

STATE OF VERMONT

SUPERIOR COURT  
CHITTENDEN UNIT

CIVIL DIVISION  
DOCKET NO. 21-CV-03920

E. LAUCK and ELIZABETH PARKE, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 TOWN OF RICHMOND, )  
 )  
 Defendant. )

**STIPULATED JUDGMENT ORDER**

NOW COME the parties to the above-captioned matter, by and through their counsel of record, and hereby stipulate and agree that this Court may issue the following Judgment Order to resolve the above-captioned matter:

1. The case caption and the plaintiffs to this docket are amended to reflect the plaintiffs to this case as: E. Lauck Parke and Elizabeth H. Parke, Trustees of the E. Lauck Parke Revocable Trust and Elizabeth H. Parke and E. Lauck Parke, Trustees of the Elizabeth H. Parke Revocable Trust (hereinafter "Plaintiffs").
2. After a diligent search of its records, as well as the records of adjoining communities, the Defendant, Town of Richmond, cannot demonstrate that a Town highway (previously known and described as a portion of Town Highway #20 or a portion of the "Class 4 Segment of Williams Hill Road"), open to the public, was established over, through or adjacent to Plaintiffs' property at 1360 Williams Hill Road ("the Property"), as depicted in the image in Paragraph 4, below, by any of the methods recognized by Vermont law for establishing such a public highway.
3. Therefore, the Court DECLARES that the aforementioned Class 4 Segment of Williams Hill Road running over, through or adjacent to the Property, as described in Paragraph 3, above, and depicted in Paragraph 4, below, is not a Town highway. Plaintiffs own land over, through or adjacent to the highway at issue. The Town shall not interfere with Plaintiffs' ownership and control thereof absent first taking the steps required by law, and/or the federal and

Vermont constitutions, to obtain or acquire a legal or ownership interest therein.

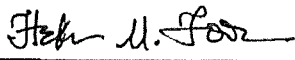
4. The Town shall, within 30 days of the entry of this Stipulated Judgment Order, notify the VTrans mapping unit that the highway segment running over, through or adjacent the Property, described in Paragraphs 2 and 3, above, is not a Town highway and that it should be removed from the Official Town Highway Maps, in substantially this form:



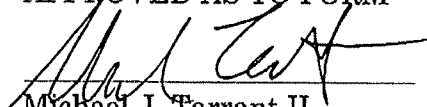
5. To the extent that Plaintiffs sought relief in connection with their June 10, 2021, discontinuance request, that request, and the Richmond Selectboard's November 17, 2021, decision relative thereto, are moot.
6. Notwithstanding anything to the contrary in this Court's Decision on Motions to Dismiss, dated August 23, 2022, Plaintiffs shall not be required to join all other neighboring landowners whose land abuts or is transected by the Class 4 segment of Williams Hill Road in this action or to certify such joinder to the Court.

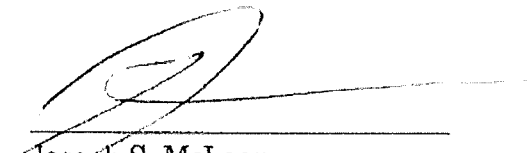
7. Nothing herein shall constitute a waiver by the Town of its legal rights, duties and obligations under Title 19, V.S.A., or other authority to, without limitation, lay out, acquire, condemn, maintain, repair or otherwise control and regulate public highways and trails in the Town, including any that hereafter may run over, through or adjacent to the Property.
8. This Stipulated Judgment Order is intended to fully resolve and conclude the above-captioned litigation and all issues, claims and motions related thereto. To the extent any request pending before the Court remains unresolved as of the date of this Stipulated Judgment Order, it is withdrawn, dismissed or denied as moot. Each party to the above-captioned proceeding shall bear its own costs and fees.

SO ORDERED.

  
\_\_\_\_\_  
Superior Court Judge

Dated: 12/1/2022 2022

APPROVED AS TO FORM  
  
\_\_\_\_\_  
Michael J. Tarrant II  
Attorney for Plaintiffs

  
\_\_\_\_\_  
Joseph S. McLean  
Attorney for Defendant