



RESOLUTION NO. 117-2012

**OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO
ACCEPTING AN EASEMENT FROM THE U.S. DEPARTMENT OF AGRICULTURE
FOR THE RUBICON TRAIL**

WHEREAS, the State of California was admitted to the Union on September 9, 1850; and

WHEREAS, the County of El Dorado, one of the original 27 counties, was formed by the Act of February 18, 1850; and

WHEREAS beginning in the 1860s travelers began using the trans-Sierra route from Georegetown through Wentworth Springs and Rubicon Springs to Lake Tahoe, which road is now known as the Rubicon Trail; and

WHEREAS, the Rubicon Springs Hotel was established in 1868 and the Wentworth Springs Hotel was established in 1880, on said road; and

WHEREAS, on August 3, 1887 Ellison L. Crawford and others did petition the County to make said road a "Public Road," and the Board of Supervisors did so confirm; and

WHEREAS, the United States Geological Survey did publish in May 1897 comprehensive maps of the area showing the existence and the precise location of said road; and

WHEREAS, the Eldorado National Forest was established by Congress in 1906; and

WHEREAS, in or about 1946 said road was shown as a part of the County road system; and

WHEREAS, the Jeepers' Jamboree was established in July of 1952, beginning a period of use of said road by more capable vehicles, and maintenance thereafter was solely by the users without significant contribution by either the County or the Forest Service; and

WHEREAS, in June 2002 the Rubicon Oversight Committee was established by El Dorado County out of concern for the lack of proper maintenance for said road; and

WHEREAS, on April 23, 2009 the Sacramento Valley Regional Water Quality Board did issue a Clean up and Abatement Order regarding said road; and

WHEREAS, the Forest Service advised that while the public may claim a right-of-way across federal land for said road under the 1866 Mining Act, also known as Revised Statutes 2477, said claim was not formally established nor delineated. The County therefore applied to the Forest Service for a formal surveyed easement under the Forest Road and Trails Act to memorialize the existence of the Rubicon Trail and to clarify its location; and

WHEREAS, the Forest Service did perform the required studies to satisfy the National Environmental Policy Act, and issued a Record of Decision dated April 19, 2012, and for which all administrative appeals were settled and withdrawn according to notice given; and

WHEREAS, the document granting the said easement was signed on August 14, 2012 by the Eldorado National Forest Supervisor Kathryn D. Hardy, and is attached hereto and is hereby presented to the Board of Supervisors of the County of El Dorado for acceptance.

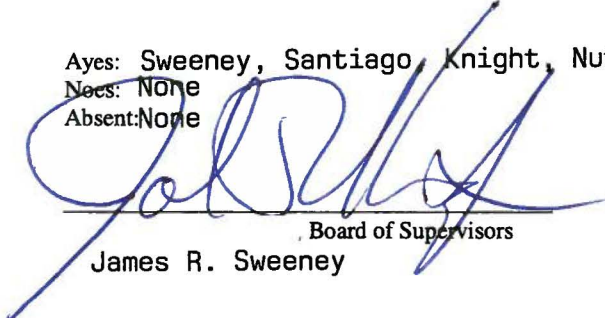
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby accepts the easement to the Rubicon Trail, and authorizes Supervisor Jack Sweeney to execute a certificate of acceptance on behalf of the County of El Dorado. The grant and acceptance of this easement does not vacate or abandon the pre-existing right-of-way under the Mining Act of 1866, also known as RS 2477.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 14th day of August, 2012, by the following vote of said Board:

Attest:
Terri Daly
Acting Clerk of the Board of Supervisors

By: 
Deputy Clerk

Ayes: Sweeney, Santiago, Knight, Nutting, Briggs
Nocs: None
Absent: None


Board of Supervisors
James R. Sweeney