

- 5-12-1990 Plans to consider reclassification of several roads including Devlin Road
- 9-12-1994 Mention of Steve Grace letter in support of town take over of road to Kilkenny property.
- 10-22-1994 Notice of public hearing to be held 11-7-1994 to discuss Devlin Road
- 11-7-1994 One paragraph in selectman's minutes. "Public Hearings were conducted – Devlin Road Extension: We received a letter from State Agency on Oct 5<sup>th</sup> seeing no issues with this road extension being taken over by the town. There was no opposition stated to this section of road. In favor of the take over were Mr. & Mrs. Kilkenney."
- No report of findings found
  - Nothing in the roads book
  - Linda Devlin said she did not issue an easement – She bought her property from Rocky Vermont and didn't know if there was a right of way issued there. Others believe Villeneuve retained ownership of the road all the way. Need to obtain deed research.
  - Town records have not been updated to reflect any change in length of Devlin road
- 8-8-1999 Found letter from Mary and Ken Spencer discussing the discontinuing of Devlin driveway without proper process.
- 8-30-1999 Memo to town clerk from Selectboard regarding road classification of five roads including Devlin driveway. The memo changes the Devlin driveway from a class 3 road to a town trail.
- Need to research selectboard minutes to see if hearing/meetings were held
  - Town records do not been updated to reflect any change of portion of Devlin rd to trail status
  - Memo of decision was not recorded in the town roads book
- 7-12-2004 Joanne reported that she and Barbara Ripley (attorney) would meet in the next few weeks to discuss the process the board should follow to take up Devlin Roads and other roads.
- 8-23-2004 Barbara Ripley briefed the board on the process of taking over Sunrise Ave, Mountain View and Devlin Road extended. *This is from the typed version. The handwritten version attached references a survey plat being done – check list prepared – getting a survey and two motions with no mention of what the motions were. No attachments of checklist or survey found.*
- Public Notice Hearing and site visit for Devlin Road Ext. - Sunrise Road – Mountainview Road – Ward Hill Ext.
- 10-11-2004 Barbara Ripley discussed process of reclassifying a Class 4 road to a Class 3 road. The process had started years prior however the final step needed to be done in order to bring roads legally into classification. Linda Devlin expressed concern regarding turnaround area and the use of private land. Next step is to hire a surveyor. Board went into executive session to discuss survey contracts.
- 11-8-2004 Report of Findings and Order - Devlin Road as Class 3 beginning where the town highway ends and ending at "at the gate beyond" scratched out without initials.

2-8-2005 Steve Grace letter stating that the town should be very concern with an attorney basing her findings on the false premise that the town “has been maintain the road as town road for some time...” and that the opposite was true. He agreed with the findings to the Kilkenny driveway but beyond that the claim was baseless.

1-25-2006 Steve Grace letter to DRB regarding Sherman subdivision. He restated his concern that the town had incorrectly assumed a portion of the road that it had no legal claim to do so.

2-13-2006 Selectboard minutes - DRB requested that a pin be placed to know where Devlin Road ends.

NOTICE OF SURVEY OF HIGHWAY – Unsigned notice provided by Linda Devlin with survey info laying out the path of the road along with a letter from Barbara Ripley dated 1-28-2005 stating the purpose to was establish the ownership of the road. Ken has no record of this being filed.

- Joanne Burno was going to forward an email to the attorney at the time and have them get in contact with me to see if they have any more info
- Track down easements from Devlin and Kilkenny if they exist
- See if this Notice of Survey was ever recorded. There is no listing in Ken’s index cards.



BARBARA G. RIPLEY  
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Direct: (802) 225-5508  
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January 28, 2005

Linda P. Devlin Living Trust  
162 Devlin Road  
Duxbury, VT 05676

Re: Survey of Devlin Rd.

Dear Sir/Madam:

You were previously notified that the Town of Duxbury intended to perform a survey of Devlin Rd. so that the boundaries could be established and recorded for the purpose of clarifying the Town's ownership of the road. As I had said, the Town has been maintaining the road as a town road for some time, unaware that the legal process for taking over the road had not been completed.

The survey has been completed and it is now available for viewing at the office of the Duxbury Town Clerk. It will be formally recorded in the Town records on or after March 27, 2005. The purpose of this letter is to inform you that you may seek damages for the loss of property or an interest in property, if you are dissatisfied with the survey by filing an appeal in the Washington County Superior Court within 120 days from the date the survey is filed with the Town Clerk.

We trust that this process has not inconvenienced you. Again, the purpose is to clarify legal rights and responsibilities that the Town has already assumed with respect to Devlin Rd. If you have any questions, please do not hesitate to call.

Sincerely,

Barbara G. Ripley

Enclosure

BTV.425423.1

# NOTICE OF SURVEY OF HIGHWAY

## DESCRIPTION OF SURVEY

### DEVLIN RD.

Pursuant to 19 V.S.A. § 33, the Selectboard of the Town of Duxbury hereby provides notice that it caused a survey to be completed of the existing highway known as Devlin Rd. This survey was performed and notice hereby provided at this time order to establish record Town ownership of the road, since at the time the road was actually taken over, the legal process for taking the road over was not completed. The purpose of the survey is to establish for the record that Devlin Rd. as described below is a Duxbury Town Road with all the rights and responsibilities appurtenant thereto.

Based on the Town Tax Map, the following abutting landowners were notified according to statute of the survey: Brusa, Spencer, Devlin, Kimball, Kilkenney, Sherman, and Voss.

Devlin Rd. is hereby described as follows:

As a Right Of Way being 24.75' either side of the center line of Devlin Rd. being shown on a Map of Survey recorded of even date herewith in the Town of Duxbury Land Records and more particularly described as follows:

Right of Way being 24.75 feet either side of the center line of Devlin Road, more particularly described as follows:

Commencing at an iron pipe located northeasterly of the intersection of Devlin Road and a trail to the Crossett Hill Cemetery, thence S 68°11'13" W a distance of 39.62 feet to the POINT OF BEGINNING. Thence along a line having a bearing of N 62°08'46" W a distance of 203.66 feet. Thence along a curve to the right having a radius of 515.00 feet, a chord of 119.59 feet and a chord bearing of N 55°28'44" W. Thence along a line having a bearing of N 48°48'42" W a distance of 34.77 feet. Thence along a curve to the right having a radius of 350.00 feet, a chord of 23.59 feet and a chord bearing of N 46°52'50" W. Thence along a curve to the left having a radius of 445.72 feet, a chord of 200.89 feet and a chord bearing of N 57°58'25" W. Thence along a curve to the left having a radius of 350.00 feet, a chord of 208.52 feet and a chord bearing of N 88°19'40" W. Thence along a curve to the left having a radius of 776.12 feet, a chord of 225.25 feet and a chord bearing of S 62°53'46" W. Thence along a curve to the left having a radius of 586.83 feet, a chord of 83.03 feet and a chord bearing of S 49°09'36" W. Thence along a curve to the left having a radius of 250.00 feet, a chord of 42.13 feet and a chord bearing of S 40°16'13" W. Thence along a line having a bearing of S 35°26'14" W a distance of 173.87 feet. Thence along a curve to the left having a radius of 150.00 feet, a chord of 23.50 feet and a chord bearing of S 28°41'00" W. Thence along a curve to the right having a radius of 350.00 feet, a chord of 136.41 feet and a chord bearing of S 35°25'37" W. Thence along a line having a bearing of S 46°39'50" W a distance of 354.42 feet. Thence along a curve to the left having a radius of 500.00 feet, a chord of 45.04 feet and a chord bearing of S 44°04'58" W. Thence along a line having a bearing of S 41°30'05" W a distance of 144.83 feet. Thence along

a line having a bearing of S 39°24'45" W a distance of 40.90 feet. Thence along a curve to the left having a radius of 500.00 feet, a chord of 61.96 feet and a chord bearing of S 35°51'37" W. Thence along a curve to the left having a radius of 1602.72 feet, a chord of 141.25 feet and a chord bearing of S 29°46'57" W. Thence along a line having a bearing of S 28°05'14" W a distance of 67.93 feet. Thence along a line having a bearing of S 25°39'44" W a distance of 195.12 feet. Thence along a curve to the left having a radius of 500.00 feet, a chord of 62.55 feet and a chord bearing of S 22°04'33" W. Thence along a line having a bearing of S 18°29'22" W a distance of 54.89 feet to the POINT OF TERMINUS, said point being S 59°46'19" W, 2149.64 feet from the POINT OF BEGINNING.

Dated at Duxbury, Vermont, this \_\_\_\_\_ day of \_\_\_\_\_, 2005, by the Selectboard of the Town of Duxbury, Washington County, State of Vermont.

\_\_\_\_\_  
Jill Smith

\_\_\_\_\_  
Paul Brusa

\_\_\_\_\_  
JoAnn Berno

\_\_\_\_\_  
Fred Collins

\_\_\_\_\_  
Harry Rook

BTV.426668.1