MARIPOSA COUNTY RESOLUTION NO. 07-414

RESOLUTION DECLARING THE COUNTY OF MARIPOSA'S INTEREST IN THE COULTERVILLE ROAD

WHEREAS, it has come to the attention of the Mariposa County Board of Supervisors that questions have arisen with respect to the County's opinion as to the ownership of the Coulterville Road (also known as the Coulterville Toll Road, the Old Yosemite Road, the Old Coulterville Road, the Old Coulterville Yosemite Road), and

WHEREAS, on August 11, 1857, the Mariposa County Board of Supervisors did authorize and grant permission to construct a turnpike road, commencing at or near Blacks Store on Bull or Bold Creek in Mariposa County, thence running by or near Cranes Flat and Hazel Green, and then to the lower end of Yosemite Valley, and

WHEREAS, on June 7, 1870, the Mariposa County Board of Supervisors noted in its minutes in the matter of the Petition of the Coulterville and Yosemite Turnpike Co. (said Turnpike now in the course of construction and nearly completed, commencing at the "Bower Cave" from thence to the boundary of the Yosemite Valley), that the petition for collecting tolls and fixing rates on said road was ordered to be granted and that the "Coulterville and Yosemite Turnpike Co. have permission and authority" to demand and collect and receive from travel passing over said road specified rates and tolls payable in gold and silver coin only, and

WHEREAS, on July 19, 1909, the Mariposa County Board of Supervisors renewed the license to collect tolls on the Yosemite and Coulterville Toll Road, and

WHEREAS, on September 19, 1911, the Mariposa County Board of Supervisors did declare, "That portion of the Coulterville and Yosemite Turnpike Road beginning at Hazel Green and running thence to terminus near Cascade Falls, be and the same is hereby declared a public highway, and

WHEREAS, in a lawsuit filed April 25, 1917, by Mary Helen McLean, Plaintiff, versus County of Mariposa, et al., Defendants, Judgment was entered declaring the County of Mariposa 'owner in that portion of the said road as follows and that Plaintiff has no right, title or interest therein commencing at Bower Cave on the North Fork of the Merced River in the Northwest Quarter of Section 19, Township to South, Range 18 East, and M.D.B.& M. to Hazel Green on said road, a distance of 12 miles'. The Stipulation of Facts was entered describing the entire road as the Coulterville Toll Road, including the full description of the road from Bower Cave through Hazel Green and then to the Yosemite Valley Grant, and specifically including (but not limited to) the branch road from the house of Andrew Gass at Hazel Green and thence easterly a distance of 5 1/4 miles to appoint on Crane Flat, and

WHEREAS, in the 1917 legal action Mr. G. Sovulewski, Superintendent of the Yosemite National Park, represented by the United States Attorney's Office filed an answer stating "That continuously, for a period of more than five years prior to the commencement of this action, the Defendant, County of Mariposa, has worked said alleged toll road and kept the same in repair, and during all of said time, said County of Mariposa has been in undisputed

possession of, and has owned and controlled said toll road and has claimed the same as a public highway of the said county adversely to the whole world, and for more than five years prior to the commencement of this action, said highway has been abandoned to the public and has been by the public accepted and used during all of said time, as a public highway, free of all toll and free of any right or interest of the Plaintiff or any of her alleged predecessors in title.", and

WHEREAS, in the 1917 legal action, Judgment was entered declaring in part that the County of Mariposa was the "owner in fee of that portion of the said road described as follows and that Plaintiff has no right, title or interest therein; commencing at Bower Cave on the North Fork of the Merced River in the Northwest Quarter of Section 19, Township 2 South, Range 18 East, M.D.B. & M. to Hazel Green on said road, a distance of 12 miles," and that McLean, the Plaintiff, was only the "owner in fee of the franchise to collect tolls" on the balance of the Coulterville Road, including the branch road described above, and

WHEREAS, the County of Mariposa has carried the old Coulterville Road in its Maintenance Road System, Mile Post Direct Directional Numbering System Booklet (2004) described therein as the 'Old Coulterville-Yosemite Road' as a county road, and

WHEREAS, the County of Mariposa has continued as recently as 1985 to treat the Old Coulterville Yosemite Road as an existing road and requiring a Highway Easement Deed to be recorded connecting a right-of-way for a public highway as a requirement for division of real property in the Hazel Green area, and

WHEREAS, the Public Works Department of the County of Mariposa, the Mariposa County Board Clerk, and other County staff have conducted a review of the County's records and files with respect to the Coulterville Road and have located no action of the County of Mariposa vacating the Coulterville Road as a public highway, and

WHEREAS, the California Streets and Highways Code beginning at section 8300, sets forth specific requirements for the vacation of public streets, highways and service easements, and no such action of the Mariposa County Board of Supervisors has been located,

NOW, THEREFORE, BE IT RESOLVED the Board of Supervisors of the County of Mariposa states that, based upon the records and files of the County of Mariposa, the Board of Supervisors does declare that it has taken no action to vacate the Coulterville Road and hereby maintains that it continues to retain all its rights, titles, and interest in and to such road.

PASSED AND ADOPTED this 21st day of August 2007 by the following vote:

AYES: ABORN, BIBBY, FRITZ, PICKARD

NOES: NONE ABSENT: TURPIN

/S/ JANET BIBBY

JANET BIBBY, Chair Mariposa County Board of Supervisors

ATTEST:	APPROVED AS TO FORM:
/S/ MARGIE WILLIAMS	/S/ THOMAS P. GUARINO
MARGIE WILLIAMS, Clerk of the Board	THOMAS P. GUARINO, County Counsel