

0/8

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

ENT 80027:2008 PG 1 of 28
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2008 Jul 15 12:45 pm FEE 0.00 BY SS
RECORDED FOR STATE OF UTAH ATTORNEYS GEN

THE STATE OF UTAH

TO ALL WHOM THESE PRESENTS SHALL COME, Greeting:

This Supplement to Acknowledgment and Notice of Acknowledgment and the affidavits attached hereto as Exhibit A supplement and support the Acknowledgment and Notice of Acknowledgment, previously made under Utah Code Sections 72-5-309 through 310 inclusive, as it pertains to the highway located in Utah County known as LAKE MOUNTAIN ROAD; County Road Number: B885; State Geographic Information Database (SGID) Road Identification Number: RD250011.

This document supplements and supports the information contained in the document recorded on **Feb. 26, 2008** at **Ent: 21736:2008, Beg Pg 1**. A legal description is attached hereto as Exhibit B.

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 Supplement to Acknowledgment and Notice of Acknowledgment to be made.

Signed by my hand in Salt Lake City, Utah, the 3rd day of July, 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 3rd day of July, 2008.



Notary Public

Exhibit A

AFFIDAVIT OF CLYDE R. NAYLOR
LAKE MOUNTAIN ROAD
UTAH COUNTY, UTAH
COUNTY "B" ROAD NUMBER B 885

STATE OF UTAH)
 :SS
COUNTY OF UTAH)

I, CLYDE R. NAYLOR, being first sworn, deposes and states as follows:

1. I am an adult competent to testify about the matters set forth below based on my personal knowledge.
2. My educational background includes a B.E.S. degree in Civil Engineering and M.S. degree in Structural Engineering, both from Brigham Young University.
3. I am currently a member of the American Public Works Association where I was the past chapter president and a past National Institute for Transportation Executive Council Member, a member of the American Society of Civil Engineers, and a member of the Utah Council of Land Surveyors.
4. I have been the Utah County Surveyor from January 1979 to December 31, 2006, the Utah County Engineer from January 1980 to the present, and the Utah County Public Works Director from January 1991 to the present. During these time periods, I have been personally familiar with Utah County's construction and maintenance activities on county roads, including the "B" road know as the Lake Mountain Road that runs northerly from the intersection of 800 South Street with the Soldiers Pass Road to within Eagle Mountain Town. A map of the road is attached hereto as Exhibit "A".

5. The road is known as Utah County "B" road # B 885. The road is a gravel road located in Township 7 South, Range 1 West. The 0.26 miles length of the road, located in Section 6 of Township 7 South, Range 1 West runs across federal property.
6. As the Utah County Surveyor, I have supervised a center line survey of the segment of the Lake Mountain Road believed to be in the ownership of the Bureau of Land Management. The center line description is as follows:

SEGMENT 2:

Commencing at the point of intersection of the centerline of the Lake Mountain Road with the South line of Section 6, Township 7 South, Range 1 West, Salt Lake Base and Meridian, said point of beginning being more specifically described as being located 4.02 feet South and 364.93 feet West from the South Quarter Corner of said Section 6; thence the following along said centerline: North 12° 19' 39" East 588.64 feet; North 10° 59' 37" East 579.19 feet; North 12° 22' 13" East 192.87 feet to the intersection with the East-West One Sixteenth line connecting the Center-South One-Sixteenth and the Southwest One-Sixteenth corner of said Section 6.

7. Pursuant to Utah Code Ann. § 17-23-1 and during the time I served as the Utah County Surveyor, I was the designated record holder for all the surveys and maps made within the county. The records of the Utah County Surveyor show that the road has existed since 1950, and has been utilized and maintained as a county "B" road since that time. The attached copies of documents taken from the Utah County Surveyor's records identify the roads existence:
 - a. The United States Government survey map for Soldiers Pass, Utah dated

- 1950, shows the location of the road in Section 6 of Township 7 South, Range 1 West, which is attached hereto as Exhibit "A1".
- b. The general highway map of Utah County, dated 1955, prepared by the Utah Department of Transportation, shows the Lake Mountain Road that runs northerly from the intersection of 800 South Street with the Soldiers Pass Road to within Eagle Mountain Town, which is attached hereto as Exhibit "A2".
 - c. The official County Road Map for Township 7 South, Range 1 West, adopted by the Utah County Commission on December 8, 1978 shows the road, which is attached hereto as Exhibit "A3".
 - d. The general highway map of Utah County prepared by the Utah Department of Transportation, dated 1985, shows the county road, which is attached as Exhibit "A4".
 - e. The Road Map of Utah County, Sheet # 5, created November 21, 1995, shows the relationship the road has with the federal property in the area, which is attached as Exhibit "A5".
 - f. The official County Road Map of Utah County, Sheet # 5, adopted by the Board of County Commissioners on October 30, 1996, shows the road running across the federal properties, which is attached as Exhibit "A6".
 - g. The current County Atlas, page 6, titled Lake Mountain, shows the Lake Mountain Road as it traverses federal property, which is attached as Exhibit "A7".

- h. The surveyed description for Segment 02 of the Lake Mountain Road has been plotted on an Aerial Photo taken in 1993 to verify the roads existence and is attached as Exhibit "A8".
- 8. At no time during my tenure with the County did it undertake any procedure to abandon or vacate its right-of-way on the road.
- 9. I have had the County records searched for any evidence of reservations on this road and none have been found.

DATED this 7th day of MARCH, 2007

Clyde R. Naylor
CLYDE R. NAYLOR

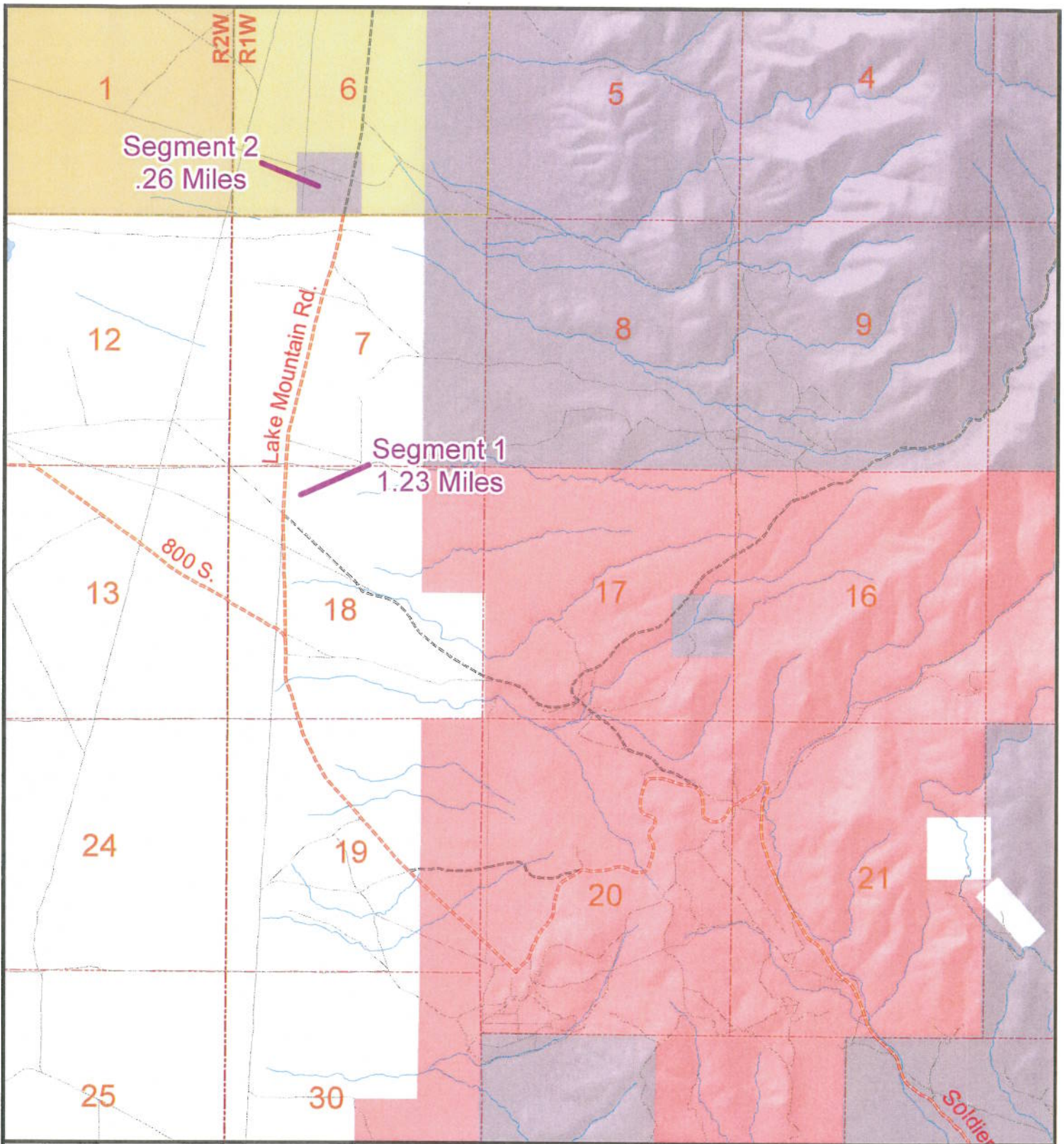
SUBSCRIBED AND SWORN to me, a Notary Public, this 7th day of march, 2007

Regina J. Tanner
Notary Public

Residing in: UTAH

My commission expires: 03-2011





RS2477
Lake Mountain Rd.
.26 Miles


B885
1.49 Miles

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<u>Legend</u>		
State Roads	Public Land	Public Survey Lines
I-15	B.L.M. Lands	Township Lines
US HWY/State Route	National Park Service	Section Lines
Other FAE Route	National Forest	Incorporated Cities
Official County Roads	Military	
Paved	Other Federal Lands	
Unpaved	State Lands	
Local Roads	State Park	
Paved	Utah County Property	
Dirt Roads		
Gravel Roads		
Other Roads		
Railroads		

N
 W —+— E
 S

1:34,448
 1 inch equals 2,870.67 feet



Utah County Public Works - Mapping Division
 2855 South State Street
 Provo, UT 84608
 (801) 851-8626
 Printed on August 09, 2006 by maryek

"Exhibit A"



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4000 S.
T. 7 S.
T. 8 S.

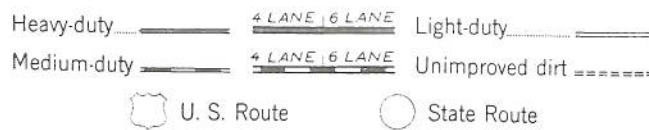
T A H L A K E

ELEVATION 4487
SEPT 1949

55' | INTERIOR-GEOLOGICAL SURVEY, WASHINGTON, D. C.-1952 | 40°07'30"
111°52'30"

FILE

ROAD CLASSIFICATION



(WEST MOUNTAIN)
16

SOLDIERS PASS, UTAH

N4007.5—W11152.5/7.5

1950

EXHIBIT "A1"—MAP TITLE

5, D. C.

23

(FAIRFIELD 1:62,500)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

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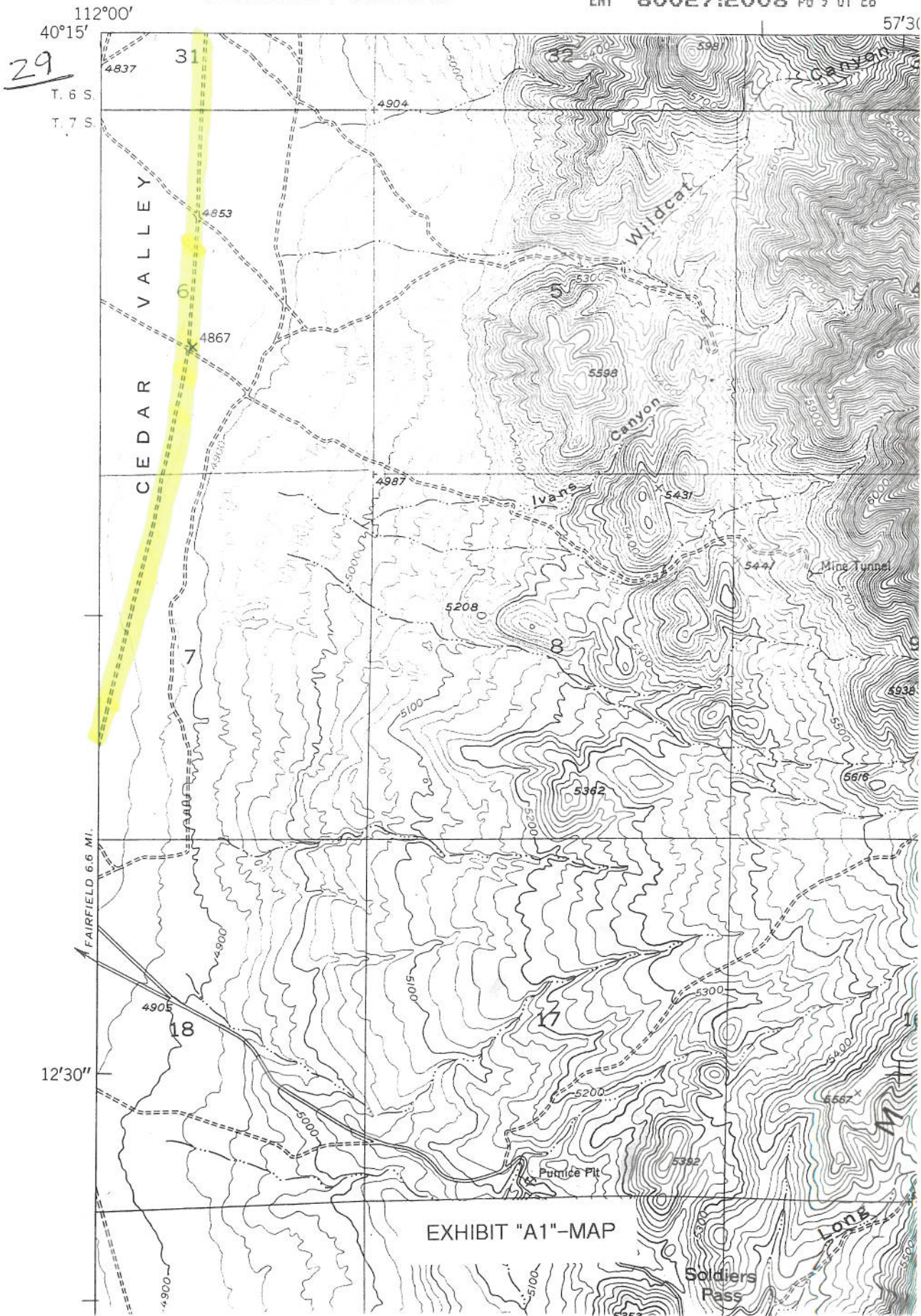
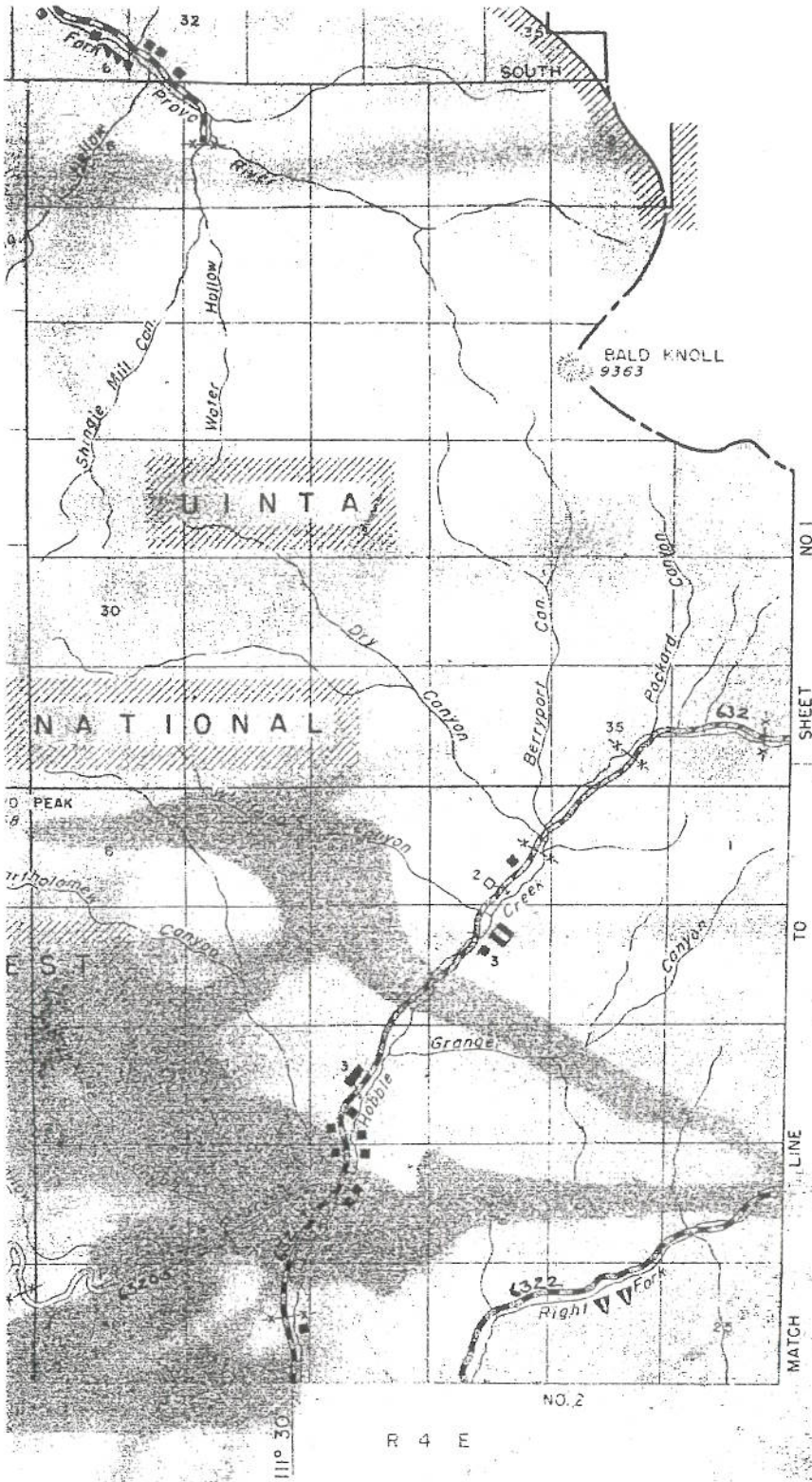


EXHIBIT "A1"-MAP

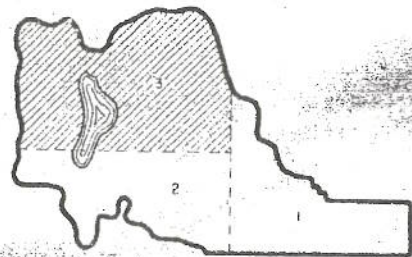


T
6
S

40° 15'

T
7
S

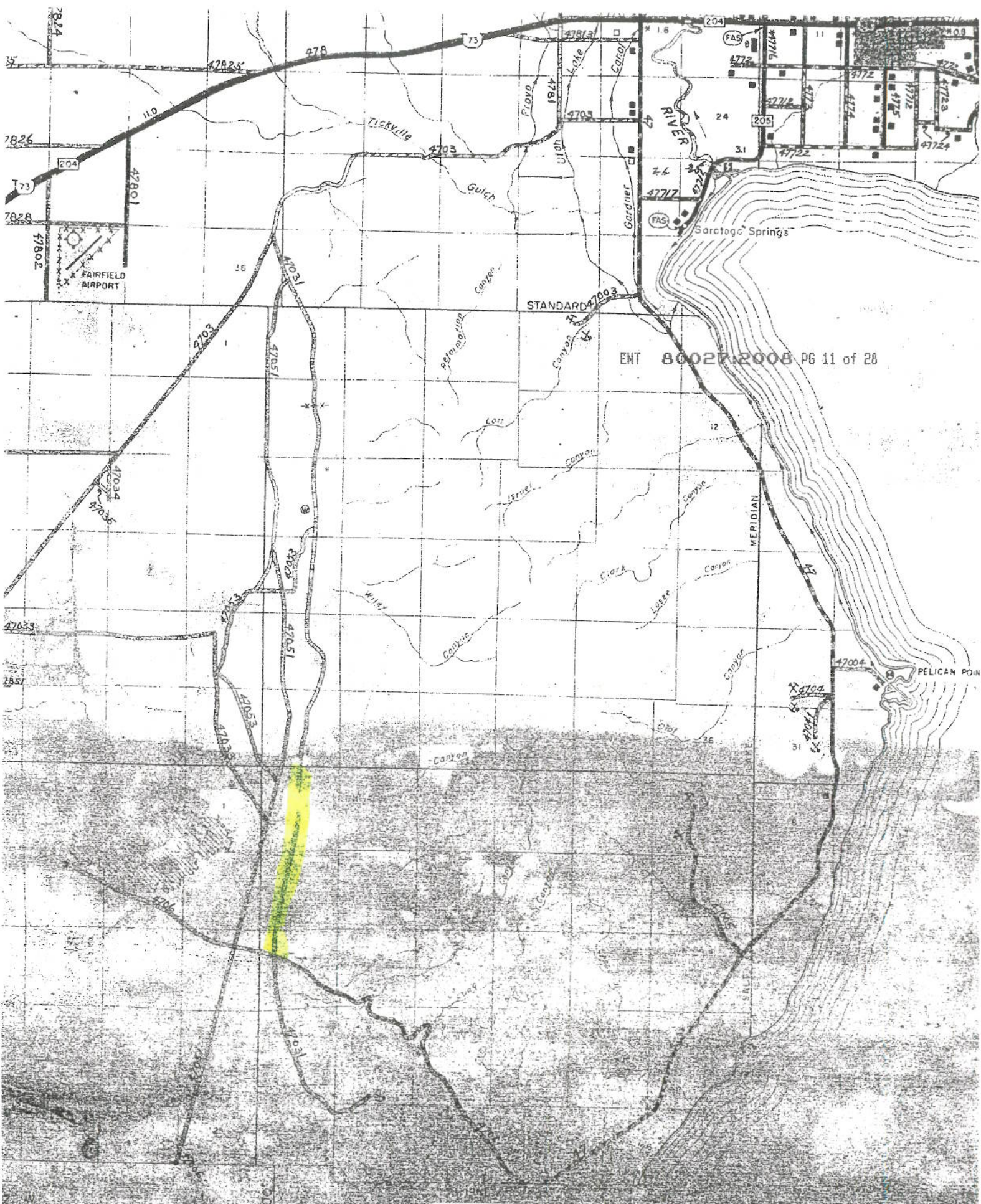
KEY TO SHEETS



GENERAL HIGHWAY MAP
UTAH COUNTY
UTAH

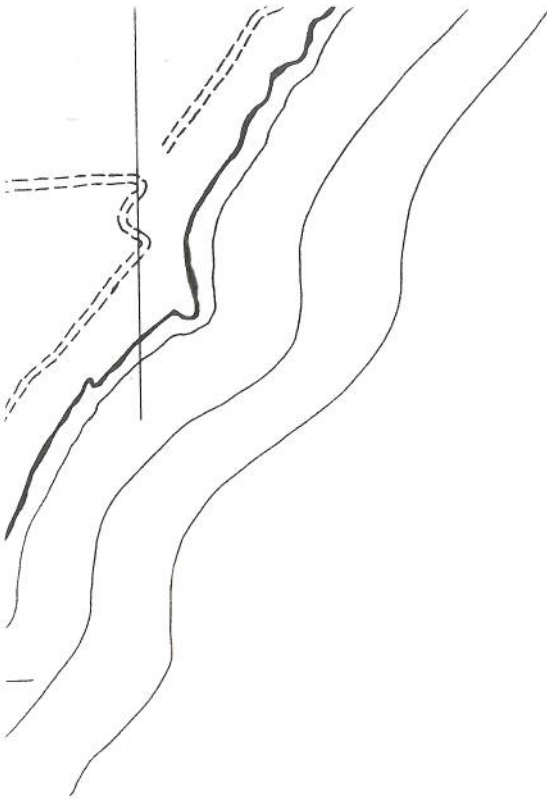
EXHIBIT "A2"-MAP TITLE

1955



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EXHIBIT "A2"-MAP



T75 RIW

Official County Road Map of Utah County

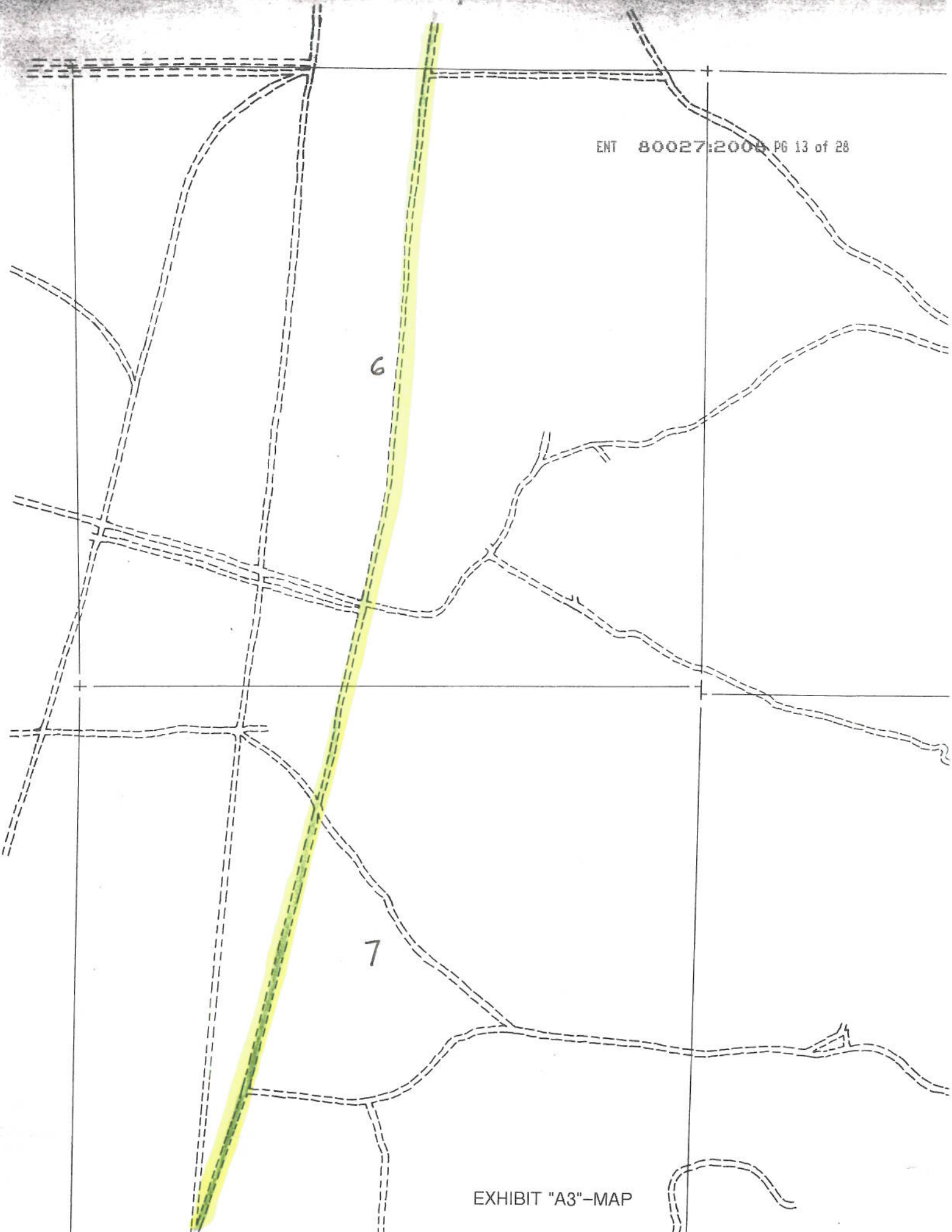
Adopted by the Board of County
Commissioners this 8th day of
December, 1978.

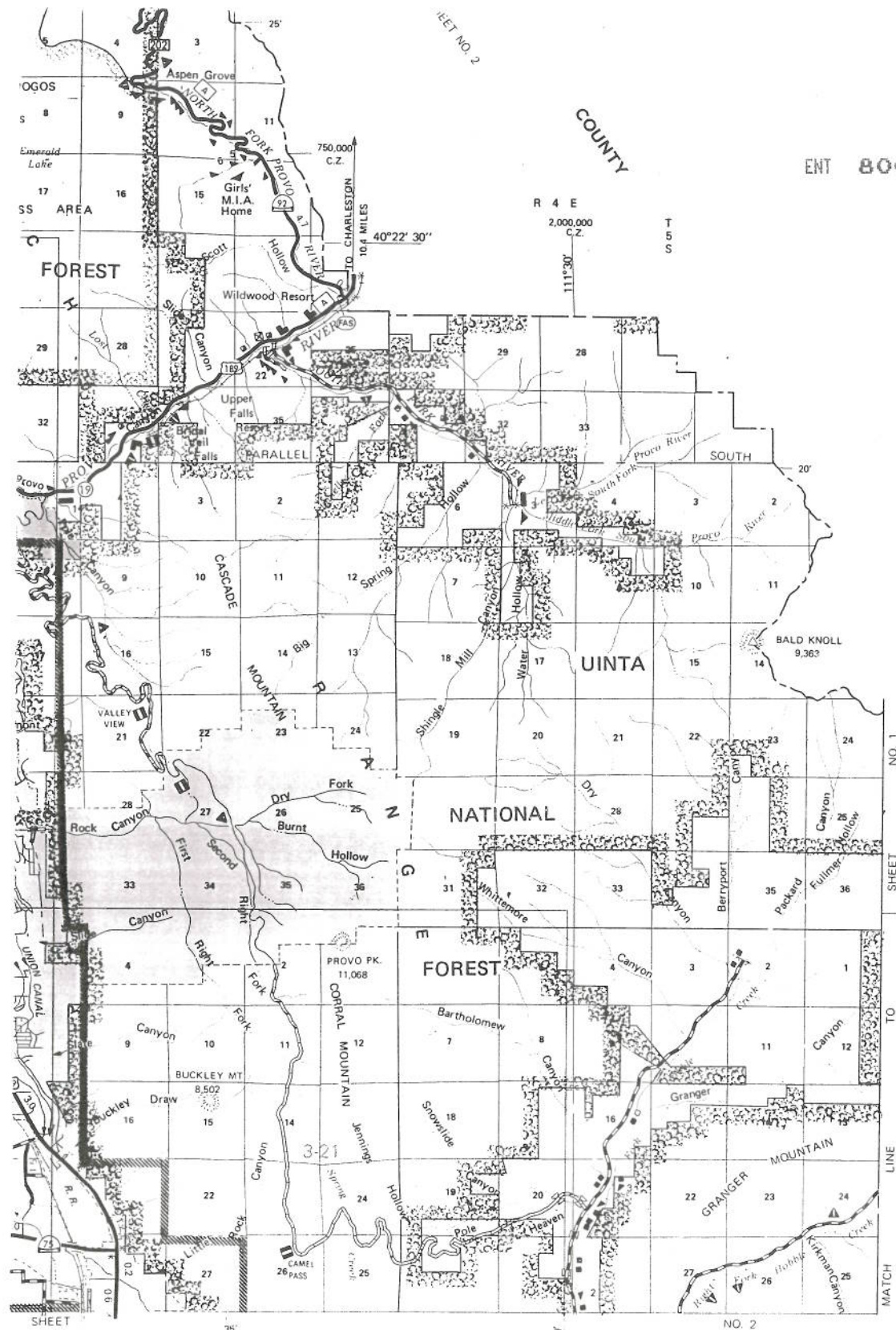
Chairman *[Signature]*

Commissioner *[Signature]*

Commissioner *[Signature]*

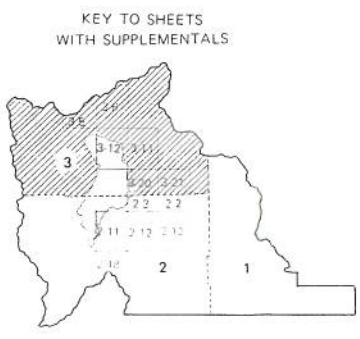
[Signature]





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T 6 S
T 7 S
NO. 1
SHEET
NO. 2
MATCH
LINE



R 3 E

R 4 E



2,000,000
C.Z.

GENERAL HIGHWAY MAP

UTAH COUNTY

UTAH

EXHIBIT "A4"-MAP TITLE

SCALE



1985

Copies of this map are available
for public use at nominal cost
U.D.O.T.
Office of Community Relations
U.D.O.T. - D.P.S. Complex
4501 South 2700 West
Salt Lake City, Utah 84119

POLYCONIC PROJECTION
50,000 foot grid based on Utah
Coordinate System, Central Zone
as established by the NOAA

Copyright © Utah Department of Transportation

SHEET NO. 3 OF 3 SHEETS AND 10 SUPPLEMENTAL SHEET



EXHIBIT "A4"-MAP

700000.000
40°15'00"

680000.000

680000.000

0.000000000

1910000.000

100 Foot Contours

Class C roads: City roads
Class D roads: Public roads which are neither
class A, class B, or class C.

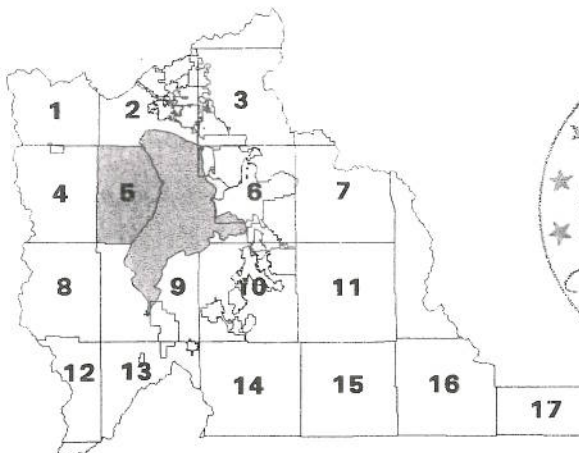
The latitude/longitude ties are based on the
NAD83 datum. The state plane coordinate ties
are based on the NAD27 datum.

Utah County Geographic Information System
Utah County Public Works Department, Mapping Division
2855 South State, Provo, UT 84606, (801)370-8600

Plot Created: November 21, 1995 DBH

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Road Map of Utah County Sheet 5



Index Map

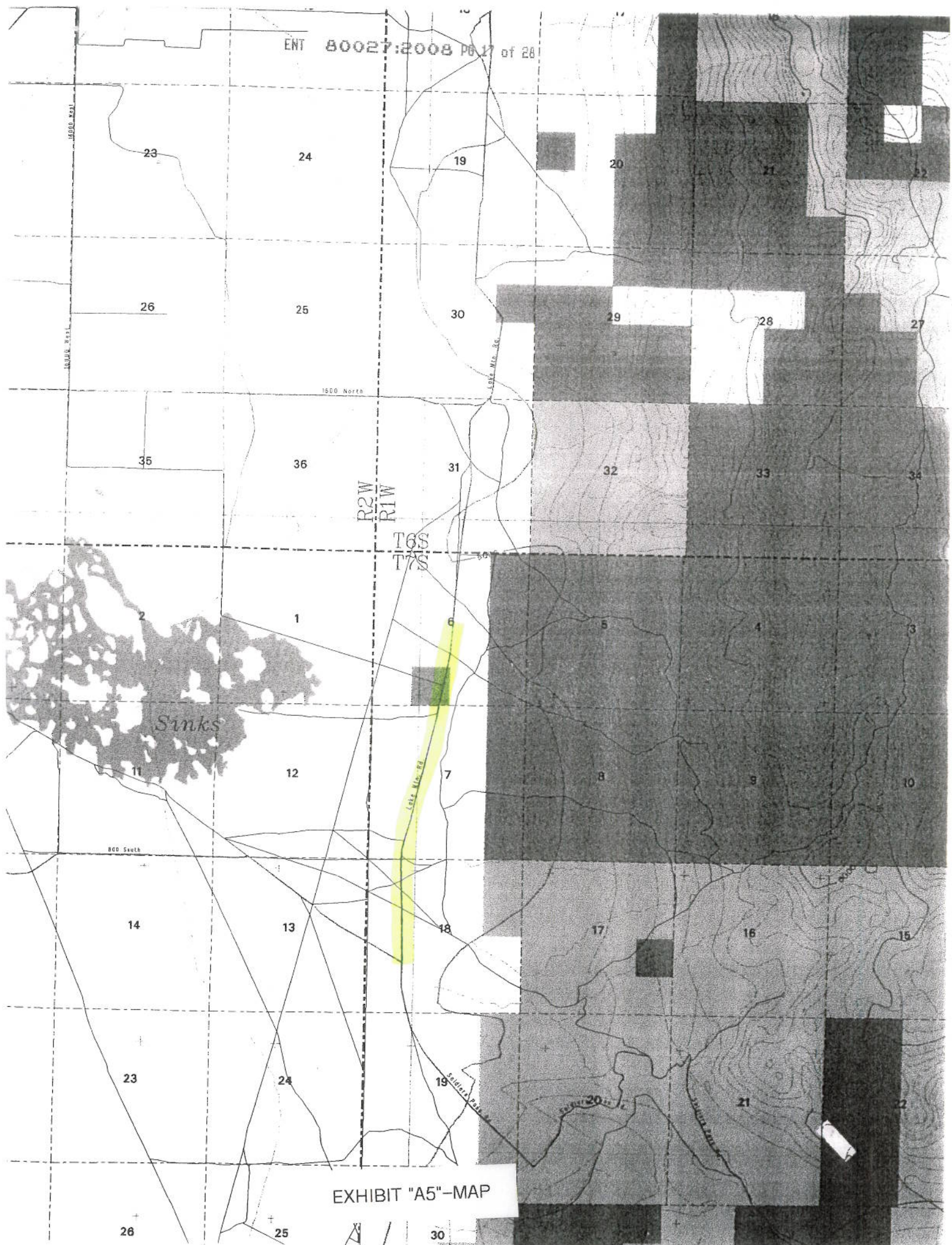


EXHIBIT "A5"-MAP

17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36

Official County Road Map of Utah County Sheet 5

Utah County Geographic Information System
Utah County Public Works Department, Mapping Division
2855 South State, Provo, UT 84606, (801)370-8600

Acceptance by Legislative Body

Adopted by the Board of County

Commissioners this 30th day of October, 1996.

Chairman: S/ Jerry D. Grover

Commissioner: S/ David Gardner

Commissioner: S/ Gary R. Herbert

Attest: S/ LeeAnn Orton

Title (See Seal): Deputy Clerk

Seal

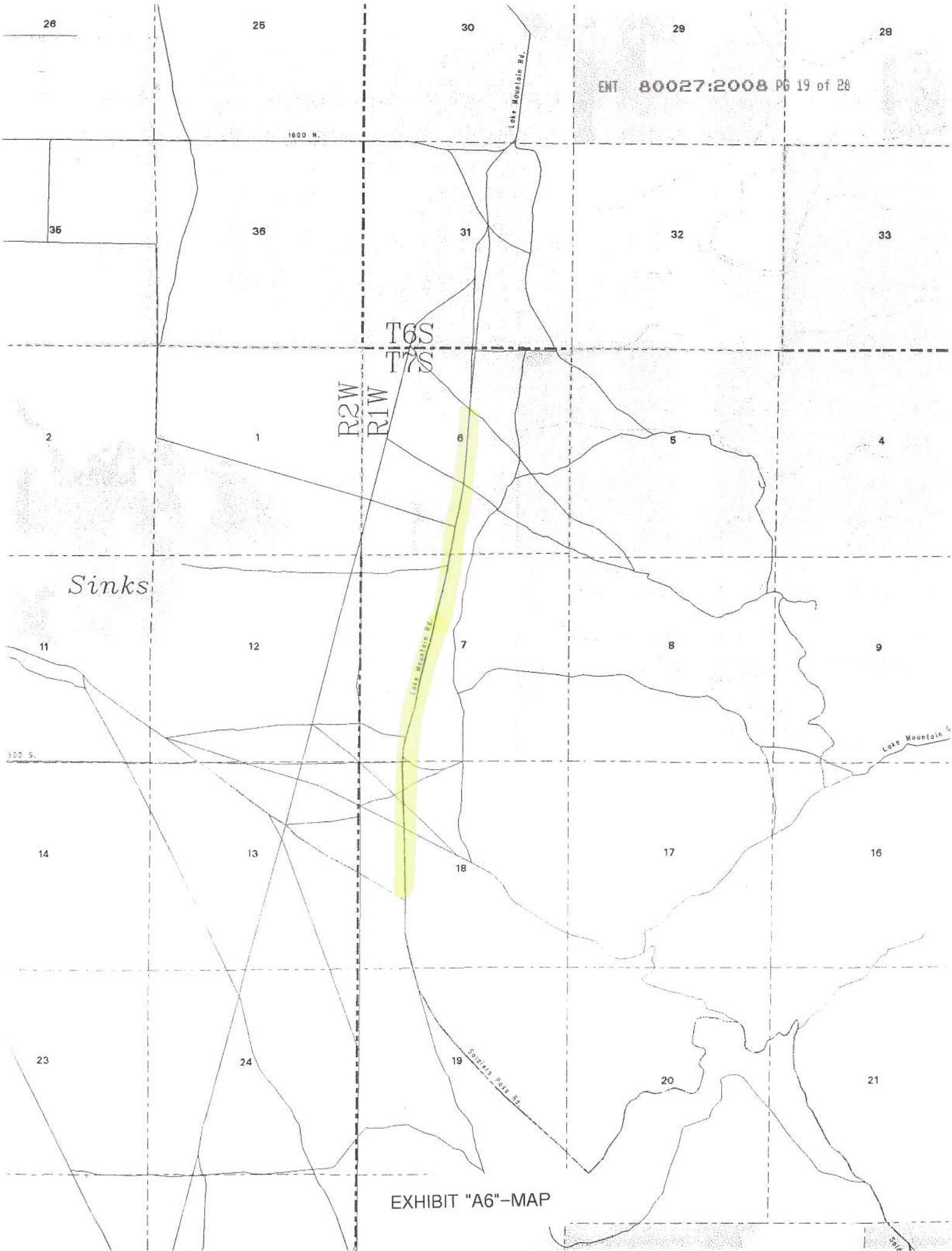
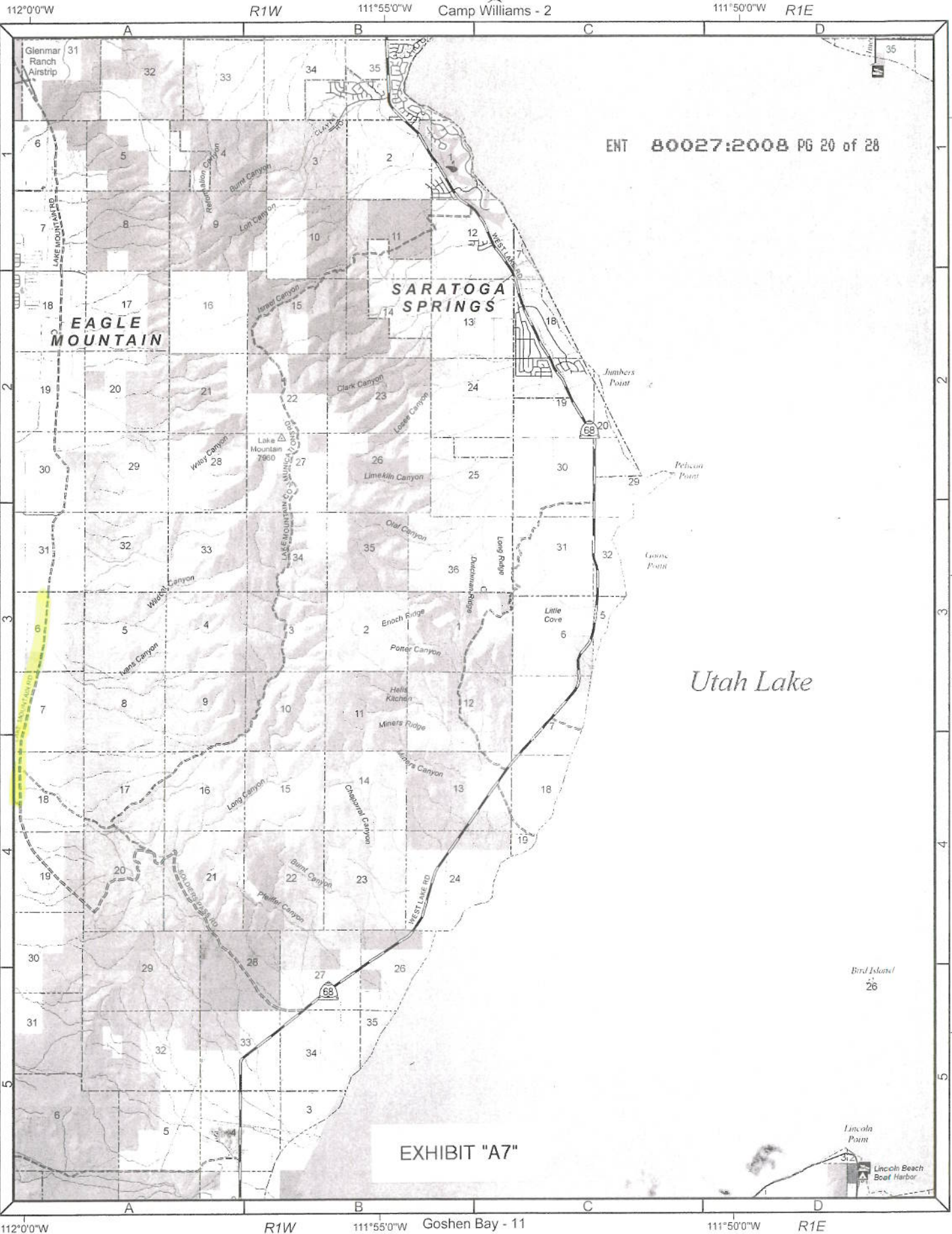
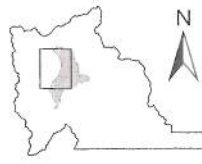
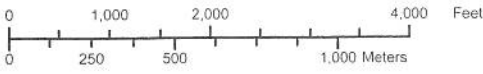


EXHIBIT "A6"-MAP





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**RS2477
Lake Mountain
Rd.**

**Comparison with Aerial Photo
(See Segment Description)**



1:3,000
1 inch equals 250 feet

Segment 02

Photo Date 1993

EXHIBIT "A8"



Utah County Public Works - Mapping Division
2855 South State Street
Provo, UT 84606
(801) 851-8626
Printed on September 06, 2006 by maryek

LAKE MOUNTAIN ROAD

STATE OF UTAH)
 :ss
 COUNTY OF UTAH)

I, ROBERT CURTIS BEVERLY, being first duly sworn, deposes and state as follows:

1. I am an adult competent to testify about the matters set forth below based on my personal knowledge.
2. From 1958 to 1988, I was employed with Utah County in the Roads Department where I was an operator/truck driver, supervisor over bridges and culverts, and worked in maintenance and oiling of roads. During that time period, I was personally familiar with Utah County's construction and maintenance activities on county roads, including the road known as Lake Mountain Road that runs northerly from the intersection of 800 South with the Soldiers Pass road to within Eagle Mountain Town. A map of the road is attached hereto as Exhibit "A".
3. Construction and maintenance of the road well before 1950 was performed by for example, removing rocks and vegetation from the roadway by hand labor. In more recent times, though still begun before 1950, construction was performed by road graders and other road equipment in addition to the passing of motorized vehicles over the roadway.
4. All acts of the County regarding this road were, to my knowledge, consistent with its status as a public highway.
5. I am familiar with the indicated road because I have traveled the road on several occasions beginning at least as early as 1950 and continuing to the present.
6. Since before 1950 and continuing to the present the road has been used for ranching, farming, hunting, prospecting, mining, homesteading, commerce, sightseeing, camping, recreation, law enforcement, land management, and traveling in and through the area. Beginning at least as early as 1950, I helped with the maintenance of the road while working for the

Utah County Public Works Department Roads Division. At the same time I often used the road to hunt.

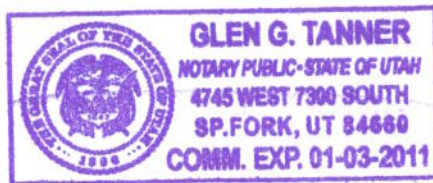
- 7. The road has been open to the public for all to use, to come and go as they pleased, since before 1950 and continuing through 1976 and beyond.
- 8. Travelers on the road from before 1950 and continuing thereafter included those who went by horseback and horse-drawn wagon, and in more recent times car, recreational vehicle and truck. The frequency of use over the period 1966 to the present is approximately daily although winter travel can be difficult.
- 9. When I first used and observed the road it ran the same route as it does now, and the road was well established as of 1950.
- 10. At no time during my employment with the County did it undertake any procedures to abandon or vacate its right-of-way on the road.

DATED this 11 day of JUNE, 2007.

Robert Curtis Beverly

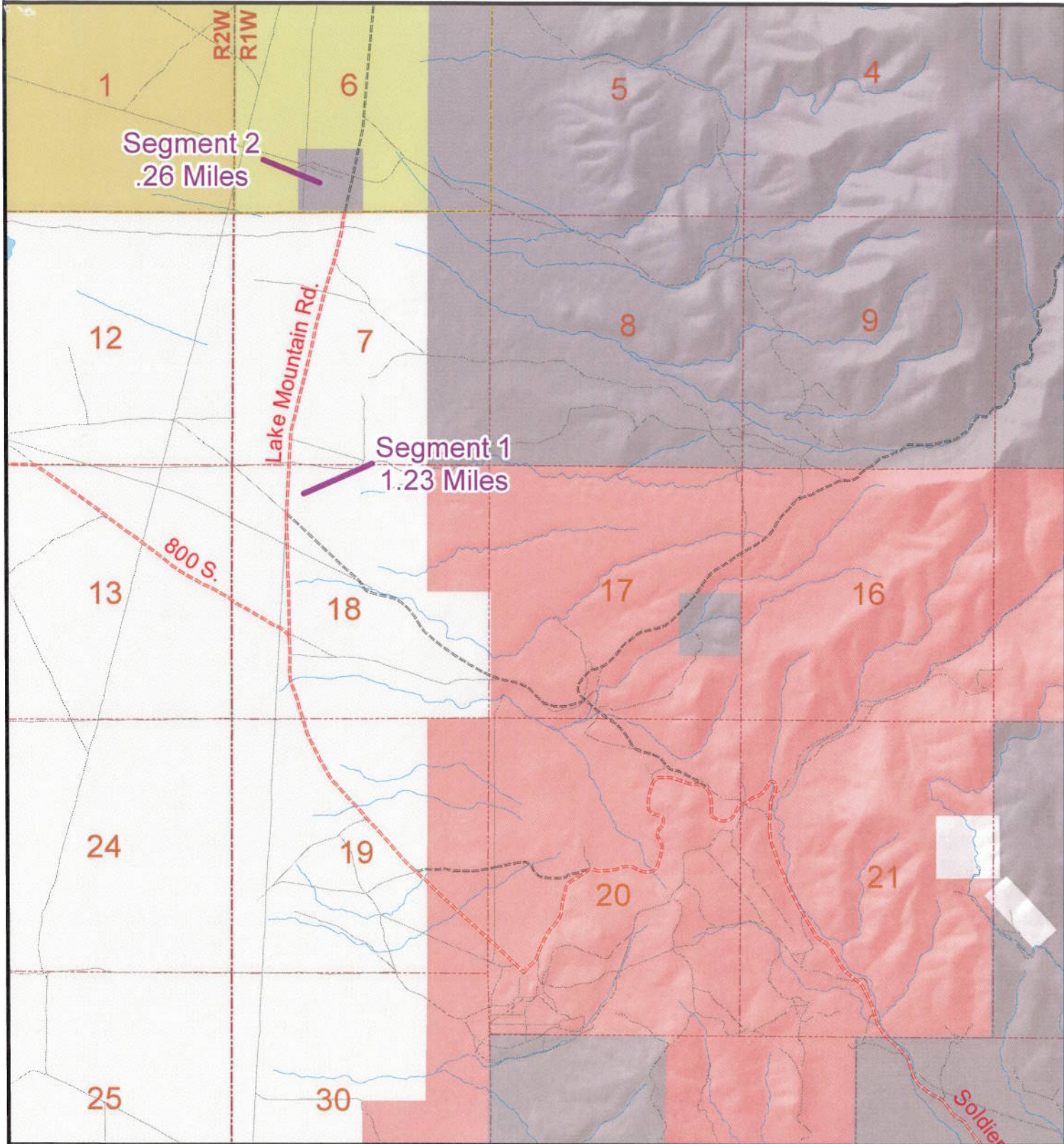
 ROBERT CURTIS BEVERLY

SUBSCRIBED AND SWORN to me, a Notary Public, this 11 day of JUNE, 2007.



Glen G. Tanner

 Notary Public



RS2477
Lake Mountain Rd
.26 Miles

B885
1.49 Miles

Legend		
State Roads	Public Land	Public Survey Lines
I-15	B.L.M. Lands	Township Lines
US HWY/State Route	National Park Service	Section Lines
Other FAE Route	National Forest	Incorporated Cities
Official County Roads	Military	
Paved	Other Federal Lands	
Unpaved	State Lands	
Local Roads	State Park	
Paved	Utah County Property	
Dirt Roads		
Gravel Roads		
Other Roads		
Railroads		



1:34,448
 1 inch equals 2,870.67 feet



Utah County Public Works - Mapping Division
 2855 South State Street
 Provo, UT 84606
 (801) 851-8626
 Printed on August 09, 2006 by maryek

"Exhibit A"

LAKE MOUNTAIN ROAD

STATE OF UTAH)
 :SS
COUNTY OF UTAH)

I, BYRON L. ORTON, being of first duly sworn, deposes and state as follows:

1. I am an adult competent to testify about the matters set forth below based on my personal knowledge.
2. From 1947 to 1965 I was employed with the Utah Department of Transportation in District 6 where I was a truck operator, a foremen, and supervisor. From 1965 to 1985 I was employed with Utah County in the Roads Department where I was an assistant supervisor and supervisor over the Roads Department. During that time period, I was personally familiar with Utah County's construction and maintenance activities on county roads, including the road known as Lake Mountain Road that runs northerly from the intersection of 800 South with the Soldiers Pass road to within Eagle Mountain Town. A map of the road is attached hereto as Exhibit "A".
3. Construction and maintenance of the road before 1965 was performed by a grader and other road equipment in addition to the passing of motorized vehicles over the roadway. In more recent times, though still before 1976, the road was widened, graded, and graveled as part of the road's regular maintenance.
4. All acts of the County regarding this road where, to my knowledge, consistent with its status as a public highway.
5. The road has been open to the public for all to use, to come and go as they pleased, since before 1965 and beyond.
6. Since before 1965 and continuing to the present the road has been used for ranching, farming , hunting, commerce, mining, sightseeing, camping, recreation, law enforcement, and traveling in and through the area. I traveled the area often while working for the

county in order to help maintain the road.

- 7. Travelers on the road from 1965 and continuing thereafter included those who went by car, recreational vehicle, and truck. The frequency of use over the period 1976 to the present is approximately daily.
- 8. When I first used and observed the road it ran the same route as it does now, and the road was well established as of 1965.
- 9. At no time during my employment with the County did it undertake any procedure to abandon or vacate its right-of-way on the road.

DATED this 17 day of MAY, 2007.

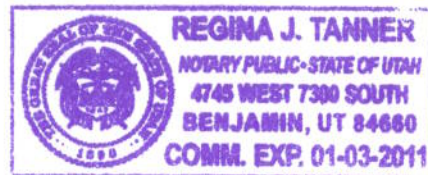
Byron L. Orton

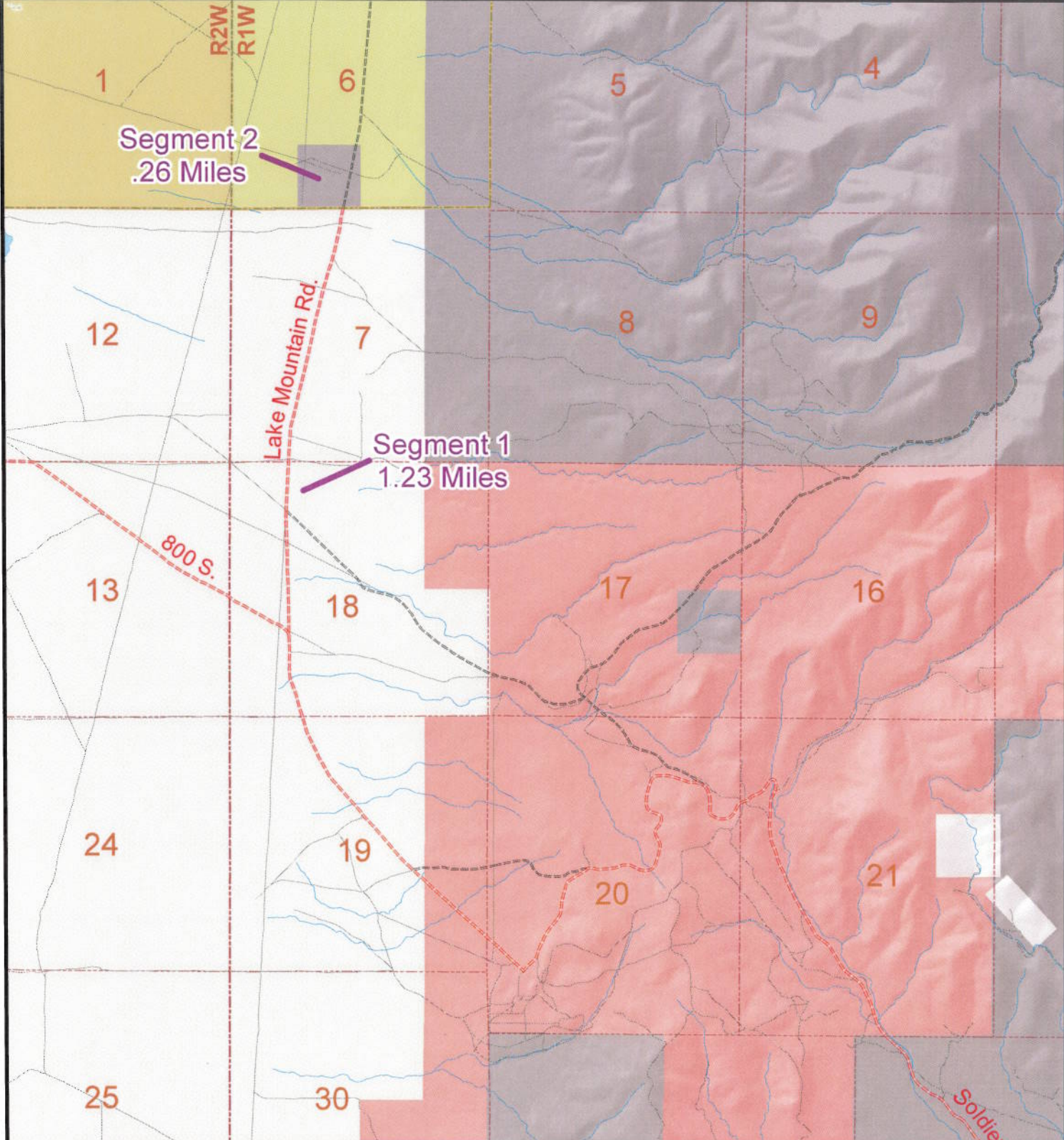
 BYRON L. ORTON

SUBSCRIBED AND SWORN to me, a Notary Public, this 17 day of MAY, 2007.

Regina J. Tanner

 Notary Public





RS2477
Lake Mountain Rd.
.26 Miles

B885
1.49 Miles

Legend

<p>State Roads</p> <ul style="list-style-type: none"> I-15 US HWY/State Route Other FAE Route <p>Official County Roads</p> <ul style="list-style-type: none"> Paved Unpaved <p>Local Roads</p> <ul style="list-style-type: none"> Paved Dirt Roads Gravel Roads Other Roads Railroads 	<p>Public Land</p> <ul style="list-style-type: none"> B.L.M. Lands National Park Service National Forest Military Other Federal Lands State Lands State Park Utah County Property 	<p>Public Survey Lines</p> <ul style="list-style-type: none"> Township Lines Section Lines Incorporated Cities
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1:34,448
 1 inch equals 2,870.67 feet



Utah County Public Works - Mapping Division
 2855 South State Street
 Provo, UT 84606
 (801) 851-8626
 Printed on August 09, 2006 by maryek

"Exhibit A"

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

Popular Name: LAKE MOUNTAIN ROAD

County: Utah

County Road Number: B885

State Geographic Information Database (SGID) Road Identification Number: RD250011.

Total Road Length: 5.99 miles more or less.

Beginning at a point on the road centerline located at 40 degrees 11 minutes 40.37 seconds North Latitude and -111 degrees 58 minutes 45.03 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,506,562.8 feet and Y = 7,239,947.6 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 40 degrees 16 minutes 01.77 seconds North Latitude and -111 degrees 59 minutes 27.25 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,503,431.7 feet and Y = 7,266,415.5 feet based on the US Survey Foot conversion.

This road may traverse:

Township 6 South Range 1 West, Section(s) 30,31, Salt Lake Base & Meridian

Township 7 South Range 1 West, Section(s) 6,7,18,19,20, Salt Lake Base & Meridian