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TELEPHONE 3711

May 26, 1952.

T. R. Vilas, District Attorney,  
County Court House,  
Sonora, California.

Re: Odd Fellows Sierra Recreation Association  
Subdivision.

Dear Ted:

Last December I wrote you regarding a road in the above subdivision which the Odd Fellows believed had been abandoned by the County years before the Odd Fellows purchased this property. You wrote me on December 27, 1951, that according to your information, the County still maintained the road and had not abandoned it's right of way. You said further, however, that you did not have any definite information on this and that you were making further investigation and would advise me of the status of the road as soon as you had a satisfactory answer.

Mr. Kearns, the President of the Association, just telephoned me that this last weekend a road grader, which he believes was County equipment, began doing some work on a road across the meadow in the subdivision property. Upon objection being made by the Odd Fellows, work on this was discontinued. As I understand it, the grader was working on a road which the Odd Fellows themselves opened up and graded through the meadow in 1949 in an entirely different location from the old road which once ran through the property. The new road which the Odd Fellows themselves put through the meadow proved to be a nuisance to them, so they blocked it off and discontinued its use.

It appears to me that in no event would the County have any right to open up for public use this private road through the meadow which the Odd Fellows constructed in 1949 and then blocked off. Whether the County would have the right to open up the old original road would depend on a number of factors.

Mr. Kearns says that before the Odd Fellows bought this, Alvin Fay, on their behalf, made inquiry of the Board of Supervisors and was assured by the Board, no doubt informally, that if the Odd Fellows desired it, the County would abandon the old road which formerly ran through the property. This should have some bearing on any action now taken by the County, even though I realize that the County would not be legally bound unless there had been formal action taken by the Board of Supervisors on this.

May 26, 1952.

The Odd Fellows are quite sure that for many years prior to their purchase of the property, the old road had not been maintained by the County and that no general public use had been made of such road. Unless the road was originally a road dedicated or deeded to the County, it would appear that it had been abandoned and reverted to private ownership when the Odd Fellows purchased the property. If such is the case, the County would now be precluded from opening it up without obtaining a new right of way or proceeding by way of condemnation.

The Odd Fellows believe that there are just one or two logging companies who are interested in getting this road open, and who are putting the pressure on the Board of Supervisors to accomplish this. The Odd Fellows believe that they could work out some satisfactory arrangements with these logging companies if approached by them, so that they could have a road available to them for necessary logging operations over the course of the next year or two. The Odd Fellows strenuously object, however, to any general public use of the road extending over an indefinite future time. They want to be in a position where they can reasonably control the road, so that there will be no substantial interference with their use and development of the subdivision property.

Unless and until the County can demonstrate and establish that there is a public road or right of way through this property, the Odd Fellows must insist that no road be opened up by the County except with the express consent of the Odd Fellows.

I would appreciate any further information you may now have on the status of this.

Yours very truly,

George H. Ackley  
FOR BUSH, ACKLEY & MILICH

GHA:B

Copy to: Herbert M. Kearns, President  
Odd Fellows Sierra Recreation Association  
739 East Lindsay,  
Stockton, California.

Loren W. Hosmer, Secretary,  
Odd Fellows Sierra Recreation Association  
616 Virginia Avenue,  
Modesto, California.

Board of Supervisors, Tuolumne County,  
Court House,  
Sonora, California.