

Ent 390406 Page 1 of 13
Date: 07-MAY-2008 12:49PM
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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 RED POINT SPUR; County Road Number: 918; State Geographic Information Database (SGID) Road Identification Number: RD080556. Total road length is 1.35 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



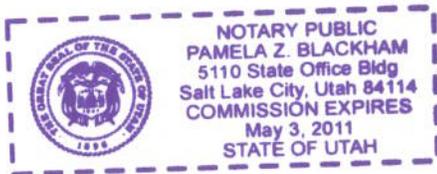
John Harja

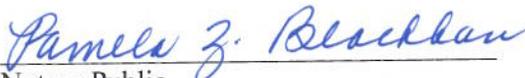
CERTIFICATION

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.

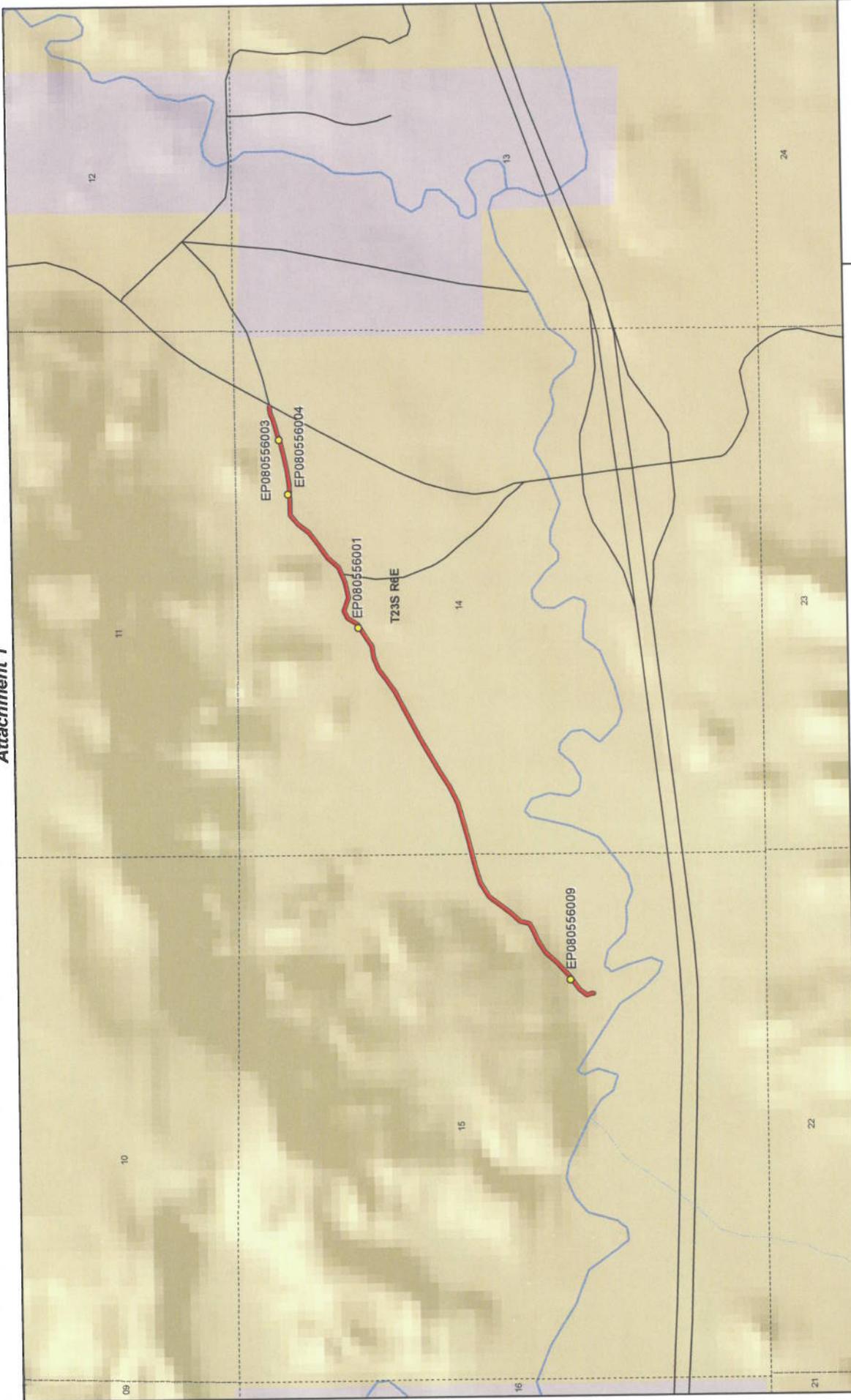
Dated this 21st day of April, 2008.





Notary Public

Attachment 1



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

RED POINT SPUR - Emery County
SGID RD_ID RD080556

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

- RED POINT SPUR
- Other Roads
- Title V, Issued Or Under Consideration By BLM Or County
- Photo Event Point
- Section = 1 Mile

1:16,052
1 inch equals 0.3 miles

Attachment 2



EP080556001



EP080556003



EP080556004



EP080556009

EP000000000

EP000000000

**RED POINT SPUR - Emery County
SGID RD_ID RD080556**



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: RED POINT SPUR

County: Emery

County Road Number: 918

State Geographic Information Database (SGID) Road Identification Number: RD080556.

Total Road Length: 1.35 miles more or less.

Beginning at a point on the road centerline located at 38 degrees 48 minutes 44.39 seconds North Latitude and -111 degrees 13 minutes 44.64 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,717,624.6 feet and Y = 6,736,258.0 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 38 degrees 49 minutes 15.96 seconds North Latitude and -111 degrees 12 minutes 29.33 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,723,575.8 feet and Y = 6,739,470.6 feet based on the US Survey Foot conversion.

This road may traverse:

Township 23 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: RED POINT SPUR

County: Emery

County Road Number: 918

State Geographic Information Database (SGID) Road Identification Number: RD080556.

Total Road Length: 1.35 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
RD080556	001	BLM	1.35 Miles	A
		Total Road Length	1.35	_____

* 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

RED POINT SPUR ROAD

EMERY COUNTY, UTAH

ROAD NUMBER 918

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 Red Point 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 Red Point 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.

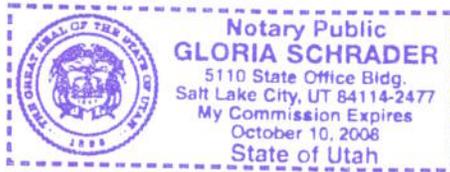
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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 9th day of March, 2007.




NOTARY PUBLIC

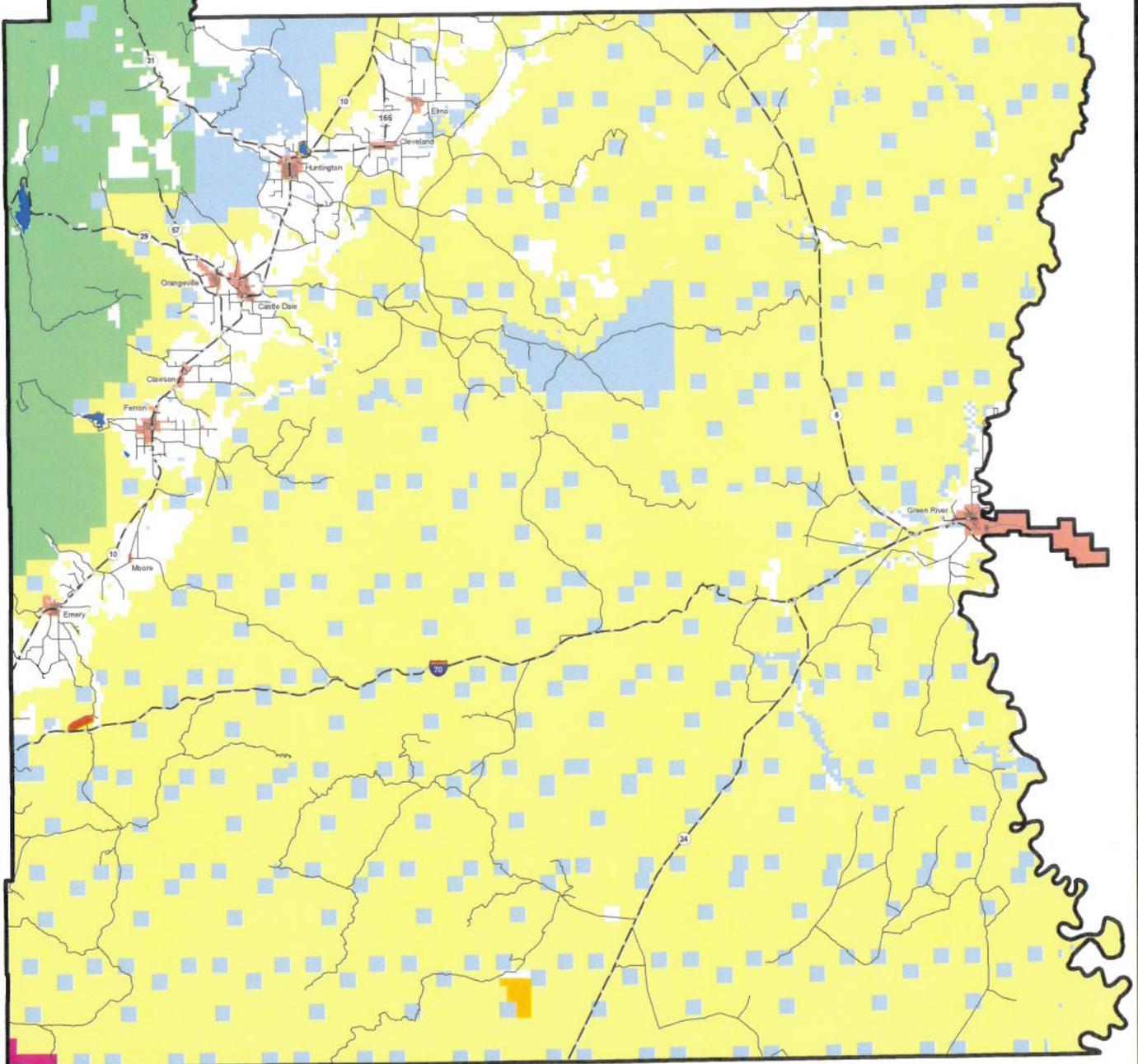
Road #918

Red Point Spur

-  Red Point Spur
-  Highway/Interstate
-  B Class Road



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



AFFIDAVIT OF MORRIS SORENSEN

RED POINT SPUR ROAD

EMERY COUNTY, UTAH

ROAD NUMBER 918

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 Red Point 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 Red Point 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 and 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 recreation and government access.

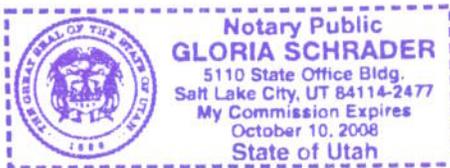
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

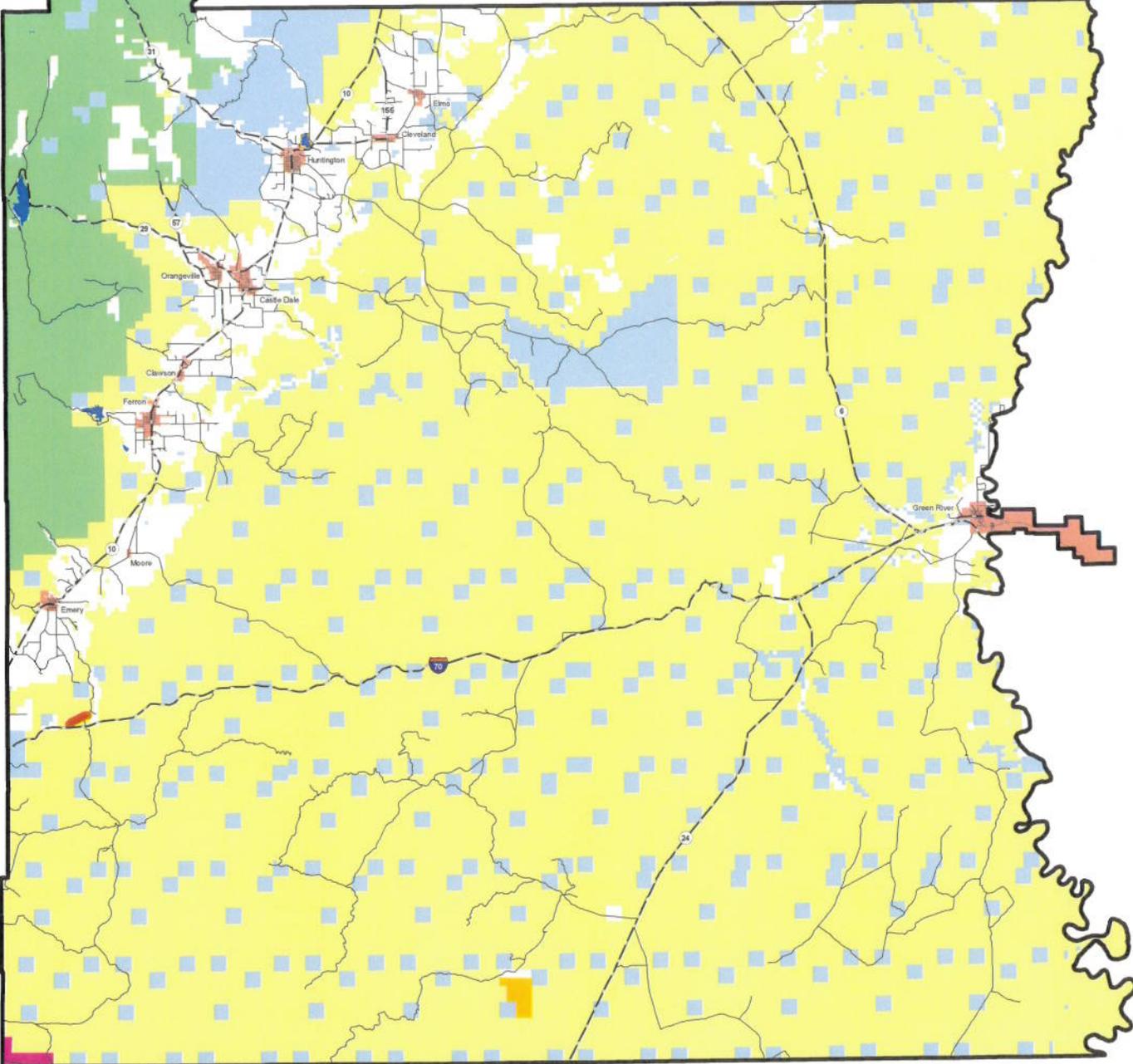
Road #918

Red Point Spur

-  Red Point Spur
-  Highway/Interstate
-  B Class Road



 BLM	 State	 NPS	 Water
 USFS	 Private	 USP	 City Boundary



Appendix A to Attachment 4

Popular Name: RED POINT SPUR

County: Emery

County Road Number: 918

State Geographic Information Database (SGID) Road Identification Number: RD080556.

Road-Segment Number: 001

Road-Segment Length: 1.35 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 23 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 (RED POINT 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 48 minutes 44.39 seconds North Latitude and -111 degrees 13 minutes 44.64 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,717,624.6 feet and Y = 6,736,258.0 feet; thence the following courses along the said road center line:

thence South 55 Degrees 59 Minutes 34 Seconds West 4.7 feet
thence North 08 Degrees 39 Minutes 19 Seconds East 12.6 feet
thence North 19 Degrees 14 Minutes 30 Seconds West 60.7 feet
thence North 38 Degrees 15 Minutes 00 Seconds East 95.3 feet
thence North 54 Degrees 15 Minutes 35 Seconds East 171.6 feet
thence North 46 Degrees 30 Minutes 21 Seconds East 175.1 feet
thence North 43 Degrees 35 Minutes 55 Seconds East 159.5 feet
thence North 54 Degrees 27 Minutes 06 Seconds East 135.4 feet
thence North 67 Degrees 58 Minutes 33 Seconds East 110.9 feet
thence North 60 Degrees 13 Minutes 21 Seconds East 90.1 feet
thence North 13 Degrees 54 Minutes 12 Seconds East 98.9 feet

thence North 41 Degrees 22 Minutes 12 Seconds East 116.5 feet
 thence North 38 Degrees 39 Minutes 04 Seconds East 123.7 feet
 thence North 37 Degrees 36 Minutes 42 Seconds East 152.7 feet
 thence North 58 Degrees 28 Minutes 56 Seconds East 163.5 feet
 thence North 70 Degrees 52 Minutes 58 Seconds East 163 feet
 thence North 76 Degrees 36 Minutes 57 Seconds East 136.5 feet
 thence North 78 Degrees 22 Minutes 22 Seconds East 5 feet
 thence North 77 Degrees 29 Minutes 42 Seconds East 155.5 feet
 thence North 74 Degrees 48 Minutes 09 Seconds East 189.2 feet
 thence North 73 Degrees 17 Minutes 35 Seconds East 186.1 feet
 thence North 63 Degrees 40 Minutes 29 Seconds East 181.1 feet
 thence North 58 Degrees 33 Minutes 02 Seconds East 191.7 feet
 thence North 60 Degrees 07 Minutes 29 Seconds East 199.6 feet
 thence North 60 Degrees 49 Minutes 12 Seconds East 190.4 feet
 thence North 61 Degrees 27 Minutes 31 Seconds East 182.5 feet
 thence North 63 Degrees 41 Minutes 27 Seconds East 176 feet
 thence North 61 Degrees 16 Minutes 24 Seconds East 164.2 feet
 thence North 55 Degrees 38 Minutes 32 Seconds East 148.9 feet
 thence North 53 Degrees 02 Minutes 23 Seconds East 132.5 feet
 thence North 67 Degrees 02 Minutes 27 Seconds East 133 feet
 thence North 82 Degrees 15 Minutes 29 Seconds East 116.8 feet
 thence North 56 Degrees 39 Minutes 53 Seconds East 131.9 feet
 thence North 58 Degrees 17 Minutes 10 Seconds East 134.2 feet
 thence North 31 Degrees 03 Minutes 57 Seconds East 115.3 feet
 thence North 63 Degrees 55 Minutes 38 Seconds East 83.1 feet
 thence South 70 Degrees 35 Minutes 59 Seconds East 139.1 feet
 thence North 78 Degrees 20 Minutes 58 Seconds East 158.7 feet
 thence North 66 Degrees 42 Minutes 48 Seconds East 161.5 feet
 thence North 40 Degrees 51 Minutes 23 Seconds East 146.1 feet
 thence North 55 Degrees 31 Minutes 57 Seconds East 170.1 feet
 thence North 51 Degrees 03 Minutes 35 Seconds East 158.8 feet
 thence North 39 Degrees 11 Minutes 59 Seconds East 133.6 feet
 thence North 50 Degrees 07 Minutes 03 Seconds East 120.1 feet
 thence South 89 Degrees 24 Minutes 13 Seconds East 144.1 feet
 thence North 87 Degrees 17 Minutes 30 Seconds East 157.4 feet
 thence North 81 Degrees 10 Minutes 57 Seconds East 151 feet
 thence North 79 Degrees 17 Minutes 29 Seconds East 136.5 feet
 thence North 74 Degrees 35 Minutes 16 Seconds East 133.6 feet
 thence North 71 Degrees 47 Minutes 11 Seconds East 99.3 feet
 thence North 72 Degrees 41 Minutes 52 Seconds East 82 feet
 thence North 72 Degrees 53 Minutes 03 Seconds East 90.9 feet
 thence North 71 Degrees 54 Minutes 53 Seconds East 62.4 feet
 thence North 84 Degrees 33 Minutes 00 Seconds East 55 feet
 thence North 89 Degrees 40 Minutes 57 Seconds East 15.8 feet
 thence North 89 Degrees 40 Minutes 57 Seconds East 5.3 feet more or less to **the ending point**

at: 38 degrees 49 minutes 15.96 seconds North Latitude and -111 degrees 12 minutes 29.33 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,723,575.8 feet and Y = 6,739,470.6 feet.