

Resolution

No. 2005-034

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Bayfield County Resolution No. 2005-034 County Snowmobile Trail 63 Railroad Right-of-Way Issue

WHEREAS, it is in the public interest, and in the best interest of Bayfield County, that the County have and maintain a viable and use-friendly system of public highways used as recreational trails for snowmobiling [and other limited purposes]; and

WHEREAS, County Snowmobile Trail 63 is laid out in substantial part along a railroad right-of-way that consists of public lands granted to the railroad company for use as a right-of-way, and that is no longer being used for railroad purposes; but which has not been "abandoned" within the meaning of federal law (43 U.S.C. §912); and

WHEREAS, under federal law (43 U.S.C. §912 and 16 U.S.C. §1248(c)), the County may establish and embrace as a public highway any portion of the railroad right-of-way in which the United States retains an interest, at any time until no later than one year after abandonment; and

WHEREAS, the County intends to exercise its rights to establish and embrace a public highway selectively along the railroad right-of-way in such locations as the County deems necessary and desirable so as to secure the public interest in a viable and user-friendly trail system; and

WHEREAS, the County desires to alleviate concern and disruption for private landowners by minimizing the portions of railroad right-of-way that it establishes and embraces as public highway and by disavowing the County's interest in portions of the right-of-way for which the County determines it has no need.

NOW, THEREFORE, BE IT RESOLVED, by the County Board for Bayfield County as follows:

1. The County has no need for and disavows its interest in the following portions of railroad right-of-way:

"North of the City of Washburn's North Boundary and all the way into 2nd Street in the City of Bayfield."

For such portions, County officials are hereby authorized and directed to convey the County's interest by quit claim deeds to the owners of the property traversed by the right-of-way.

The Tourism Department is directed to identify the other portions of right-of-way not needed for snowmobile or other recreational trails and report back to the County Board so that it may disavow the County's interest.

2. The County determines that it may be necessary and desirable to establish and embrace portions of railroad right-of-way as a public highway for snowmobile or other recreational use.

The Tourism Department is directed to determine such portions and to report to the County Board recommending the precise width and location (within the railroad right-of-way) appropriate for such a public highway so that it may consider establishing and embracing such a public highway at a future date.

3. For all portions of the railroad right-of-way, the Tourism Department is directed to consider and, where appropriate, recommend to the County Board, compromises with private landowners that will alleviate their concerns while still maintaining the public interest in a viable and user-friendly system of public recreational trails. Specifically, the Tourism Department should evaluate the so-called Andreoli proposal [and the South Lake Owen proposal] and make a recommendation to the County Board whether to accept such proposal[s] either in current form or modified form.