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Cache County Council Approves Resolution

(LOGAN UT) -Cache County Council is interested in protecting all citizens' private property rights including those who have been shut out from using a public road to access their private land.

Cache County has a history of improving and opening roads to allow for access to private and public lands and ongoing improvements. Evidence of this can be seen in the opening or improvement of the Tony Grove Lake Road, High Creek Road, Gnehm Road, and Birch Canyon Road. Opening the Davenport road will improve access to public lands but also allow private property owners renewed access.

"I went into this discussion with an open mind ready to look at both sides of the issue. Evidence has shown that this is a public road." said Greg Merrill, Chair, Cache County Council. "Public roads remain public roads unless a legislative body determines otherwise. In this instance they have not. Instead, private property owners have made that decision which has limited the access of other property owners to their lands and restricted public access to public lands." he continued.

Evidence shows the Davenport road has been used as a public road for decades, appearing on the United States Surveyor General Map in 1878, this road has also provided historic access for the public to saw mills, mines, and the trailing of sheep and cattle. In 1929, the Utah Supreme Court, with respect to the upper portion of this road, stated: "It can be said here that the road was used by many and different persons for a variety of purposes; that it was open to all who desired to use it; that the use made of it was as general and extensive as the situation and surroundings would permit, had the road been formally laid out as a public highway by public authority." In the state of Utah once a road has been deemed a public road it cannot be independently closed by private citizens. In the past four to five decades this road has been closed by private citizens.

The goal of the Cache County Council has been to hear both sides and take necessary action that would be in the best interest of the citizens of Cache County. The resolution to approve the filing of an eminent domain action will minimize litigation costs, provide access while reducing environmental impact, and preserve rights-of-way for citizens to access private and public lands. Public access to this road is for the long term betterment of Cache County.

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