

Ent 390403 Page 1 of 13  
Date: 07-MAY-2008 12:43PM  
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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 BLACK SPUR; County Road Number: 914; State Geographic Information Database (SGID) Road Identification Number: RD080552. Total road length is 0.28 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 21<sup>st</sup> day of APRIL, 2008.

By the Governor's Designee

  
\_\_\_\_\_  
John Harja

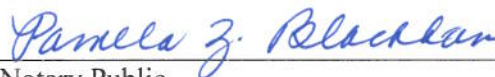
**CERTIFICATION**

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 21<sup>st</sup> day of April, 2008.



  
\_\_\_\_\_  
Notary Public

Attachment 1



**Land Ownership Categories**

- BLM
- Private
- SITLA, State Trust Land
- USFS, National Forest
- State Parks and Recreation
- Tribal, Indian Reservation
- NPS, National Park

**Transportation Network**

- BLACK SPUR
- Other Roads
- Title V, Issued Or Under Consideration By BLM Or County
- Photo Event Point

**BLACK SPUR - Emery County**  
**SGID RD\_ID RD080552**

**Wilderness**

- UDWR Wildlife Reserve
- DOD, Military
- State Sovereign Land
- National Recreation Area
- USFWS, Natl. Wildlife Refuge

Section = 1 Mile

1:10,220  
1 inch equals 0.2 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



EP080552001

EP000000000

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**BLACK SPUR - Emery County**  
**SGID RD\_ID RD080552**

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: BLACK SPUR**

**County: Emery**

**County Road Number: 914**

**State Geographic Information Database (SGID) Road Identification Number: RD080552.**

**Total Road Length: 0.28 miles more or less.**

**Beginning at a point** on the road centerline located at 38 degrees 54 minutes 22.25 seconds North Latitude and -111 degrees 13 minutes 30.77 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,718,618.3 feet and Y = 6,770,443.9 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 38 degrees 54 minutes 23.48 seconds North Latitude and -111 degrees 13 minutes 12.01 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,720,100.8 feet and Y = 6,770,572.3 feet based on the US Survey Foot conversion.

This road may traverse:

Township 22 South Range 6 East, Section(s) 14,15, 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: BLACK SPUR**

**County: Emery**

**County Road Number: 914**

**State Geographic Information Database (SGID) Road Identification Number: RD080552.**

**Total Road Length: 0.28 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).**

<b>Road-Segments Listed by SGID Road Identification Number (RD_ID)</b>	<b>Road-Segment Numbers</b>	<b>Believed Ownership Of Servient Estate</b>	<b>Approximate Segment Length</b>	<b>See Attached Appendix</b>
<b>RD080552</b>	<b>001</b>	<b>BLM</b>	<b>0.06 Miles</b>	<b>A</b>
<b>RD080552</b>	<b>002</b>	<b>PVT</b>	<b>0.22 Miles</b>	<b>(not shown)</b>
		<b>Total Road Length</b>	<b>0.28</b>	<b>_____</b>

\* 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 LAMOND GARDNER**

**BLACK SPUR ROAD**

**EMERY COUNTY, UTAH**

**ROAD NUMBER 914**

State of Utah                    )  
  : ss.  
County of Emery                )

LAMOND GARDNER, 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 Cleveland, 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 Black Spur Road. I am also familiar with the land the road traverses. When I first used and observed the road in the late 1950s, it followed the same route as in 2006 when I last observed it. Attached is an Emery County map showing Black Spur 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 late 1950s and continuing through 1976 to 2006. Throughout this time period I have observed travel on the road by means of pickup trucks, recreational vehicles. Throughout the 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 2006, I have used the road myself for verifying water rights, recreation and traveling in and through the area.

6. Throughout the time period described in the previous paragraph, I have observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph, plus rock hounding, farming, livestock operations, tourism, hunting and government access.

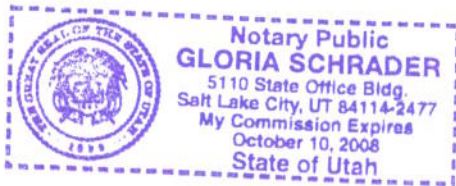
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. Prior to 1976, I personally observed the graded surface of the road.

DATED this 9 day of March, 2007.

  
LAMOND GARDNER

SUBSCRIBED AND SWORN to before me this 9<sup>th</sup> day of March, 2007.



  
NOTARY PUBLIC

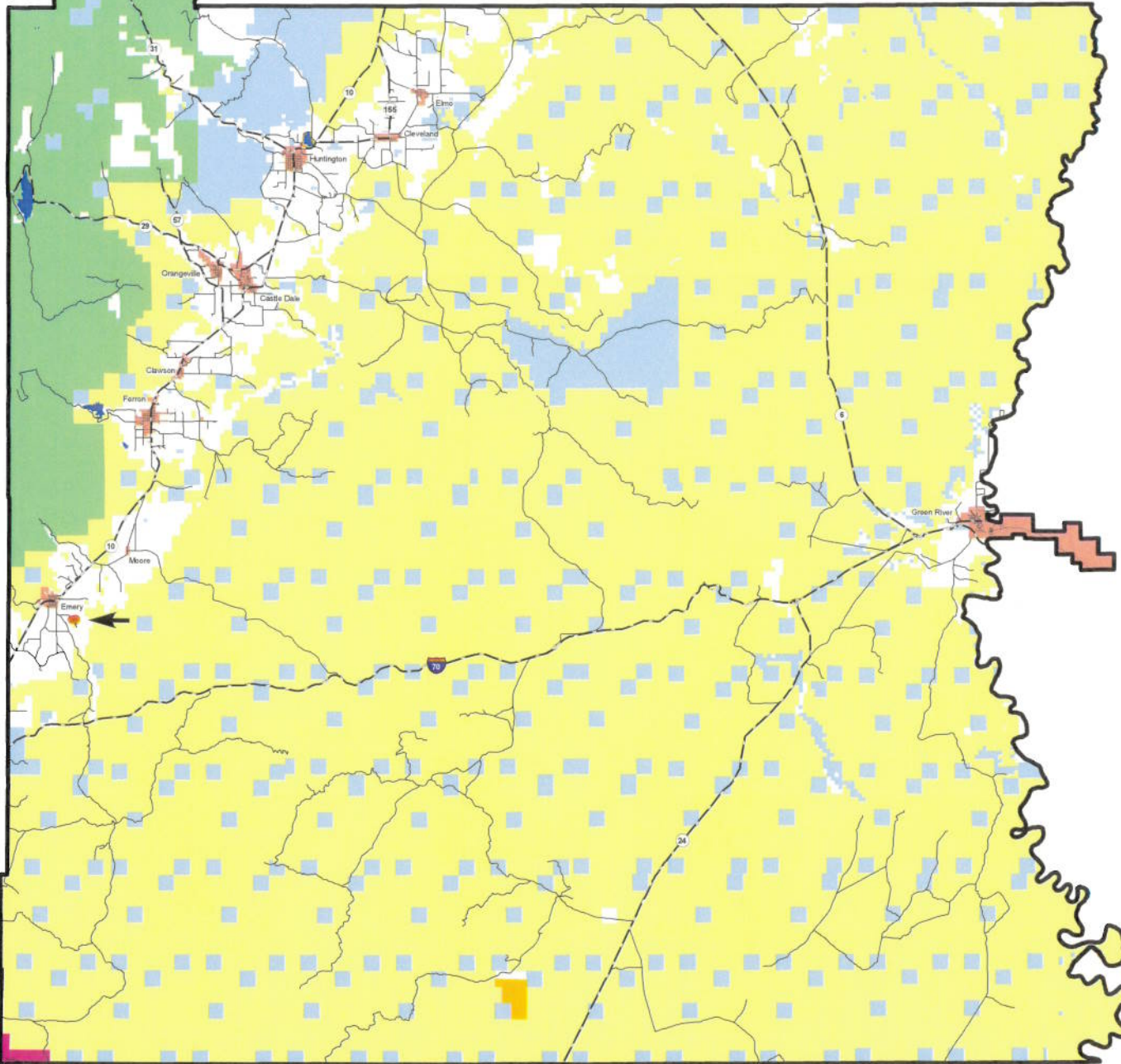
# Road #914

# Black Spur

-  Black Spur
-  Highway/Interstate
-  B Class Road



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



**AFFIDAVIT OF MORRIS SORENSEN**

**BLACK SPUR ROAD**

**EMERY COUNTY, UTAH**

**ROAD NUMBER 914**

State of Utah                    )  
  : ss.  
County of Emery                )

MORRIS SORENSEN, 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 most of my life. I have been employed by the Emery County Road Department for 23 years and am currently the County Road Supervisor.

2. I have traveled and am familiar with a road in Emery County known as Black Spur 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 2007 when I last observed it. Attached is an Emery County map showing Black Spur 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 2007. Throughout this time period I have observed travel on the road by means of pickup trucks, cars, recreational vehicles. Throughout the 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 1940s to 2007, I have used the road myself for livestock operations, county road maintenance, farming, mining exploration, hunting and traveling in and through the area.

6. Throughout the time period described in the previous paragraph, I have observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph, plus wood gathering and government access.

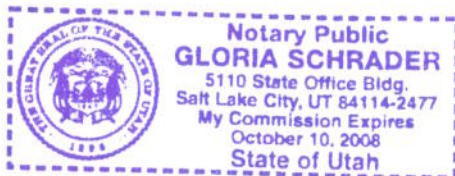
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

DATED this 9 day of March, 2007.

Morris Sorensen  
MORRIS SORENSEN

SUBSCRIBED AND SWORN to before me this 9th day of March, 2007.



Gloria Schrader  
NOTARY PUBLIC

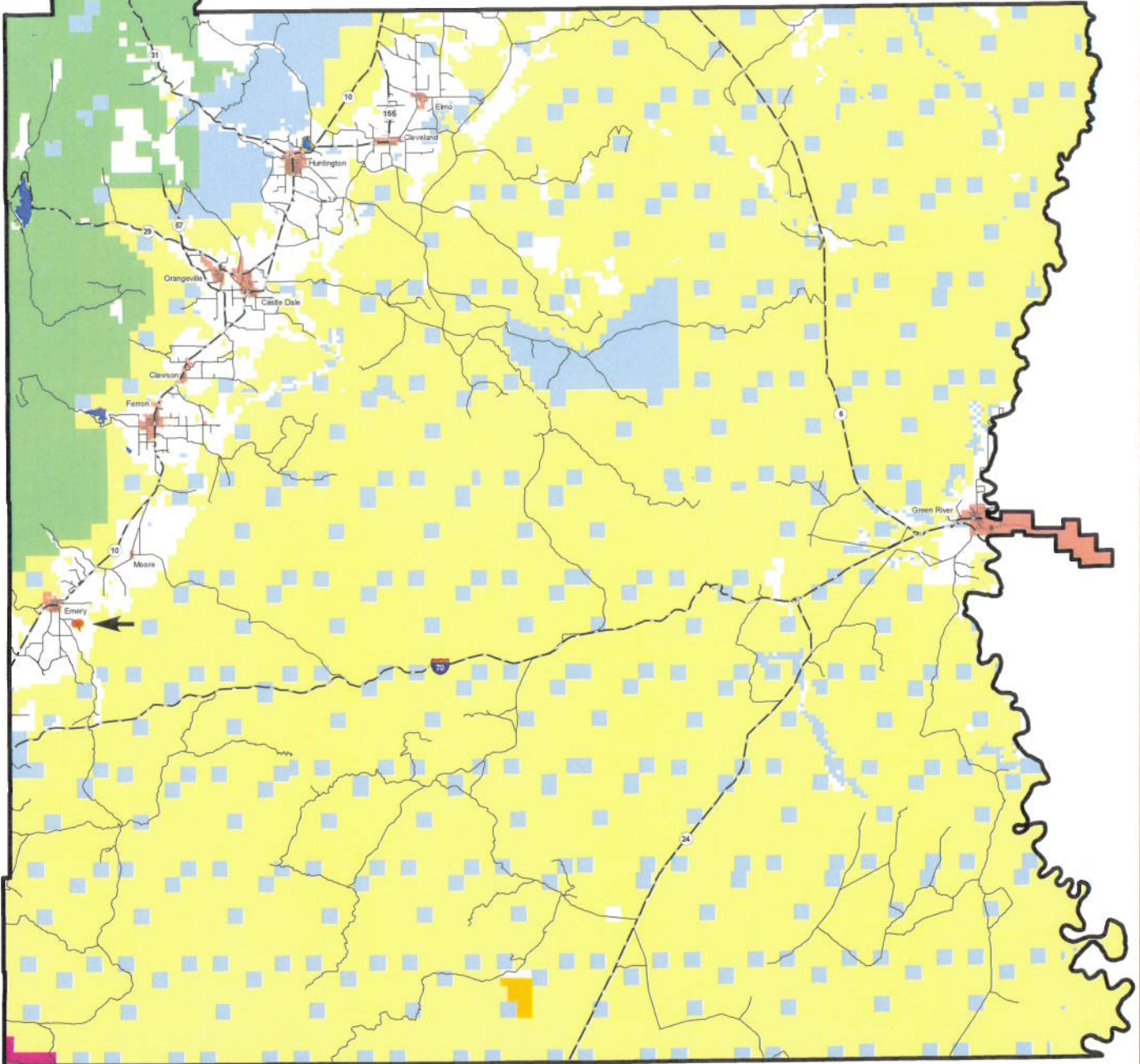
# Road #914

# Black Spur

-  Black Spur
-  Highway/Interstate
-  B Class Road



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



## Appendix A to Attachment 4

**Popular Name: BLACK SPUR**

**County: Emery**

**County Road Number: 914**

**State Geographic Information Database (SGID) Road Identification Number: RD080552.**

**Road-Segment Number: 001**

**Road-Segment Length: 0.06 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 22 South Range 6 East, Section(s) 14,15, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (BLACK SPUR)-- Segment 001 based on mapping grade Global Positioning System (GPS) data as defined above:

**Beginning at a point** on the road center line located at 38 degrees 54 minutes 22.25 seconds North Latitude and -111 degrees 13 minutes 30.77 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,718,618.3 feet and Y = 6,770,443.9 feet; thence the following courses along the said road center line:

thence South 89 Degrees 16 Minutes 33 Seconds East 18.1 feet

thence North 88 Degrees 20 Minutes 18 Seconds East 112 feet

thence North 85 Degrees 05 Minutes 37 Seconds East 151.8 feet

thence North 85 Degrees 07 Minutes 43 Seconds East 37.2 feet more or less to **the ending**

**point at:** 38 degrees 54 minutes 22.43 seconds North Latitude and -111 degrees 13 minutes 26.74 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,718,936.5 feet and Y = 6,770,463.1 feet.