

Ent 390378 Page 1 of 13
 Date: 07-MAY-2008 11:41AM
 Fee: None
 Filed By: DKS
 DIXIE SWASEY, Recorder
 EMERY COUNTY CORPORATION
 For: GOVERNOR/STATE OF UTAH

**Acknowledgment and
 Notice of Acknowledgment
 of Acceptance of R.S. 2477
 Right-of-Way Grant**

THE STATE OF UTAH

TO ALL WHOM THESE PRESENTS SHALL COME, Greeting:

Know ye, This is an Acknowledgment and Notice of Acknowledgment made under Utah Code Sections 72-5-309 through 310 inclusive, that the grant of the United States of America of “the right of way for the construction of highways over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its political subdivision Emery County as it pertains to the highway located in Emery County known as CLAWSON BENCH CUTOFF; County Road Number: 414; State Geographic Information Database (SGID) Road Identification Number: RD080468. Total road length is 1.44 miles more or less.

The reason for this Acknowledgment and Notice of Acknowledgment includes, but is not limited to, the fact that the road was constructed, mechanically, or by continuous use as a public highway for a period of at least ten years, over public lands not reserved for public uses, prior to the earlier of (a) the October 21, 1976 repeal of R.S. 2477 or (b) the date the servient estate was reserved for public uses.

This Acknowledgment and Notice of Acknowledgment applies only to the segments of the road that traverse land owned by the Bureau of Land Management, United States Department of the Interior, and does not apply to segments of the road that traverse land owned by any other person or entity. The State of Utah and its political subdivisions reserve the right to make further acknowledgments and notices of acknowledgment with regard to road segments that traverse land owned by other entities, including the United States of America, through one or more of its agencies.

A printed copy of a map showing the location of the road in said county is appended hereto as “Attachment 1,” a printed copy of representative photos of the road is appended hereto as “Attachment 2,” a printed copy of a description of the beginning and ending points of the entire road together with a list of Townships, Ranges and Sections that may be traversed by the road in said county is appended hereto as “Attachment 3,” and a printed copy of the Road Centerline Description Cover Page(s) is appended hereto as “Attachment 4.” The Appendices listed in “Attachment 4” that contain the actual road centerline descriptions are incorporated herein by reference. Affidavits provided by individuals familiar with the road are appended hereto as “Attachment 5.”

A printed copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or obtained at the office of the Utah State Archives.

An electronic copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or downloaded as read-only PDF (Portable Document Format) files via the

Internet at <http://recorded2477roads.utah.gov>.

The owner of the servient estate in the land underlying the road-segments subject to this Acknowledgment and Notice is believed to be the United States of America through one or more of its agencies. Any of such agencies or any other person with a servient ownership claim or a competing dominant estate right-of-way ownership claim, may file a petition in the State District Court for Salt Lake County for a decision regarding the correctness of this Acknowledgment. A claimant shall file a petition within sixty (60) days after receipt of this Notice.

In Witness Whereof, I, John Harja, the official designee of the Governor of the State of Utah, in conformity to the laws of the State (Utah Code Sections 72-5-308 through 310 inclusive), have caused this Acknowledgment and Notice of Acknowledgment to be made.

Signed by my hand in Salt Lake City, Utah, the 21st day of APRIL, 2008.

By the Governor's Designee



John Harja

CERTIFICATION

State of Utah)
 : ss
County of Salt Lake)

I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to Utah Code Section 72-5-309. He further vouched that, based upon information and belief, the facts alleged therein are true.

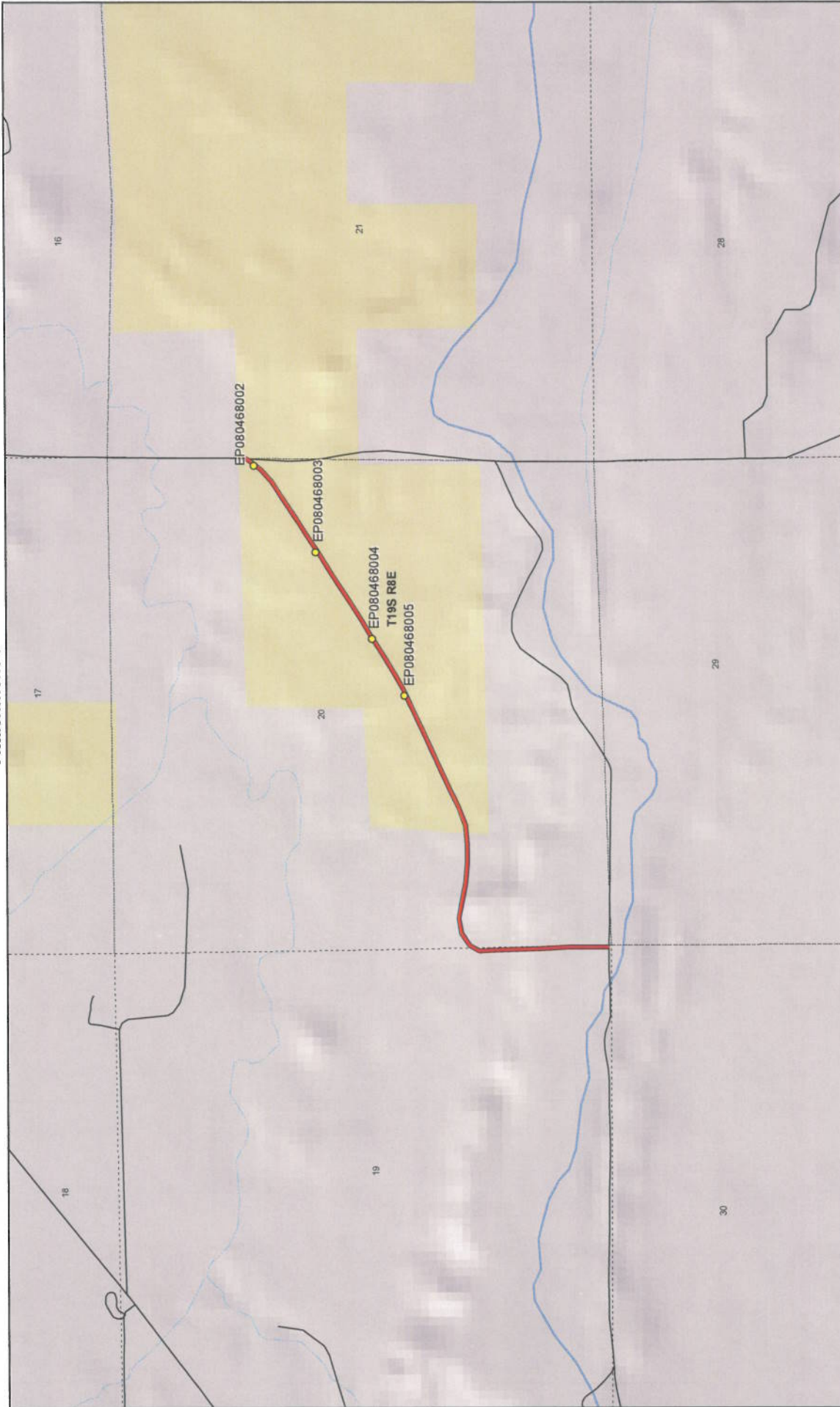
Dated this 21st day of April, 2008.





Notary Public

Attachment 1



CLAWSON BENCH CUTOFF - Emery County
SGID RD_ID RD080468

Land Ownership Categories

- BLM
- Private
- SITLA, State Trust Land
- USFS, National Forest
- State Parks and Recreation
- Tribal, Indian Reservation
- NPS, National Park
- Wilderness
- UDWR, Wildlife Reserve
- DOD, Military
- State Sovereign Land
- National Recreation Area
- USFWS, Natl. Wildlife Refuge

Transportation Network

- CLAWSON BENCH CUTOFF
- Other Roads
- Title V, Issued Or Under Consideration By BLM
- Photo Event Point

Section = 1 Mile

1:17,530
1 inch equals 0.3 miles

Map prepared by the State of Utah
Automated Geographic Reference Center
Room 5130 State Office Building
Salt Lake City, Utah 84114
Jan 28, 2008

Attachment 2



EP080468002



EP080468003



EP080468004



EP080468005

EP000000000

EP000000000

CLAWSON BENCH CUTOFF - Emery County
SGID RD_ID RD080468

Map prepared by the State of Utah
Automated Geographic Reference Center
Room 5130 State Office Building
Salt Lake City, Utah 84114
February 1, 2008



Attachment 3

Beginning & Ending Points and Township, Range, and Section References For:

Popular Name: CLAWSON BENCH CUTOFF

County: Emery

County Road Number: 414

State Geographic Information Database (SGID) Road Identification Number: RD080468.

Total Road Length: 1.44 miles more or less.

Beginning at a point on the road centerline located at 39 degrees 08 minutes 49.04 seconds North Latitude and -111 degrees 03 minutes 24.52 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,766,108.7 feet and Y = 6,858,331.3 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 39 degrees 09 minutes 028.2 seconds North Latitude and -111 degrees 02 minutes 16.79 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,771,424.1 feet and Y = 6,862,319.5 feet based on the US Survey Foot conversion.

This road may traverse:

Township 19 South Range 8 East, Section(s) 19,20, Salt Lake Base & Meridian
See Attachment 1 above for a cartographic depiction of the course of this road.

Attachment 4
Road Centerline Description Cover Page(s)

Popular Name: CLAWSON BENCH CUTOFF

County: Emery

County Road Number: 414

State Geographic Information Database (SGID) Road Identification Number: RD080468.

Total Road Length: 1.44 miles more or less.

Centerline Descriptions Of Road-Segments That Cross Over Federally Owned Land, Derived From Global Positioning System Data And Cross-checked against USGS Digital Orthophoto Quadrangles Compiled By The Utah Automated Geographic Reference Center And Entered Into The State Geographic Information Database (SGID).

Road-Segments Listed by SGID Road Identification Number (RD ID)	Road-Segment Numbers	Believed Ownership Of Servient Estate	Approximate Segment Length	See Attached Appendix
RD080468	001	PVT	0.53 Miles	(not shown)
RD080468	002	BLM	0.91 Miles	A
		Total Road Length	1.44	_____

* Indicates that a Title V permit will be requested, is in process, or has been issued.

† Indicates that road-segments crossing Forest Service land are under consideration by the state and county as of the date of this Acknowledgment and Notice of Acknowledgment.

Attachment 5

AFFIDAVIT OF JED BEHLING
CLAWSON BENCH CUTOFF
EMERY COUNTY, UTAH
ROAD NUMBER 414

State of Utah)
 : ss.
County of Emery)

JED BEHLING, being first duly sworn, deposes and states as follows:

1. I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I currently reside in Emery County, Utah. I have lived in Emery County for my entire life.

2. I have traveled and am familiar with a road in Emery County known as the Clawson Bench Cutoff Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1950s, it followed the same route as in 2007 when I last observed it. Attached is a Emery County map showing Clawson Bench Cutoff Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.

3. I am informed that the County also identifies this road according to the road number listed above.

4. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1950s and continuing through 1976 to the present. Throughout this time period I have observed travel on the road by various means, including car, truck, recreational vehicle, and pickup truck. Throughout this time period, the road has been used daily for more than ten continuous years prior to 1976, and is presently used daily.

5. Throughout the time period from the early 1950s to the present, I have used the

road myself for the following uses: livestock operations, hunting and traveling in and through the area.

6. Throughout the time period described in the previous paragraph, I observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph, plus the following uses: Mining, prospecting for minerals, farming, trapping, tourism, government access and recreation.

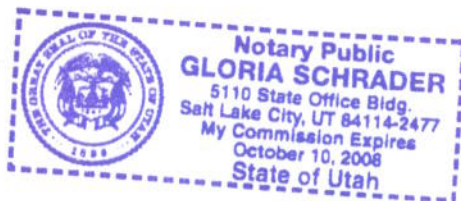
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1920s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. Prior to 1976, I observed graders performing maintenance and construction activities on the road.

DATED this 5 day of March, 2007.




Jed Behling
JED BEHLING

SUBSCRIBED AND SWORN to before me this 5th day of March, 2007.



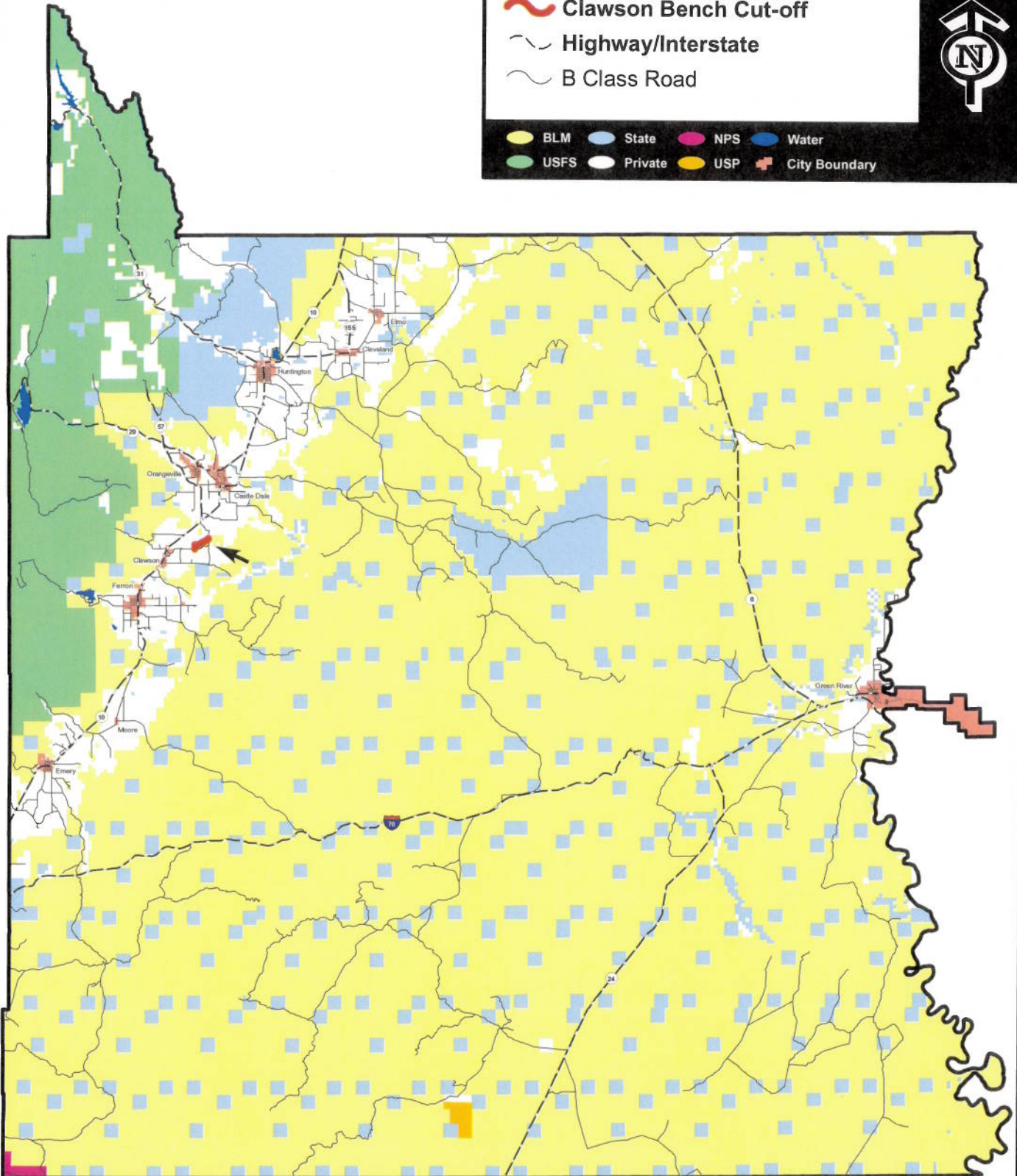
Gloria Schrader
NOTARY PUBLIC

Road #414 Clawson Bench Cut-off

-  Clawson Bench Cut-off
-  Highway/Interstate
-  B Class Road



- | | | | |
|--|---|---|---|
|  BLM |  State |  NPS |  Water |
|  USFS |  Private |  USP |  City Boundary |



AFFIDAVIT OF TOM HUMPHREY
CLAWSON BENCH CUTOFF ROAD
EMERY COUNTY, UTAH
ROAD NUMBER 414

State of Utah)
 : ss.
County of Emery)

TOM HUMPHREY, being first duly sworn, deposes and states as follows:

1. I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I currently reside in Orangeville, Emery County, Utah. I have lived in Emery County for my entire life. I was employed by the Emery County Road Department from 1957 to 1963.

2. I have traveled and am familiar with a road in Emery County known as Clawson Bench Cutoff Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1960s it followed the same route as in 2006 when I last observed it. Attached is a Emery County map showing Clawson Bench Cutoff Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.

3. I am informed that the County also identifies this road according to the road number listed above.

4. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1960s and continuing through 1976 to 2006. Throughout this time period I have observed travel on the road by various means, including cars, trucks, recreational vehicle, and pickup trucks. Throughout this time period, the road has been used daily for more than ten continuous years prior to 1976, and is presently used daily.

5. Throughout the time period from the early 1960s to 2006, I have used the road myself for the following uses: recreation, road maintenance activities and traveling in and through the area.

6. Throughout the time period described in the previous paragraph, I observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph, plus the following uses: mining, sight seeing, and government access.

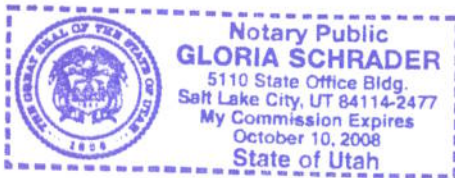
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1960s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. Prior to 1976, I personally graded this road.

DATED this 5 day of March, 2007.




Tom Humphrey
TOM HUMPHREY

SUBSCRIBED AND SWORN to before me this 5th day of March, 2007.



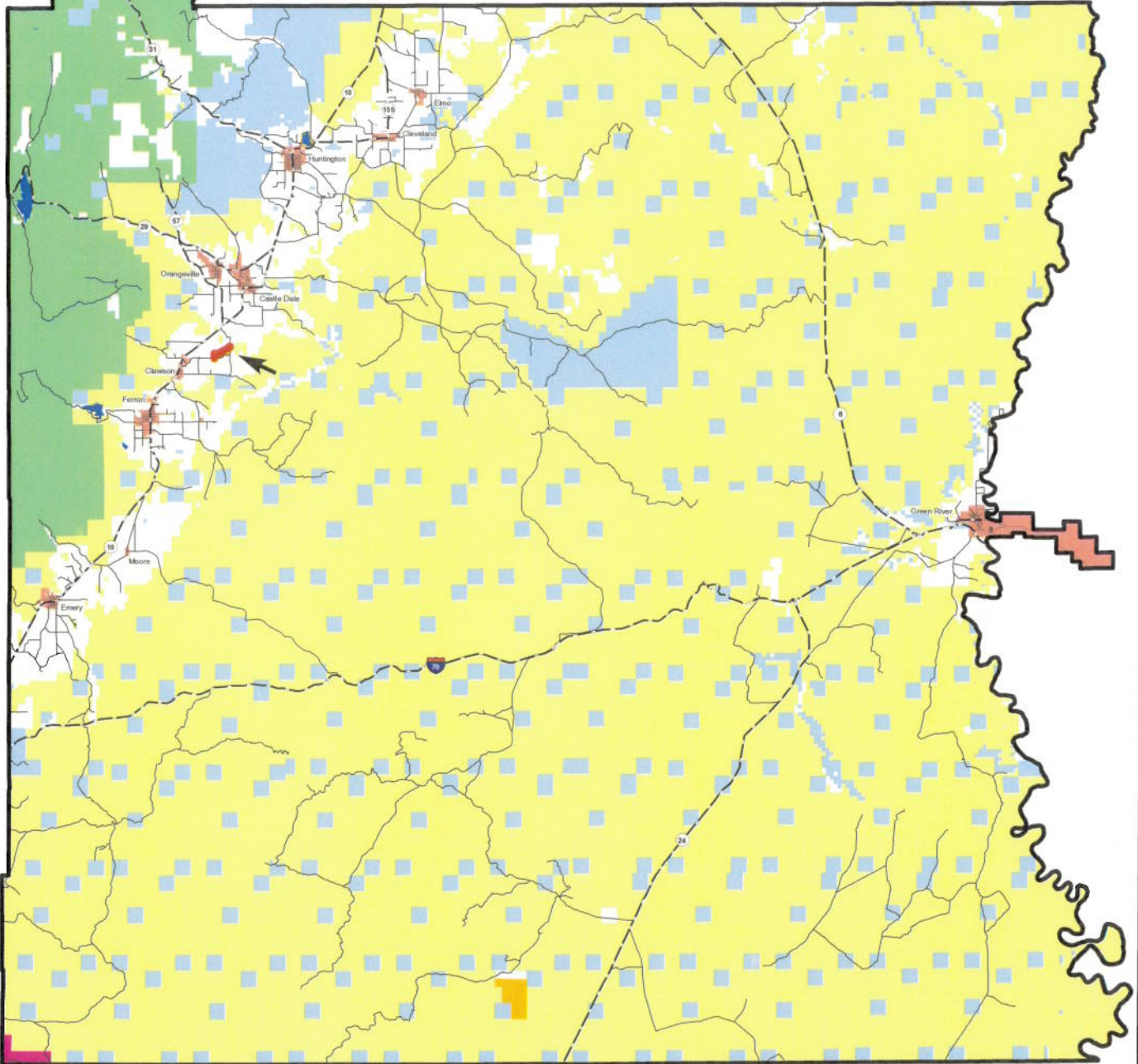
Gloria Schrader
NOTARY PUBLIC

Road #414 Clawson Bench Cut-off

-  Clawson Bench Cut-off
-  Highway/Interstate
-  B Class Road



-  BLM
-  State
-  NPS
-  Water
-  USFS
-  Private
-  USP
-  City Boundary



Appendix A to Attachment 4

Popular Name: CLAWSON BENCH CUTOFF

County: Emery

County Road Number: 414

State Geographic Information Database (SGID) Road Identification Number: RD080468.

Road-Segment Number: 002

Road-Segment Length: 0.91 miles more or less.

Believed owner of the land underlying this road-segment is: Bureau of Land Management.

The following description is based upon the geographic coordinate system using the NAD83 Datum. The source is GPS mapping grade data as indicated in the metadata and/or the transportation data model of the State of Utah Geographic Information Database (SGID).

The road-segment itself is the monument that is identified by its physical presence on the land. The location of said physical presence is closely approximated by mapping grade Global Positioning System (GPS) data. Said data are checked against the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS) to verify a reasonable degree of accuracy. In circumstances where accurate satellite signal acquisition is not possible, such as deep, narrow canyons or under a canopy of dense foliage, or where very sharp curves in the road make accuracy questionable, such portions of the road were digitized from the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS).

This road-segment may traverse:

Township 19 South Range 8 East, Section(s) 20, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (CLAWSON BENCH CUTOFF)-- Segment 002 based on mapping grade Global Positioning System (GPS) data as defined above:

Beginning at a point on the road center line located at 39 degrees 09 minutes 04.51 seconds North Latitude and -111 degrees 03 minutes 08.68 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,767,348.8 feet and Y = 6,859,902.4 feet; thence the following courses along the said road center line:

thence North 84 Degrees 39 Minutes 31 Seconds East	78.7 feet
thence North 68 Degrees 56 Minutes 11 Seconds East	211.3 feet
thence North 64 Degrees 06 Minutes 48 Seconds East	219 feet
thence North 65 Degrees 04 Minutes 00 Seconds East	211.2 feet
thence North 65 Degrees 03 Minutes 11 Seconds East	212.7 feet
thence North 65 Degrees 01 Minutes 46 Seconds East	210.9 feet
thence North 65 Degrees 41 Minutes 54 Seconds East	198.6 feet
thence North 65 Degrees 14 Minutes 41 Seconds East	181.7 feet
thence North 64 Degrees 42 Minutes 22 Seconds East	185 feet
thence North 61 Degrees 44 Minutes 08 Seconds East	207.3 feet
thence North 58 Degrees 34 Minutes 02 Seconds East	216.6 feet

thence North 57 Degrees 32 Minutes 08 Seconds East 229.5 feet
thence North 57 Degrees 55 Minutes 38 Seconds East 228.9 feet
thence North 57 Degrees 43 Minutes 12 Seconds East 220.1 feet
thence North 56 Degrees 44 Minutes 52 Seconds East 206.5 feet
thence North 57 Degrees 04 Minutes 22 Seconds East 211.9 feet
thence North 57 Degrees 14 Minutes 42 Seconds East 199.5 feet
thence North 56 Degrees 28 Minutes 46 Seconds East 191.8 feet
thence North 56 Degrees 05 Minutes 32 Seconds East 204.1 feet
thence North 57 Degrees 10 Minutes 23 Seconds East 202.8 feet
thence North 56 Degrees 36 Minutes 05 Seconds East 187.6 feet
thence North 55 Degrees 07 Minutes 44 Seconds East 181.7 feet
thence North 47 Degrees 37 Minutes 33 Seconds East 167.1 feet
thence North 38 Degrees 04 Minutes 30 Seconds East 133.2 feet
thence North 33 Degrees 17 Minutes 41 Seconds East 69.4 feet
thence North 25 Degrees 35 Minutes 11 Seconds East 12.8 feet more or less to **the ending**

point at: 39 degrees 09 minutes 028.2 seconds North Latitude and -111 degrees 02 minutes 16.79 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,771,424.1 feet and Y = 6,862,319.5 feet.