

R. JOHN LEE
CHAIRMAN OF THE BOARD
DISTRICT III
P.O. Box 438, St. Johns, AZ 85936

JIM CLAW
VICE CHAIR OF THE BOARD
DISTRICT I
P.O. BOX 1952, Chinle, AZ 86503

TOM M. WHITE, JR.
MEMBER OF THE BOARD
DISTRICT II
P.O. BOX 994, Ganado, AZ 86505

**BOARD OF SUPERVISORS
OF APACHE COUNTY**

P.O. BOX 428
ST. JOHNS, ARIZONA 85936

TELEPHONE: (928) 337-7503
FACSIMILE: (928) 337-7636



DELWIN P. WENGERT, MANAGER-CLERK
ST. JOHNS, AZ 85936

Resolution # 2011- 20

**DECLARING THE EXCLUSIVE AUTHORITY OF APACHE COUNTY, ARIZONA
OVER CERTAIN ROADS, RIGHTS-OF-WAY AND ROUTES OF TRAVEL WITHIN
THE BOUNDARIES OF APACHE COUNTY AND LOCATED ON CERTAIN LANDS
ALSO MANAGED BY THE UNITED STATES FOREST SERVICE OR BUREAU OF
LAND MANAGMENT**

WHEREAS, the inherent authority to control and protect free travel on the network of roads and rights-of-way within the boundaries of Apache County is held by Apache County to protect the health, safety, welfare and commercial opportunities of all people within Apache County; and

WHEREAS, the network of roads within the boundaries of Apache County are necessary and essential for those purposes; and

WHEREAS, the free use of the public roads and rights of way within Apache County is essential for the use of emergency medical personnel, Apache County Law Enforcement personnel, search and rescue personnel, fire fighting activities and commerce; and

WHEREAS, Apache County also has a compelling interest in protecting the wise and productive use of our natural resources whether those uses are consumptive or non-consumptive; and

WHEREAS, the free use of several roads which are essentially tied to the access of these resources and for other uses set forth above has been encumbered and impeded by obstructions placed in various locations by non-county agencies. And such obstructions create an unauthorized and potentially dangerous impediment to the free use of our roadways, routes of travel and rights-of way and pose a clear threat to the health, safety, welfare and economic well being of our citizens; and

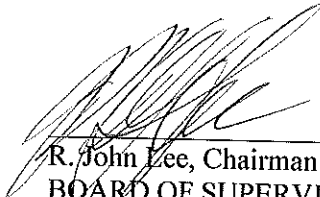
NOW THEREFORE, hereby be it resolved that The Board of Supervisors of Apache County hereby asserts its inherent right to control and manage the roads, rights-of-way and routes of travel located within the United States Forest Service land and Bureau of Land Management land located within the boundaries of Apache County but not located on any nationally recognized Indian reservation, tribal trust land, or otherwise located on Indian Country; and

BE IT FUTHER RESOLVED, that placing or maintaining any physical obstruction, gate or other impediment to the free use of said public roads, routes or rights-of-way is hereby prohibited unless such is authorized and permitted in writing by the Apache County Sheriff in advance; and

BE IT FUTHER RESOLVED that any existing physical obstructions, gates or other impediments on any roads, rights-of-way or routes of travel located on National Forest Service or Bureau of Land Management lands be immediately removed. The Apache County Sheriff is directed to ensure the removal of such obstructions or to execute such removals at the expense of the persons or agencies responsible for their placement or maintenance. Placing or maintaining any unauthorized physical obstruction, gate or other impediment on, in or around any road, route of travel or right-of way in Apache County as described herein so as to prevent or impede the free use of that road, route of travel or right-of-way is hereby designated a Class Two Misdemeanor and punishable pursuant to Title 13 of the Arizona Revised Statutes; and

BE IT FURTHER RESOLVED, by order of the Board of Supervisors of Apache County and the Apache County Sheriff that all said public roads, rights-of-way and routes of travel in Apache County are to remain open to the free use of our citizens and for such other purposes as set forth herein.

PASSED, APPROVED AND ADOPTED on this 6th day of December, 2011.



R. John Lee, Chairman
BOARD OF SUPERVISORS
APACHE COUNTY, ARIZONA

ATTEST:



Delwin Wengert
Clerk of the Board