

## BREAKING NEWS –

Commissioners set evening public meetings on road right of way draft resolution

Wednesday, March 14, 2007

On Tuesday, March 6, the Jefferson County Commission was presented with a DRAFT Resolution prepared by consultant Tammy Johnson of Environomics spelling out the plans of the commission regarding county rights of way over public land within the county, an issue that has prompted public debate. Commission Chair Ken Weber has since announced a slate of Monday evening public meetings to address the issue. Those meetings are set for March 26 in Boulder at the courthouse, April 2 at the Montana City School library, and April 9 at the Whitehall School commons. Each meeting begins at 6:30 p.m. The Draft follows.

## RESOLUTION

**WHEREAS**, Jefferson County, hereinafter referred to as County, abounds with natural resources and its economy is based around these, including, but not limited to, production agriculture, wood products and mining. Further Jefferson County's landscape and rural character has attracted more residents and visitors. The interests and values of the county residents have grown more diverse; and

**WHEREAS**, Jefferson County Commissioners, in turn, face increasingly difficult decisions regarding land use and development, conservation, and public services; and

**WHEREAS**, the federal government owns more than 50% of the lands in the County; and

**WHEREAS**, many land uses in the County depend upon roads and rights-of-way associated with general non-motorized and motorized ingress, passage, and egress; the County also depends upon the responsible use and development of public land resources and adequate, feasible, and fully-protected access is required to utilize and to protect these resources; and

**WHEREAS**, public access to routes of travel are essential to the county's transportations and public access systems and to the economic, social, and political well-being and custom and culture of the communities and citizens of the county; and

**WHEREAS**, identifying, asserting, and protecting these rights-of-way is necessary to protect the state, county and local health, search and rescue, resource management, fire protection and law enforcement personnel rely on these access routes to carry out important public functions; and

**WHEREAS**, there are numerous methods of creating public road rights-of-way including but not limited to petition, prescription, grant, statutory dedication, public road easements shown on a plat, survey, entry town site plats, by common law dedication, eminent domain, county commission resolution, partition actions, special statutes, the takeover of toll roads, stock lanes, necessity of implication, by effect of "curative statute" and R.S. 2477; and

**WHEREAS**, the United States Congress granted the right-of-way for the construction of highways over public lands, not reserved for public uses in Section 8 of the Mining Act of 1866, reenacted and recodified as Revised Statutes 2477 (R.S. 2477), 43 U.S.C. 932; and

**WHEREAS**, Jefferson County, Montana, is the owner of highway rights-of-way accepted pursuant to the grant offered under R.S. 2477; and