

MEMORANDUM AND PETITION

To: Bureau of Land Management
_____ District Office
_____ State Office

From: County Commission _____ County, _____ (State)

Date: _____

Re: Reserved Statute 2477 Claims

The purpose of the memorandum is to notify the Bureau of Land Management ("BLM") that _____ County claims the roads described herein as county roads pursuant to the Act of July 26, 1866, Reserved Statute 2477 ("R.S. 2477"). Pursuant to that Act:

And it be further enacted, that the right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted.

14 Stat. 243, repealed Pub.L. 94-579, 43 U.S.C. § 1701 et seq., but see 43 U.S.C. § 1769(a) and 1701. As will be shown below, because the roads listed on Exhibit 1, attached hereto and incorporated herein, fit with in the requirements of R-S. 2477, _____ County hereby notifies the BLM that these roads are county public roads.

There are three requirements necessary for the county to assert an R.S. 2477 road: (1) the road must have existed before the repeal of R.S. 2477 on October 21, 1976 and the lands involved must have been unreserved public lands on the date of road "construction," (2) some form of construction must have occurred prior to the above described dates and (3) the road or trail must be considered to be a public road pursuant to state law. In this case, these requirements have been met.

- I Exhibit I is a map asserting the location of each road claimed by the County pursuant to R-S. 2477.
2. These roads were constructed on the BLM lands prior to October 21, 1976. Under R.S. 2477, the term construction is very liberal. Construction is defined as the physical act of readying the highway for use by the public according to the available or intended mode of transportation, including foot, horse, vehicle, etc. This can include the passage of vehicles by users over time.
3. The roads and trails described in Exhibit I are considered a "public highway" pursuant to Colorado state law. In this case, these roads have either been maintained by _____ County, Colorado for public use or _____ County has taken action showing the county's intent to accept the R.S. 2477 grant by Congress. See County Resolution Exhibit 2.

_____ County appreciates the opportunity to present this information to the BLM. This petition may be amended as additional information of these or other roads becomes available to the county.

Should you have any questions, please do not hesitate to contact: _____

MEMORANDUM AND PETITION

To: U.S. Forest Service

From: County Commission _____ County, _____ (State)

Date: _____

Re: Reserved Statute 2477 Claims

The purpose of the memorandum is to notify the U.S. Forest Service that _____ County claims the roads described herein as county roads pursuant to the Act of July 26, 1866, Reserved Statute 2477 ("R.S. 2477"). Pursuant to that Act:

And it be further enacted, that the right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted.

14 Stat. 243, repealed Pub.L. 94-579, 43 U.S.C. § 1701 et seq., but see 43 U.S.C. § 1769(a) and 1701. As will be shown below, because the roads listed on Exhibit 1, attached hereto and incorporated herein, fit with in the requirements of R-S. 2477, _____ County hereby notifies the BLM that these roads are county public roads.

There are three requirements necessary for the county to assert an R.S. 2477 road: (1) the road must have existed before the repeal of R.S. 2477 on October 21, 1976 and the lands involved must have been unreserved public lands on the date of road "construction," (2) some form of construction must have occurred prior to the above described dates and (3) the road or trail must be considered to be a public road pursuant to state law. In this case, these requirements have been met.

- I Exhibit I is a map asserting the location of each road claimed by the County pursuant to R-S. 2477.
2. These roads were constructed on the National Forest System lands prior to the date this specific National Forest was reserved by Congress. Under R.S. 2477, the term construction is very liberal. Construction is defined as the physical act of readying the highway for use by the public according to the available or intended mode of transportation, including foot, horse, vehicle, etc. This can include the passage of vehicles by users over time.
3. The roads and trails described in Exhibit I are considered a " public highway" pursuant to state law. In this case, these roads have either been maintained by _____ for public use or _____ County has taken action showing the county' s intent to accept the R.S. 2477 grant by Congress. See County Resolution Exhibit 2.

_____ County appreciates the opportunity to present this information to the U.S. Forest Service. This petition may be amended as additional information of these or other roads becomes available to the county.

Should you have any questions, please do not hesitate to contact: _____