



# COUNTY OF INYO

## PUBLIC RIGHTS-OF-WAY ACROSS PRIVATE PROPERTY POLICY

### PURPOSE

Following a 2004 workshop presented by Inyo County Counsel, the Inyo County Board of Supervisors determined that procedures and policy considerations needed to be established for the Board to utilize when determining whether the County of Inyo will enforce or otherwise protect public rights-of-way across private property. On October 26, 2004, the Board adopted Resolution No. 2004-55 setting forth those policies and procedures.

### SCOPE

This policy applies to County employees in drafting requests to the Inyo County Board of Supervisors to enforce or otherwise protect public rights-of-way across private property. It also applies to the Board when determining whether the County of Inyo will in fact enforce or otherwise protect public rights-of-way across private property as requested.

### POLICIES AND PROCEDURES

1. All requests by the County of Inyo to enforce or otherwise protect public rights-of-way across private property will be made to the Inyo County Board of Supervisors.
2. All such requests to the Board of Supervisors will contain the following:
  - The location of the right-of-way across private property.
  - The type and nature of the right-of-way.
  - How and when the right-of-way was created.
  - Identification of the evidence proving the establishment of the right-of-way.
  - Copies of any documents, maps, grant deeds, permits, licenses, easements, judgments, and title reports relating to the establishment or the existence of the right-of-way.



- An explanation of how the right-of-way serves a purpose for the public in general.
  - An explanation of why it is necessary for the County to enforce the right-of-way.
  - Identification of what actions and efforts have been taken to allow public use of the right-of-way, and the results of the results of those actions and efforts.
3. The request will be evaluated by County Counsel and other County staff as directed by the Board of Supervisors.
  4. The Board will determine whether the County will initiate litigation to enforce, or take other actions to protect, the public right-of-way across private land by applying the following policy considerations:
    - The County should protect and not interfere with valid private property rights.
    - The County should protect and enforce public rights-of-way across private property.
    - County enforcement or protection of public rights-of-way should serve a purpose for the public in general.
    - County enforcement or protection of public rights-of-way should be reasonably necessary (i.e., there is no other reasonably convenient access for the public in general).
    - The cost to County taxpayers and to the private property owner should be justified by the purpose of, and the necessity for, the public right-of-way.
    - The available and admissible evidence should make an outcome in favor of the County reasonably likely.
  5. The Office of County Counsel, other County staff will take action to enforce or otherwise protect the public right-of-way across private property as directed by the Board of Supervisors.

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