

A RESOLUTION IDENTIFYING AND AFFIRMING PUBLIC ACCESS ROADS
TRAILS AND PATHS WITHIN SAGUACHE COUNTY, COLORADO
IDENTIFIED AS EXISTING RS 2477
EASEMENTS IN 1998

98-G-4

WHEREAS, the Board of County Commissioners of Saguache County, Colorado, considers the existing system of roads, trails and paths as vital to the public welfare, safety and flow of commerce within this County and citizens of the state of Colorado, and;

WHEREAS, in 1866 the United States government adopted 43 USC 932 that was known as RS 2477, the adoption of this statute constituted an express dedication of public highways by the United States government and prior and subsequent to such statute, countless public highways were constructed by public use, including the network of roads, trails and paths; some of which are located within the National Forest and Bureau of Land Management lands within Saguache County, Colorado, and;

WHEREAS, this Resolution may include but is not specifically directed toward those highways and roads that are included within either the County Primary or Secondary Systems; but is directed more specifically toward those roads, trails and paths that are substantially or completely non-maintained, and;

WHEREAS, the Board of Commissioners did adopt Resolution 96-G-7, September 17, 1996, Identifying and Affirming all Public Access Roads Within Saguache County, Colorado, and;

WHEREAS, maps and documents have been consulted by county staff; and the Board of Commissioners did hold Public Meetings to confirm right-of-ways identified as RS 2477 from these document sources and the public memory obtained during the public meetings.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SAGUACHE COUNTY, COLORADO:

THAT, the following listed exhibits are hereby incorporated within this resolution for the purpose of specifically identifying those roads, trails and paths that are designated RS 2477:

A. The 1909 map of Saguache County showing roads, trails and paths of that time and found in the plat file of the Clerk and Recorder, in an un-notated Tab behind drawer 18, in an envelope marked "Roads Related".

B. A map showing "Postal Routes" to the towns of Liberty and Duncan.

- C. A letter dated June 13, 1995 and the attached memorandum dated 9-26-86, from the Gunnison Resource Area, identifying roads on BLM owned property.
- D. A map of the Gunnison National Forest, showing the southern half of the Gunnison Basin Area and the identified roads and trails numbered 1 through 20.
- E. A map of the Rio Grande National Forest Service, showing roads and trails numbered 1 through 65.
- F. Bureau of Land Management topographic map identified 1991 Travel Map, showing roads and trails numbered 1 through 84.
- G. And any roads across "Public Lands" prior to May 21, 1921, shall remain public roads, trails or paths, 43-1-202 CRS. and 43-2-201 CRS.

The above exhibits are not intended to be all inclusive of the many numerous roads, trails and paths used by the public prior to, or since 1908.

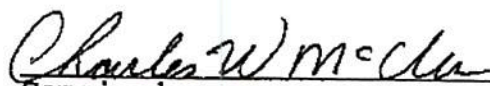
THAT, the roads, trails and paths so identified within the body and exhibits of this resolution are further resolved to be RS 2477 designated highways as intended by 43 USC 932. and,

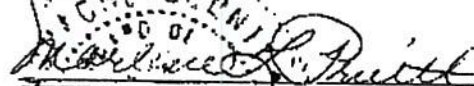
FURTHER THAT, the adoption of this resolution is necessary for the safety, health and welfare of the citizens of Saguache County, Colorado.

READ, MOVED and ADOPTED this seventeenth day of March, nineteen hundred and ninety-eight.


CHAIRMAN


Commissioner


Commissioner


ATTEST

3/17/98
Date

17/3.
EHB. B-1

No. 1011.

(LOCATION PAPER.)

Post Office Department,
OFFICE OF THE FOURTH ASSISTANT POSTMASTER GENERAL,
APPOINTMENT DIVISION.

WASHINGTON, D. C., 190

SIR: Before the Postmaster General decides upon the application for the establishment of a post office at, County of, State of, it will be necessary for you to carefully answer the subjoined questions, get a neighboring postmaster to certify to the correctness of the answers, and return the location paper to the Department, addressed to me. If the site selected for the proposed office be not on any mail route, only a "Special Office" can be established, to be supplied with mail from some convenient point on the nearest mail route by a special carrier, for which service a sum equal two-thirds the salary of the postmaster will be paid by the Department.

You should inform the contractor, or person performing service for him, of this application, and require him to execute the appended certificate as to the practicability of supplying the proposed office with mail. Very respectfully,

J. H. Rister

Fourth Assistant Postmaster General.

To Mr.
care of the Postmaster of, who will please forward to him.

STATEMENT.

The proposed office to be called

Liberty, Prospect, or Reliance

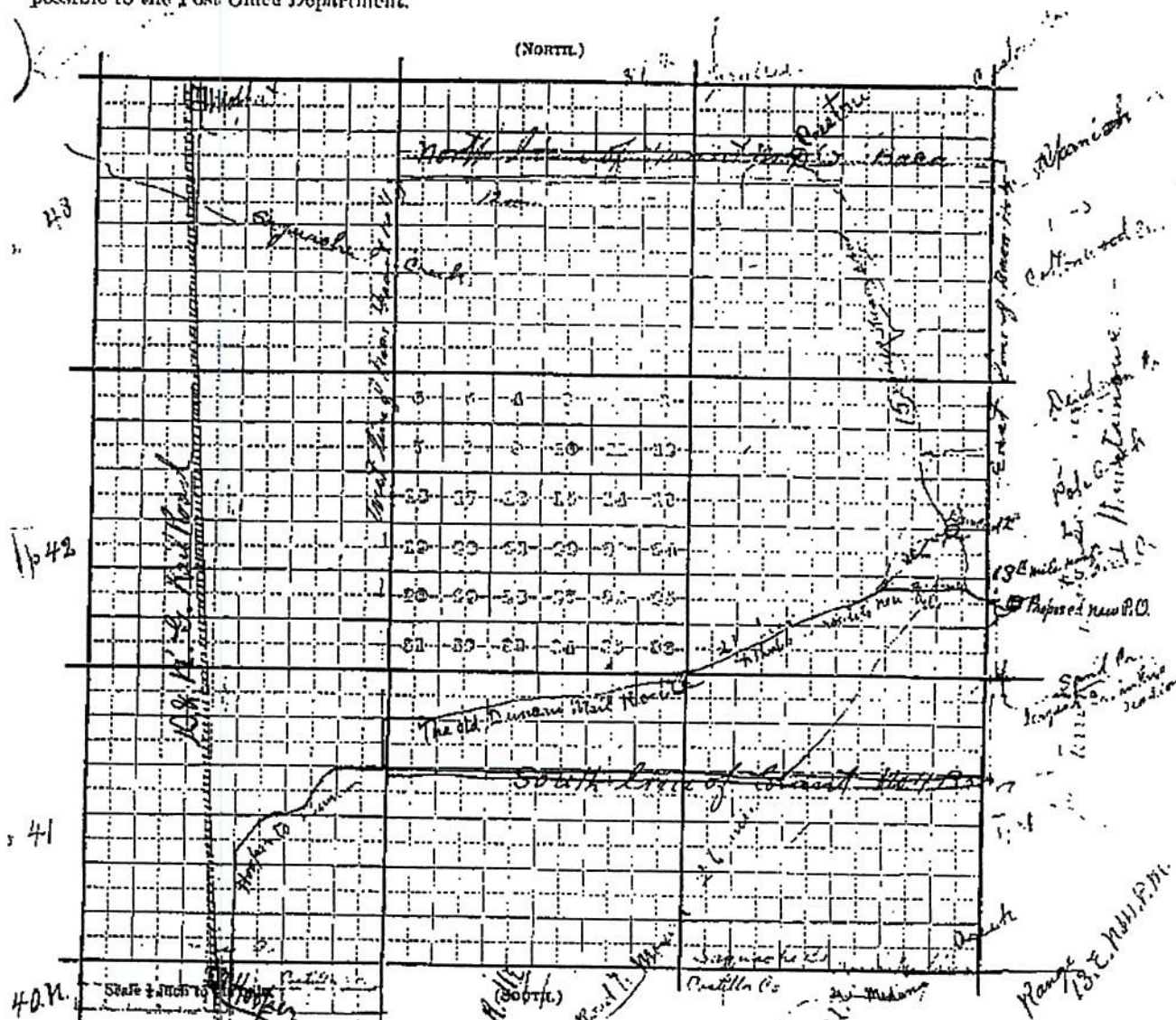
Notice directions for selecting post office names on next page.

It ^{would} be situated in the *SW* quarter of Section *30*, Township *42*, Range *13* (East or West). *N.M.M.*, in the County of *Superior*, State of *Calo.*
It will be on or near route No. *65221* being the route from *Harper to Lincoln* on *discontin.*
to, on which the mail is now carried *discontin.* times per week.
Will it be directly on this route?—Ans. *it is on the route*
If not, how much would its supply on this route increase the distance necessarily traveled by the carrier in going once over the route? *It will be about one mile further than at*
If not on any route, is a "Special Office" wanted?—Ans. To be supplied from *Harper, Calo.*
The name of the nearest office to the proposed one, on one side, is *Creston*
its distance is *15 miles* miles in a *North westerly* direction from the proposed office.
The name of the nearest office, on the other side, is *Harper, Calo.*
its distance is *21 miles* miles in a *South westerly* direction from the proposed office.
The name of the other nearest office to the proposed one is *Moab, Calo.*
its distance by the most direct road is *26* miles in a *South westerly* direction from the proposed office.
The name of the most prominent river near it is *the Colorado about 40 miles*
The name of the nearest creek is *It is situated on Short Creek*
The proposed office will be *40* miles from said river, on the *North East*
side of it, and will be *situated on* miles from said nearest creek, on the *at near north* side of it.
The name of the nearest railroad is *The Denver & Rio Grande*
If on the line of or near a railroad, on which side will the office be located; how far from the track; and what is, or will be, the name of the station?—Ans. *It is on the line of the D. & R. G. R. at the station of*

It is authorized to employ a carrier to supply the office as often as practicable, for a postmaster's compensation.

Diagram showing the site of the _____ *Proposed new* _____ Post Office,
in Township *42* (N. or S.), Range *13* (E. or W.) of *N. 11. E. 1. 1.* Principal
Meridian, County of *Sioux*, State
of *Wis.* _____ with the adjacent Townships and Post Offices.

It is requested that the exact site of the proposed or existing Post Office, as also the roads to the adjoining offices, and the larger streams or rivers, be marked on this diagram, to be returned as soon as possible to the Post Office Department.



Attention is called to the following order issued by the Postmaster General, dated April 9, 1894:

"ORDERED, No. 116.—To remove a cause of annoyance to the Department and injury to the Postal Service in the selection of names for newly established post offices, it is hereby ordered, that from this date only short names or names of one word will be accepted. There may be exceptions when the name selected is historical, or has become local by long usage, but the Department reserves the right in such cases to make the exception or not as it sees proper. Names of post offices will only be changed for reasons satisfactory to the Department."

The prefix of "East," "Old," "New," "North," "South," or "West," to the name of a post office is objectionable; as also is the addition of "Burg," "Center," "City," "Corners," "Creek," "Cross Roads," "Depot," "Hall," "Hotel," "Hollow," "Junction," "Mill," "Mound," "Peak," "Plains," "Point," "Port," "Prairie," "Rock," "River," "Run," "Ridge," "Store," "Station," "Springs," "Town," "Valley," "Valley," or "Village," and all other prefixes or additions, as such prefixes or additions are liable to lead to confusion and delay in transmission of the mails.

EH B. B-2

PROPOSED LOCATION OF POST OFFICE

DIVISION OF
MASTER APPOINTMENTS

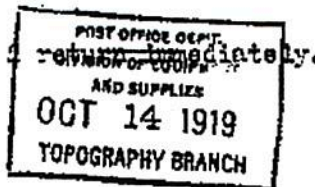
Post Office Department
FIRST ASSISTANT POSTMASTER GENERAL

IN REPLYING
MENTION INITIALS AND DATE

AF-116

Oct 2, 1919.

Postmaster,



With reference to the proposed change in site of the post office named below, and in order that office if changed to the proposed location may be accurately represented upon the post-route maps, requested that you carefully answer the questions below and furnish a sketch according to instruction on opposite side of paper, which should be returned to the First Assistant Postmaster General, Division of Postmasters' Appointments, as soon as possible.

Respectfully,

FIRST ASSISTANT POSTMASTER GENERAL.

Liberty

(Post Office.)

Saguache

(County.)

Colorado

(State.)

If the town, village, or site of the post office be known by another name than that of the post office, state that other name

No change in name.

If the post office, if changed to the proposed site, would be $1\frac{3}{4}$ Mi air-line distance, N.E. from its present location. (N., S., E., or W.)

If the post office would be situated in the S.W. quarter of section No. 7, in Township 25-S, (N. or S.)

$7\frac{3}{4}$ W. of the 6th principal meridian, County of Saguache, COLO. (E. or W.)

If the name of the nearest river is Rio Grande, and the post-office building would be at a distance of 25-Miles (Approx.) on the N. side of it. (N., S., E., or W.)

If the name of the nearest creek is Pole Creek, and the post-office building would be at a distance of 100 feet on the N. side of it. (N., S., E., or W.)

If the name of the nearest office on the same route as this post office is CRESTONE COLO., its distance is $12\frac{3}{4}$ miles, by the traveled road, in a N.W. direction from the proposed site of this office. (N., S., E., or W.)

If the name of the nearest office on the same route, on the other side, is None - formerly Herard, its distance is 8 miles, in a S.E. direction from the proposed site of this office. (N., S., E., or W.)

If the name of the nearest office not on the same route as this post office is HOOVER COLO., its distance is 26 miles, by the traveled road, in a S. of W. direction from the proposed site of this office. (N., S., E., or W.)

If the post office building would be on the E. side of the D. & R. G. - Salida - Br. Railroad, at a distance of 2.4 from the track. The railroad station name is MOFFAT COLO. (N., S., E., or W.)

If the post office would be 7 Miles, air-line distance, W. from the nearest point of my county boundary, which is the summit of the Sangre de Christo Range. (N., S., E., or W.)

Signature of Postmaster: Walter E. Perkins

Date: Oct 7, 1919

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DIAGRAM, EXPLANATION, AND INSTRUCTIONS.

The surrounding offices and the present site of this office should be accurately located and the names plainly written.

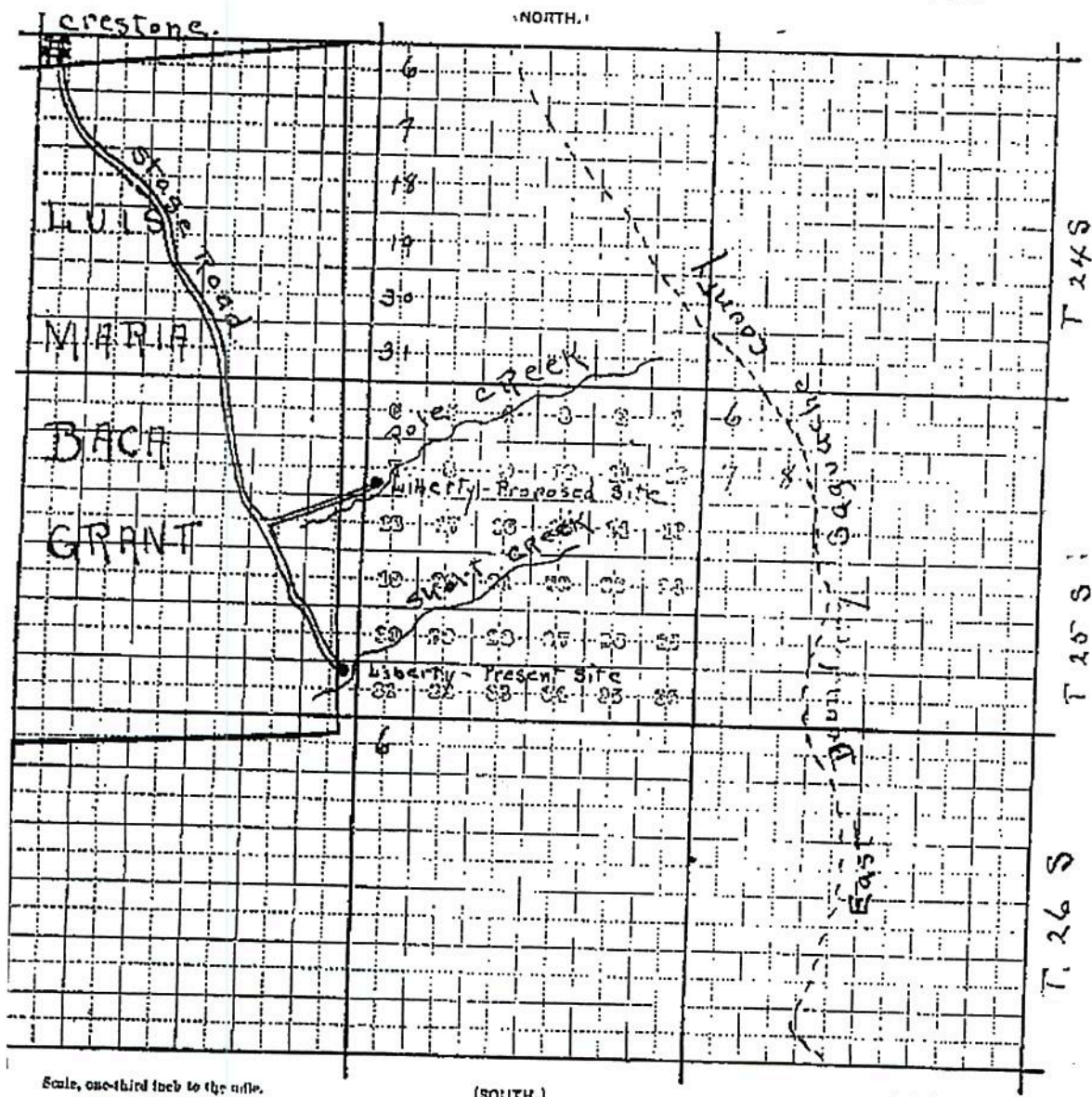
Draw distinctly the railways, roads, rivers, and creeks.

The post office would be situated in the S. W. quarter of section No. 25, Township 25 N., Range 3 W., of the 6 principal meridian.

In localities not surveyed by the U. S. Land Office, a sketch map is requested.

PAGE... 73 W

• NORTH •



Scale, one-third inch to the mile.

(SOUTH.)

4-2512

EHB-B-3

Duplicate

No. 1011.

(LOCATION PAPER.)

Post Office Department,

OFFICE OF THE FIRST ASSISTANT P. M. GENERAL,

Appointment Division,

WASHINGTON, D. C.,

OCT 25 1902

18

Sir: Before the Postmaster General decides upon the application for the establishment of a post office at Duncan, County of Saguache, State of Colorado, it will be necessary for you to carefully answer the subjoined questions, get a neighboring postmaster to certify to the correctness of the answers, and return the location paper to the Department, addressed to me. If the site selected for the proposed office should not be on any mail route now under contract, only a "Special Office" can be established there, to be supplied with mail from some convenient point on the nearest mail route by a special carrier (see section 733, Postal Laws and Regulations of 1887), for which service a sum equal to two-thirds of the amount of the salary of the postmaster at such office will be paid by the Department.

You should inform the contractor, or person performing service for him, of this application, and require him to execute the inclosed certificate as to the practicability of supplying the proposed office with mail, and return the same to the Department.

Very respectfully,

E. G. R. Ashburn

Fourth Asst Postmaster General.

To Mr. Robert F. Manderscare of the Postmaster of Harrison, who will please forward to him.

STATEMENT.

The proposed office to be called

Duncan Camp

Select a short name for the proposed office, which, when written, will not resemble the name of any other post office in the State.

It will be situated in the Unincorporated Township Unincorporated (North or South) Range Unincorporated (East or West), in the County of Saguache, State of Colorado.It will be on or near route No. Unincorporated, being the route from Unincorporated on which the mail is now carried Unincorporated times per week.Will it be directly on this route?—Ans. NoIf not, how far from it?—Ans. UnincorporatedIf not on any route, is a "Special Office" wanted?—Ans. Yes To be supplied from HarrisonThe name of the nearest office to the proposed one, on one side, is Unincorporated distance is 1.2 miles in a Unincorporated direction from the proposed office.The name of the nearest office, on the other side, is Unincorporated distance is 2.0 miles in a Unincorporated direction from the proposed office.The name of the other nearest office to the proposed one is Unincorporated distance by the most direct road is Unincorporated miles in a Unincorporated direction from the proposed office.The name of the most prominent river near it is Unincorporated 3.5 milesThe name of the nearest creek is UnincorporatedThe proposed office will be Unincorporated miles from said river, on the Unincorporated side of it, and will be Unincorporated miles from said nearest creek, on the Unincorporated side of it.The name of the nearest railroad is Unincorporated

If on the line of or near a railroad, on which side will the office be located; how far from the track; and what is the name of the station?

Applications for post offices should be accompanied by petition

~~CONFIDENTIAL~~

It is requested that the exact site of the proposed or existing Post Office, as also the roads, the trading offices, and the larger streams or rivers, be marked on this diagram, to be returned as soon possible to the Post Office Department.

(NORTH)

(SOUTH.)

Scale 4 inch to the mile



Exhibit C-1

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Montrose District Office
2465 South Townsend
Montrose, Colorado 81401



IN REPLY REFER TO:

2800
CO-033

Ms. Marlene L. Pruitt
Saguache County Clerk and Recorder
P.O. Box 176
Saguache, Colorado 81149

JUN 13 1995

Dear Ms. Pruitt:

RECEIVED JUN 19 1995

I received your letter June 5, 1995 concerning your request for information on the Saguache County RS 2477 road right-of-way filing. Saguache County originally made a request to have their RS 2477 roads noted to BLM records on September 10, 1984. Our file contains correspondence with the County that indicates certain roads the County did not originally request were added. There were also a few road segments that were not recognized as county roads where the USFS already had a Federal Road R/W reservation and claimed jurisdiction of the road.

Your letter specifically requests a map of the RS 2477 access right-of-way filing. I made a xerox copy of the original County road map and shaded those segments of roadway located on BLM administered public lands. Unfortunately this large county map does not reproduce very well but it does show the roads that were originally noted to our public land records. The file also contains 7.5 minute topographic maps that were made by BLM to illustrate more exact road locations. These large maps would be difficult to piece together on a xerox for all the road locations. I hope the County scale map is sufficient for your needs.

I have also included a copy of a memorandum from the case file that summarizes the road names, and lengths of the right-of-way across public land. Hopefully this information will satisfy your needs. If you need additional information, please contact me at the above address or by phone at (970) 249-7791.

Sincerely,

Tom Hurshman

Tom Hurshman
Realty Specialist

enclosures



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Gunnison Resource Area
216 North Colorado
Gunnison, Colorado 81230

ERLY
ERTO.

2800
3-39213
(162)

SEP 24 1983

Memorandum

To: District Manager, Montrose

From: Area Manager, Gunnison

Subject: Notation of Master Title Plats of County Highways constructed in Saguache County, Colorado pursuant to the Acts of July 26, 1866 (R.S. 2477)

On July 30, 1984, Saguache County filed for highways constructed under the authority of R.S. 2477. A copy of the Road Number map of Saguache County Highways, as prepared by the Colorado Department of Highways was filed to depict road locations.

The Act of July 26, 1866 (R.S. 2477) provided: "The right-of-way for the construction of highways over public lands not reserved for public uses, is hereby granted." In 43 CFR 2802.5 it states that any person, or state or local government which has constructed public highways under the authority of R.S. 2477 (43 U.S.C. 932) may file a map showing the location of such public highways with the authorized officer. Maps filed showing the location of the R.S. 2477 highways on public land shall not be conclusive evidence as to their existence.

The BLM Manual 2801.48 (6/30/86) outlines the criteria for the identification of R.S. 2477 public highways.

- a. There must have been actual construction for a valid right-of-way. Road maintenance over several years may equal construction. When public funds have been expended on a road it shall be considered a public road. When the history of a road is questionable, its existence in a condition suitable for public use is evidence that construction sufficient to cause a grant under R.S. 2477 has taken place.
- b. A R.S. 2477 grant has taken place when a constructed highway is freely open to everyone.

The construction must have occurred prior to October 21, 1976.

The state in which the road is located must have a procedure to confirm the RS 2477 grant as a public highway.

Saguache County filed for the following listed County public highways that are within the jurisdiction of the Montrose District Office.

<u>Road No</u>	<u>Width (ft)</u>	<u>Length (Mi)</u>
WW-13	50	5.97
5 YY	50	4.18
6 YY	50	2.85
14 DD	50	1.10
17 GG	50	2.50
17 FF	50	2.23
KK 14	50	3.50
16 MM	50	1.75
1 TT	50	1.75
NN 14	50	4.60
14 PP	50	13.19
24 VV	50	1.21
24 UU	50	1.0
18 VV	50	2.20
23 YY	50	.75
25 TT	50	1.25

The above listed roads were compared to Master Title Plats to check land status conflicts. This review showed that there were several roads shown on Saguache County's road map which were not requested under R.S. 2477. There are also a few conflicts with Federal right-of-way reservations on roads filed under 44 L.D. 513. Saguache County was contacted on these problem areas and they requested that the following roads be added to their request:

<u>Road No.</u>	<u>Width</u>	<u>Length (mi)</u>
6 YY	50	add .75
15 GG	50	add .10
6 UU	50	add 2.70
UU 13	50	add 2.63
23 YY	50	add .5

The following roads are under the jurisdiction of the US Forest Service with reserved rights-of-way pursuant to 44 L.D. 513. These roads were built with federal funds and cannot be transferred out of federal control without a relinquishment of the grant by the holding agency. The USFS, Cebolla Ranger District was informally consulted concerning these roads. They indicated the Forest Service would not want to relinquish these reservations. It was also brought out that Saguache County maintained these roads under a USFS Schedule A road maintenance agreement and was therefore receiving Highway User Tax Funds for the roads.

<u>Road No.</u>	<u>Width</u>	<u>Length (Mi)</u>
14 DD	50	delete 1.10
24 VV	50	delete 1.21
25 TT	50	delete .11

An Environmental Assessment or other NEPA documentation is not required as this is a non discretionary action mandated by the Act of July 26, 1866 and reflects the existing situation. Recognition of these roads as public highways is consistent with the Gunnison Basin, Management Framework Plan.

Recommendation

I recommend that the road listed on Attachment #1 be accepted as R.S. 2477 public highways. Serial Number C-39213 has been assigned this case and the Master Title Plats and District Transportation Plan should be so noted. R.S. 2477 did not specify the terms and conditions of the right-of-way although BLM manual 2801 states that state law specifying widths of public highways should be utilized. Saguache County has requested 50 foot wide rights-of-way for their roads. Right-of-way width on Colorado highways is commonly 60 feet in width however, the 50 foot width requested is sufficient to accomodate use and maintenance. Therefore, the requested width of 50 feet (25 feet each side of centerline) should be noted. The right-of-way is for public use as a roadway and does not include material sites, stockpiles or other ancillary facilities.

Our Decision to Saguache County acknowledging these roads as R.S 2477 public highways, should mention the County's responsibility to maintain these roads in a safe and useable condition to protect the public and public resources. Further, if public use on any of these roads becomes restricted or blocked the right-of-way will be terminated. Major modifications such as realignment of any of these roads would require a FLPMA right-of-way authorization.

Attachment #2 is a copy of the General Highway Users Map for Saguache County, Colorado. The length measurements contained on Attachment #1 were derived from measurements taken off 7.5 min USGS quadrangles with land status for the affected roads. Attachment #3 is a corrected Serial Register Page with legal descriptions of the road rights-of-way.

Greg Reed
Resource Area Manager

Attachments

I do ☒ do not ☐ concur.

Paul W. Hornum
District Manager

9/26/96
Date

Attachment #1

<u>Road No.</u>	<u>Width</u>	<u>Length</u>	<u>Acres</u>
WW 13	50	33,300 ft.	38.2
5 YY	50	20,700 ft.	23.8
6 YY	50	26,320 ft.	30.2
17 GG	50	8,000 ft.	9.2
17 FF	50	11,600 ft.	13.3
KK 14	50	18,200 ft.	20.9
16 MM	50	11,900 ft.	13.7
1 TT	50	9,000 ft.	10.3
NN 14	50	19,500 ft.	22.4
14 PP	50	72,200 ft.	82.9
24 UU	50	4,600 ft.	5.3
18 VV	50	15,200 ft.	17.4
23 YY	50	6,200 ft.	7.1
15 GG	50	1,000 ft.	1.1
6 UU	50	14,250 ft.	16.4
UU 13	50	13,900 ft.	16.0
Totals 285,870 ft. or 54.1 miles			328.2 Ac.

Exhibit G

The public policy principals might be, for example:

- 1- Public rights of way will be retained unless there is an adjacent parallel public right of way in existence which accomplishes essentially the same purpose.
- 2- Public rights of way will be kept open to travel if there is any demonstrated need for use of d.
- 3- Public rights of way which have no present use may be closed, but the right of way will be d for future use.
- 4- Public rights of way in Wilderness areas will be closed for so long as the area remains a ness area. At such time as the Wilderness area may be changed back to Forest area, the right of ill resume. The only way that a Wilderness road can reopen is by a designation by the Federal ment that the property is no longer being used as a Wilderness area.
- 5- Areas along established foot trails will be protected from vehicular traffic as much as e.
- 6- The County will protect public rights of way across private property, and no such road will ed by action of a private land owner. The County will open all roads which have been so The County may agree to close a road across private property while retaining the public right for possible future use.
- 7- If a public or private landowner wishes to relocate a public right of way to protect umental values (such as riparian stream areas) the County and the landowner can agree on a ed area for the public right of way. The centerline of the road can be established by GIS rather ing to the expense of a survey, and an easement deed can be exchanged for the resolution g the existing public right of way.
- 8- The County will authorize closing of certain roads during specific times of year on a case by sis, when use of the road would cause damage to the surrounding terrain.
- 9- The County may agree with a landowner to shelter certain areas from motorized traffic if vel is more appropriate.
- 10- The County will establish an accurate inventory of all public rights of way and maintain a owing the same. The County road map will designate all roads with categories of use and ance. This will include foot travel with no maintenance to asphalt surface major arterials.
- 11- The County has no responsibility to expend maintenance funds on any public right of way, y change its maintenance priorities as it determines most benefits the public.

322589 Date 3/17/88 02:39 PM Page 15 of 16
Martene Pruitt Saguache County, CO Clerk and Recorder

1-202. Public highways or roads

All roads and highways which are, on May 4, 1921, by law open to public traffic shall be highways within the meaning of this part 2.

2-201. Public highways

(1) The following are declared to be public highways:

(a) All roads over private lands dedicated to the public use by deed to that effect, filed with the clerk and recorder of the county in which such roads are situate, when such dedication has been d by the board of county commissioners. A certificate of the county clerk and recorder with uch deed is filed, showing the date of the dedication and the lands so dedicated, shall be filed e county assessor of the county in which such roads are situate.

(b) All roads over private or other lands dedicated to public uses by due process of law and not re vacated by an order of the board of county commissioners duly entered of record in the ings of said board;

PLAT NAME Public Access Roads, Trails, & Paths within Saguache Co.

IF YOU WANT TO VIEW PLAT, PLEASE ASK THE COUNTY CLERK'