

RESOLUTION NO. 2024-18

**BOARD OF COUNTY COMMISSIONERS
OF THE
COUNTY OF SUMMIT
STATE OF COLORADO**

**A RESOLUTION AFFIRMING AND DECLARING CERTAIN EXISTING PUBLIC
ROADS IN THE BILL'S RANCH AND COUNTY COMMONS AREA AS PUBLIC
HIGHWAYS**

WHEREAS, in the 1980s and subsequent years, Summit County staff was directed by the Summit County Board of County Commissioners to promote the public health, safety and welfare of Summit County residents and landowners by addressing various access and land ownership problems existing in the geographic area known as Bill's Ranch in unincorporated Summit County; and

WHEREAS, such challenges included but are not limited to questions regarding legal access, discrepancies regarding the boundaries and size of parcels, and unclear or clouded title history of privately owned parcels; and

WHEREAS, many of the challenges in the Bill's Ranch area arose from historic parcel conveyances containing incorrect or inadequate legal descriptions; furthermore, additional problems arose from the presence of large portions of interstitial, remnant tracts that were never sold by the original developer of Bill's Ranch area but were sold at tax sale by the Summit County Treasurer due to the nonpayment of taxes by the record owner; and

WHEREAS, such Bill's Ranch interstitial, remnant areas included (1) lands traversed by the access roads within and across the Bill's Ranch area and adjoining lands, (2) drainageways in the Bill's Ranch area, and (3) other lands of ecological importance to the Bill's Ranch area, adjacent areas, and the Ten Mile Basin generally; and

WHEREAS, at the Board's direction, the County acquired fee title to over 20 acres of interstitial and remnant lands in the Bill's Ranch area by deeds that were recorded in the Office of the Summit County Clerk and Recorder at Reception No. 432610, on November 16, 1992 and Reception No. 712079 on March 3, 2003, which lands included many of the access roads and associated drainage ditches and/or snow storage areas within the Bill's Ranch area; moreover, the County has acquired additional road right-of-way through other dedications or conveyances within the Bill's Ranch area; and

WHEREAS, the Board of County Commissioners has the power at any meeting to make such orders concerning the property belonging to the county as it deems expedient, as set forth in C.R.S. § 30-11-107(1)(a); and

WHEREAS, the County's acquisition of fee title to such lands as directed by the Board established the public nature of the roads within and across Bill's Ranch; moreover, subsequent actions by the County, the general public, and landowners within Bill's Ranch confirmed the public nature of the roads and other lands owned by Summit County as public property; and

WHEREAS, in the years since the County's acquisition of fee title to the roads and other lands in Bill's Ranch, the public has in fact had unrestricted access to those lands and roads within Bill's Ranch; such traveled roadways, drainage ditches and snow stacking areas have been used openly and notoriously for road purposes, including lands adjacent to those County-owned lands or dedicated rights-of-way; furthermore, the County has repeatedly denied requests to make such roads private in nature; and

WHEREAS, although the County has not accepted such Bill's Ranch roads for County maintenance, as provided for in the Summit County Land Use and Development Code with such associated process and criteria analysis, the County's efforts have included, among other actions, periodic utilization of public personnel, equipment, and materials to assist in (1) the maintenance of the roadways, (2) plowing and stacking of snow by heavy equipment, and (3) drainage mitigation within the Bill's Ranch area and adjacent lands; and

WHEREAS, the County has not taken any action to restrict the public nature of the roads within and across Bill's Ranch, or other public areas owned by the County in Bill's Ranch, except: (1) as specifically approved by the conveyance of certain portions of such vacant lands to adjacent landowners to assist with the establishment of precise private parcel boundaries, all in accordance the County Policy on Land Sales for Bill's Ranch initially adopted by the Board in 1993, (2) in the course of subdivision approvals and related court proceedings to establish specifically described legal parcels of land not clouded by the history of inaccurate legal descriptions, and (3) the Board's formal vacation of one segment at the terminus of Siskin Lane, which is an internal Bill's Ranch road, by Resolution 2010-36, recorded at Reception No. 939192 on May 12, 2010, in the Office of the Summit County Clerk and Recorder, all in full accord with Colorado highway vacation statutes; and

WHEREAS, the County has diverted public water rights to help preserve the important wetlands, ponds, and areas of significant ecological importance on the lands within and adjacent to Bill's Ranch that are owned by the County, to sustain their ecological functioning and to preserve their availability for use by the public as open spaces; and

WHEREAS, the County's master plan for the Bill's Ranch area has acknowledged the County's ongoing provision of improvements and maintenance to Miner's Creek Road and also states that closure of the road would not be in the public interest; and

WHEREAS, the County is in the process of providing affordable workforce housing on lots purchased by the County on the northern edge of the Bill's Ranch area ("Nellie's Neighborhood"), which lots are abutted by roads in the Bill's Ranch area, and the owners of such lots have the right to use such roads for access, in accordance with the applicable rules and regulations; and

WHEREAS, the County has committed to improve and accept maintenance of Miner's Creek Road in conjunction with the development of the Nellie's Neighborhood affordable workforce housing project; and

WHEREAS, the Board of County Commissioners has the power at any meeting to lay out, alter, or discontinue any road running into or through Summit County and to perform such other duties respecting roads as may be required C.R.S. § 30-11-107(1)(h); and

WHEREAS, because of recent threats of litigation regarding the status of the roads in the Bill's Ranch area due to the County's proposed publicly-funded development of affordable workforce housing on County-owned lots in Bill's Ranch, the County desires to clarify and affirm the long-standing and ongoing public status of such roads by formally declaring such roads have been and will continue to be public highways open to the public by virtue of the County's ownership of such lands in fee and such other factors as noted above.

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

1. ALL ROADS IN THE BILL'S RANCH NEIGHBORHOOD AND ADJACENT COUNTY COMMONS PROPERTIES IN THE UNINCORPORATED AREA OF SUMMIT COUNTY AS LISTED IN EXHIBIT A, INCLUDING THE ASSOCIATED DRAINAGE DITCHES AND SNOW STORAGE AREAS, ARE HEREBY AFFIRMED AS PRE-EXISTING PUBLIC HIGHWAYS, AND ARE FURTHER EXPRESSLY DECLARED TO BE PUBLIC HIGHWAYS OPEN TO THE PUBLIC WITHOUT OBSTRUCTION OR LIMITATION EXCEPT AS MAY BE PROVIDED FOR BY ACTION OF SUMMIT COUNTY OR AS OTHERWISE PROVIDED BY LAW.

2. SUCH PUBLIC HIGHWAYS ARE NOT ACCEPTED FOR PUBLIC MAINTENANCE WITHOUT FURTHER ACTION AND APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS PURSUANT TO THE ESTABLISHED PROCESS IN THE LAND USE AND DEVELOPMENT CODE AND AS OTHERWISE PROVIDED BY LAW.

3. THE ADOPTION OF THIS RESOLUTION IS REASONABLE AND NECESSARY TO ENSURE PUBLIC ACCESS TO THE PUBLIC ROADWAYS AND

PUBLICLY OWNED LANDS IN AND AROUND THE BILL'S RANCH AREA, THE COUNTY COMMONS PUD, THE ADJACENT U.S.F.S. LANDS, AND THE SUMMIT COUNTY RECREATIONAL PATHWAY; THIS RESOLUTION PROMOTES THE PUBLIC HEALTH, SAFETY, AND WELFARE IN SUMMIT COUNTY, COLORADO, AND SHALL BE EFFECTIVE IMMEDIATELY UPON ADOPTION.

ADOPTED THIS 27TH DAY OF FEBRUARY, 2024.

**COUNTY OF SUMMIT
STATE OF COLORADO
BY AND THROUGH ITS
BOARD OF COUNTY COMMISSIONERS**



[Signature]

Mara Pogue, Chair

ATTEST:

[Signature]

Taryn Power, Clerk & Recorder

EXHIBIT A
RESOLUTION 2024-18

Road. No.	Road Name	Jurisdiction	Subdivision Name
1000	Miner's Creek Road	County	Bill's Ranch
1001	Temple Trail	County	Bill's Ranch
1016	W Ophir Lake Road	County	Bill's Ranch
1017	Stellar Jay Road	County	Bill's Ranch
1018	E Ophir Lake Road	County	Bill's Ranch
1019	Taylor Trail	County	Bill's Ranch
1020	Lookup Lane	County	Bill's Ranch
1021	Bob White Way	County	Bill's Ranch
1022	Chickadee Lane	County	Bill's Ranch
1023	Boggs Lane	County	Bill's Ranch
1024	Tracy Lane	County	Bill's Ranch
1025	Siskin Lane	County	Bill's Ranch
1026	Drakehaven Lane	County	Bill's Ranch
1027	Willow Bend Lane	County	Bill's Ranch