

**RESOLUTION
OF
THE BOARD OF COUNTY COMMISSIONERS
Ouray County, Colorado**

Adopting a County Road Map

WHEREAS, each County in Colorado is obligated by statute, C.R.S. 43-2-108, to establish a system of primary and secondary roads; and

WHEREAS, the Board of County Commissioners of each county is directed by statute, C.R.S. 43-2-110, to prepare a map showing each road in the county primary and secondary system, which map may be updated and revised as appropriate following the publication of the Board's intention to adopt or revise an official county road map, such publication to be made once a week for at least two consecutive weeks preceding the date of hearing of comments on such map or revisions in a newspaper of general circulation in the county; and

WHEREAS, notice of the intention of the Board to adopt a revised official county road map was published in the Ouray Plaindealer on June 5, 12, and 19, 2014; and

WHEREAS, the last official county map was prepared in August, 1961; and

WHEREAS, the Board finds that an accurate and updated official county road map is in the public interest to ensure that the county and the public have accurate and current information regarding the public highways and roads in Ouray County; and

WHEREAS, by Resolution 2008-024, a copy of which is attached hereto as reference, the Board determined that "(a)ll public roads or public highways located within Ouray County, Colorado that have not previously been formally vacated or abandoned by the Board of County Commissioners of Ouray County, Colorado are hereby designated as public highways and are open to the public"; and

WHEREAS, a multi-year examination of public roads, highways, and trails led by the Public Access Group ("PAG") resulted in recommendations to the Board for adoption of a map by the Board; and

WHEREAS, following the presentation of those recommendations to the Board by PAG, the Board directed county staff to review the proposed PAG map and to recommend to the Board an official county road map; and

WHEREAS, a revised official county road map will clarify for the public and other agencies, including federal land management agencies, which roads, highways, and trails are recognized as county roads; and

WHEREAS, the Board has taken public comment on the proposed revised and official county road map at a hearing on June 25, 2014,

NOW THEREFORE, the Board of County Commissioners finds as follows:

1. The map attached hereto as Exhibit A, to be recorded with the County Clerk, and to be available to the public at the Clerk's office and at the Land Use department office, and, as feasible and when resources are available, to be published in a format for use by the public, is adopted as the official county map of Ouray County, Colorado.

Resolution #2014-014

2. Primary roads are depicted on the map with numbers; all other roads and trails depicted on the map are considered part of the secondary road system, as provided in C.R.S. 43-2-110.
3. Exhibit B hereto consists of historical information which supports the official county road map. Copies of Exhibit B shall be updated periodically as additional information pertaining to county roads and trails becomes available. Exhibit B may be amended or supplemented without revising or amending the county road map, Exhibit A, and such changes shall not be considered a revision to the county road map requiring the statutory procedures for amending the county road map. Copies of Exhibit B shall be kept with the official county road map, Exhibit A, so that members of the public may view and use them together.
4. The official county road map, Exhibit A, will be filed with the Colorado Department of Transportation and with such other agencies as may be required by law or as determined by the Board.
5. All roads, highways, and trails shown on the official county road shown as being open to the public, and labeled accordingly, shall be open to the public and shall not be closed to public travel unless formally vacated or abandoned by the Board at some future time.
6. The use by the public of public roads, highways or trails shall not be restricted by the placement of gates, fences or other obstacles or obstructions, except for any permanent or temporary closure effected by the Board by lawful action taken at a public meeting, as may be allowed by state law.
7. The provisions of Resolution 2008-024 remain fully in effect and valid.
8. Any member of the public or landowner who believes a road has been listed or included on the map in error may request that the Board of County Commissioners make appropriate corrections by providing a request in writing to the Clerk of the Board, specifying the error, and providing evidence or information to substantiate the request. Such requests shall be heard by the Board after notice and public hearing, pursuant to C.R.S. 43-2-110(3). The Board may, in its discretion, consolidate multiple requests into one hearing, not more than 180 days after the receipt by the Board Clerk of the first written request, or may elect to notice one or more hearings per year and provide a deadline for any errors to be presented in writing for consideration at such a hearing. Requests made more than one-year after adoption of this Resolution shall be presumed to not be errors, and the applicant must demonstrate that the information presented to the Board was not available within one-year of adoption of this Resolution, or that some factor beyond the control of the applicant prevented the information from being presented to the Board within one-year of the adoption of this Resolution.
9. Any member of the public or landowner may request that the Board of County Commissioners vacate or abandon a portion or all of a county road, upon written application to abandon or vacate, accompanied by information to substantiate the request, pursuant to C.R.S. 43-2-303, and the Ouray County Land Use Code. Such application shall be heard by the Board of County Commissioners after notice and public hearing.
10. Any member of the public or landowner may request the Board of County Commissioners to add a road or road segment to the official county road map, by providing a request to the Clerk of the Board in writing, and providing information or evidence to substantiate such request if such request is based upon adverse possession or use by the public of such road, pursuant to C.R.S. 43-2-201(1)(c) or (d). A request to the Board of County Commissioners to accept a road by deed, dedication, or purchase, shall be in writing, accompanied by such information as required by C.R.S. 43-2-201(1)(a),(b) or as required by the Ouray County

Resolution #2014-014

Land Use Code. No dedication of a road by deed, dedication or purchase shall be effective unless the road or road segment is accepted by the Board after notice and public hearing.

11. Adoption of this resolution does not authorize or otherwise sanction construction, alteration, or maintenance on roads and trails, or the erection of signage on such roads or trails, within the National Forest without authorization by the U.S. Forest Service.

APPROVED AND ADOPTED THIS 22 DAY OF July 2014.

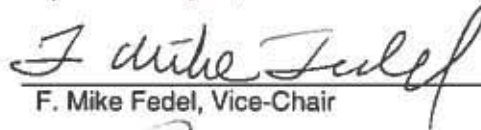
Voting for: Commissioner Padgett, Fedel and Batchelder

Voting against: None

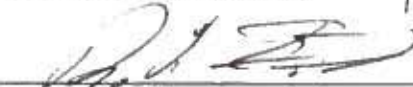
BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO



Lynn M. Padgett, Chair



F. Mike Fedel, Vice-Chair



Don Batchelder, Commissioner

Attest:



Michelle Näuer, Clerk and Recorder

By ~~Hannah~~ Höllenbeck, Deputy Clerk of the Board