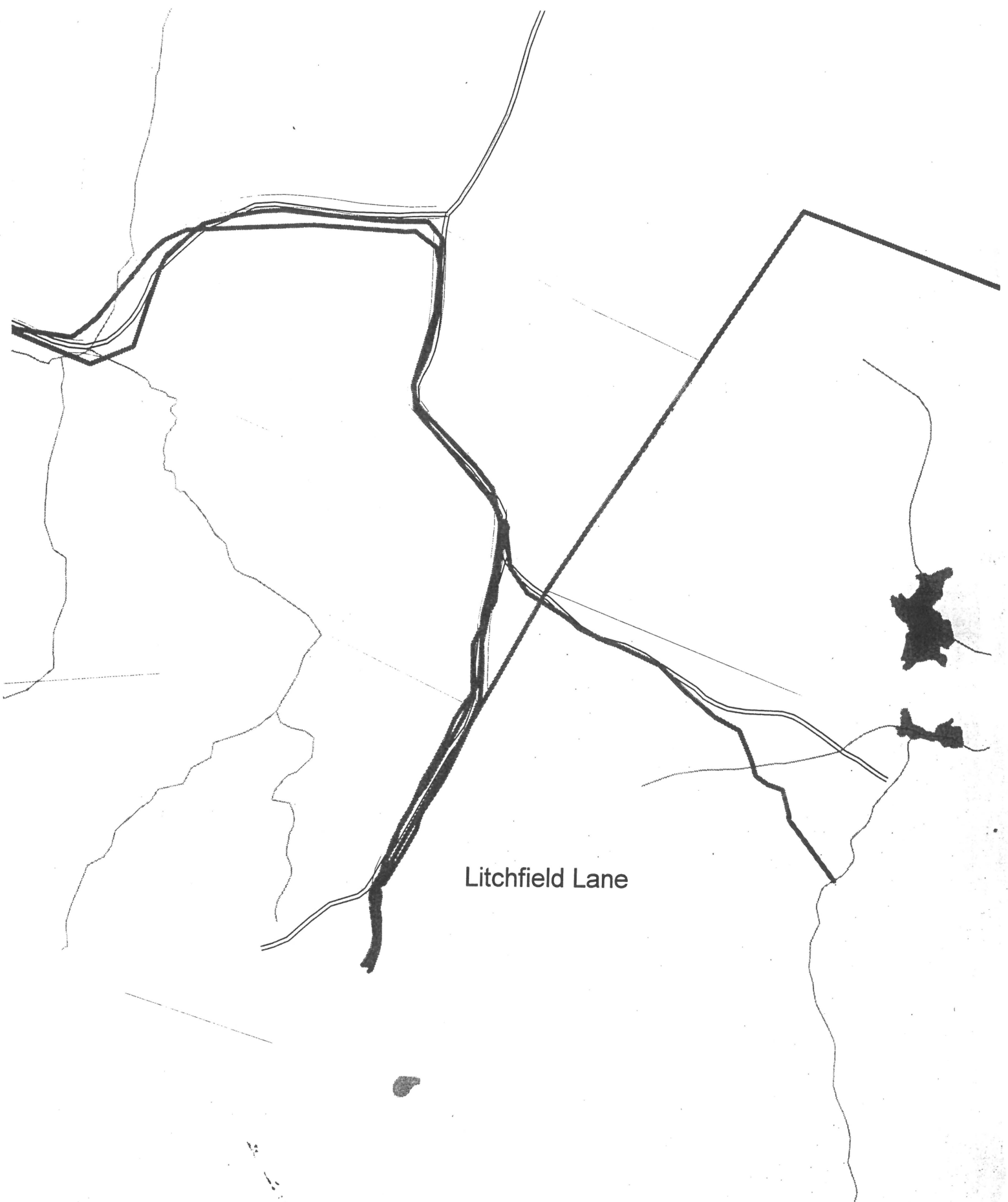
Dear Mr. Mayer:

The Royalton Selectboard Held a Public Hearing on April 25th, 2006 at 8:00 p.m. and affirmed that Litchfield Lane is a Class 4 Road and is the existing road being used to this date. The location of the existing road matches the survey in Book 10, Page 319 of the Royalton records.

If you need further assistance please do not hesitate to contact me.

Sincerely,

Jacqueline M. Higgins,
Administrative Assistant



Litchfield Lane

Ancient Roads Characteristics Checklist

1. Name and/or location of road: Broad Brook Cemetery Road
2. How did we learn of this road? From landowner and survey found during records search
3. Is it physically visible? Yes
4. Is this road the only access to interior parcels? Yes Cemetery
5. How has the road been used, and when? Access to cemetery and land beyond cemetery
6. What maps, if any, show this road? 1926 USGS Topographic, Randolph Quadrangle
7. What records include reference to this road? Royalton Land Records, Vol. II, page 64 survey dated April 22, 1848-survey reads "South 86° West 21 rods to the Broad Brook Burying Ground gate"
(pent)
8. Physical condition: unimproved dirt
 - a. Are there man-made obstructions? Gated as pent road
 - b. Large trees in the roadbed? No
 - c. Steep grade? No
 - d. Washouts and erosion? Roadbed intact but no drainage measures in place
 - e. Wetlands? No
9. What are the GPS coordinates: intersection with Broad Brook Road= Lat. 43.722761°
Long. -72.527744°

End at cemetery gate= Lat.43.772629°
Long. -72.528880°

5. Where does the road "start" and "end", access from what Town highways? off Broad Brook Road

6. Length of road: 95 meters (311.6 feet)

7. Number of parcels within or abutting the road: unknown

8. Is there scenic value or sites of historic interest? Broad Brook Cemetery

9. What are the landowners wishes and concerns? Keep it open to the public

Royalton Selectboard

Public Hearing on Proposed Town Plan

Royalton Academy Building

December 18, 2009

Selectboard present: Peg Trombly, Larry Trottier, Peggy Ainsworth, Ernie Amsden, Joan Goldstein

Public Present: Stuart Levasseur, Jo Jo Levasseur, Fred Glanzberg

Chairwoman Trombly opened the Public Hearing at 7:00 p.m.

There was some discussion about whether scenic areas should be better identified. J. Levasseur recommended we not get too specific. The Selectboard agreed and felt the scenic areas section on pages 14-15 is sufficient.

Chairwoman Trombly noted the additions to the document since last hearing (solid waste, junkyard, and VAST. Administrative Assistant Nathan Cleveland is working with the Town Clerk to update the historic building's section (pages 60-61). It was suggested to just list the historic building and its physical address. By eliminating the current owner listing, that part of the document wouldn't have to be updated.

The Public Hearing was adjourned at 7:15 p.m.

Chairwoman Trombly opened the special Selectboard meeting at 7:15 p.m.

Ancient Roads Committee

Fred Glanzberg recommended the following road be added to the Town Highway map – Lafayette Rd., Roger's Rd., Litchfield Lane, Pepperill Rd., and Powers Broad Brook Cemetery Rd. Although there is still more research to do on Roger's Rd, Litchfield Lane, and Pepperill Rd. the Town must get them on the map before February 10, 2010.

E. Amsden made a motion that was seconded by J. Goldstein to authorize Two Rivers Ottauquechee Regional Commission to add the roads to the Town's Highway map. The motion passed unanimously.

Planning Commission

J. Levasseur presented a bill to the Selectboard for legal work regarding Times and Seasons litigation.

December 8, 2009 minutes

Chairwoman Trombly had a few changes. She noted that Administrative Assistant Cleveland had done a good job preparing the minutes.

L. Trottier made a motion that was seconded by E. Amsden to accept the minutes of December 8, 2009. The motion passed unanimously.

Town Office

Board member J. Goldstein reported that she has talked to the USDA. Grant eligibility is up to \$200,000.00. The current USDA loan rate is 4%. The Town could also borrow from a municipal bond bank with an interest rate below 3%. The Selectboard noted that the Town should complete the USDA grant application while our architect and USDA construction analyst meet.

The question was asked if USDA requirements might make the project more expensive. It might be less expensive to borrow from the municipal bond bank at a lower interest rate. J. Goldstein will arrange for our architect to meet with the USDA construction analyst and meet with the Selectboard, which may help answer that question.

Pollution Abatement Facility

The Selectboard was unable to set the sewer rate due to lack of information. J. Goldstein will try to get a sample request for proposal to send out to engineers so the Town can get preliminary reports for USDA applications.

E. Amsden made a motion that was seconded by L. Trottier to increase the service fee from \$25.00 to \$35.00 twice a year. The motion passed unanimously.

Highway Department

E. Amsden made a motion that was seconded by J. Goldstein to accept Dave Lambert's resignation. The motion passed unanimously.

It was noted that board member L. Trottier and Road Foreman Roger McCrillis have begun interviewing for the road crewman position.

J. Goldstein made a motion that was seconded by E. Amsden to increase Brad Howe's hourly pay by \$.10 per hour effective January 1, 2010. The motion passed unanimously.

The board asked that Road Foreman McCrillis to notify Mr. Howe.

UniFirst Contract

No new information was available. Discussion ensued about whether the Town should pay the termination fee. The board decided to not take any action until information is received from the Vermont League of Cities and Towns.

Driveway Access Fee

L. Trottier made a motion that was seconded by J. Goldstein to increase the fee to the cost of the recording fee plus a \$10.00 administrative fee. The motion passed unanimously.

Streets and Sidewalks

There have been three applicants for the snow removal position. The Selectboard would like to arrange short interviews with Travis French-Dyer and Chester Clark for 6:30 p.m. and 6:45 p.m. on Tuesday, December 22, 2009.

Civics Club Phone

P. Ainsworth made a motion that was seconded by J. Goldstein to take over paying for the Civics Club phone line since the new fire alarm system is tied into it. The motion passed unanimously.

Historic Preservation Grant

The Town has been awarded a Historic Preservation Grant for repairs to the Town House foundation.

J. Goldstein made a motion that was seconded by E. Amsden to accept the grant for the repair of the Town House Foundation. The motion passed unanimously.

Selectboard Office

The Selectboard reviewed the correspondence folder.

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L. Trottier made a motion that was seconded by E. Amsden to offer the VLCT 2250 Value Plan to all Town employees eligible. The Town will pay 50% of the deductible. The motion passed unanimously.

Other Business

Discussion was held concerning the possibility of the ambulance joining into the proposed Town Office facility.

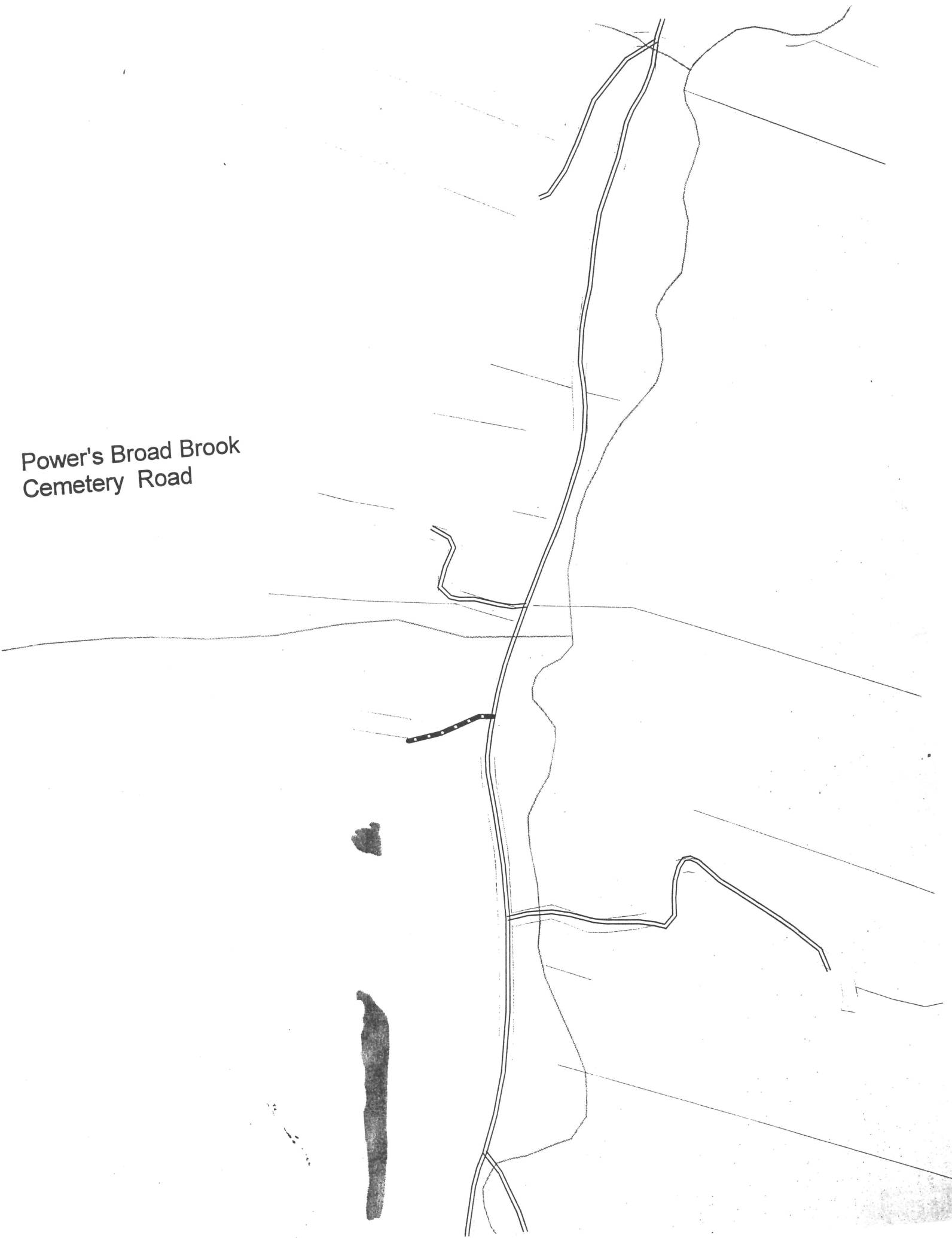
A listing error in the Grand List has resulted in a tax revenue loss for the Town and Highway of \$50,000.00. More information will be forthcoming at the next Selectboard meeting on December 22, 2009 when the board will meet with Treasurer Theresa Harrington.

Meeting Adjourned at 9:15 p.m.

Respectfully submitted by:

Peggy Ainsworth, Royalton Selectboard Clerk

Power's Broad Brook
Cemetery Road



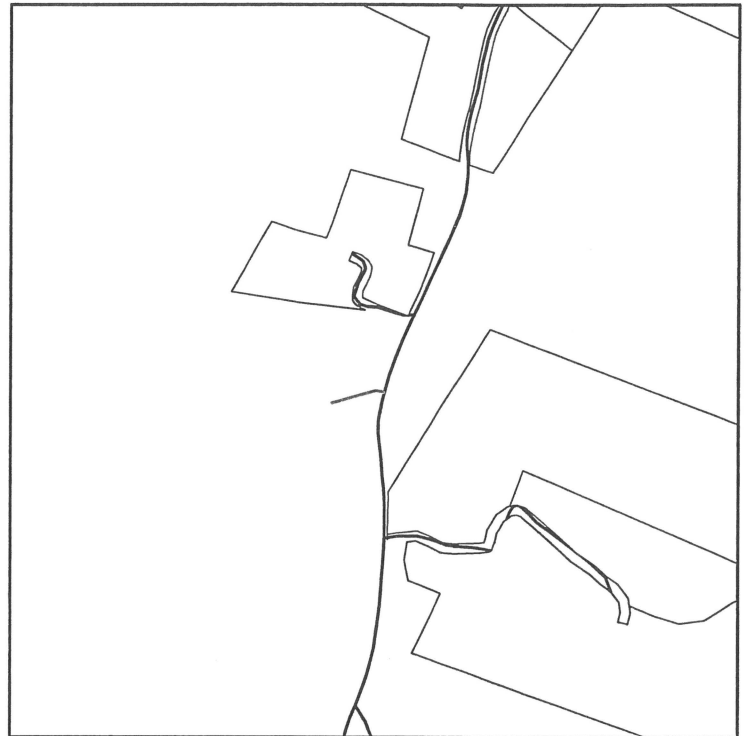
Broad Brook Cemetary



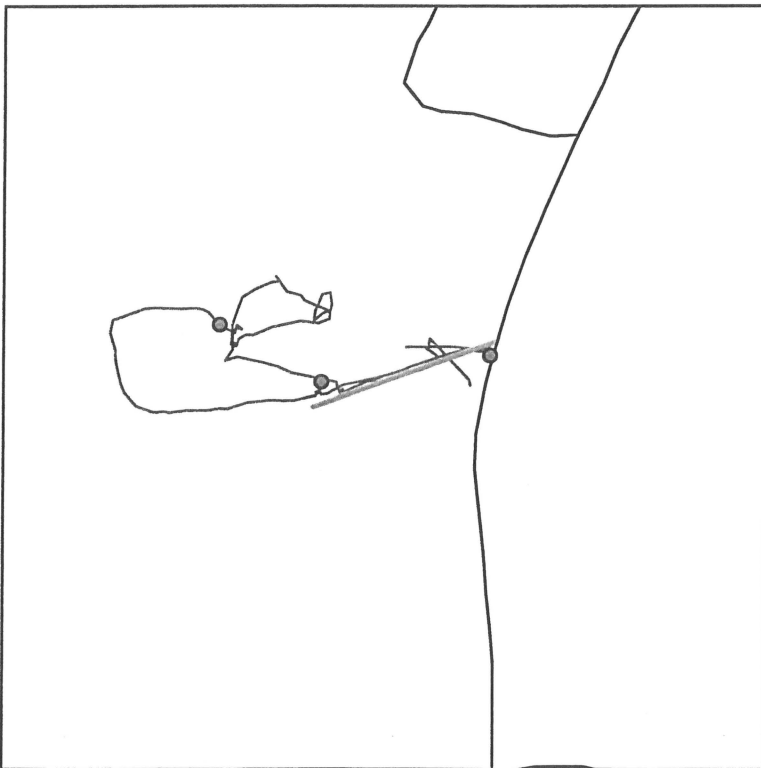
Aerial Image



1"=300'



Parcels, AOT roads
and Cemetary Road



Survey and
GPS tracks/wavpoints

**Royalton Selectboard
Knight's Opera House
October 28, 2008
Meeting Minutes**

Public Present: Fred Glanzberg, Jim Martino, Phil Gates, Joshua "Bushrod" Powers, Chris Babcock, Roger McCrillis, Nathan Cleveland

Selectboard Present: Larry Trottier, Peg Trombly, John Dumville, Ernie Amsden, Peggy Ainsworth

Revolving Loan Fund

Joshua Powers spoke to the Selectboard regarding concerns of the Revolving loan committee concerning the application of New England Video for a loan totaling \$10,000.00. J. Powers noted that the by-laws of the Revolving Loan Committee require no collateral for loans totaling \$5,000.00 or less.

Chris Babcock notified the Selectboard that he had received a letter from the owner that financed the purchase of New England Video that stated that the financier of the business would step aside as the first lien holder and allow The Royalton Revolving Loan to be the first party that would be re-paid if the loan defaulted.

Ancient Road Committee

Fred Glanzberg, and Jim Martino presented work that the Ancient Road Committee had done relating to Broad Brook Cemetery to the Selectboard. The Committee also updated the Selectboard on the work that was done concerning the Pepperell Road. Fred noted that the road is not on the Town map and if they were hoping to keep the road a survey would need to be completed. Discussion continued concerning surveying the roads that are difficult to identify. Potential roads that have been identified include the Putt Road, Pent Road accessing Broad Brook Cemetery, and Pepperell Road, with Pepperell Road being the most crucial to have mapped.

Broad Brook Cemetery Road

The Ancient Roads Committee would like the Selectboard to recognize the road accessing the Broad Brook Cemetery as a "Pent Road".

J. Dumville made a motion to accept the Broad Brook Cemetery road as a "Pent Rd.". P. Ainsworth seconded the motion. L. Trottier asked for any further discussion and hearing none called the motion to a vote. The motion carried unanimously.

Personnel Policy

P. Trombly asked if the policy had been reviewed by an Attorney to ensure that we are adopting a legal policy. The Selectboard was unsure of any oversight by an attorney and requested that when the amended policy was completed that it be proofed by an attorney. Discussion continued concerning the editing comments that were presented by N. Cleveland. Additional editing was made by the Selectboard. (An updated Personnel Policy is available upon request at the Selectboard's office.)

P. Trombly made a motion to accept the changes made to the personnel Policy and forward to the Vermont League of Cities and Towns. The motion was seconded by J. Dumville. L. Trottier asked for further discussion and hearing none called the motion to a vote. The motion carried unanimously.

Highway Department

Signs have been placed on Acton St. clearly marking no parking zones. The Highway Crew is continuing to stock pile gravel, and is currently working on getting the roads prepared for winter. Work includes cleaning ditches and additional work on turnarounds. A new culvert was installed on Deer Run Road.

Police Department

An overnight parking ticket was issued and has been contested. N. Cleveland was requested to write a letter apologizing for the misunderstanding and stating that there is parking that the land lord provides.

Knight's Opera House

Space that is required for the Town would be 2,000 – 2,400 sq feet. N. Cleveland reported on the Braintree Town Clerks office. Discussion continued on the space that would be needed to accommodate the office needs for all the Town offices.

ACT 250 Updates

N. Cleveland updated the Selectboard on the current ACT 250 permits and applications. It was noted the Times and Season's has a hearing scheduled for November 14, 2008 at the Royalton Academy Building.

Transfer station

Only one of the seven companies provided Bethel Town Manager Dell Cloud with a quote for the needed work on the scales at the transfer station. He has extended the date for bids to be received, and will notify the Royalton Selectboard of any progress that he makes.

Carpenter Barn

L. Trottier noted that the antique hay loader was to be removed at the earliest date with help from the road crew.

Academy Building Budget

Reviewed the budget and actual figures (income and expenses) from last year and discussed the proposed FY 2010 budget.

Pollution Abatement Facility Budget

Reviewed the budget and actual figures (income and expenses) from last year and discussed the proposed FY 2010 budget.

Meeting minutes

Changes were made concerning the EC fiber Network and the trailer on S. Windsor Street needs to have state wastewater permit. If they do not currently have a permit the land owners need contact the State of Vermont to be in compliance with waste water statutes.

J. Dumville made a motion to approve the Selectboard meeting minutes from October 14, and 21, 2008, as amended and P. Ainsworth seconded. L. Trottier asked for further discussion and hearing none called the motion to a vote. The motion carried unanimously.

P. Trombly made a motion to adjourn. E. Amsden seconded the motion. L. Trottier asked for further discussion, hearing none he called the motion to a vote. The motion carried unanimously.

Meeting adjourned 11:05 p.m.

Respectfully submitted by:
Nathan Cleveland

Vol. 11
page 64
pent rd. to Royalton Brook
Cemetery

Beginning at
running North 52°
front door of Calvin
will to be three rods
Surveyor and

county Claude. Him
at 20 Links to the
the Surveyor the center

at this 22nd day of April A.D. 1848 by
Henry Bingham } Select Men
Cyrus Robertson }

Survey of a Pent Road to the Bruce Brook burying ground
Beginning at the center of the Bruce Brook Casely Road
near the present back Himes running S. 86° W. 21 rods to the
burying ground gate which is at the South corner of said
burying ground. Said Pent Road is Surveyed in the center
to be two rods in width. All necessary gates to be erected and kept in
repair at the expense of the proprietors of said Burying Ground.
Surveyed and laid out this 22nd day of April A.D. 1848 by

Henry Bingham } Select Men
Cyrus Robertson }

Received February 20th 1844

Calvin Himes Town Clerk
Clinton

Came into the enclosure of the subscriber on the 7th inst a Black
speaking Hesper with white face & lined back & appeared to come
thence from a crown the owner is requested to prove property from
whence same has been coming

Berta Pierce

Received Oct 20th 1848

for same Oct. 20. 1848. in Registry Town Clerk's office

Received February 20th 1844

Calvin Himes Town Clerk

Proced discontinued

In compliance with the Petition of Lyman Benson esq and
others the the Select men of Royalton hereby discontinued the present Right
way leading from White Pine Swamp the Russell place
across White Pine point intersecting the Public Road on the
South side of said Pine between Cyrus Buffum and Archibald
Benson with the following conditions

Ancient Roads Characteristics Checklist

1. Name and/or location of road: Lafayette Road
2. How did we learn of this road? Found survey in Town Records
3. Is it physically visible? Yes
4. Is this road the only access to interior parcels? No
5. How has the road been used, and when? VAST trial
6. What maps, if any, show this road?
7. What records include reference to this road? Survey dated Sept. 27, 1830 filed in vol. II at page 291
8. Physical condition: visible, returning to natural state
 - a. Are there man-made obstructions? No
 - b. Large trees in the roadbed? No
 - c. Steep grade? No
 - d. Washouts and erosion? Needs small bridge on Back River Road end
 - e. Wetlands? no
9. What are the GPS coordinates: (in State Plane units)
Royalton Hill Rd. = 493481
144954

Back River Rd. = 494001
145682

See

Traverse_Royalton-2010-
Lafayette Road.TXT

Sorry plots good for
this highway

JL

10. Where does the road "start" and "end", access from what Town highways?
Royalton Hill Road to Back River Road

11. Length of road: 0.59 miles

12. Number of parcels within or abutting the road: 5

13. Is there scenic value or sites of historic interest?

14. What are the landowners wishes and concerns? Unknown

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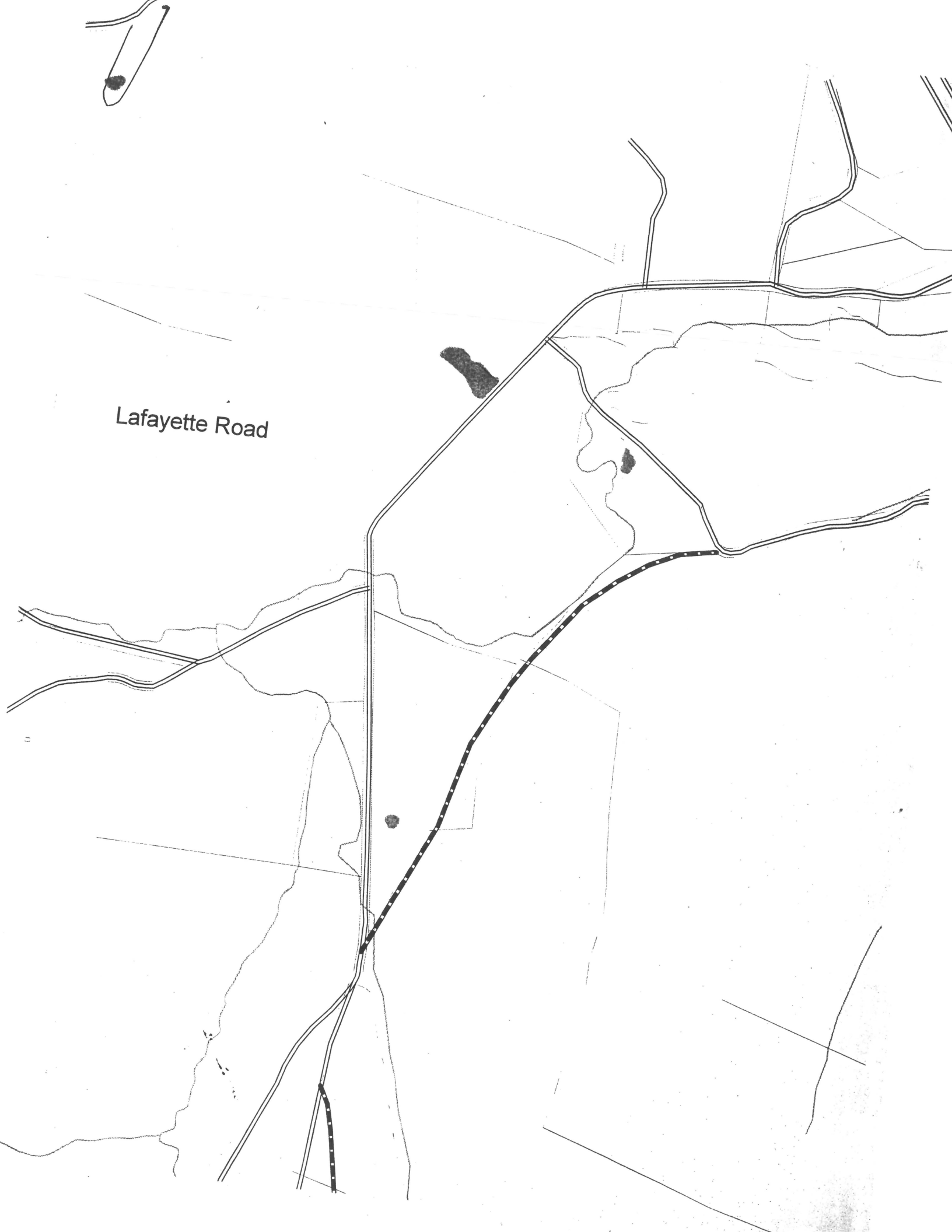
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Meeting Adjourned at 9:15 p.m.

Respectfully submitted by:

Peggy Ainsworth, Royalton Selectboard Clerk

Lafayette Road



Survey of the alteration of the Logston & Worswick Turnpike
Sept 15, 1830

Beginning at the center of the Turnpike on the water course at
the foot of the hill South of David Williams & running

- North 31 East 82 rods
- North 40 East 40 rods at the line between Williams & Hatch
- North 40 East 8 rods
- North 40 East 8 rods
- North 55 East 18 rods
- North 64 East 16 rods
- North 55 East 16 rods to fence
- North 84 East 20 rods
- North 74 East 24 rods
- East 14 rods to Birch Lane
- North 83 East 23 rods to Maple Bush
- South 67 East 5 rods
- South 43 East 12 rods
- South 28 East 12 rods to Steeple
- South 39 East 10 rods to Maple Stake
- South 45 East 20 rods to Birch at the Gilt
- South 15 East 5 rods across the Gilt
- North 79 East 10 rods to top of hill
- South 67 East 100 rods to shop house
- South 58 East 26 rods to corner of Road
- South 11 East 17 rods
- South 32 East 11 rods
- South 11 East 22 rods to Birch Lane
- South 26 East 20 rods to Kings bridge
- South 79 East 30 rods
- North 64 East 26 rods
- North 51 East 25 rods to Kings Road
- North 31 East 14 rods
- East 52 rods to E. P. Mansons Lane
- North 75 East 31 rods to School house
- North 39 East 16 rods to center of Country road
- North 14 East 12 rods
- North 36 East 34 rods
- North 32 East 52 rods to White River bridge
- North 53 East 30 rods across bridge
- North 23 West 37 rods to center of White River Turnpike

Then in the line of S. W. River Turnpike to Whiting house

R. B. Blos Surveyor

Witnessed Sept 27
1830

D. A. D. [unclear]

291
 Page 10
 Vol. 10
 meeting house?
 to
 from D. Williams
 Timber

Benson and Town of Royalton v. Hodgdon, Taylor, Frost, Slack, Clark and Preston (2009-076)

2010 VT 11

[Filed 24-Feb-2010]

ENTRY ORDER

2010 VT 11

SUPREME COURT DOCKET NO. 2009-076

NOVEMBER TERM, 2009

Ronald Benson, Betty Benson,	}	APPEALED FROM:
Barry Benson, Edith Benson and the	}	
Town of Royalton	}	
	}	Windsor Superior Court
v.	}	
	}	
Perry Hodgdon, Carol Hodgdon,	}	DOCKET NO. 291-6-04 Wrev
John Michael Taylor, Danielle Taylor,	}	
Ellen L. Frost, Jeffrey S. Slack,	}	
Monica Clark, Rodney Clark, and	}	
Warren E. Preston	}	
		Trial Judge: Harold E. Eaton, Jr.

In the above-entitled cause, the Clerk will enter:

¶ 1. This ancient roads case stems from a declaratory judgment by the Windsor Superior Court in favor of the Town of Royalton and plaintiffs Ronald Benson, Betty Benson, Barry Benson and Edith Benson, affirming the existence of an old town highway across defendants' and plaintiffs' land. Defendants Perry Hodgdon and Carol Hodgdon^[1] appeal this finding on the grounds that (1) the plaintiffs failed to meet their burden of proof as to the existence and location of the road; (2) the Town had abandoned the road through disuse and defendants now hold title through adverse possession; and (3) the trial court's declaratory judgment did not sufficiently clarify the rights of the parties because it did not require a new survey of the road, laying out its metes and bounds. We affirm.

¶ 2. While the record in this case is rife with ancient and modern surveyors' terminology, the facts on appeal are relatively straightforward. Plaintiffs own an unimproved tract of land in the Town of Royalton. It is bounded to the north by defendants' land and to the south by an abutting landowner. Though plaintiffs have some access to the tract from the west via an overgrown and potentially impassable skid road leading to Vermont Route 14, they had previously used an old field road across defendants' land to enter their property. At some point, defendants refused to permit plaintiffs to use this field road and plaintiffs sought a declaratory judgment that they had a prescriptive easement along

the field road across defendants' land. Alternatively, including the Town as a defendant, plaintiffs claimed that the road at issue in this appeal, an existing lane to the west of the field road but still on defendants' property (the Lane), was in fact an unmaintained Class 4 public highway properly surveyed and laid out by the Town over 200 years ago (the Road). A jury returned a defendants' verdict on the prescriptive easement claim and this case followed by means of an amended complaint. The Town did not participate in the initial phase of this action, and the trial court entered a default judgment against it. The court later granted the Town's motion to set aside the default judgment and the Town joined plaintiffs in claiming that a public highway exists across defendants' land. As part of their prayer for declaratory relief, plaintiffs requested a declaration of the course of the highway and an order requiring defendants "to remove the pond and barn and restore the town highway to its original condition."

¶ 3. A formal survey of the Road was recorded in 1804 in the Royalton town land records. [2] This survey describes two sections of the Road, one trending south from a point just to the north of Post Farm Road and terminating "westerly of Wm Bowles now dwelling house about 46 rods," and the other running south from there to what is now Slack Hill Road. The starting point of the northern section of the Road is described as "a beach [sic.] tree on the west line of Lot No. 13" and it continues south from there across Post Farm Road until it ends near the former Bowles homestead. The part of the Road at issue is predominantly this northern section—this is the portion of the Road that crosses defendants' land and provides access to plaintiffs' property—and of that, only the portion of the Road running south from Post Farm Road is of import. [3] The survey also includes a short portion of the southern section of the Road, since the point where the two sections described in the 1804 survey meet is on plaintiffs' property.

¶ 4. Plaintiffs contend that the Road as recorded in the survey follows the same physical course as the Lane, which runs generally south from Post Farm Road and eventually arrives at Slack Hill Road after traversing defendants', plaintiffs', and other landowners' property. Specifically, the Lane departs from Post Farm Road and passes through a gate and into defendants' barnyard where it runs under a ramp used to access the upper floor of defendants' barn, built around 1907. Beyond that, the Lane drops steeply and passes around a pond built by defendant Perry Hodgdon's father in 1966 directly in the old path of the Lane. From the pond, it continues through defendants' pasture, running between two rows of old maple trees to a gate separating defendants' property from plaintiffs'. It then continues south across plaintiffs' property and through another gate at the boundary between plaintiffs' land and that of an adjoining land owner to the south.

¶ 5. Until this law suit, the Town's attitude towards the Lane appears to have been indifferent. There is no evidence on the record that the Town objected to the "high drive" ramp passing over the Lane and into the barn, and no evidence that it objected to the erection of the various gates

across the Lane. At the time of the pond's construction less than fifty years ago, the Town did not object to its placement directly in the roadway. In the 1970s, plaintiffs demanded that the Town maintain the Lane; the Town took no action.

¶ 6. During the ensuing bench trial, the central conflict between the parties focused on the physical location of the Road on defendants' land. Both parties brought in local surveyors as expert witnesses. Plaintiffs' expert conducted a site inspection of the property in question. The expert assumed the beech tree which marked the start of the northern section of the Road had disappeared in the intervening 200-plus years, though she recognized that one could discern the tree's location based on other records. Accordingly, she focused her investigation on signs of the Road south of Post Farm Road, on defendants' and plaintiffs' property. She ultimately concluded that the Lane and the Road were one and the same. Central to her opinion was the discovery of the Bowles' cellar hole—located after the conclusion of the jury trial—to the east of plaintiffs' property. The cellar hole represented the dividing point between the northern and southern sections of the Road, and with this point fixed, plaintiffs' surveyor was able to match the physical evidence on the ground to the 1804 survey with minimal deviation. This result, however, required ignoring the first call of the survey, the beech tree, as including that point would have made the rest of the physical evidence of the Road not fit the survey. In contrast, defendants' surveyor opined that the Lane and Road were distinct. His opinion was based on the likely location of the beech tree and other physical evidence tending to show the Lane was for private use and the Road ran a separate albeit parallel course. His conclusions did not take into account the location of the then-newly discovered Bowles' cellar hole.

¶ 7. Ruling in favor of plaintiffs and the Town, the trial court found that the Road established in the 1804 survey

from the point it leaves Post Farm Road, is one and the same road as the lane . . . going southerly through [defendants'] barnyard, thence southerly to the gate at [plaintiffs'] property line, thence southerly to the gate at the [adjoining landowners'] property line, thence southerly connecting to the existing Slack Hill Road.

In so holding, the trial court relied on various old maps and local property deeds referencing the Road. Most importantly, it accepted the expert testimony of plaintiffs' surveyor and her opinion regarding physical evidence on the ground which linked the surveyed road to the existing lane. By accepting this view, the court also "disregard[ed] the first call in the 1804 survey," the old beech tree, because determining the location of a now 200 year-old tree was a surveying challenge and inclusion of that point alone would have pivoted the 1804 survey calls away from the abundant physical evidence of the Road. The court also noted that "[a]lthough there is no visible evidence of a road north of Post Farm

Road, there is considerable evidence of one to the south of Post Farm Road.”

¶ 8. Having found for the plaintiffs, the court concluded that the Road “follows the existing signs of the roadway and is three rods in width.” The court noted that the Road “wanders” from the survey calls as it crosses defendants’ and plaintiffs’ property, but any deviation “is within the three rod right of way.” The only portion where the deviation was greater than three rods was the area south of the Bowles’ cellar hole where the physical evidence on the ground “varies from the [survey’s] calls by about 150 [feet].” For this section, the court adopted the survey maps admitted into evidence as representative of the Road’s official course. In concluding, the court held that the Road “is open to the general use of the public, consistent with the laws of the State of Vermont and the Town of Royalton. Any use of this land inconsistent with the existence of a town highway in this location without the permission of the Town shall be discontinued forthwith.”

¶ 9. On appeal, defendants raise three challenges to the trial court’s ruling. First, they argue that the plaintiffs did not prove, by a preponderance of the evidence, that a public road existed and was located on their land, and thus the trial court erred in so finding. Second, they claim that the Town had abandoned the Road and defendants gained ownership of it through adverse possession. Finally, they maintain that the court’s order failed to meet the requirements of the Declaratory Judgment Act, 12 V.S.A. §§ 4711 et seq., because it lacked sufficient clarity. We address each contention in turn.

¶ 10. Our review of a trial court’s finding of fact is curbed by our deference to that tribunal’s unique position to assess witness credibility and the weight of evidence presented; we reverse only for clear error. Hamilton v. Town of Holland, 2007 VT 133, ¶ 9, 183 Vt. 247, 950 A.2d 1183. Viewing the record in the light most favorable to the prevailing party and excluding the effect of modifying evidence, we will reverse only if “there is no credible evidence to support the findings.” Id. (quotation omitted). We review a trial court’s conclusions of law de novo. Id.

¶ 11. In their first claim of error, defendants have asked us to do little more than re-weigh the trial court’s findings under a de novo standard and have not effectively challenged the court’s legal conclusions. They do not appear to challenge the court’s conclusion that the Road was created when it was properly laid out by the Town under the statutory scheme in place at the time.^[4] See Austin v. Middlesex, 2009 VT 102, ¶¶ 7-8, ___ Vt. ___, ___ A.2d ___ (mem.). Defendants’ central argument is that the trial court’s conclusion that the Road is located on their property and follows the same course as the Lane lacks support in evidence. They claim that in discounting the first call in the 1804 survey, basing the course of the Road on the remainder of the survey, and failing to sufficiently reconcile the survey with the physical monumentation on the southern section of the Road, plaintiffs did not meet their burden of proof, and thus the trial court’s conclusion is wanting for a sufficient basis.

¶ 12. Determining the weight afforded evidence is properly the role of the trial court.

Moreover, under our deferential review, defendants' claim is belied by the trial court's findings in which it expressly stated that "the opinion of [plaintiffs' surveyor] is more credible" than that of defendants' surveyor. See Okemo Mountain, Inc. v. Lysobey, 2005 VT 55, ¶ 16, 178 Vt. 608, 883 A.2d 757 (mem.) (explaining this Court will uphold trial court's decision to credit one expert witness's testimony over another's concerning boundary location). The trial court highlighted the differences of opinion between the two experts, but chose to adopt plaintiffs' surveyor's findings because the evidence she "found on the ground . . . fits too closely with the 1804 survey to be coincidence." It also noted that deed references and old maps of the area suggested a town road in the location plaintiffs advocated. In contrast, defendants' expert relied on a survey that the trial court found to be "of little value in answering the question before this court" and also failed to provide any physical evidence to support his opinion that the survey described a road parallel to the Lane. Thus, the starting point for the Road and its course across the affected lands, as adopted by the trial court, was a matter of evidence and witness credibility, not the application of law to facts. Where, as here, there is credible evidence to support such a finding, we will not disturb it.

¶ 13. Next, defendants suggest they have adversely possessed the Road and request that this Court extend the common law to recognize a non-statutory form of discontinuing a public highway. Because a non-statutory method for creating a road exists via dedication and acceptance, defendants argue "a non-statutory method to discontinue a road through abandonment should likewise exist." Based on the prevailing statutes and our precedent, we disagree.

¶ 14. Public lands generally are statutorily exempted from adverse possession, even if such possession is open and notorious. 12 V.S.A. § 462. Moreover, Vermont law makes clear that a legally existing public highway cannot be taken through adverse possession. Section 1102 of title 19 of the Vermont Statutes, entitled "Acquiring highways by adverse possession," clearly precludes acquiring "[a] right or interest within the limits of a highway . . . by anyone by possession or occupation."^[5] See In re Town Highway No. 20 of Town of Georgia, 2003 VT 76, ¶ 20, 175 Vt. 626, 834 A.2d 17 (town highway land "exempt from claims of adverse possession"). We have noted that even when a right-of-way has lain dormant and a landowner has built structures upon it, this still does not cause title to shift. See Pidgeon v. Vt. State Transp. Bd., 147 Vt. 578, 581, 522 A.2d 244, 246 (1987). For defendants' argument to succeed, therefore, the Town must have either formally discontinued the Road or otherwise relinquished title to it.

¶ 15. The process for "discontinuing a highway is wholly statutory and the method prescribed must be substantially complied with or the proceedings will be void." In re Bill, 168 Vt. 439, 442, 724 A.2d 444, 446 (1998) (quotation omitted); see 19 V.S.A. §§ 708-711 (statutory procedure for discontinuation). We have previously noted that discontinuance of a road requires an affirmative act on the part of the Town, more than passive abandonment or acquiescence to another use. See McAdams v.

Town of Barnard, 2007 VT 61, ¶ 12, 182 Vt. 259, 936 A.2d 1310; Capital Candy, Co. v. Savard, 135 Vt. 14, 16, 369 A.2d 1363, 1365-66 (1976); In re Mattison 120 Vt. 459, 462, 144 A.2d 778, 780 (1958). Indeed, this interpretation of the law comports with the above cited statutes and the understanding that, where public rights-of-way are concerned, the lack of maintenance by the municipality or use by the public is not enough to extinguish public ownership. Even as the law governing discontinuance has become less strict, a municipality must still take some formal step. See 19 V.S.A. § 717(b) (creating presumption of discontinuance if municipality has not kept highway passable for period of “30 or more consecutive years following a final determination to discontinue the highway” (emphasis added)).^[6]

¶ 16. Defendants contend that public lands can be adversely possessed when their public use has been abandoned by the owning municipality and cite Jarvis v. Gillespie, 155 Vt. 633, 587 A.2d 981 (1991), for support of this position. In Jarvis, we recognized that, as an exception to 12 V.S.A. § 462, public land could be taken via adverse possession if its public use had been abandoned. Id. at 642, 587 A.2d at 987. Defendants’ reliance on Jarvis is misplaced, however, as the public property in question in Jarvis was never put to any public use, let alone as a public right-of-way; the municipality in question acquired the land by contract and did not take it by eminent domain; and the focus of our opinion was solely on the applicability of 12 V.S.A. § 462 and did not address the more specific dictates of 19 V.S.A. § 1102.

¶ 17. To the extent that defendants suggest we extend the common law to recognize abandonment of a municipal right-of-way, we decline the invitation. As explained above, for a municipality to relinquish its claim of title to a legally created highway, it must make some affirmative act to discontinue the road in question. Moreover, though a non-statutory means exists to create a road—dedication and acceptance—that method still requires the municipality to take some step to bring the road into being, namely acceptance.^[7] See, e.g., Smith v. Town of Derby, 170 Vt. 553, 554, 742 A.2d 757, 759 (1999) (“To make a road a public highway by dedication and acceptance, there must be both a dedication by the private owner and an acceptance of that dedication by the town.”). It would be illogical for this Court to hold that a public highway can be extinguished through a municipality’s inaction, yet continue to require some form of action to recognize the highway’s creation.

¶ 18. Defendants’ final claim of error is that the trial court’s declaration failed to meet the standards of 12 V.S.A. § 4711, the declaratory judgment statute, because it did not “clarify the rights of the parties or terminate the insecurity and uncertainty of the controversy.” In seeking relief for this error, defendants ask the Court to remand this action so the trial court can order “the entire road be surveyed and pinned by [plaintiffs].” In support of their position, defendants cite the requirements for laying out a road under Title 19, chapters three and four. Their argument lacks merit.

¶ 19. The purpose of a declaratory judgment is to “declare rights, status and other legal

relations” and such declaration “may be either affirmative or negative in form and effect.” 12 V.S.A. § 4711. The declaration should “enunciate so far as is requested and appropriate the rights of the parties and nothing more.” *Griffith v. Nielsen*, 141 Vt. 423, 427, 449 A.2d 965, 967 (1982). Here, plaintiffs requested a declaration of the course of the Road, an acknowledgement of their rights to use the Road, and an order requiring removal of the pond and barn.^[8] In granting relief to plaintiffs, the trial court expressly held that the Road “is open to the general use of the public” and “[a]ny use of this land inconsistent with the existence of a town highway in this location without permission of the Town shall be discontinued forthwith.” Moreover, the court concluded that “[t]his town highway follows the existing signs of a roadway and is three rods in width” and “[w]here the road has wandered . . . it follows the ‘edge of the wheel track.’ ” It further relied on two admitted exhibits to augment this description. Defendants’ reliance on portions of Title 19 is unavailing as those statutes address the statutory requirements for creating or laying out a road by the selectboard. Here, the trial court has recognized only the existence of a previously laid-out road, noting its course, and has done so with adequate clarity for the parties in interest.^[9]

Affirmed.

BY THE COURT:

Denise R. Johnson, Associate Justice

Marilyn S. Skoglund, Associate Justice

Brian L. Burgess, Associate Justice

Ben W. Joseph, District Judge,
Specially Assigned

Robert R. Bent, Superior Judge,
Specially Assigned

^[1] In the original filing, John Taylor, Danielle Taylor, Ellen Frost, Jeffery Slack, Rodney Clark, Monica Clark, Virginia Cleland, and Warren Preston were also named as defendants. Of these defendants, the Taylors and Virginia Cleland had the claims against them dismissed and the other parties failed to participate below.

^[2] The trial court found that the Road was properly recorded. Defendants do not directly

contest this finding, but appeal the trial court's conclusion as to the Road's location on their property.

[3] The portion of the Road to the north of Post Farm Road and not crossing defendants' property, which is on both sides of Post Farm Road, was formally discontinued by the Town of Royalton on September 10, 2008.

[4] In their brief, defendants rely on case law requiring that a town's selectboard "substantially comply" with the statutory requirements for laying out a road to support their argument that the trial court's decision lacks evidentiary support. However, the cases cited refer to whether the selectboard has met the legal requirements for creating a road; they do not provide a standard for assessing the weight of evidence before a trial court. See, e.g., In re Bill, 168 Vt. 439, 442, 724 A.2d 444, 446 (1998) (when laying out or discontinuing highway selectboard must "substantially comply" with statutory procedure "or the proceedings will be void").

[5] The full text of § 1102 reads: "A right or interest within the limits of a highway shall not be acquired by anyone by possession or occupation."

[6] We recognize that this subsection does not have an impact on the current litigation. See 2005, No. 178 (Adj. Sess.), § 14(b), enacting 19 V.S.A. § 717(b) ("This act shall not affect a suit begun or pending at the time of its passage.").

[7] We note in passing defendants have repeatedly asserted that there has never been a claim the Lane became a public highway through dedication and acceptance.

[8] The declaratory judgments act permits coupling claims for injunctive relief along with prayers for declaratory judgment. See Graves v. Town of Waitsfield, 130 Vt. 292, 295, 292 A.2d 247, 249 (1972).

[9] We choose not to rule on the clarity necessary in describing the "wandering" portion of the Road—that section which deviates more than 150 feet from the survey call—as determining that section was not part of the conflict before the trial court and thus not necessary to "declare rights, status and other legal relations" of any party to the case or this appeal. 12 V.S.A. § 4711.

TH-105 CL4 (2010)
1.21 mi

Ancient Roads Characteristics Checklist

1. Name and/or location of road: Bloss Ballou Road

2. How did we learn of this road? Litigation pending when Act 178 went into effect, see decision file in Windsor Superior Court docket #291-6-04

3. Is it physically visible? Yes

4. Is this road the only access to interior parcels? Yes

5. How has the road been used, and when? Access, snowmobiling

6. What maps, if any, show this road? Beers map, Lovejoy-“History of Royalton” and Nash- “History of Royalton”

7. What records include reference to this road? Survey dated May 8, 1804 filed in volume 10 at page 363

8. Physical condition:
 - a. Are there man-made obstructions?
 - b. Large trees in the roadbed?
 - c. Steep grade?
 - d. Washouts and erosion?
 - e. Wetlands? *no*

9. What are the GPS coordinates: (in State Plane Units) Post Farm Rd.=494579
151089

Slack Hill Road= 493464
149613

10. Where does the road "start" and "end", access from what Town highways? Post Farm Road (TH9) and Slack Hill Road (TH10)

11. Length of road: 1.21 miles

12. Number of parcels within or abutting the road: 6

13. Is there scenic value or sites of historic interest?

14. What are the landowners wishes and concerns?

Royalton Selectboard

Public Hearing on Proposed Town Plan

Royalton Academy Building

December 18, 2009

Selectboard present: Peg Trombly, Larry Trottier, Peggy Ainsworth, Ernie Amsden, Joan Goldstein

Public Present: Stuart Levasseur, Jo Jo Levasseur, Fred Glanzberg

Chairwoman Trombly opened the Public Hearing at 7:00 p.m.

There was some discussion about whether scenic areas should be better identified. J. Levasseur recommended we not get too specific. The Selectboard agreed and felt the scenic areas section on pages 14-15 is sufficient.

Chairwoman Trombly noted the additions to the document since last hearing (solid waste, junkyard, and VAST. Administrative Assistant Nathan Cleveland is working with the Town Clerk to update the historic building's section (pages 60-61). It was suggested to just list the historic building and its physical address. By eliminating the current owner listing, that part of the document wouldn't have to be updated.

The Public Hearing was adjourned at 7:15 p.m.

Chairwoman Trombly opened the special Selectboard meeting at 7:15 p.m.

Ancient Roads Committee

Fred Glanzberg recommended the following road be added to the Town Highway map – Lafayette Rd., Roger's Rd., Litchfield Lane, Pepperill Rd., and Powers Broad Brook Cemetery Rd. Although there is still more research to do on Roger's Rd, Litchfield Lane, and Pepperill Rd. the Town must get them on the map before February 10, 2010.

E. Amsden made a motion that was seconded by J. Goldstein to authorize Two Rivers Ottauquechee Regional Commission to add the roads to the Town's Highway map. The motion passed unanimously.

Planning Commission

J. Levasseur presented a bill to the Selectboard for legal work regarding Times and Seasons litigation.

December 8, 2009 minutes

Chairwoman Trombly had a few changes. She noted that Administrative Assistant Cleveland had done a good job preparing the minutes.

L. Trottier made a motion that was seconded by E. Amsden to accept the minutes of December 8, 2009. The motion passed unanimously.

Town Office

Board member J. Goldstein reported that she has talked to the USDA. Grant eligibility is up to \$200,000.00. The current USDA loan rate is 4%. The Town could also borrow from a municipal bond bank with an interest rate below 3%. The Selectboard noted that the Town should complete the USDA grant application while our architect and USDA construction analyst meet.

The question was asked if USDA requirements might make the project more expensive. It might be less expensive to borrow from the municipal bond bank at a lower interest rate. J. Goldstein will arrange for our architect to meet with the USDA construction analyst and meet with the Selectboard, which may help answer that question.

Pollution Abatement Facility

The Selectboard was unable to set the sewer rate due to lack of information. J. Goldstein will try to get a sample request for proposal to send out to engineers so the Town can get preliminary reports for USDA applications.

E. Amsden made a motion that was seconded by L. Trottier to increase the service fee from \$25.00 to \$35.00 twice a year. The motion passed unanimously.

Highway Department

E. Amsden made a motion that was seconded by J. Goldstein to accept Dave Lambert's resignation. The motion passed unanimously.

It was noted that board member L. Trottier and Road Foreman Roger McCrillis have begun interviewing for the road crewman position.

J. Goldstein made a motion that was seconded by E. Amsden to increase Brad Howe's hourly pay by \$.10 per hour effective January 1, 2010. The motion passed unanimously.

The board asked that Road Foreman McCrillis to notify Mr. Howe.

UniFirst Contract

No new information was available. Discussion ensued about whether the Town should pay the termination fee. The board decided to not take any action until information is received from the Vermont League of Cities and Towns.

Driveway Access Fee

L. Trottier made a motion that was seconded by J. Goldstein to increase the fee to the cost of the recording fee plus a \$10.00 administrative fee. The motion passed unanimously.

Streets and Sidewalks

There have been three applicants for the snow removal position. The Selectboard would like to arrange short interviews with Travis French-Dyer and Chester Clark for 6:30 p.m. and 6:45 p.m. on Tuesday, December 22, 2009.

Civics Club Phone

P. Ainsworth made a motion that was seconded by J. Goldstein to take over paying for the Civics Club phone line since the new fire alarm system is tied into it. The motion passed unanimously.

Historic Preservation Grant

The Town has been awarded a Historic Preservation Grant for repairs to the Town House foundation.

J. Goldstein made a motion that was seconded by E. Amsden to accept the grant for the repair of the Town House Foundation. The motion passed unanimously.

Selectboard Office

The Selectboard reviewed the correspondence folder.

Health Insurance

L. Trottier made a motion that was seconded by E. Amsden to offer the VLCT 2250 Value Plan to all Town employees eligible. The Town will pay 50% of the deductible. The motion passed unanimously.

Other Business

Discussion was held concerning the possibility of the ambulance joining into the proposed Town Office facility.

A listing error in the Grand List has resulted in a tax revenue loss for the Town and Highway of \$50,000.00. More information will be forthcoming at the next Selectboard meeting on December 22, 2009 when the board will meet with Treasurer Theresa Harrington.

Meeting Adjounded at 9:15 p.m.

Respectfully submitted by:

Peggy Ainsworth, Royalton Selectboard Clerk

May 8th 1804 Survey of a road in
 Rayattan begining a beech tree on the west line of Lot No. 13
 Town plat thence west 40 rods thence S 74^o E 26 rods thence S 48^o
 W 60 rods to the old road three rods East of Squim Cleaveland's ^{now} dwelling
 house thence S 27^o W 174 rods to the old road westerly of Wm Howles
 now dwelling house about 48 rods — one other road begining
 at Wm Howles's house thence N 68^o W 46 rods thence S 7^o W 18 rods
 then S 45^o W 64 rods thence S 51^o W 68 rods thence S 66^o W 36 rods to the
 branch road North side of Joseph Shirbee's now dwelling house
 one other road begining at the south line of Robert
 Andersons Lot at a Stake and Stones thence S 89^o W 28 rods thence
 S 52^o W 40 rods thence S 64^o W 35 rods to the branch road

AMH

John Billinger Selectmen
 Sam^l Curtis

Recorded May 8th 1804 AMH Abel Stevens Town Clerk

Survey of a road in Rayattan on the Lot belonging
 to John Hebbard Jⁿ begining at the road leading from said
 Hebbards to Arunah Adams from thence north 20 degree west
 30 rods to J^d. Cleaveland's house Rayattan May 10th 1800

Reciev'd March 5th 1801

Elias Stevens } Selectmen
 John Billinger }

Recorded AMH

Abel Stevens Town Clerk

STATE OF VERMONT
WINDSOR COUNTY, SS

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Ronald Benson, Betty Benson,
Barry Benson, Edith Benson and
Town Of Royalton
Plaintiffs

v.

Perry Hodgdon, Carol Hodgdon
et al
Defendants

RECEIVED
FEB 05 2009
SELECTBOARD'S OFFICE

SUPERIOR COURT
Docket No. 291-6-04 Wrcv

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

The above matter came on for trial by court on the issue of the existence of a public highway on December 15, 2008. The issue of prescriptive rights was previously tried to a jury in May 2006, resulting in a verdict for the defendants. At the December 15 hearing, the Bensons were represented by their counsel, Paul Gilles, Esq. The Town of Royalton was represented by its attorneys, John Klesh, Esq. and William Flender, Esq. The Hodgsons were represented by their attorney, Andrea Gallitano, Esq. Prior to hearing a settlement was reached with the Taylor defendants and they did not participate in this hearing.

Based upon the evidence adduced at hearing, the court issues the following findings, conclusions and order:

Findings of Fact

At issue in this case is whether there exists a public road in the Town of Royalton in an area between Post Farm Road and Slack Hill Road. This road has been variously described as "the old town road," "the old town highway" and "the lane." Plaintiffs claim this road is a public way pursuant to a survey (Ex T-8) in May 1804, duly recorded in the Town of Royalton land records. Defendants claim the road as described in the 1804 survey is not the road claimed by the Plaintiffs, which defendants say is a private cattle path.

This claimed road runs in a generally north and south direction. As described in the 1804 survey, the road (actually described as two roads) commenced north of what is now known as Post Farm Road a short distance. The area north of Post Farm Road will hereinafter be referred to as the northern section of the road. Thereafter, the road as described crossed Post Farm Road, and ran in a southerly direction toward Slack Hill Road. From 1804 until the present, this area has been sparsely populated. This section

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will be referred to as the southern section of the road. The 1804 survey describes the two roads in the survey as meeting near the William Bowles house, some distance into the southern section. For ease of reference with current landmarks, the Court is using the Post Farm Road as the dividing line in these findings unless otherwise described; the 1804 survey does not make this distinction.

Ronald Benson owns land he inherited from his father in Royalton, Vt. located between Post Farm Road and Slack Hill Road. This parcel is about 27 acres in size and is to the south of the Hodgdon property. The Hodgdon property fronts Post Farm Road and the Benson property is to the south of Hodgdon. The Hodgdon barn is to the south of Post Farm Road and the farmhouse is to the north of Post Farm Road. If the road is where the Town and the Bensons claim it is, the Hodgdon Farm would be at the northern-most end of the southern section of the road, with the Benson property to its south.

Ronald Benson's brother, Barry, owns a similar sized lot, which is adjacent to Ronald's lot. Their father owned both lots and upon his death, the sons subdivided it, roughly in half. When it was subdivided, they used the old town road as the boundary between their lots. A survey done for the Benson's in November 1985 (Ex T-4) describes the boundary between the two parcels as "1612+/-along centerline road."

The road has been lightly traveled, at best, over at least the past 55 years. Before the hearing on the existence of the public road, the Town of Royalton filed a discontinuance of the northern section (that portion of this road to the north of Post Farm Road). The existence of a town road north of Post Farm Road is not at issue here, except insofar as it bears on the question of whether a town road exists to the south of Post Farm Road and if so, its location.

Where the highway described in the 1804 survey departs Post Farm Road in a southerly direction is a matter of dispute. There is an existing path or lane which runs from Post Farm Road, through the barnyard of the Hodgdon farm and thence southerly to the lands of the Benson brothers. As it goes through the barnyard, the lane runs under the "high drive" (a ramp used to access the upper floor of the barn) of the Hodgdon barn, which was built in approximately 1907. There is a gate across the lane in the Hodgdon barnyard. The Hodgdon's have used the lane to move cattle into several fields to the south of their barn.

A pond was built in a low area in the Hodgdon barnyard in about 1966 and as a result the lane was disturbed in that area and a so-called field road was created by-passing the pond and barnyard and connecting the lane with Post Farm Road. The pond was built for fire protection.

The Bensons claimed a prescriptive right of way over the field road, which was contested by the Defendants. That claim was tried to a jury in this action in May 2006, resulting in a defendants' verdict. The Bensons claim the "old town highway" is actually "the lane" running through the Hodgdon barnyard and south to their property. They seek to be able to use this road to access their property.

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Perry Hodgdon lives in Randolph, Vermont. He has lived there since 1968. He lived on the Hodgdon property which is involved in this litigation in 1951, when he was 15 years old. At that time, the Hodgdon property was 115 acres. He left the property in 1955 but stayed there one night a week for another three or four years. He got the property in question from his mother's estate in 1987.

Mr. Hodgdon's father farmed on that property. They had a small herd of diary cows. Post Farm Road runs between the house and barn. The barn is three stories high. There is a high drive on the western end of barn. There is room for vehicles to go under the high drive.

The water flows down into the barnyard. Once the pond was built, the water was directed into the pond. In and around the barnyard it tended to get wet. The barn was built in 1907.

Behind (to the south) the barn the "lane" was used to get the cows into the field. There is a fairly steep pitch going south. Along the lane there are parallel rows of trees running several hundred feet approximately one rod apart.

Mr. Hodgdon is not aware of any public use of the road in his lifetime. The town has not maintained any portion of the roads. He has walked the lane and found no signs of any road. At the point between the Hodgdon property and the Benson's there is a gate. This gate had been there as long as Hodgdon can remember.

There was no objection by the Town of Royalton to the building of the pond in 1966 and no objection to any of the gates across the lane. Towns have the authority to create "pent roads" which are public ways where a town authorizes the use of a private gates, bars or similar restrictions across the road. There is no evidence the Town authorized this lane as a pent road.

The farm pond, barn and gates do not raise doubts as to the existence of the town road. The pond is new, having been built in the 1960s, and the barn has a high drive so people could drive under it and was constructed over 100 years after the 1804 survey. As the area was, and is, quite rural, the existence of gates is compatible with agricultural uses, but not necessarily incompatible with a public road which has received very little public use. That the pond and barn may have encroached on a seldom-used road is scant evidence as to the absence of a road in this area.

In the past, the Bensons have used the route through the Hodgdon farm to get to their property. The Bensons have cut firewood on their land, planted Christmas trees and have camped on the land. Since this dispute has arisen the Bensons have not been able to get to their property through the Hodgdon barnyard. A gate also exists at the location where the lane meets the Bensons' property. The current gate is believed to have been erected by a member of the Benson family. There may have been a gate in that location

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before the current gate was erected. The existence of a predecessor gate, and its erector, if any, has not been proven.

The Bensons can also reach their property through a right of way from Route 14 to the west of their property along a so-called skid road. Ronald Benson has used that right of way once in the 40 years he has owned the property, a time when he attempted to walk the right of way. It is very steep and could not be easily driven, if at all. The skid road which was used years ago for logging operations is largely overgrown. That this right of way may provide another access to the Benson property is not at issue here. The question before this court at this time is one of public right, not prescriptive rights.

The Bensons' want to be able to use their land and therefore have brought this action, believing that there has never been a discontinuance of the southern section of the 1804 road and that they and the public at large have a right to use it. The Town agrees with respect to that portion of the claimed road lying to the south of Post Farm Road. The Town discontinued the northern section of the road in 2008, although there is no remaining evidence showing whether that section of road was ever actually constructed.

When Ronald Benson was a boy, he used to travel on the southern portion of the old town road from time to time. He is not aware of any other uses of the northern part of the southern section of the road, except he was told his grandfather, Raymond Benson, would drive through there once per year on a tractor, believing that by doing so he was keeping the public way open.

The "old town road" to the south of the Benson property (the southern part of the southern section) was used by Henry Dodge to get cattle onto his property from Slack Hill Road. Dodge owned what is now the Frost/Pederson parcel. There is a gate on the old town road at the southern end of the Benson land where the Frost/Pederson (Dodge) parcel begins. At one time the Benson property was used for sheep farming and a fence existed on the eastern side of the property and probably on the western side as well. This serves to explain the gates at both ends of the Benson property.

Over the years, the Bensons have let snowmobilers (VAST) use their property. The Benson property is no longer used for sheep farming and the gates are left open some of the time, especially in winter so that snowmobiles may pass through.

Lisa Ginett is a land surveyor. She has been a registered surveyor since 1986 and has been surveying since the 1970s. She does a lot of work on boundary lines and old roads. In recent years, this type of work has occupied more of her time.

Ginett was hired by the Bensons to investigate the road in question here. Ginett went to the Town of Royalton records and found the original survey to the road in 1804, which was properly recorded. Ginett then did a site inspection to try to determine the road. As indicated, there are actually two roads described in the survey, one on each side of the then-existing William Bowles house located in what this Court has referred to as the southern portion of the road. The southern-most of these roads begins near the

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William Benson cellar hole and runs south. The northern road runs from near the Bowles cellar hole northward, forming the northern part of the southern section of the road in question and the northern section across the Post Farm Road, which has now been discontinued.

The first of these roads as described started north of Post Farm Rd. at an old beech tree. The old town road is described as running south to the old road (presumably Post Farm Road) at a location three rods east of Squire Cleveland's house. Squire Cleveland's house was near where Hodgdon's farmhouse is now. Its precise location is unknown. Hodgdon's land lies principally in what was originally town Lot 22. There is no remaining evidence on the ground of exactly where Squire Cleveland's house was located. Squire Cleveland's widow received a dowers lot, which calls out a boundary along this disputed road, referring to it as "the road," in a deed (Ex. T-22) in 1836.

Ms. Ginett did not find the beech tree. In fact, Ms. Ginett did little, if any, work concerning the road as it was described north of Post Farm Road. She made no effort to locate the beech tree, assuming all traces of it to have vanished in the 204 years since the survey.

References are made in the 1804 survey to lot numbers. These are the lot numbers originally assigned when the town was laid out. In the 1804 survey, the road is stated to start at a beech tree on the west line of Lot 13. The west line of Lot 13 is a location which Ginett could have determined through survey, despite the presumed absence of the beech tree.

Although there is no visible evidence of a road north of Post Farm Road, there is considerable evidence of one to the south of Post Farm Road. However, if the edge of Lot 13 is used as the starting point, the existing signs of a road seem to be too far to the west. This is confounded somewhat by the inability to precisely locate the Squire Cleveland homestead.

The 1804 survey references the William Bowles house as the point where the two roads described in the survey meet. This point is well south of where Squire Cleveland's home was located. While doing a site inspection, the Bowles cellar hole was located in the spring of 2008 by Gordon Tuthill, a surveyor, and shown to Ms. Ginett. The William Bowles cellar hole is located on Lot 15 and its distance from existing signs of a roadway was precisely as described in the 1804 survey. The Bowles cellar hole is approximately mid-way between Post Farm Road and Slack Hill Road.

The Bowles cellar hole became the point of focus of the road. With the location of the Bowles house and the 1836 Cleveland widow's deed, the location of the road can be determined. The first call in the survey, for the beech tree at Lot 13, does not match up with the rest of the calls and Ms. Ginett disregarded it in reaching her conclusion that the "old town road" exists where the physical evidence indicates a roadway. The record calls in Lot 23, 22, and 21 all match up with the location of the roadway as evidenced on the ground. The calls in old deeds and surveys which reference the road match up with the

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evidence on the ground if the original point of origin, the beech tree on Lot 13 is not used as the starting point.

Ginett feels that the evidence on the ground of a road case matches reasonably well with the 1804 survey description. Ginett has not done much work on the southern end of the road below the Benson lots, concentrating her efforts on the northern end of the southern section. Site inspection work on the southern portion of the southern section, in the Frost/Pederson lands, was mostly done by Larry Swanson in his work surveying the Frost/Pederson parcel in 2000. Swanson was able to find evidence on the ground of the road all the way to Slack Hill Road. Swanson suggested the existence of a town highway might be an impediment to the title of the Frost/Pederson parcel.

In a few places there are stone walls along the existing signs of a roadway and some mature trees. At places these walls and mature trees are within the surveyed right of way. There were no old culverts found along the old road.

Surveys taken at various times refer to the existence of a road of some nature along the area between Post Farm Road and Slack Hill Road. Map records along with historical data also support the existence of a road in the area of the "old town highway" between Post Farm Road and Slack Hill Road.

In a 1969 survey (Ex T-5) of the Hodgdon property, the "old highway" is referenced as a boundary line. The survey states "Boundaries were old wire fences, stone walls and old highway. All have been in existence for many years." According to Ginett, use of the term "highway" generally connotes a public way.

A license given by Farrand Hodgdon to Everett Benson to use the field road (Ex. T-25) refers to the field road rejoining the "old town wagon road." The Benson property lies principally in what was originally town lot 23.

Ex. T-7 is a survey of the Rodney Clark lands. His property is east of Hodgdon. That survey also appears to reference the old road.

Historically, surveys were made using chains, which were 66 feet in length (4 rods). The 1804 survey does not give a width for the roadway. However, in 1784, the Town of Royalton had made all town roads three rods wide (49.5 feet), a fairly standard width. See 19 V.S.A. § 32 (presuming a width of three rods for state highways). The absence of a stated width in the 1804 survey does not render the survey insufficient in light of the 1784 action establishing a designated width for all town roads.

Now surveys are done using modern equipment, including infra-red surveying equipment. The primitive nature of the surveying equipment used, or human error, may be responsible for the starting point of the 1804 road as described in the survey on the lot line of Lot 13 not matching the existing signs of a roadway further to the west and south. To pick up the first call, the entire road would have to be pivoted. By doing so this would have moved the road off from the evidence of the existing road on the ground.

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Ex. T-15 is mislabeled as a Wallens (Wallings) map. It was actually a county map done by Doten in 1856, showing mostly town roads. This map shows a road running in the approximate location of the "old highway" from Post Farm Road to Slack Hill Road.

Ex. T-16 is a Beers map done in 1869. It was county map, broken down by town. Beers did not typically map private roads. It shows a road in the approximate location of the "old highway". Seth Moxley's house is depicted on the Beers map. A home of Polydore Williams is depicted on both the Wallens and Beers maps, although he never owned land in the Town of Royalton. The Beers and Wallens (Doten) maps (atlases) are frequently used by surveyors.

Seth Moxley is in the chain of title for Hodgdon and owned the Cleveland holdings sometime after Squire Cleveland. The Squire Cleveland cellar hole is no longer in existence. But Seth Moxley and Polydore Williams both had houses on the Squire Cleveland land in close proximity to one another. The Moxley home was slightly to the west of the Williams home. The Beers map shows the disputed road meeting Post Farm Road at a location across Post Farm Road opposite and between the Williams and Moxley houses.

Nash historical records (Ex.T-18) concerning Royalton indicate the Squire Cleveland homestead is no longer in existence and the cellar hole was filled in. The northern call for this disputed road as described in the 1804 survey is said to be three rods east of Squire Cleveland's house, a point contended to be some distance to the east of where the Beers and Doten maps show the southern portion of the road meeting Post Farm Road. This has been a source of confusion in this case.

The Wallens map shows a B. Cleaveland home (not Squire Cleveland) and shows the southern portion of the road being west of this Cleaveland home, not the three rods east called out in the 1804 survey. Ginett doesn't know if the Cleaveland home on the Wallens map was Squire Cleveland's house. The Nash records indicate the B. Cleaveland house depicted on the Wallens (Doten) map is not the Squire Cleveland house. Those records do not rule out the Polydore Williams house as being that of Squire Cleveland. Polydore Williams married a daughter of Squire Cleveland. If the Williams house was Squire Cleveland's, it was located to the west of where the disputed road is located and much more consistent with the survey description, with the exception of the starting point on the edge of Lot 13 at the beech tree.

The Beers map shows homes for H. Ballou and E. Ballou. H. Ballou is in the Benson chain of title. E. Ballou is in the Frost/Peterson chain of title, located at the extreme southern end of original town Lot 25.

Using all of these materials, Ginette was able to locate the road. There are places where the ground evidence varies from the calls by about 150', but this is in the area from the William Bowles cellar hole southward. This does not create a concern for Ginett. For the most part, the calls line up well with the physical evidence. It is to the south of the

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Benson land where the physical evidence varies from the calls in the 1804 survey. (Ex. T 19). Where there is drift from the straight line called out in 1804 it is within the three rods.

Before he went to the Frost/Pederson parcel, Swanson had seen some deed calls which referenced an old town road. Accordingly, he was looking for them when he went to the property. The Frost/Pederson property covers a lot of original Town Lot 16. In early 1800s deeds to property in this area the "old town road" is referenced with a 5 rod call.

Swanson found evidence on the ground of an old road. Coming off from Slack Hill Road there was evidence of a slight depression which looked like an old roadbed. Further to the north, there was greater evidence of a roadbed with stonewalls on each side. Where the Pederson property meets the Benson property there was pronounced evidence on the ground of a roadbed. This may have been due to the presence of mature trees in that area or stone walls. Swanson is not sure now, as it has been eight years since he did his survey.

In Swanson's experience historically town roads were not created as dead end roads. It is also quite common for roads on the ground to differ from the location where they were originally laid out.

Swanson did not try to determine where the road was laid out. He did not undertake to survey the existence of the town road. His work was limited to surveying the Frost/Pederson parcel. As part of that work he spoke to two long time local residents, both of whom thought there was a public highway in the area at one time.

Swanson showed the town highway on the survey as a potential encumbrance to his clients, Frost/Pederson. The 1804 calls do not fit the roadbed on the ground by the Frost/Pederson lands and at places are as much as 150 feet from the surveyed call. In other places the evidence of the road is very close to where the 1804 survey indicates it should be.

Margaret Trombley is on the selectboard of the Town of Royalton. The Town hired Gordon Tuthill to conduct tax mapping. The Town feels this is a town road, although the Town has not used it or maintained it during the lifetime of any witness.

Gordon Tuthill is a land surveyor. He started working with the Soil Conservation service in 1945. He stayed with them until 1957. He was then employed with an engineering firm for two years. At that time he developed a forest management business. Later he became a real estate salesperson. In 1970 he became a land surveyor. His historical research involving land started in about 1949. He is no longer licensed as a land surveyor. He let his license lapse due to health concerns in 1999. His lack of current licensure is not a factor in the Court's decision.

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Tuthill was first asked to work for the Town in June 2007 when he was asked to determine if the road in question was a Town highway. Tuthill feels it is not. Tuthill did not prepare a survey in this case. He did not plot how the discovery of the Bowles cellar hole affects the preliminary work he did. He did have a survey done by Robert Farnsworth. The Farnsworth survey (Ex. D-CC), done under the direction of Tuthill, does not account for findings on the ground. It does not also properly account for the location of the Bowles cellar hole. The Farnsworth survey is of little value in answering the question before this court.

There was a survey in 1793 which laid out another town road. No evidence on the ground has been found to exist that the road was ever used. This road was substantially east (approximately 26 rods) of the road shown in the Beers atlas. It is not the Bloss/Ballou road. Tuthill feels the 1793 survey has some bearing on the existence of the 1804 survey, but he can not explain what that is. However, in his deposition Tuthill conceded the 1793 survey had no bearing on the 1804 survey.

In 1800, a road was created to access the Bloss farm on Lot 23, 24 and part of Lot 25 from the Branch Road, which was near where Slack Hill Road exists today (a location at the southern end of the southern section of the road in dispute). Tuthill refers to this as the Bloss/Ballou road. Tuthill does not feel the Bloss/Ballou road is the road called out in the 1804 deed. There is a 5 rod call for a road in some old deeds in this area. Tuthill can not be sure the roads called out in the 1804 survey, the Cleveland widow's dower and the 5 rod call is not the Bloss/Ballou road. The descriptions do not fully fit the 1804 description, although they are parallel and close to one another in this southern section.

Tuthill disagrees with Ginett in that her opinion does not account for the first call in the 1804 survey, the road call on the northerly side of Post Farm Road. In Tuthill's opinion, only the endpoint of the 1804 road lies on the Bloss/Ballou road; that portion opposite the Bowles cellar hole.

Tuthill walked the Bloss/Ballou road. He could drive his car to the Benson property across the Hodgdon farm. Tuthill saw some parallel trees on the north end of the alleged road, about one rod apart. The trees were approximately 150 years old. Since these were one rod apart, he felt this was a cattle lane, suggesting a private use.

Tuthill could follow the road through the Benson property. However, when it gets to the Pederson property the road is not visible. Further south, there are two stone walls only 13 feet apart at their closest point, expanding to 27 feet apart. He found no evidence of any culverts, except one, which was located on Lot 23. He feels if this had been a Town road the culverts would have been more substantial.

Tuthill saw no evidence of parallel fencing in areas where he saw signs of a road. These would be evidence of a town road. He feels the lack of fences suggests the remains of the road which is evident today was not a town road.

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Tuthill concedes he has found town roads without parallel fences, mature trees or stonewalls. The absence of fences, mature trees and stonewalls does not mean there is not a Town highway here. Tuthill has found town highways where there were signs on the ground which were less than three rods wide.

Tuthill and Ginett differ on the existence of the road north of the Bowles cellar hole. Ginett says it is the surveyed 1804 road, Tuthill says it is not. Tuthill says the road north of the Bowles cellar hole is parallel to the 1804 survey road but is not the same road. Tuthill was unable to tell how far apart these two roads are. He also saw evidence of only one road on the ground, not two roads parallel to one another.

Tuthill does not feel the existing signs of a road, which he believes to be the Bloss/Ballou Road, is the town highway surveyed in 1804. Despite this, Tuthill used the call in the 1804 survey from the existing roadbed and located the Bowles cellar hole through the use of that survey. This is very strong evidence that the Bloss/Ballou road and the 1804 surveyed road are one and the same road.

The evidence is strong that a road existed between Post Farm Road and what is now known as Slack Hill Road. There is ample reference to a road in this area in deed descriptions, historical maps and in evidence remaining on the ground. This road or path was used many years ago by Ronald Benson when he was a young boy, by Raymond Benson, by Henry Dodge and, in part, by Farrand Hodgdon. The absence of physical evidence of a three rod width road is of little value to the court given the passage of time since the 1804 survey. Many public roads exist with the absence of physical evidence of a three rod width.

The question remains if this evidence of a road is one and the same as the 1804 surveyed road. If the location of the Squire Cleveland home could be determined stronger evidence might exist to answer this question. Even so, the first call in the 1804 deed does not fit the evidence on the ground of that these roads are one and the same. This is the primary source of disagreement between Ginett and Tuthill. Ginett feels the existing evidence in deeds, maps and on the ground is so strong that she disregards the first call in the 1804 survey. Tuthill, being unable to reconcile the first call with the existing evidence on the ground, has concluded the 1804 surveyed road is not the one for which physical evidence still exists.

While the court respects the opinions of both experts, here the opinion of Lisa Ginett is more credible. The evidence found on the ground, especially the Bowles cellar hole, fits too closely with the 1804 survey to be coincidence. Supporting references in the Beers and Wallens atlases indicate a town road in this area. Deed references also describe a road and a license given by Farrand Hodgdon, father of the current owner, references the "old town wagon road".

Whether the first call in the 1804 survey was mistaken, or whether it can be explained in some other way, is lost to antiquity. However, when one disregards the first call in the 1804 survey, a portion of the road which may never have actually existed

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remainder of the evidence strongly indicates the 1804 town road is the road or lane which leaves Post Farm Road at the Hodgdon barnyard, runs southerly through the Benson and Frost/Pederson lands and connects with Slack Hill Road.

This road may have been disrupted somewhat by the creation of a pond in 1966, but that disruption of a very short distance given the length of the road is of no moment to the existence of the road. In other locations the road has "wandered" some distance from what is described in the 1804 survey, but many reasons, including the vicissitudes of the times may serve to explain this. These departures from the surveyed road are fairly small in distance and do not create questions as to the existence of the road.

As the Town has never discontinued the road between Post Farm Road and Slack Hill Road, the court finds a town highway continues to exist running from Post Farm Road to the northern end of Slack Hill Road. This road is located as depicted by the marking "centerline road layout 05/08/1804 on Ex. T 19. The road follows the "edge of wheel track" as depicted on Ex. T-19 from the point west of the William Bowles cellar hole until it joins with the "Old Town Highway" or "Woods Road" as surveyed on Ex. T-6. The evidence on the ground indicates the location of this road, using the Bowles cellar hole as the point of reference for further clarity. Consistent with then-existing Royalton law, this road is three rods in width.

Conclusions of Law

Plaintiffs have the burden of proof of establishing the existence and location of this ancient road. *McAdams v. Town of Barnard*, 182 Vt. 259 (2007). Precision as to location is not required, rather reasonable certainty is necessary as to width, distance and points of termination. *State v. Town of Leicester*, 33 Vt. 653 (1861).

In 1804, the Town of Royalton laid out a town highway as described in a survey duly recorded in the Town land records. In 2008, the Town discontinued that section lying to the north of Post Farm Road. The fact of discontinuance is distinct from proof of the existence of the road. *McAdams v. Town of Barnard*, 182 Vt. 259 (2007). It does not matter if the road has not been discontinued if it never existed to start with.

As discussed above, the Plaintiffs have met their burden of proof in establishing the creation of the road in 1804. While sparsely used and not maintained in living memory, proof of earlier use more extensive than within current memory is ample. Proof that the road, as used, was the road surveyed in 1804, at least with respect to the portion lying between Post Farm Road and Slack Hill Road is sufficient.

The southern portion of the 1804 surveyed road has never been discontinued. That road is described in the 1804 survey. As the Town has never discontinued this road it continues to be a town highway. 19 V.S.A. § 771. Defendants assert that this road has been abandoned by the Town and is subject to claims of adverse possession. The Court disagrees in light of 19 V.S.A. § 1102 and the rule that public use of a highway is discontinued only when the required statutory procedures are followed. *In re Bill*, 168

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Vt. 439 (1998); *Capital Candy Co. v. Savard*, 135 Vt. 14 (1976); *Petition of Mattison and Bentley*, 120 Vt. 459 (1958). Furthermore, the presumption of discontinuance which is now contained in 19 V.S.A. § 717 does not apply because this action was begun prior to the enactment of the presumption on May 23, 2006. See 2005, No. 178 (Adj. Sess.), § 14 (explaining that the act "shall not affect a suit begun or pending at the time of its passage").

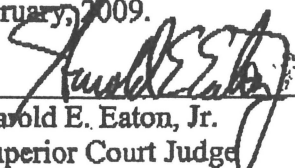
Based upon the Court's findings of fact, the Court concludes that the 1804 surveyed road, from the point it leaves Post Farm Road, is one and the same road as the lane, old town wagon road or old highway, going southerly through the Hodgdon barnyard, thence southerly to the gate at the Benson property line, thence southerly to the gate at the Frost/Pederson property line, thence southerly connecting to the existing Slack Hill Road. This town highway follows the existing signs of a roadway and is three rods in width. The road has wandered slightly over the 200 plus years since it was surveyed. This is to be expected, given conditions on the ground, infrequent use, and the comparatively primitive surveying tools available in 1804. For the area involving the Hodgdon and most of the Benson property the "wandering" is within the three rod right of way. The only location where wandering has occurred to any appreciable degree (i.e. outside of three rods) is in the area opposite the William Bowles cellar hole on the Benson property and southward. This area is not the area of dispute in this case. Where the road has wandered from the survey to the west of the William Bowles farmhouse it follows the "edge of the wheel track" as depicted in Ex. T-19 until it joins the "Woods Road" or "Old Town Highway" as depicted in Ex. T-6. It is unclear to what extent the wandering in that area remains within the three rod right of way from the 1804 survey. Determination of the issues of dedication and acceptance or improper taking are not raised under the facts of this case given the public road on the Hodgdon property is within the three rods of the 1804 survey. *Town of South Hero v. Wood*, 179 Vt. 417 (2006).

This highway is open to the general use of the public, consistent with the laws of the State of Vermont and the Town of Royalton. Any use of this land inconsistent with the existence of a town highway in this location without the permission of the Town shall be discontinued forthwith.

ORDER

Plaintiffs' counsel shall prepare a proposed judgment order, consistent with the Court's findings and conclusions, and submit the same to the Court within 10 days. Defendants shall have five days from Plaintiffs' submission to object to the form of the order.

Dated at Woodstock this 4th day of February, 2009.



Harold E. Eaton, Jr.
Superior Court Judge

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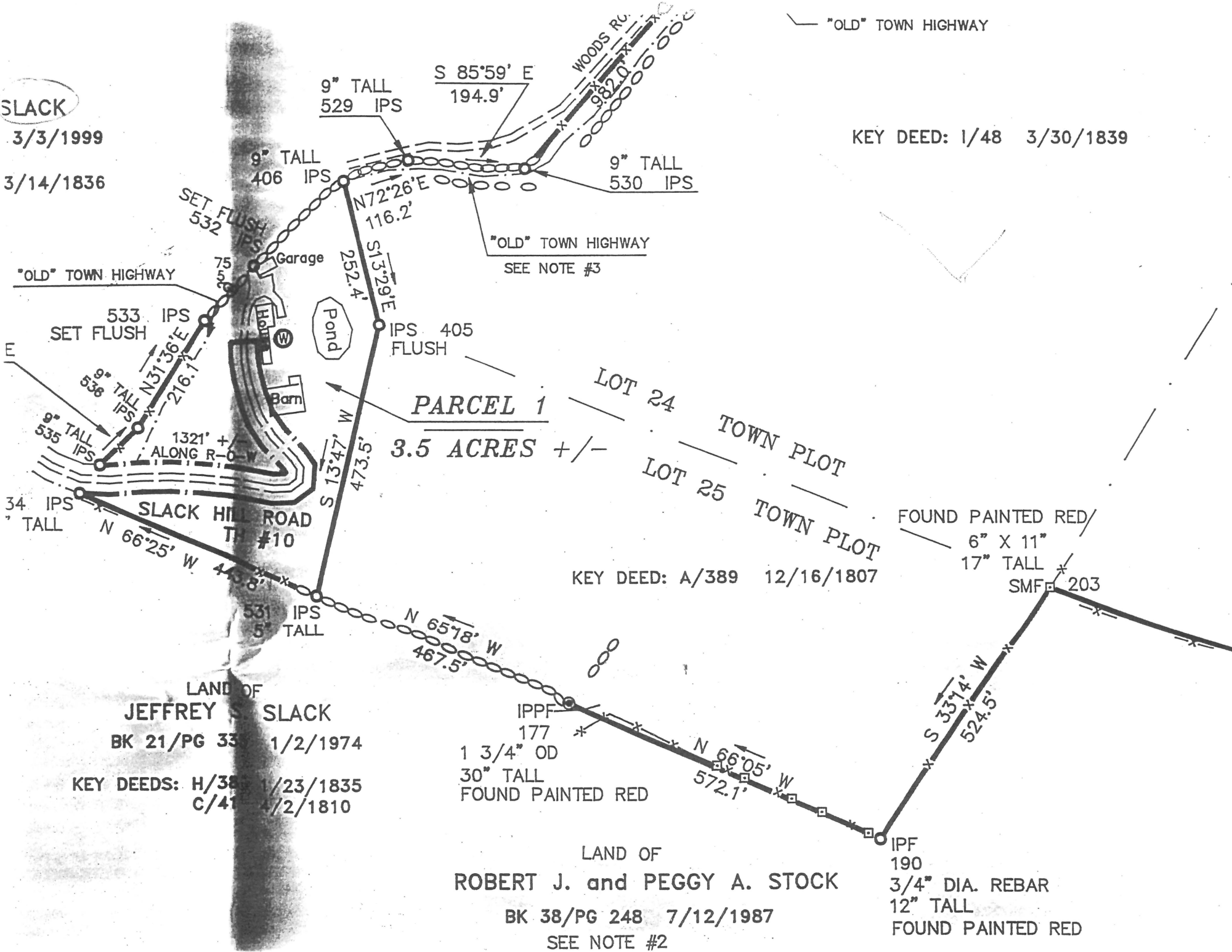
SLACK

3/3/1999

3/14/1836

"OLD" TOWN HIGHWAY

KEY DEED: 1/48 3/30/1839



"OLD" TOWN HIGHWAY
SEE NOTE #3

PARCEL 1

3.5 ACRES +/-

LOT 24

TOWN PLOT

LOT 25

TOWN PLOT

KEY DEED: A/389 12/16/1807

FOUND PAINTED RED/
6" X 11"
17" TALL
SMF 203

LAND OF
JEFFREY S. SLACK

BK 21/PG 33 1/2/1974

KEY DEEDS: H/38 1/23/1835
C/41 1/2/1810

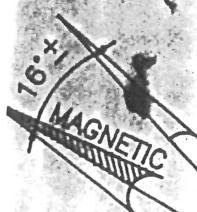
IPPF 177
1 3/4" OD
30" TALL
FOUND PAINTED RED

LAND OF
ROBERT J. and PEGGY A. STOCK

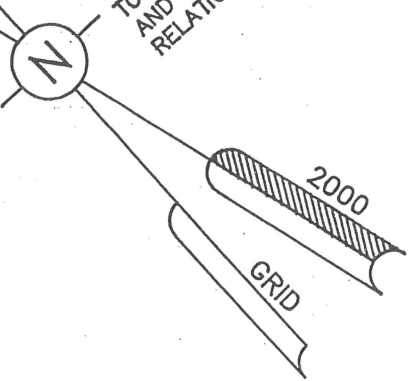
BK 38/PG 248 7/12/1987

SEE NOTE #2

IPF 190
3/4" DIA. REBAR
12" TALL
FOUND PAINTED RED

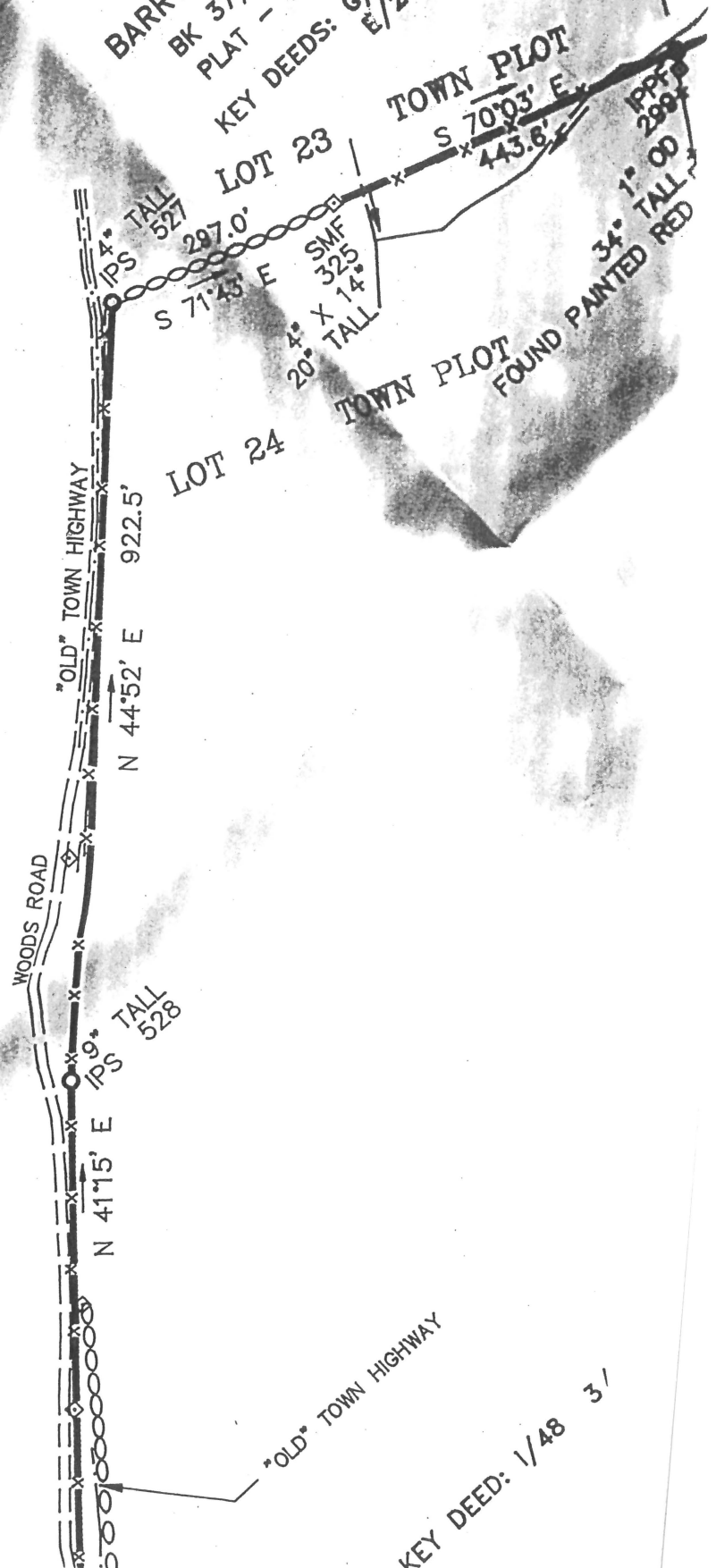


BEARINGS ARE REFERENCED TO APPROXIMATE STATE PLANE GRID NORTH AND ARE SHOWN TO DEFINE THE ANGULAR RELATIONSHIP BETWEEN COURSES.

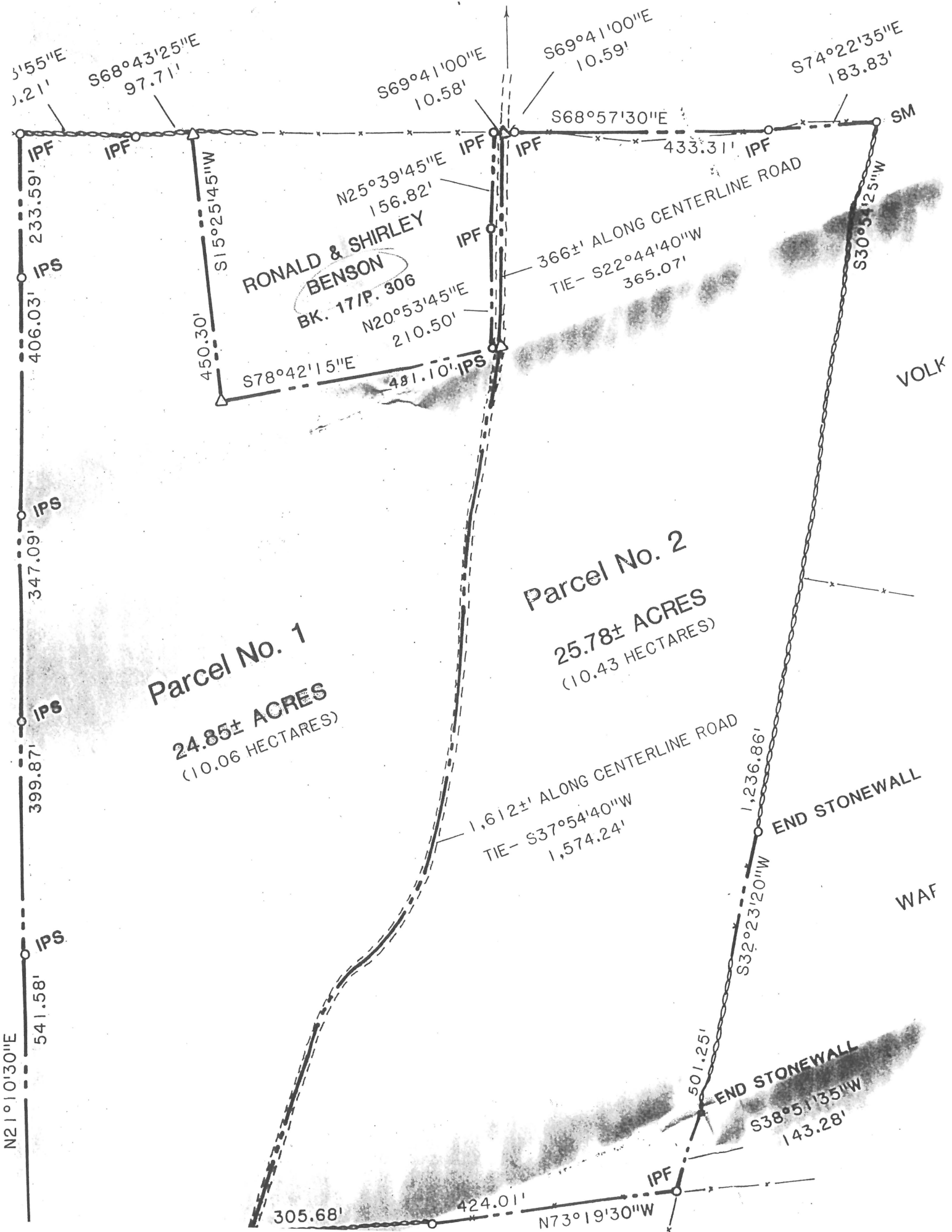


LAND OF JEFFREY S. SLACK
 BK 60/PG 229 3/3/1999
 KEY DEED: H/161 3/14/1836

LAND OF BARRY I. and EDITH A.
 BK 37/PG 278 3/21/1987
 PLAT - MAP BK 2/PG 99
 KEY DEEDS: G/22 11/8/1831
 E/253 5/29/1824



KEY DEED: 1/48 3/



PLAT
HODG

EVERETT & MARJORIE BENSON
REFER TO

BOOK	13	PAGE	321	DATE	6/1/1959
W			24		2/21/1894
S			249		2/25/1876
G			141		2/20/1833

PLAT ENTITLED "LANDS OF EVERETT E. BENSON AND
MARJORIE E. BENSON ROYALTON (WINDSOR COUNTY),
VERMONT " DATED NOVEMBER 6, 1985 BY
MICHAEL ENGINEERING COMPANY PROJ. No. 85-46

BENSON GATE

OLD HOUSE
FOUNDATION

STONE BARN FOUNDATION
AND LIVESTOCK PEN

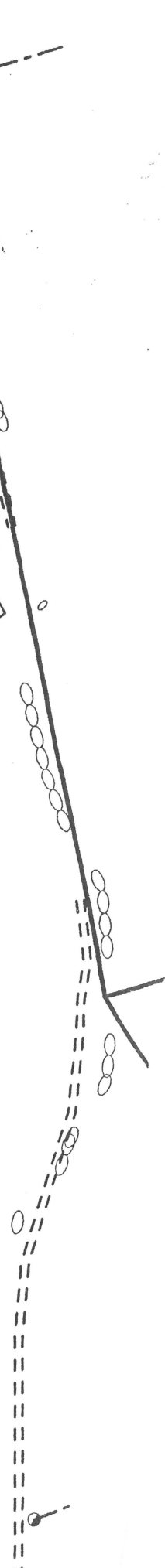
HODGSON

NOTE

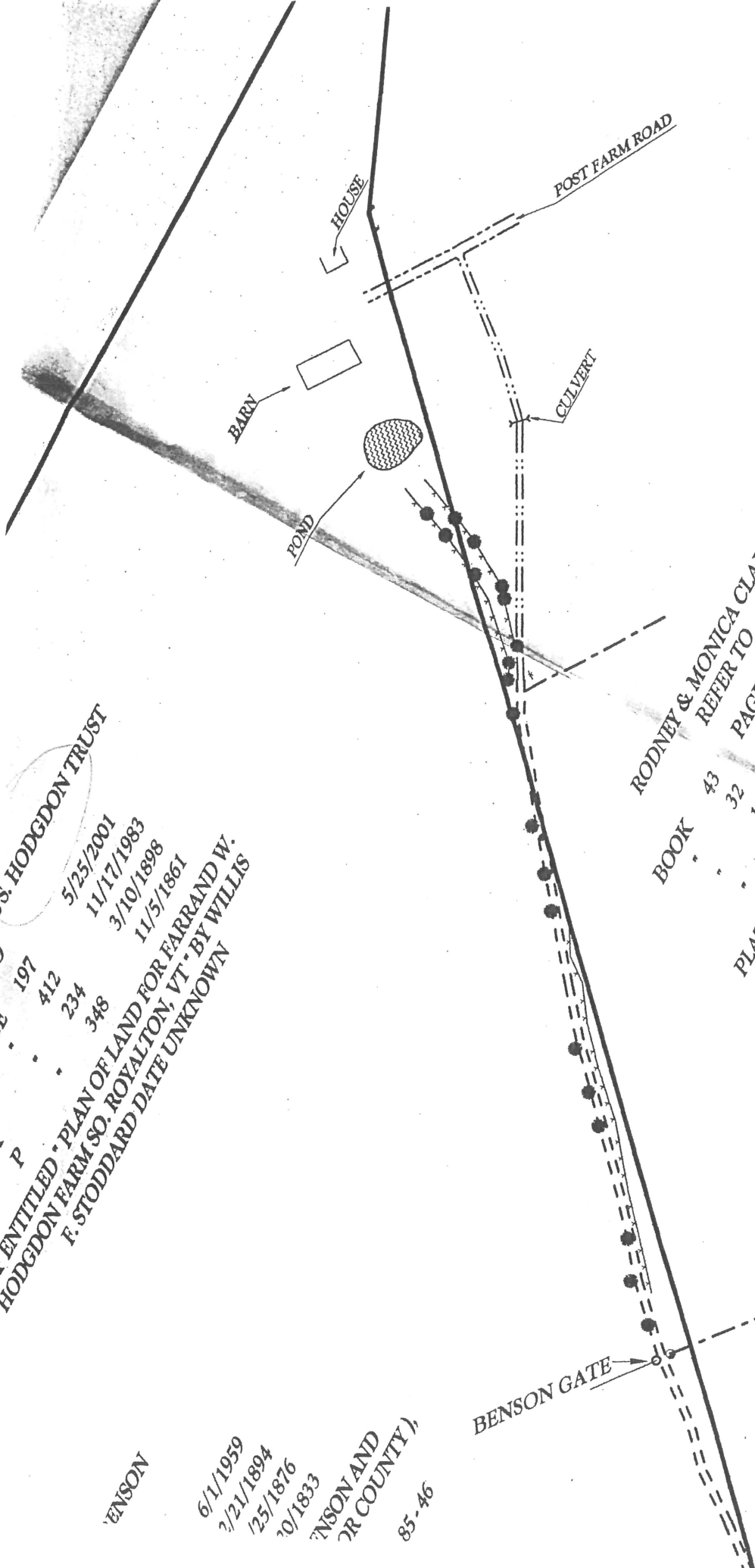
THE MONUMENTATION SHOWN ON THIS PLAT IS BASED ON A CLOSED ELECTRONIC INSTRUMENT TRAVERSE WITH A DEGREE OF PRECISION OF 1: 304,531 OBTAINING A MINIMAL POSITIONAL TOLERANCE OF 0.25 FEET PLUS 1: 5,000.

THE BEARING BASIS IS MAGNETIC NORTH AS OBSERVED AT THE SITE ON JANUARY 24, 1985 AND SERVE ONLY TO DEFINE THE ANGULAR RELATIONSHIP BETWEEN ADJACENT MONUMENTING COURSES.

THE ROAD DESCRIPTION SHOWN HAS BEEN CREATED USING RECORD CALLS FOR THE CENTERLINE AND PLACED ON THE BACKGROUND OF THIS SURVEY BASED ON THE LOCATION OF WILLIAM BOWLES HOUSE SITE. THE ROAD DESCRIPTION HAS BEEN PLACED TO THE EXISTING MONUMENTATION.



(TR)

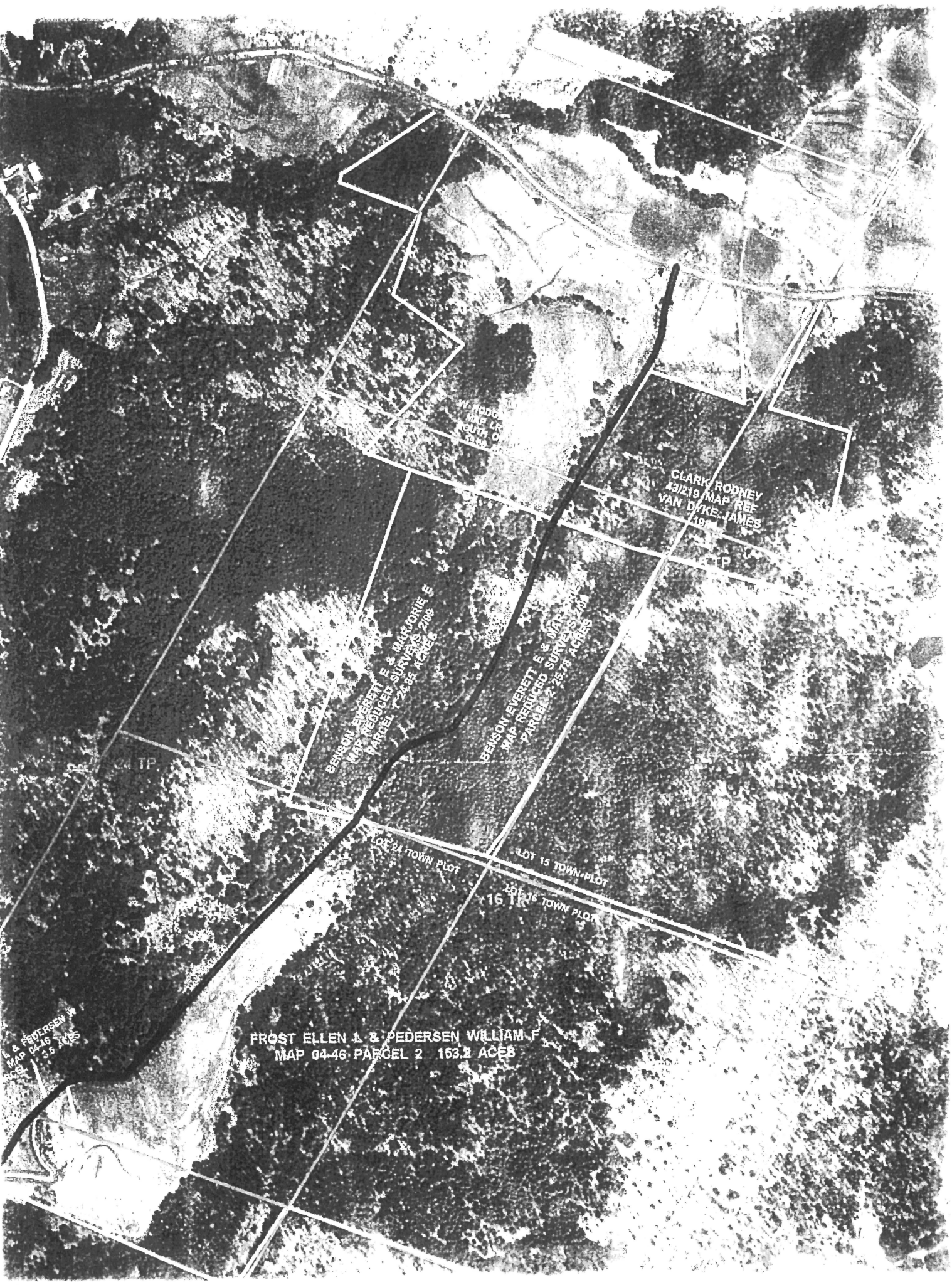


32
 X
 P
 ER TO
 PAGE 197
 412
 234
 348
 VOL S. HODGDON TRUST
 5/25/2001
 11/17/1983
 3/10/1898
 11/5/1861
 PLAT ENTITLED "PLAN OF LAND FOR FARRAND W.
 HODGDON FARM SO. ROYALTON, VT" BY WILLIS
 F. STODDARD DATE UNKNOWN

ENSON
 6/1/1959
 2/21/1894
 125/1876
 20/1833
 ENSON AND
 OR COUNTY),
 85-46

RODNEY & MONICA CLARK
 REFER TO
 BOOK 43
 32
 12
 X
 PAGE 219
 341
 80
 484
 4/4/1990
 10/1/1983
 4/23/1954
 5/25/1906
 PLAT ENTITLED "PLAN OF LAND FOR JAMES AND
 ALSON VAN DYK TOWN OF ROYALTON, VT"
 DATED SEPTEMBER 1983 BY DUBOIS & KING
 PROJECT No. 39101

BARRY & EDITY
 REF



W. RODNEY
1/16 LR
SOUTH C
5.00 AC

CLARK RODNEY
13/219 MAP REF
VAN DYKE JAMES
1974

BEISON EVERETT E & MAJORIE S
MAP REDUCED SURVEY 2188
PARCEL 7 25.95 ACRES

BEISON EVERETT E & MAJORIE S
MAP REDUCED SURVEY 2188
PARCEL 8 25.71 ACRES

LOT 21 TOWN PLOT

LOT 13 TOWN PLOT

LOT 16 TOWN PLOT

FROST ELLEN L & PEDERSEN WILLIAM F
MAP 04-46 PARCEL 2 153.2 ACRES

PETERSEN
MAP
04-46
3.5 ACRES