

# Policy: 15-01

**To:** Shelburne Selectboard  
**From:** Joe Colangelo, Town Manager  
**cc:** Legal Counsel  
**Date:** October 27, 2015  
**Re:** Recouping Costs of Laying Out New Town Highway Rights-of-Way at Railroad Crossings

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**Effective:** Immediately

**Purpose:** To establish a standard policy for the Town to recover legal, consultant, surveying and its other costs, fees and expenses incurred with the laying out of new town highway rights-of-way at railroad crossings when the Town has decided to do so for the benefit of landowners with properties westerly of the State's railroad right-of-way. The costs for laying out a new town highway right-of-way include survey costs and fees, mailing and postage costs and fees, and other consultants' and attorneys' costs and fees.

**Procedure:** The Town will enter into agreements, drafted by legal counsel, with all residents and resident homeowners' associations benefitted by the new town highway rights-of-way for repayment of all costs, fees and expenses associated with the laying out of a new town highway right-of-way across the State's railroad right-of-way and over land immediately westerly of the railroad right-of-way. The Town will only agree to payment up front for the estimated amount. Payment for the remainder of the actual cost will be billed at the end of the project or a refund for the overage will be sent to the association.

The Town will not begin the laying out process and will not consider approval of its agreement for extending the town highway right-of-way across the railroad right-of-way with the State of Vermont and Vermont Railway until satisfactory agreements have been executed with all landowners and resident homeowners' associations affected by the proposed new town highway rights-of-way. In addition to payment terms and other terms deemed necessary by the Town's legal counsel, the agreements with all landowners and resident homeowners' associations will require them to agree, if the new town highway right-of-way is to be designated as "Class 4," that they will pay all costs to maintain the new town highway right-of-way upon completion of the laying out process and that they will never petition the Town to upgrade the new town highway right-of-way's classification.