

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

Ent 486381 Bk 730 Pg 121-133  
Date: 27-MAY-2008 11:24AM  
Fee: None  
Filed By: PL  
MERLENE MOSHER DALTON, Recorder  
GRAND COUNTY CORPORATION  
For: STATE OF UTAH

**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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 Grand County as it pertains to the highway located in Grand County known as AGATE GRAINERY ROAD; County Road Number: 00180; State Geographic Information Database (SGID) Road Identification Number: RD100072. Total road length is 1.83 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 22<sup>nd</sup> day of May, 2008.

By the Governor's Designee

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


**CERTIFICATION**

State of Utah                    )  
  : ss  
County of Salt Lake         )

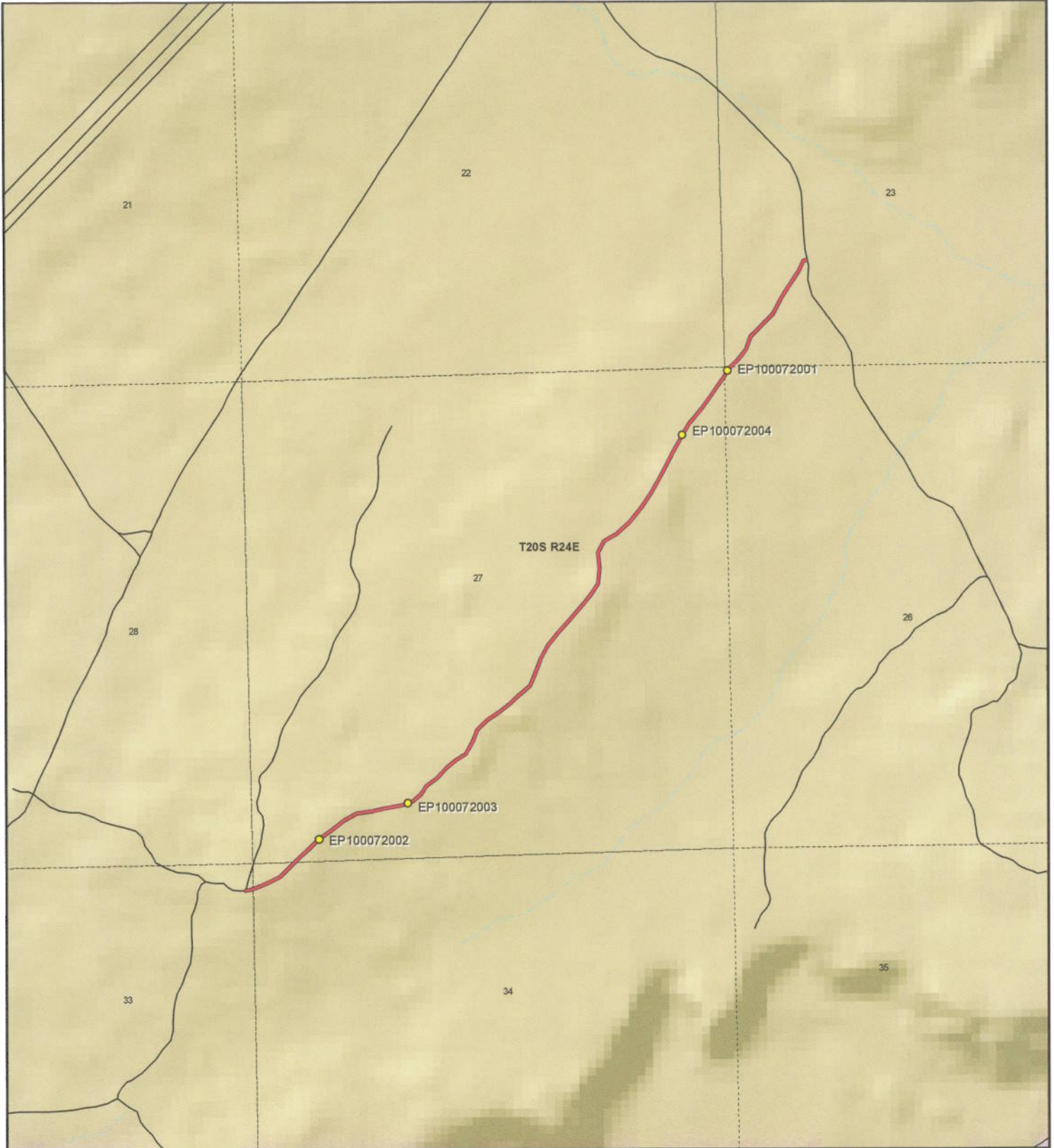
I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to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

Dated this 22<sup>nd</sup> day of May, 2008.



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

Attachment 1



 <p>1:17,153 1 inch equals 0.3 miles</p>		<p style="text-align: center;"><b>Agate Grainery Road - Grand County</b> <b>SGID RD_ID RD100072</b></p> <table border="0"> <tr> <td colspan="2"><b>Land Ownership Categories</b></td> <td colspan="2"><b>Transportation Network</b></td> </tr> <tr> <td> BLM</td> <td> Wilderness</td> <td> Agate Grainery Road</td> <td> Title V, Issued Or Under Consideration By BLM Or County</td> </tr> <tr> <td> Private</td> <td> UDWR Wildlife Reserve</td> <td> Other Roads</td> <td> Photo Event Point</td> </tr> <tr> <td> SITLA, State Trust Land</td> <td> DOD, Military</td> <td> Section = 1 Mile</td> <td></td> </tr> <tr> <td> USFS, National Forest</td> <td> State Sovereign Land</td> <td></td> <td></td> </tr> <tr> <td> State Parks and Recreation</td> <td> National Recreation Area</td> <td></td> <td></td> </tr> <tr> <td> Tribal, Indian Reservation</td> <td> USFWS, Natl. Wildlife Refuge</td> <td></td> <td></td> </tr> <tr> <td> NPS, National Park</td> <td></td> <td></td> <td></td> </tr> </table>	<b>Land Ownership Categories</b>		<b>Transportation Network</b>		BLM	Wilderness	Agate Grainery Road	Title V, Issued Or Under Consideration By BLM Or County	Private	UDWR Wildlife Reserve	Other Roads	Photo Event Point	SITLA, State Trust Land	DOD, Military	Section = 1 Mile		USFS, National Forest	State Sovereign Land			State Parks and Recreation	National Recreation Area			Tribal, Indian Reservation	USFWS, Natl. Wildlife Refuge			NPS, National Park				<p>Map prepared by the State of Utah Automated Geographic Reference Center Room 5130 State Office Building Salt Lake City, Utah 84114 Apr 10, 2008</p>  
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NPS, National Park																																			

486381 730 123

Attachment 2



EP100072001



EP100072002



EP100072003



EP100072004

EP000000000

EP000000000

Ent 486381 Bk 0730 Pg 0124



Agate Grainery Road - Grand County  
SGID RD\_ID RD100072

Map prepared by the State of Utah  
Automated Geographic Reference Center  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
April 14, 2008



## Attachment 3

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

**Popular Name: AGATE GRAINERY ROAD**

**County: Grand**

**County Road Number: 00180**

**State Geographic Information Database (SGID) Road Identification Number: RD100072.**

**Total Road Length: 1.83 miles more or less.**

**Beginning at a point** on the road centerline located at 39 degrees 01 minutes 46.78 seconds North Latitude and -109 degrees 15 minutes 28.59 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,277,290.0 feet and Y = 6,823,281.2 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 39 degrees 02 minutes 53.81 seconds North Latitude and -109 degrees 14 minutes 08.51 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,283,435.8 feet and Y = 6,830,219.7 feet based on the US Survey Foot conversion.

This road may traverse:

Township 20 South Range 24 East, Section(s) 23,26,27,33,34, 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: AGATE GRAINERY ROAD**

**County: Grand**

**County Road Number: 00180**

**State Geographic Information Database (SGID) Road Identification Number: RD100072.**

**Total Road Length: 1.83 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>RD100072</b>	<b>001</b>	<b>BLM</b>	<b>1.83 Miles</b>	<b>A</b>
		<b>Total Road Length</b>	<b>1.83</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 JAMES ROBERT WESTWOOD**

**AGATE GRAINERY ROAD**

**GRAND COUNTY, UTAH**

**ROAD NUMBER 00180**

State of Utah                    )  
  : ss.  
County of Grand                )

JAMES ROBERT WESTWOOD, 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 Moab, Grand County, Utah. I have lived in Grand County for 64 years. I worked for the Grand County Road Department from 1961 to 1980.

2. I have traveled and am familiar with a road in Grand County known as Agate Grainery 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 1980 when I last observed it. Attached is a Grand County map showing Agate Grainery 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 Grand 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 1980. Throughout this time period I observed travel on the road by means of road maintenance vehicles, jeeps and pickup trucks. During this time period, the road was used weekly, for more than ten continuous years prior to 1976 and was so used in 1980.

5. Throughout the time period from the early 1960s to 1980, I used the road myself for county road maintenance.



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 traveling in and through the area, livestock operations and sightseeing.

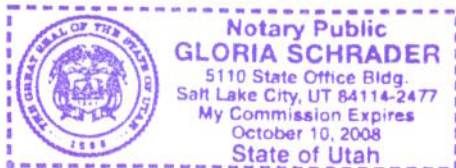
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1960s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

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

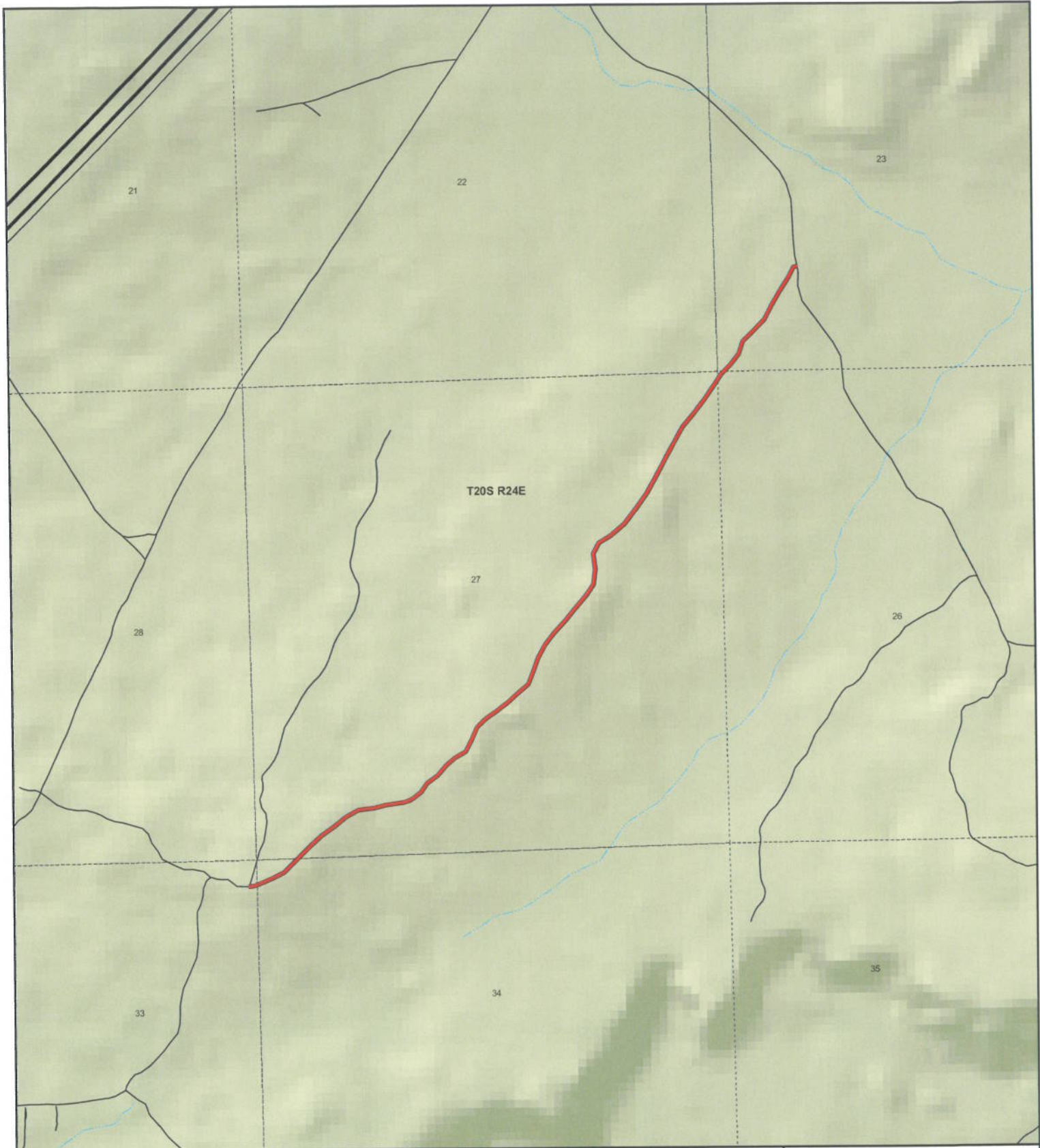
DATED this 8 day of September, 2007.

  
JAMES ROBERT WESTWOOD

SUBSCRIBED AND SWORN to before me this 8<sup>th</sup> day of September, 2007.



  
NOTARY PUBLIC



**Agate Grainery  
County Unique - 00180**

**Land Ownership Categories**

- ◆ BLM
- ◆ US Forest Service
- ◆ Private
- ◆ State Lands
- ◆ National Parks (NPS)
- ◆ Wilderness
- ◆ National Recreation Area
- ◆ State Parks
- ◆ State Sovereign Land
- ◆ Tribal Lands
- ◆ Military
- ◆ Wildlife Reserve

**Transportation Network**

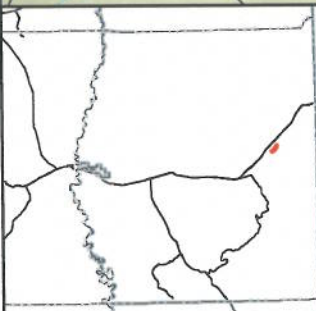
- Agate Grainery
- State / U.S. Highway
- Local Roads

**Misc**

- City / Town
- ⊙ Municipalities
- ⊞ Section = 1 Mile



1:17,153  
1 inch equals 0.3 miles



Map prepared by the State of Utah  
AGRC  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
Jul 25, 2007



**AFFIDAVIT OF JOHN CORTES**  
**AGATE GRAINERY ROAD**  
**COUNTY ROAD NUMBER 00180**  
**GRAND COUNTY, UTAH**

State of Utah                    )  
  : ss.  
County of Grand                )

JOHN CORTES, 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 have lived in Grand County for 51 years. I was employed by the Grand County Road Department for 36 years from 1959 to 1995.

2.       I have traveled and am familiar with a road in Grand County known as Agate Grainery Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1959, it followed the same route as in 1995 when I last observed it. Attached is a Grand County map showing Agate Grainery 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. The County also identifies this road according to the road number listed above.

3.       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 1959 and continuing through 1976 to 1995. Throughout this time period I have observed travel on the road by various means, including Grand County road equipment, trucks and jeeps. Throughout this time

period, the road has been used daily during the livestock season for more than ten continuous years prior to 1976, and was so used in 1995.

4. Throughout the time period from the early 1959 to 1995, I have used the road myself for performing road maintenance.

5. Throughout the time period described in the previous paragraph, I observed vehicles using the road at various times for the uses described in the previous paragraph, plus grainery access and livestock operations.

6. 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 1950s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

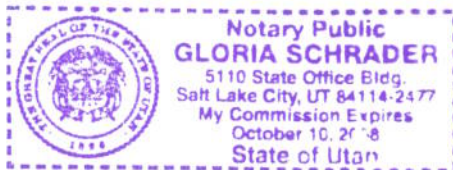
7. Prior to 1976, I personally maintained the road.

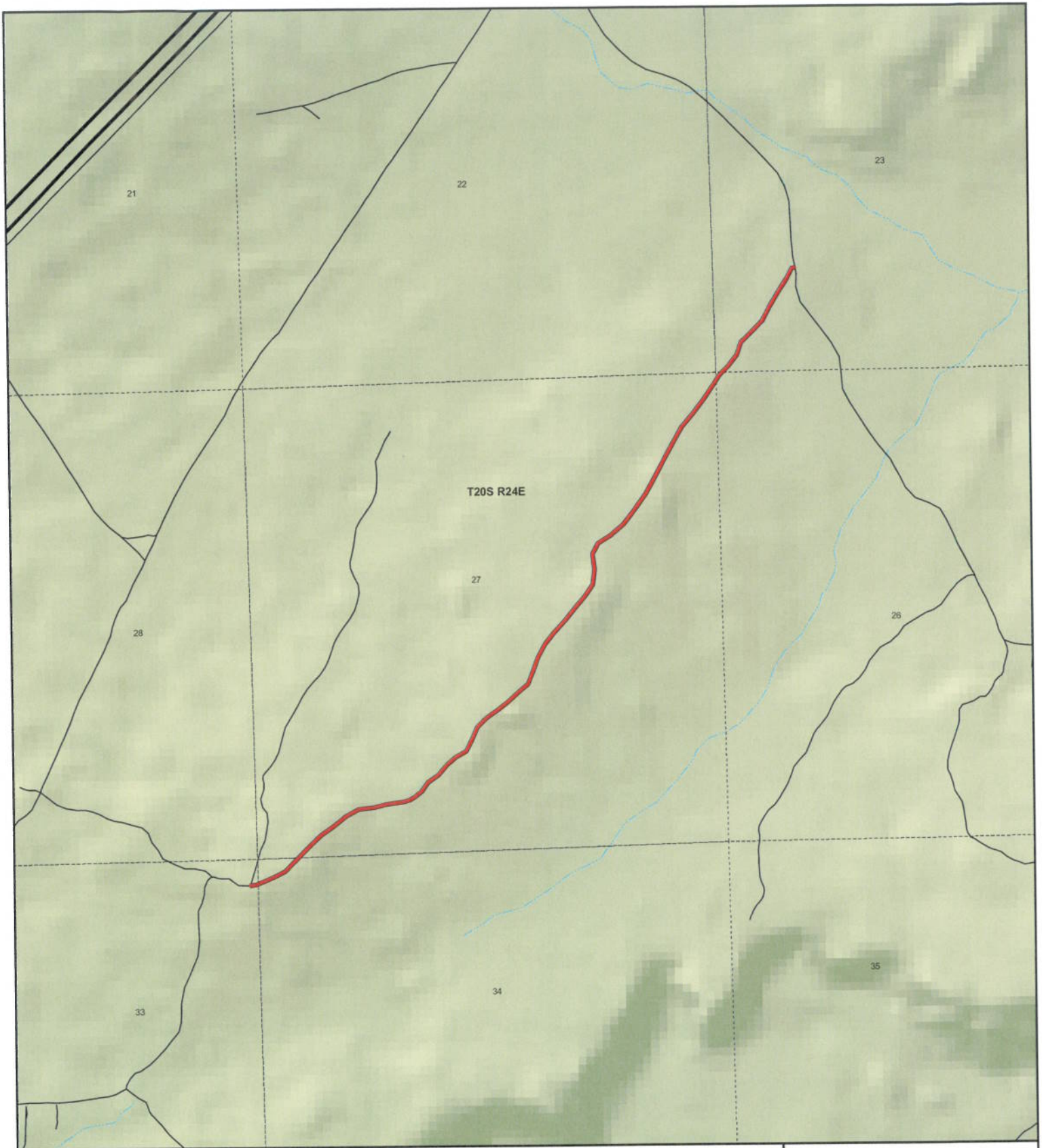
Dated this 1 day of August, 2007.

  
\_\_\_\_\_  
JOHN CORTES

SUBSCRIBED AND SWORN to before me this 1<sup>st</sup> day of August, 2007.

  
\_\_\_\_\_  
NOTARY PUBLIC





**Agate Grainery  
County Unique - 00180**

**Land Ownership Categories**

- ◆ BLM
- ◆ US Forest Service
- ◆ Private
- ◆ State Lands
- ◆ National Parks (NPS)
- ◆ Wilderness
- ◆ National Recreation Area
- ◆ State Parks
- ◆ State Sovereign Land
- ◆ Tribal Lands
- ◆ Military
- ◆ Wildlife Reserve

**Transportation Network**

- Agate Grainery
- State / U.S. Highway
- Local Roads

**Misc**

- City / Town
- ⊙ Municipalities
- ⊘ Section = 1 Mile



1:17,153

1 inch equals 0.3 miles



Map prepared by the State of Utah  
AGRC  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
Jul 25, 2007



Ent 486381 Bk 0730 Pg 0133

## Appendix A to Attachment 4

**Popular Name: AGATE GRAINERY ROAD**

**County: Grand**

**County Road Number: 00180**

**State Geographic Information Database (SGID) Road Identification Number: RD100072.**

**Road-Segment Number: 001**

**Road-Segment Length: 1.83 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 20 South Range 24 East, Section(s) 23,26,27,33,34, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (AGATE GRAINERY ROAD)-- 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 39 degrees 01 minutes 46.78 seconds North Latitude and -109 degrees 15 minutes 28.59 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,277,290.0 feet and Y = 6,823,281.2 feet; thence the following courses along the said road center line:

thence North 78 Degrees 49 Minutes 27 Seconds East	43.6 feet
thence North 77 Degrees 13 Minutes 33 Seconds East	30.5 feet
thence North 73 Degrees 19 Minutes 55 Seconds East	17.5 feet
thence North 67 Degrees 42 Minutes 57 Seconds East	7.3 feet
thence North 67 Degrees 42 Minutes 56 Seconds East	84.9 feet
thence North 66 Degrees 27 Minutes 15 Seconds East	120.7 feet
thence North 62 Degrees 35 Minutes 46 Seconds East	126.2 feet
thence North 45 Degrees 42 Minutes 09 Seconds East	127.6 feet
thence North 44 Degrees 36 Minutes 09 Seconds East	91.3 feet
thence North 44 Degrees 35 Minutes 05 Seconds East	52.4 feet
thence North 44 Degrees 36 Minutes 26 Seconds East	148.4 feet

thence North 45 Degrees 33 Minutes 11 Seconds East 157.9 feet  
 thence North 56 Degrees 02 Minutes 59 Seconds East 171.9 feet  
 thence North 50 Degrees 14 Minutes 16 Seconds East 173.1 feet  
 thence North 60 Degrees 18 Minutes 59 Seconds East 160.7 feet  
 thence North 82 Degrees 20 Minutes 59 Seconds East 180.5 feet  
 thence North 76 Degrees 01 Minutes 59 Seconds East 118.4 feet  
 thence North 80 Degrees 41 Minutes 41 Seconds East 105.3 feet  
 thence North 80 Degrees 21 Minutes 13 Seconds East 111.6 feet  
 thence North 71 Degrees 03 Minutes 25 Seconds East 66.9 feet  
 thence North 62 Degrees 19 Minutes 14 Seconds East 60.7 feet  
 thence North 49 Degrees 19 Minutes 59 Seconds East 101.4 feet  
 thence North 33 Degrees 26 Minutes 36 Seconds East 118.4 feet  
 thence North 54 Degrees 43 Minutes 18 Seconds East 146.1 feet  
 thence North 41 Degrees 25 Minutes 38 Seconds East 151.8 feet  
 thence North 50 Degrees 39 Minutes 23 Seconds East 127.7 feet  
 thence North 59 Degrees 49 Minutes 42 Seconds East 138.5 feet  
 thence North 26 Degrees 18 Minutes 26 Seconds East 145 feet  
 thence North 22 Degrees 47 Minutes 37 Seconds East 153.4 feet  
 thence North 47 Degrees 26 Minutes 20 Seconds East 146.5 feet  
 thence North 55 Degrees 05 Minutes 18 Seconds East 161.9 feet  
 thence North 51 Degrees 09 Minutes 28 Seconds East 142.3 feet  
 thence North 47 Degrees 17 Minutes 06 Seconds East 148.5 feet  
 thence North 49 Degrees 16 Minutes 21 Seconds East 157 feet  
 thence North 23 Degrees 50 Minutes 13 Seconds East 149.3 feet  
 thence North 18 Degrees 24 Minutes 23 Seconds East 164.6 feet  
 thence North 28 Degrees 50 Minutes 36 Seconds East 172.9 feet  
 thence North 37 Degrees 41 Minutes 05 Seconds East 170.8 feet  
 thence North 43 Degrees 11 Minutes 32 Seconds East 181 feet  
 thence North 38 Degrees 14 Minutes 15 Seconds East 176.3 feet  
 thence North 39 Degrees 47 Minutes 22 Seconds East 175.9 feet  
 thence North 33 Degrees 35 Minutes 17 Seconds East 156.2 feet  
 thence North 06 Degrees 38 Minutes 37 Seconds East 173.5 feet  
 thence North 06 Degrees 55 Minutes 24 Seconds West 173.4 feet  
 thence North 27 Degrees 57 Minutes 22 Seconds East 134.2 feet  
 thence North 57 Degrees 46 Minutes 53 Seconds East 158.4 feet  
 thence North 48 Degrees 41 Minutes 20 Seconds East 200.2 feet  
 thence North 37 Degrees 51 Minutes 07 Seconds East 212.9 feet  
 thence North 33 Degrees 37 Minutes 02 Seconds East 209.7 feet  
 thence North 27 Degrees 51 Minutes 25 Seconds East 219.7 feet  
 thence North 27 Degrees 21 Minutes 04 Seconds East 224.2 feet  
 thence North 28 Degrees 30 Minutes 45 Seconds East 202.3 feet  
 thence North 29 Degrees 38 Minutes 55 Seconds East 193.2 feet  
 thence North 39 Degrees 34 Minutes 53 Seconds East 209.6 feet  
 thence North 35 Degrees 32 Minutes 05 Seconds East 216.6 feet  
 thence North 35 Degrees 00 Minutes 53 Seconds East 217.2 feet  
 thence North 32 Degrees 06 Minutes 23 Seconds East 16.8 feet  
 thence North 32 Degrees 01 Minutes 56 Seconds East 64.8 feet  
 thence North 35 Degrees 33 Minutes 56 Seconds East 30.4 feet  
 thence North 45 Degrees 43 Minutes 19 Seconds East 17.5 feet

thence North 45 Degrees 44 Minutes 43 Seconds East 105.4 feet  
thence North 37 Degrees 28 Minutes 07 Seconds East 151.6 feet  
thence North 19 Degrees 20 Minutes 36 Seconds East 151.6 feet  
thence North 45 Degrees 28 Minutes 52 Seconds East 171.8 feet  
thence North 44 Degrees 57 Minutes 28 Seconds East 170.3 feet  
thence North 26 Degrees 33 Minutes 39 Seconds East 185.8 feet  
thence North 31 Degrees 36 Minutes 40 Seconds East 179.8 feet  
thence North 33 Degrees 01 Minutes 55 Seconds East 174.8 feet  
thence North 26 Degrees 18 Minutes 55 Seconds East 132.2 feet  
thence North 70 Degrees 43 Minutes 47 Seconds East 45.5 feet more or less to **the ending**

**point at:** 39 degrees 02 minutes 53.81 seconds North Latitude and -109 degrees 14 minutes 08.51 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 2,283,435.8 feet and Y = 6,830,219.7 feet.