

0/2

ENT 80032:2008 PG 1 of 29  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
2008 Jul 15 12:59 pm FEE 0.00 BY SS  
RECORDED FOR STATE OF UTAH ATTORNEYS GEN

**Supplement to 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:**

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 SOLDIER PASS ROAD; County Road Number: B952; State Geographic Information Database (SGID) Road Identification Number: RD250018.

This document supplements and supports the information contained in the document recorded on **Feb. 26, 2008** at **Ent: 21741:2008, 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 3<sup>rd</sup> day of July, 2008.

By the Governor's Designee

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

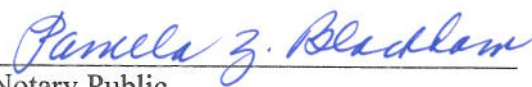
**CERTIFICATION**

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 3<sup>rd</sup> day of July, 2008.

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

## Exhibit A

**AFFIDAVIT OF CLYDE R. NAYLOR**

**SOLDIERS PASS ROAD**

**UTAH COUNTY, UTAH**

**COUNTY "B" ROAD NUMBER B 952**

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 known as the Soldiers Pass Road that runs from State Road 68 northwesterly to Lake Mountain Road. A map of the road is attached hereto as Exhibit "A".

5. The road is known as Utah County "B" road # B 952. The road is a gravel road located in Township 7 South, Range 1 West. The 1.34 miles length of the road, located in Section 28 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 Soldiers Pass Road believed to be in the ownership of the Bureau of Land Management. The center line description is as follows:

SEGMENT 3:

Commencing at a point located at the intersection of the centerline of Soldiers Pass Road with the East line of Section 28, Township 7 South, Range 1 West, Salt Lake Base and Meridian, said point being located North 125.17 feet and East 0.56 feet from the Southeast Corner of said Section 28; thence the following along said centerline: North 70° 45' 40" West 208.37 feet; North 66° 54' 47" West 116.99 feet; North 64° 43' 15" West 318.49 feet; North 58° 59' 21" West 148.88 feet; North 46° 40' 19" West 97.52 feet; North 38° 30' 53" West 209.88 feet; North 41° 09' 01" West 195.53 feet; North 47° 31' 54" West 295.31 feet; North 44° 38' 31" West 163.06 feet; North 39° 14' 31" West 110.91 feet; North 33° 56' 44" West 151.12 feet; North 29° 55' 12" West 209.60 feet; North 27° 00' 42" West 252.38 feet; North 31° 35' 33" West 146.05 feet; North 38° 04' 17" West 247.39 feet; North 32° 55' 23" West 323.75 feet; North 38° 15' 57" West 500.95 feet; North 35° 31' 47" West 306.64 feet; North 36° 32' 19" West 625.96 feet; North 43° 24' 15" West 51.24 feet; North 49° 17' 54" West 213.62 feet; North 40° 15' 20" West 101.15 feet; North 36° 46' 30" West 205.70 feet; North 42° 06' 22" West 53.50



feet; North 53° 16' 50" West 101.56 feet; North 63° 50' 35" West 148.54 feet; North 58° 02' 47" West 103.75 feet; North 51° 57' 02" West 215.21 feet; North 45° 24' 51" West 105.96 feet; North 34° 20' 48" West 63.71 feet; North 26° 18' 59" West 90.32 feet; North 19° 35' 29" West 122.08 feet; North 16° 32' 39" West 222.33 feet; North 25° 55' 51" West 74.52 feet; North 37° 54' 18" West 79.89 feet; North 44° 07' 35" West 80.35 feet; North 47° 14' 39" West 410.39 feet; North 40° 37' 52" West 100.23 feet.

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 28 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 Soldiers Pass Road as a county road located between State Road 68 and Lake Mountain Road, which is attached hereto as Exhibit "A2".
  - c. The general highway map of Utah County, prepared by the Utah State Department of Highways, dated 1975, shows the "B" road as a county 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 Soldiers Pass Road as it traverses federal property, which is attached as Exhibit "A7".
  - h. The surveyed description for Segment 03 of the Soldiers Pass 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 8<sup>th</sup> day of MARCH, 2007

Clyde R. Naylor  
CLYDE R. NAYLOR

SUBSCRIBED AND SWORN to me, a Notary Public, this 8<sup>th</sup> day of march, 2007

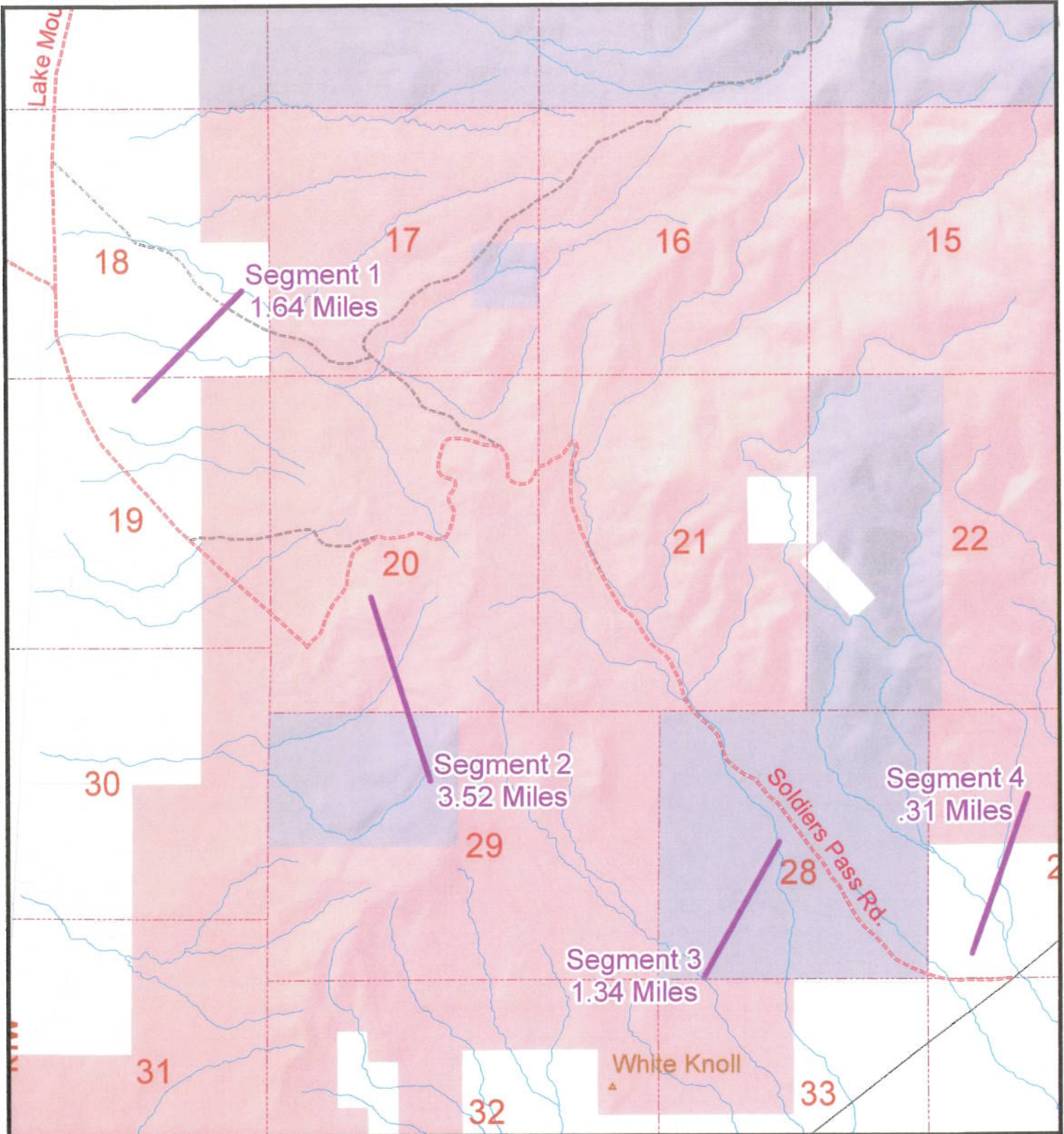
Regina J. Tanner  
Notary Public

Residing in: UTAH

My commission expires: 01-03-2011







**RS2477  
Soldier  
Pass Rd  
1.34 Miles**

**B952  
6.81 Miles**

**Legend**

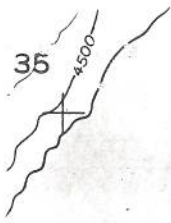
<b>State Roads</b>	<b>Public Land</b>	<b>Public Survey Lines</b>
I-15	B.L.M. Lands	Township Lines
US HWY/State Route	National Park Service	Section Lines
Other FAE Route	National Forest	Incorporated Cities
<b>Official County Roads</b>	Military	
Paved	Other Federal Lands	
Unpaved	State Lands	
<b>Local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

**"Exhibit A"**

  
 1:31,999  
 1 inch equals 2,666.62 feet

  
 Utah County Public Works - Mapping Division  
 2855 South State Street  
 Provo, UT 84605  
 (801) 851-8625  
 Printed on July 26, 2006 by maryek





10'

ENT 80032:2008 PG 9 of 29

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

T A H L A K E

ELEVATION 4487  
SEPT 1949

4800 S.

5600 S.

55'

INTERIOR-GEOLOGICAL SURVEY, WASHINGTON, D. C.-1952

40°07'30"  
111°52'30"

TILE

ROAD CLASSIFICATION

- Heavy-duty 4 LANE | 6 LANE Light-duty
- Medium-duty 4 LANE | 6 LANE Unimproved dirt
- U. S. Route State Route

(WEST MOUNTAIN)  
16

EXHIBIT "A1"-MAP TITLE

**SOLDIERS PASS, UTAH**

N4007.5-W11152.5/7.5

1950

5, D. C.

23



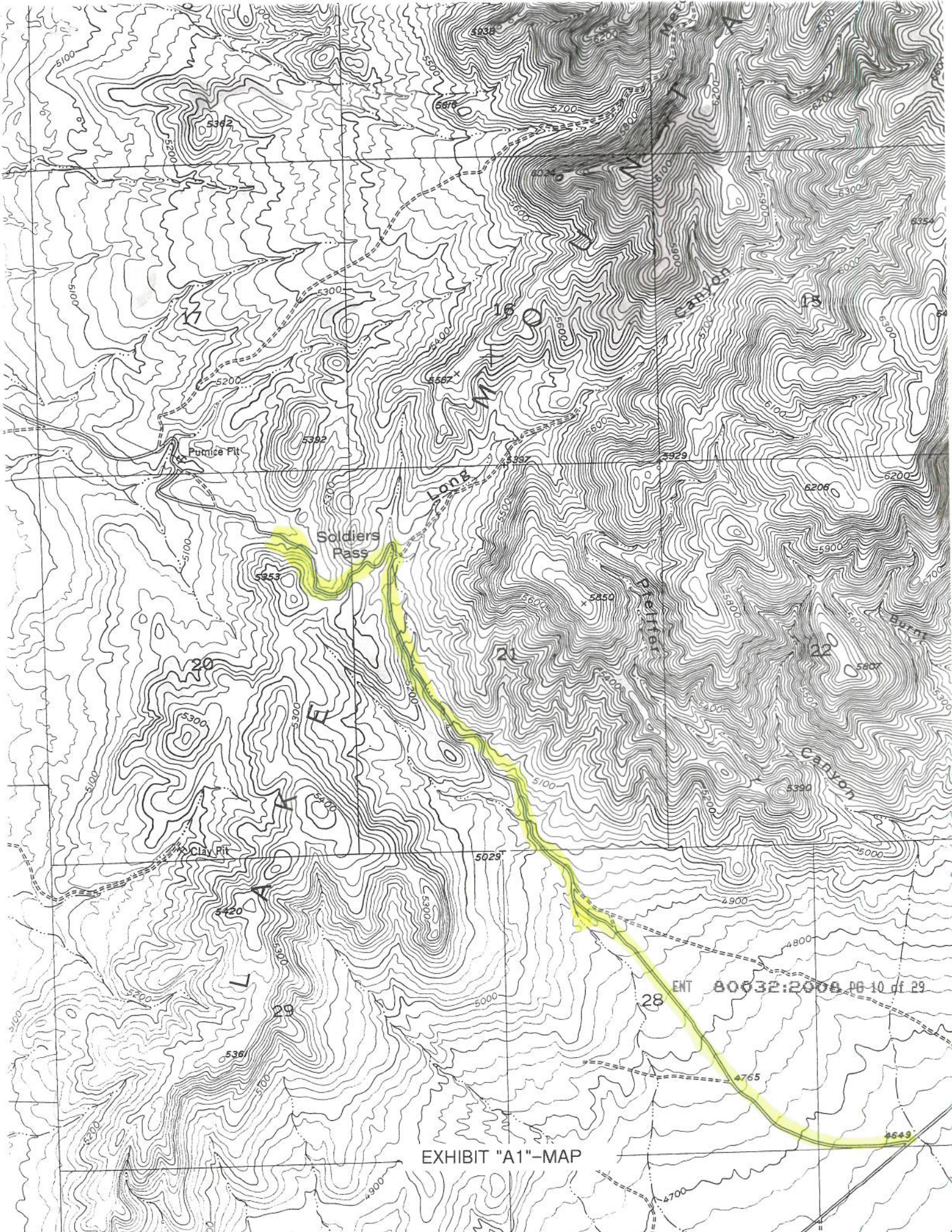
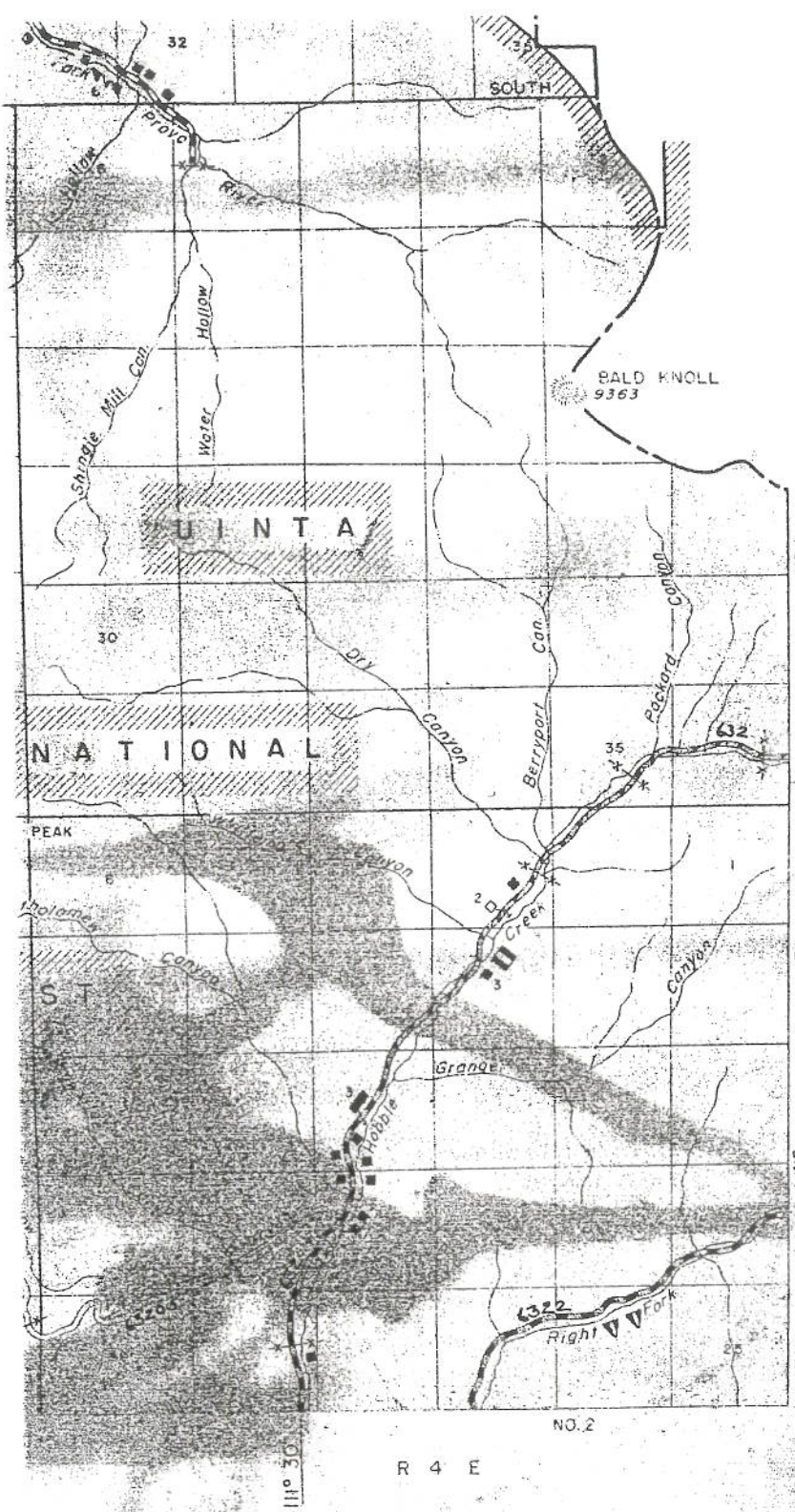


EXHIBIT "A1"-MAP

ENT 80032:2008 pg 10 of 29





T  
6  
S

NO. 1

SHEET

40° 15'

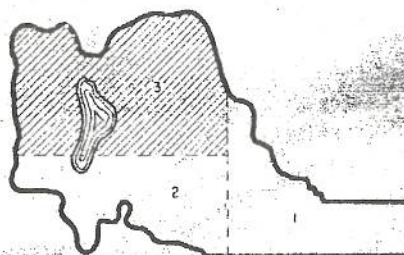
TO

T  
7  
S

LINE

MATCH

KEY TO SHEETS



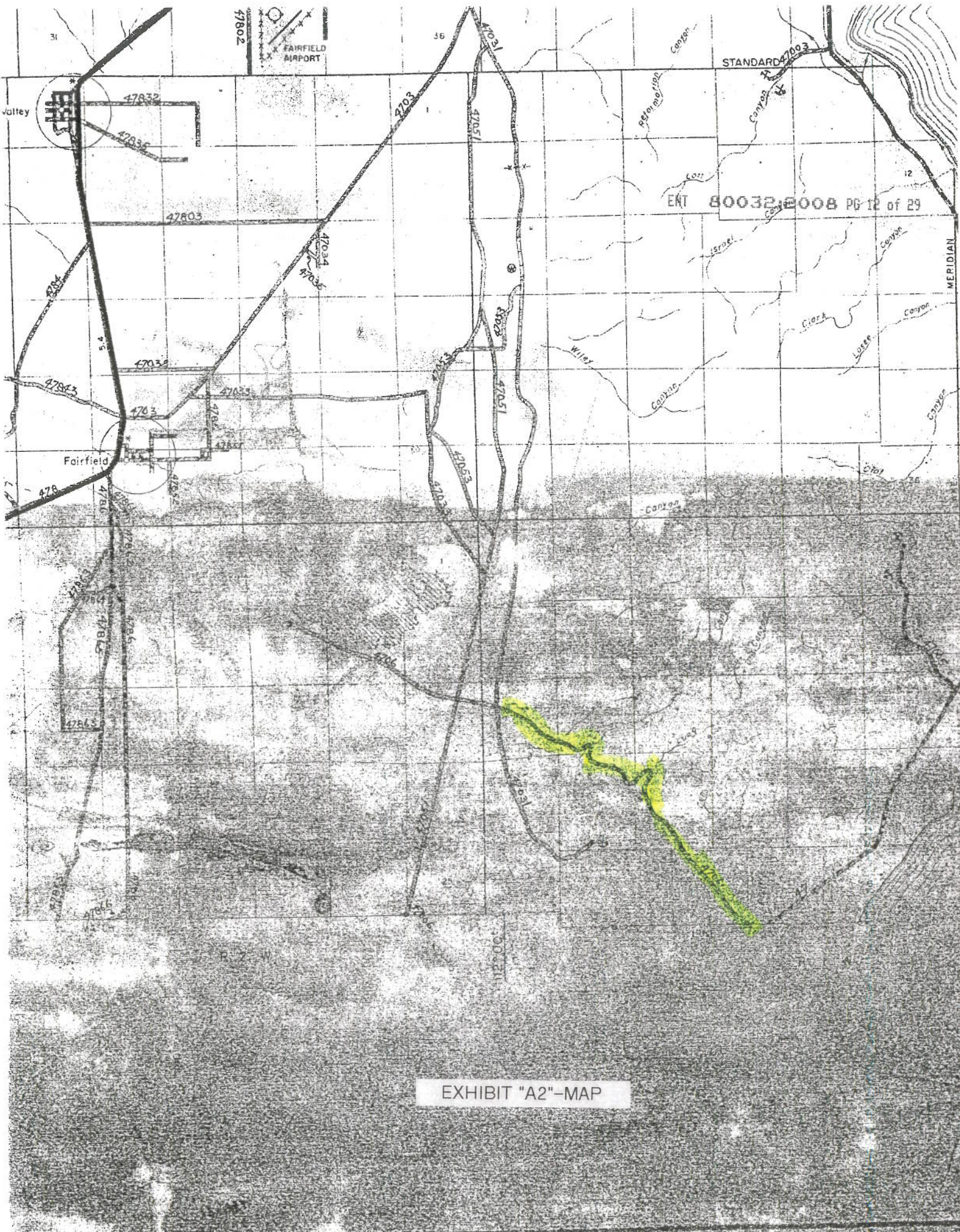
GENERAL HIGHWAY MAP  
 UTAH COUNTY  
 UTAH

EXHIBIT "A2"-MAP TITLE

1955

3 3





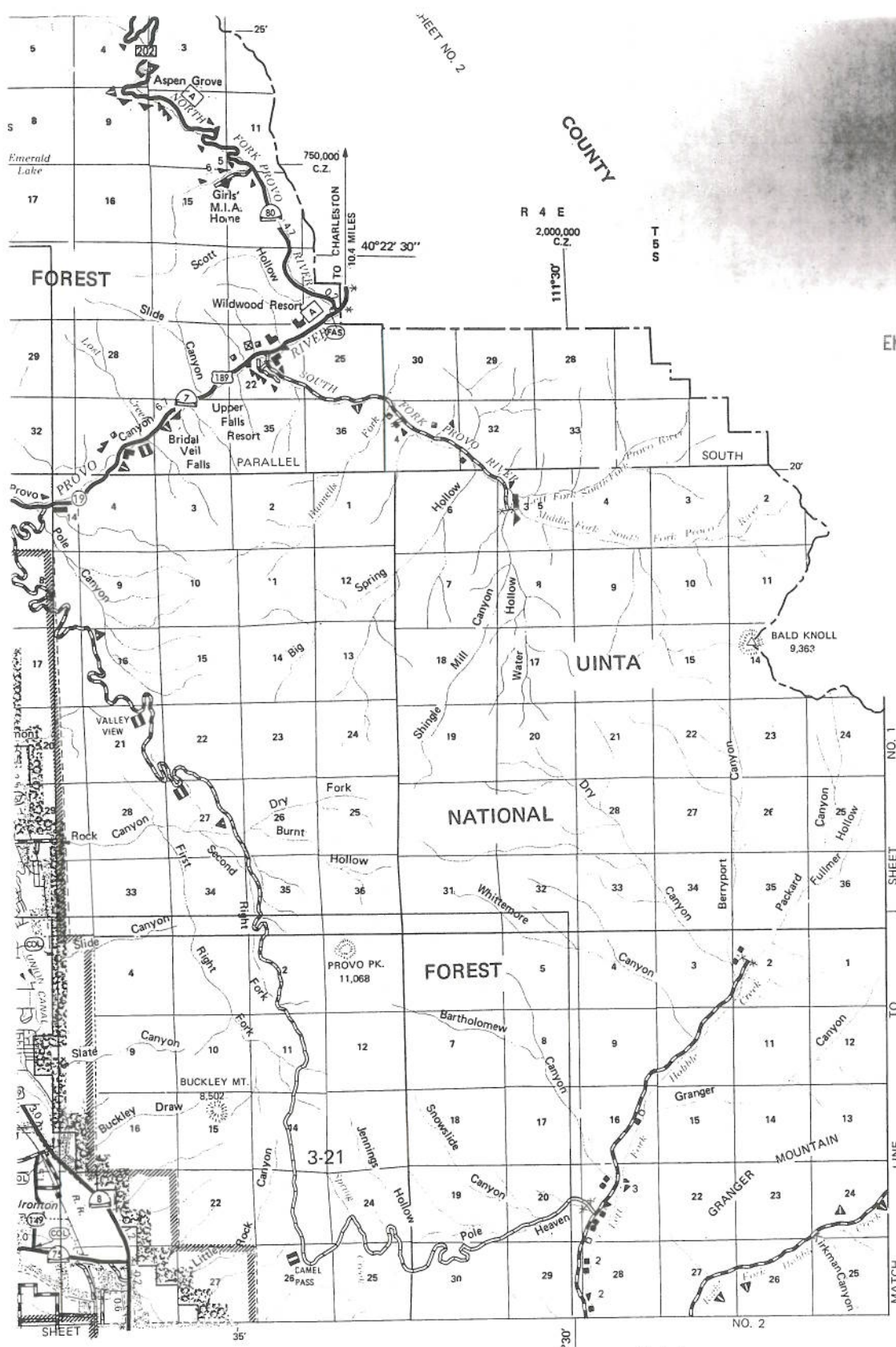
FAIRFIELD AIRPORT

STANDARD

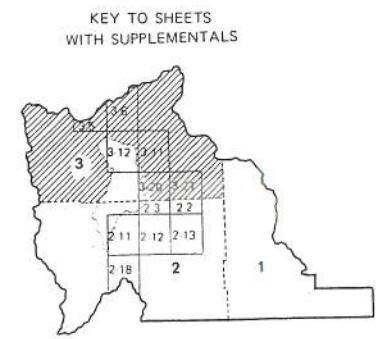
ENT 80032-8008 PG 12 of 29

EXHIBIT "A2"-MAP



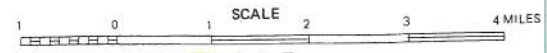


ENT 80032:2008 PG 13 of 29



**GENERAL HIGHWAY MAP**  
**UTAH COUNTY**  
**UTAH**  
**1975**

EXHIBIT "A3"-MAP TITLE



Copies of this map are available for public use at nominal cost. Utah State Dept. of Highways Room 612 State Office Building Salt Lake City, Utah 84114

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

SHEET NO. 3 OF 3 SHEETS AND 10 SUPPLEMENTAL SHEET

Reproduction for resale prohibited.

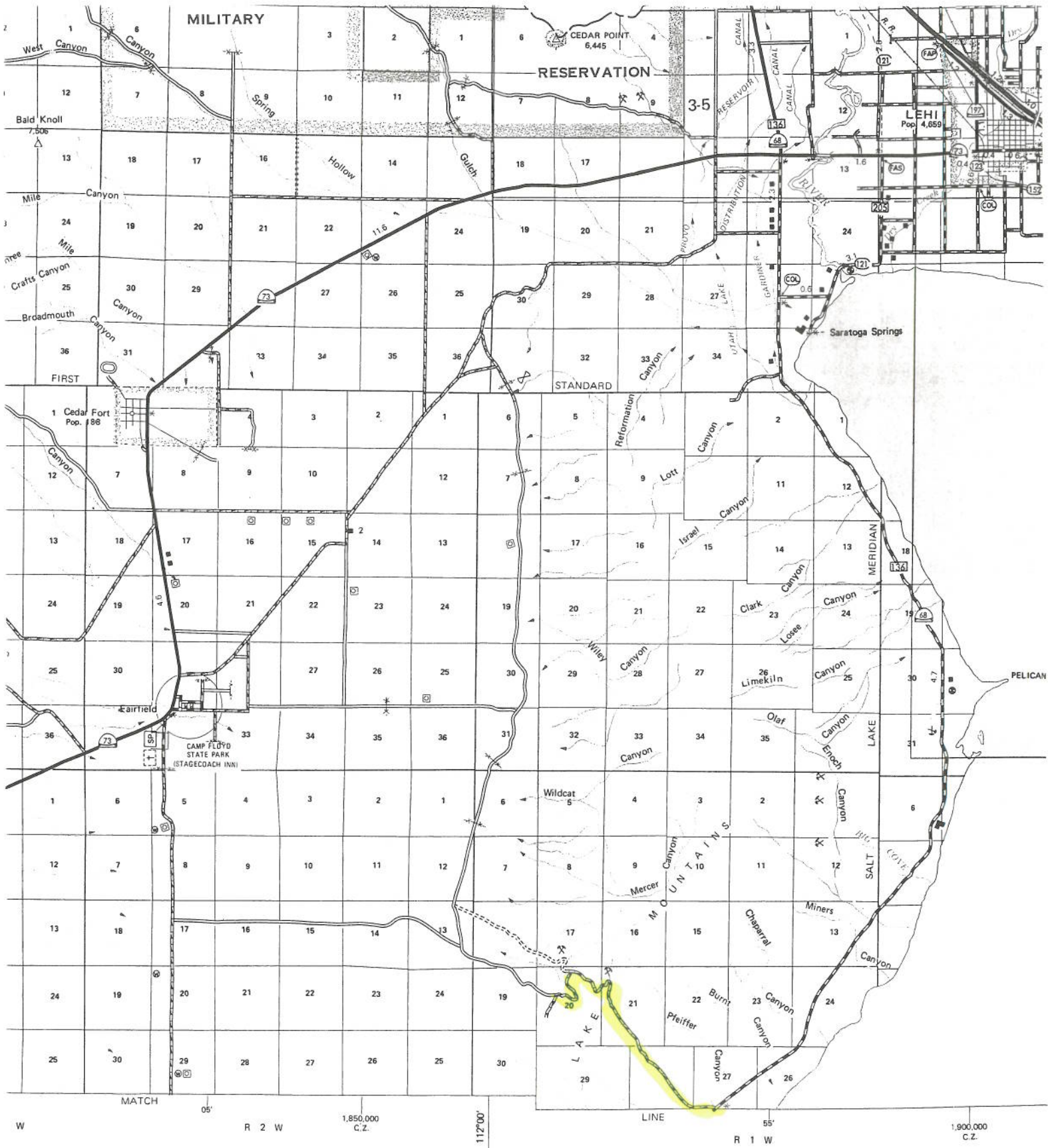
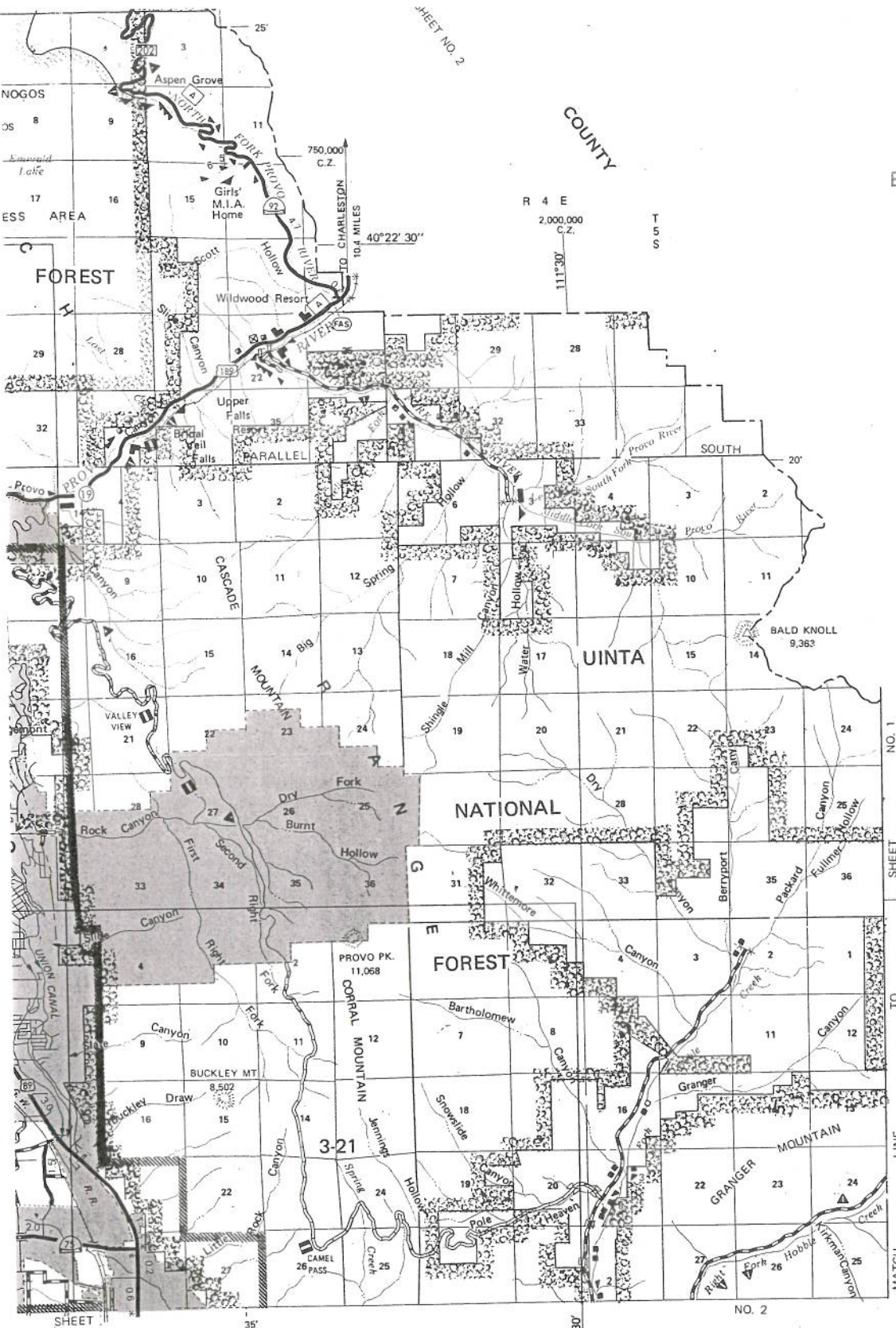


EXHIBIT "A3"-MAP



SHEET NO. 2

ENT 80032:2008 P6 15 of 29



T  
6  
S

NO. 1

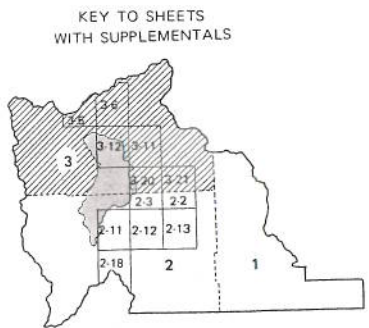
700,000  
C.Z.  
40°15'

T  
7  
S

TO

LINE

MATCH

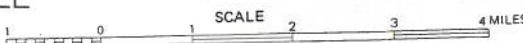


GENERAL HIGHWAY MAP

UTAH COUNTY

UTAH

EXHIBIT "A4"-MAP TITLE



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

Copyright © Utah Department of Transportation

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

SHEET NO. 3 OF 3 SHEETS AND 10 SUPPLEMENTAL SHEET



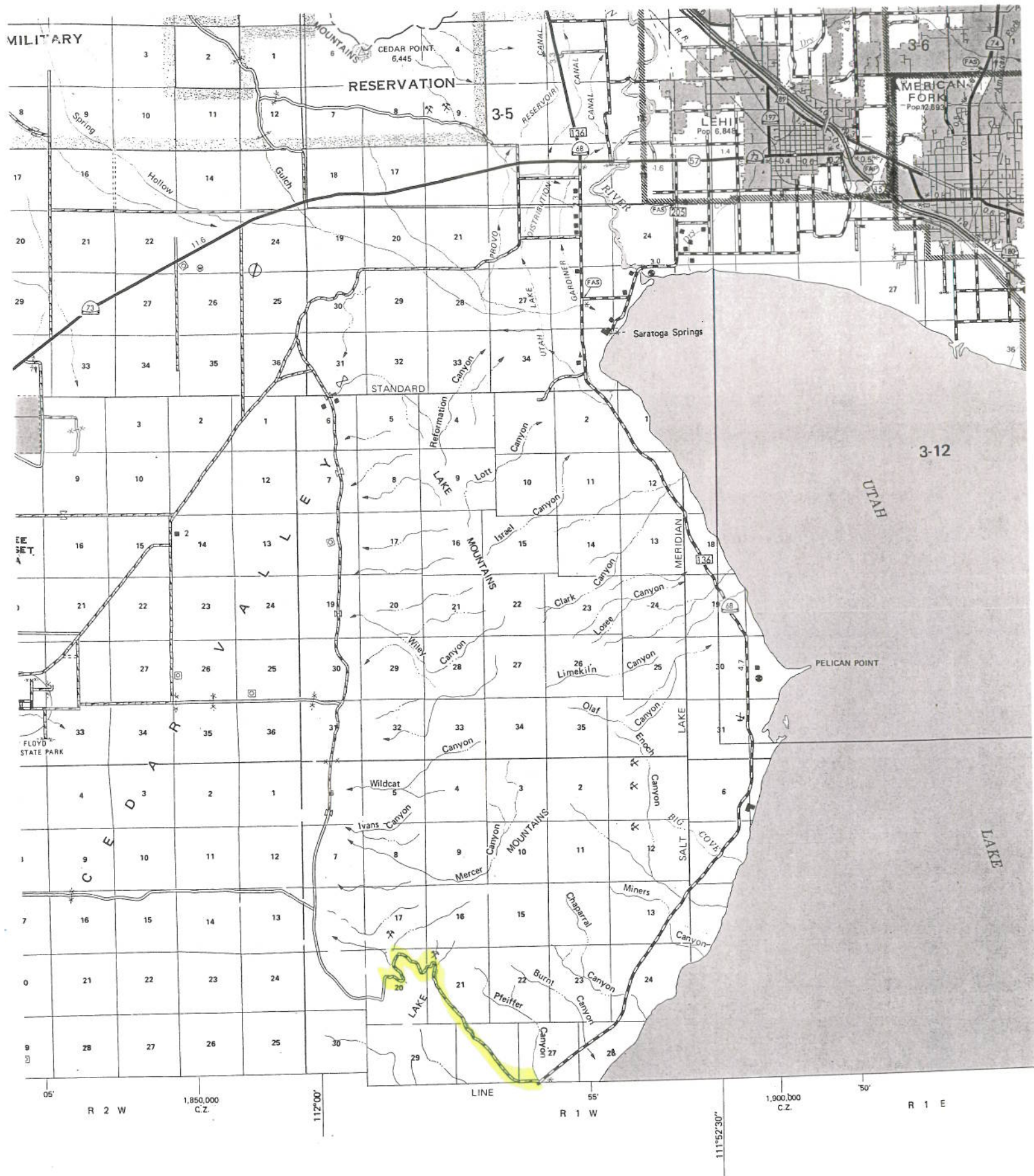


EXHIBIT "A4"-MAP



700000.000  
40°15'00"

880000.000

880000.000

070000.000

1910000.000

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

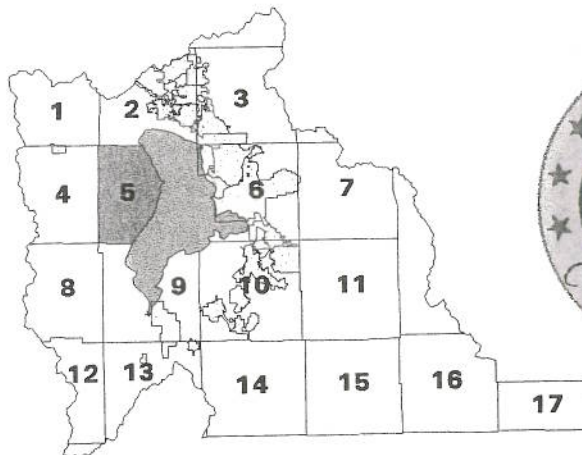
The latitude/longitude ties are based on the  
NAD83 datum. The state plane coordinate ties  
are based on the NAD27 datum.

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

# Road Map of Utah County Sheet 5

EXHIBIT "A5"-MAP TITLE



Index Map







EXHIBIT "A5"-MAP



# Official County Road Map of Utah County Sheet 5

ENT 80032:2008 PG 19 of 29

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 30 day of OCTOBER, 1996.

Chairman: Jerry D. Crook

Commissioner: [Signature]

Commissioner: [Signature]

Attest: [Signature]  
Title (See Seal): Deputy Clerk

Seal

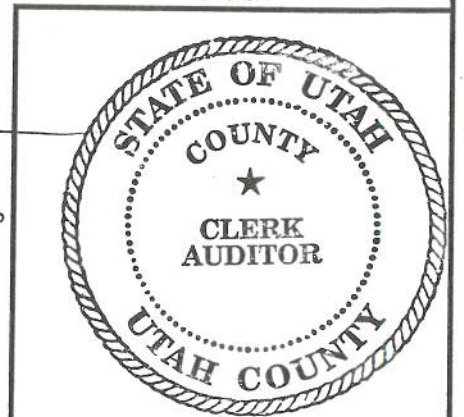
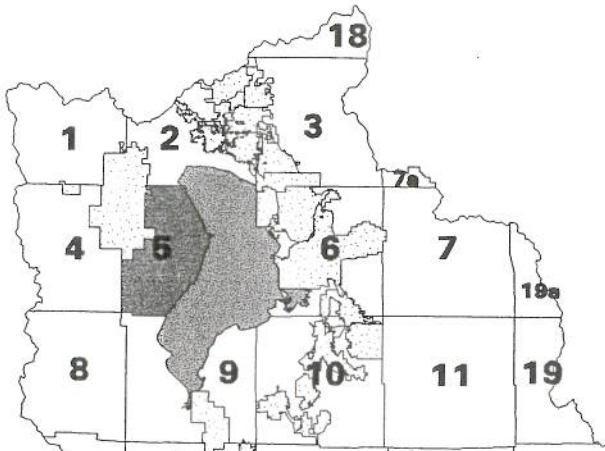
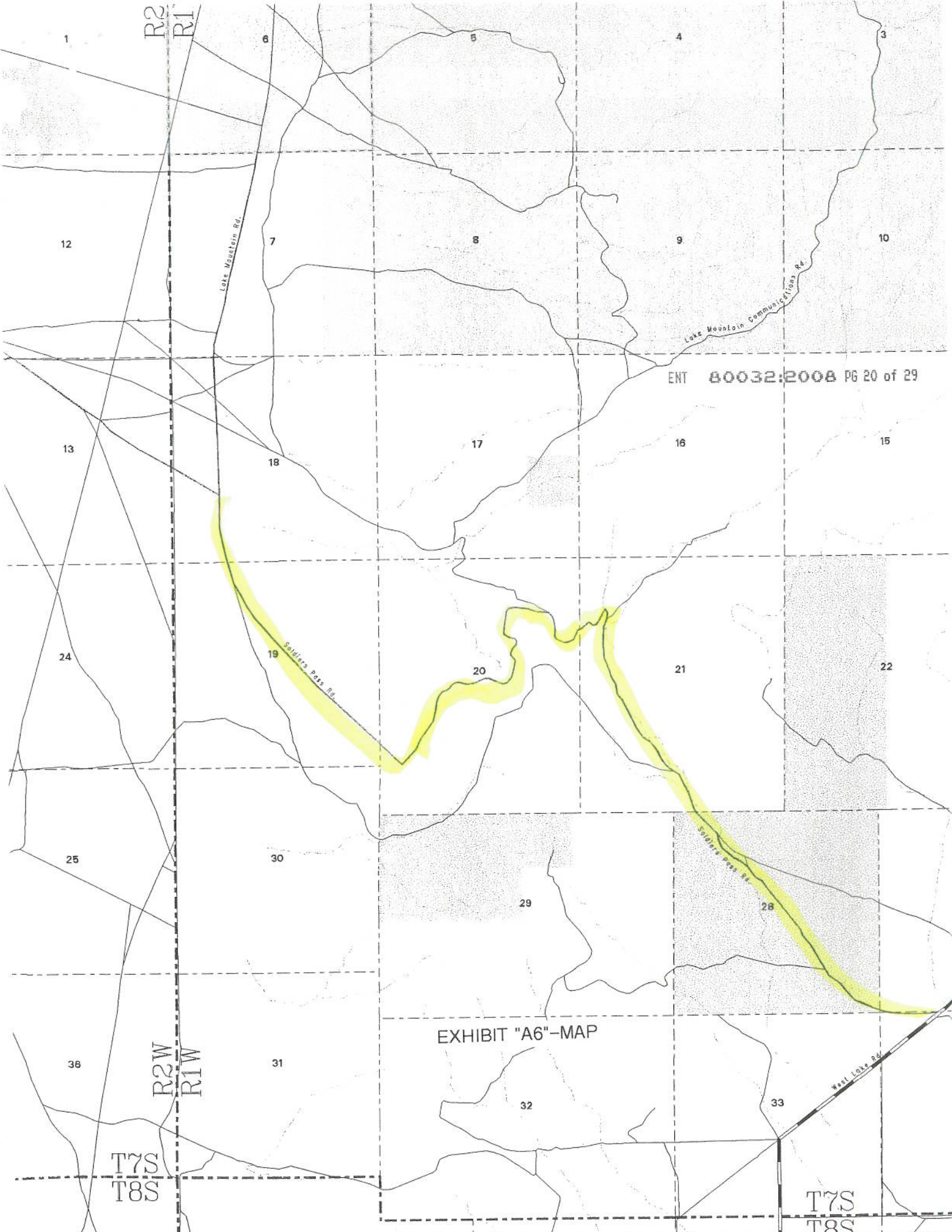


EXHIBIT "A6"-MAP TITLE





ENT 80032:2008 PG 20 of 29

EXHIBIT "A6"-MAP

T7S  
T8S

T7S  
T8S



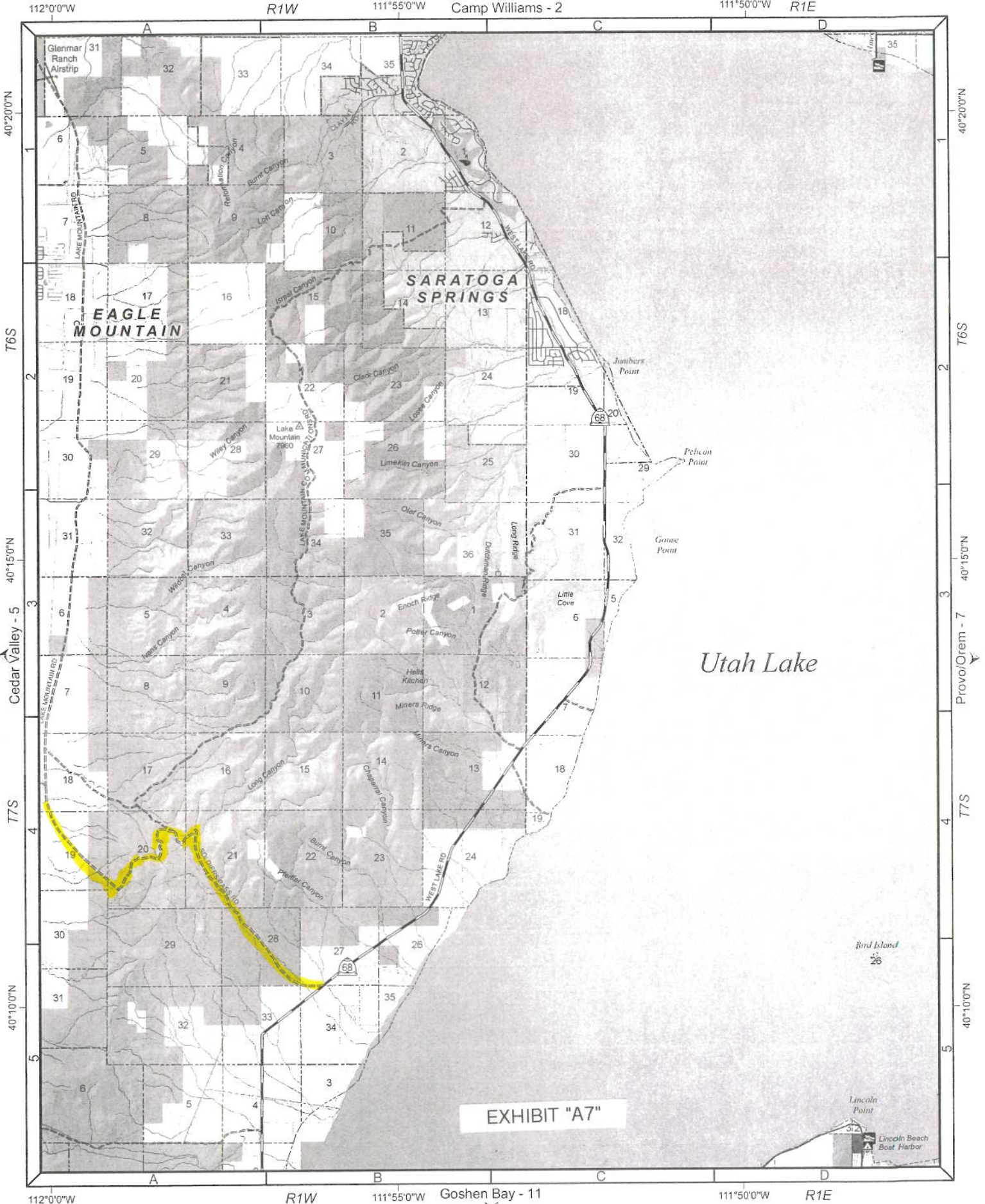
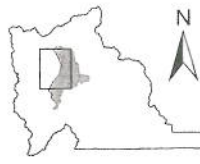
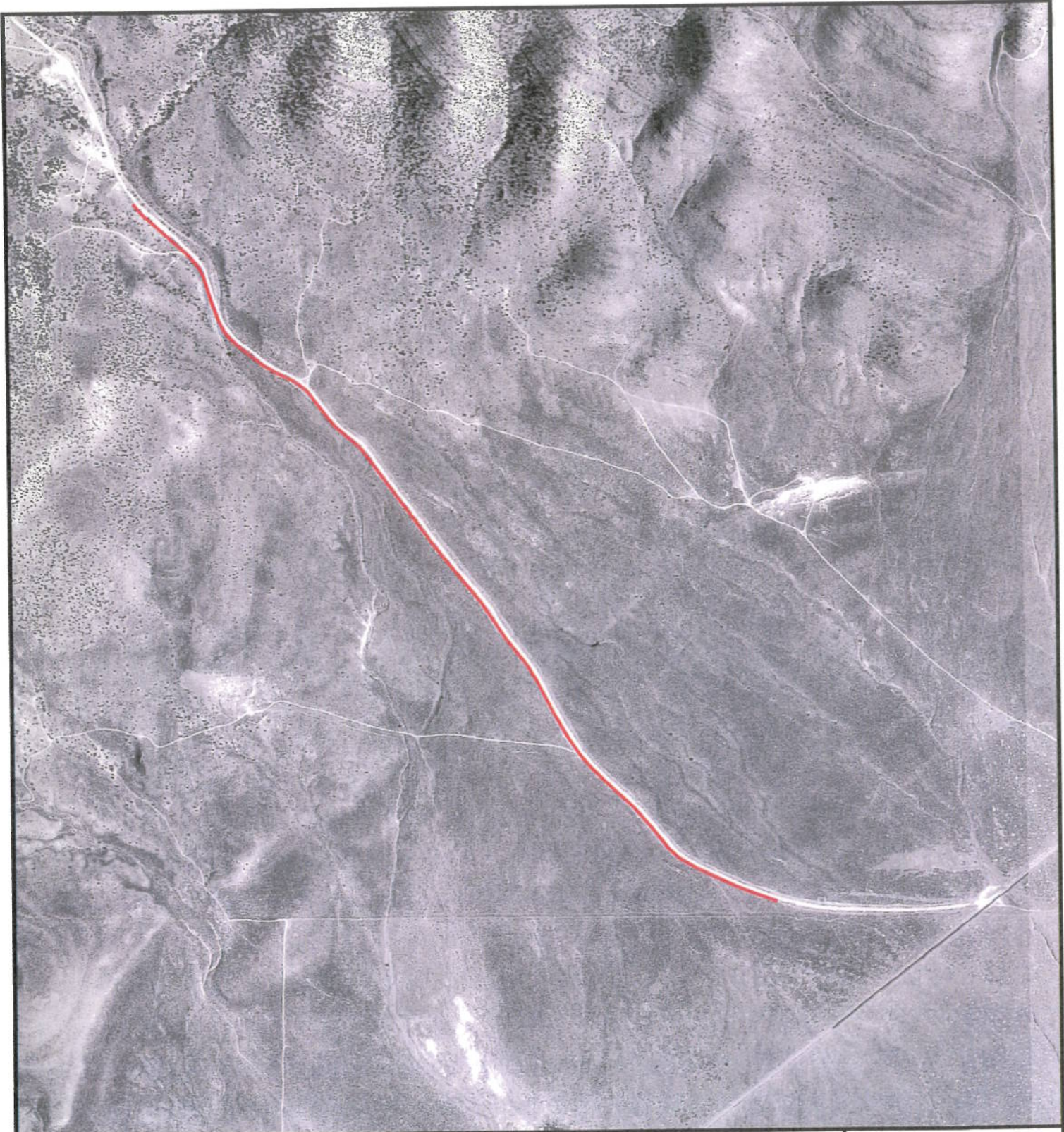


EXHIBIT "A7"





**RS2477  
Soldiers  
Pass Rd.**

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



1:11,997  
1 inch equals 999.74 feet

**Segment 03**

**Photo Date 1993  
EXHIBIT "A8"**



Utah County Public Works - Mapping Division  
2855 South State Street  
Provo, UT 84606  
(801) 851-8628  
Printed on September 20, 2006 by maryek



**SOLDIER PASS ROAD**

STATE OF UTAH            )  
                                      :SS  
COUNTY OF UTAH        )

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

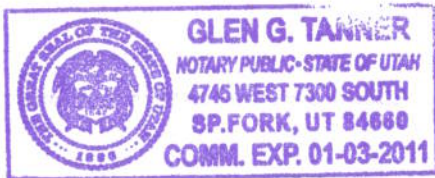
1. I am an adult competent to testify about the matters set forth below based on my personal knowledge.
2. From 1958 to 1988 I was employed with Utah County in the Roads Department where I was an operator/truck driver, supervisor over bridges and culverts, and worked in maintenance and oiling of roads. During that time period, I was personally familiar with Utah County's construction and maintenance activities on county roads, including the road known as Soldier Pass Road that runs from U.S. Highway 68 toward Soldier Pass, Utah and continues and intersects with Lake Mountain Road. A map of the road is attached hereto as Exhibit "A".
3. Utah County has performed the following maintenance activities on the road during my employment with the County: graveled and graded the road and performed other general maintenance on the road. Also, winter maintenance was sometimes performed by pushing snow.
4. All acts of the County regarding this road were, to my knowledge, consistent with its status as a public highway.
5. It is the reputation in the community that this road was used by the public since at least as before 1950.
6. At no time during my employment with the County undertake any procedure to abandon or vacate its right-of-way on the road.

7. Uses of the road since before 1966 and before any federal reservation included, but were not limited to, mining clay and pumice stone. I personally used the road when I was young to hunt rabbits. Also, in the late 1940s I used the road to access an onyx mine where I worked for a summer.

DATED this 11 day of JUNE, 2007.

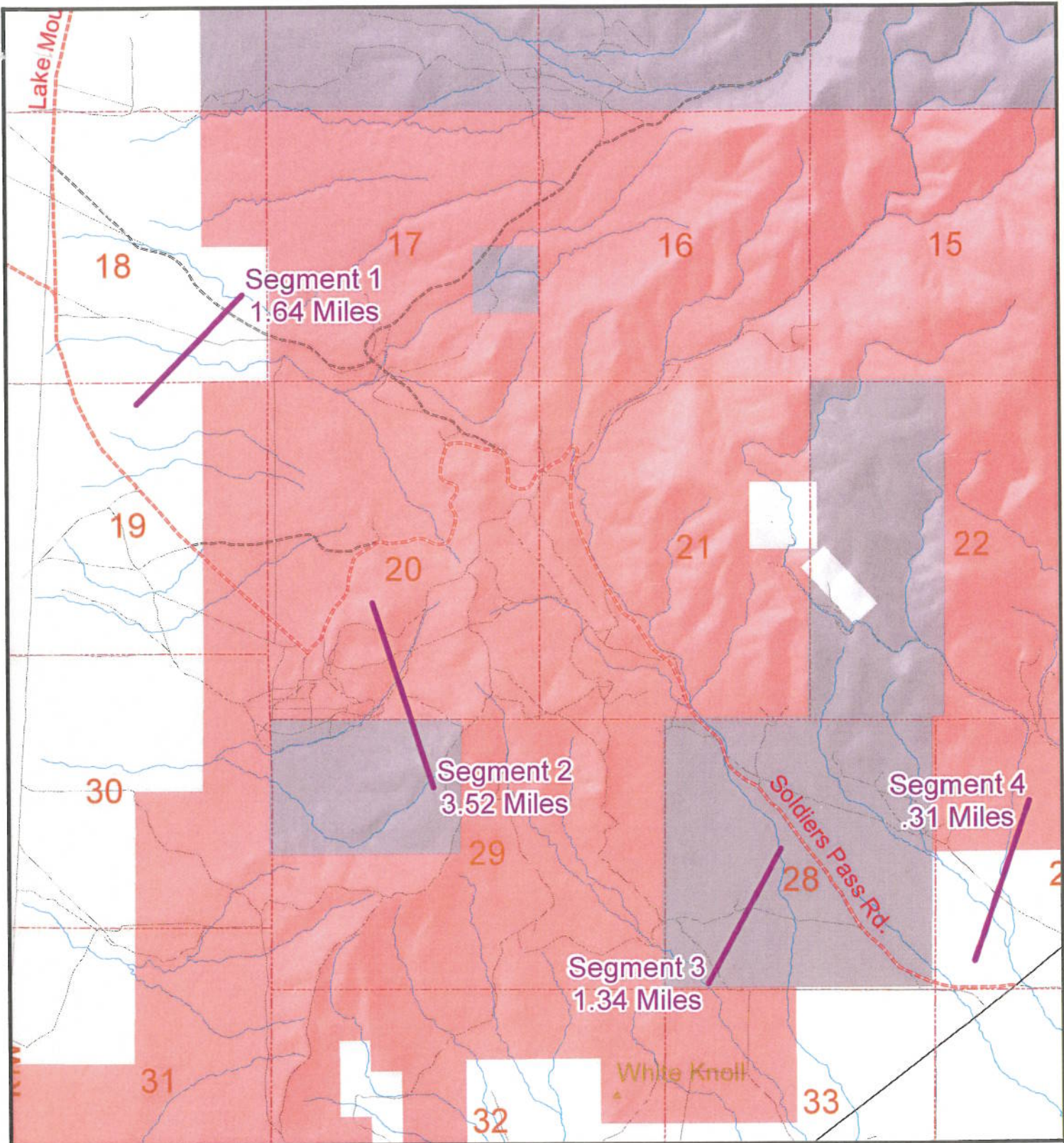
  
ROBERT CURTIS BEVERLY

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



  
Notary Public





**RS2477**  
**Soldier**  
**Pass Rd**  
**1.34 Miles**

**B952**  
**6.81 Miles**

**Legend**

<p><b>State Roads</b></p> <ul style="list-style-type: none"> <li> I-15</li> <li> US HWY/State Route</li> <li> Other FAE Route</li> </ul> <p><b>Official County Roads</b></p> <ul style="list-style-type: none"> <li> Paved</li> <li> Unpaved</li> </ul> <p><b>Local Roads</b></p> <ul style="list-style-type: none"> <li> Paved</li> <li> Dirt Roads</li> <li> Gravel Roads</li> <li> Other Roads</li> <li> Railroads</li> </ul>	<p><b>Public Land</b></p> <ul style="list-style-type: none"> <li> B.L.M. Lands</li> <li> National Park Service</li> <li> National Forest</li> <li> Military</li> <li> Other Federal Lands</li> <li> State Lands</li> <li> State Park</li> <li> Utah County Property</li> </ul> <p><b>Other</b></p> <ul style="list-style-type: none"> <li> National Forest Boundary</li> <li> Wilderness Study Areas</li> <li> Major Peaks</li> <li> Minor Peaks</li> </ul>	<p><b>Public Survey Lines</b></p> <ul style="list-style-type: none"> <li> Township Lines</li> <li> Section Lines</li> <li> Incorporated Cities</li> </ul>
--	---	---

1:31,999  
 1 inch equals 2,666.62 feet

Utah County Public Works - Mapping Division  
 2855 South State Street  
 Provo, UT 84606  
 (801) 851-6526  
 Printed on July 28, 2006 by maryek

"Exhibit A"

**SOLDIER PASS ROAD**

ENT 80032:2008 PG 26 of 29

STATE OF UTAH            )  
                                      :SS  
COUNTY OF UTAH        )

I, BYRON L. ORTON, being first duly 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. From 1947 to 1965 I was employed with the Utah Department of Transportation in District 6 where I was a truck operator, a foreman, and a 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 Soldier Pass Road that runs from U.S. Highway 68 toward Soldier Pass, Utah and continues and intersects with Lake Mountain Road. A map of the road is attached hereto as Exhibit "A".
3. Utah County has performed the following maintenance activities on the road during my employment with the County: graded the road three or four times a year and performed other general maintenance.
4. All acts of the County regarding this road were, to my knowledge, consistent with its status as a public highway.
5. It is the reputation in the community that this road was used by the public since at least as before 1947.




6. At no time during my employment with the County undertake any procedure to abandon or vacate its right-of-way on the road.
7. Uses of the road since before 1966 and before any federal reservation included, but were not limited to, mining clay, sheepherding, and recreational activities.

DATED this 17 day of MAY, 2007.

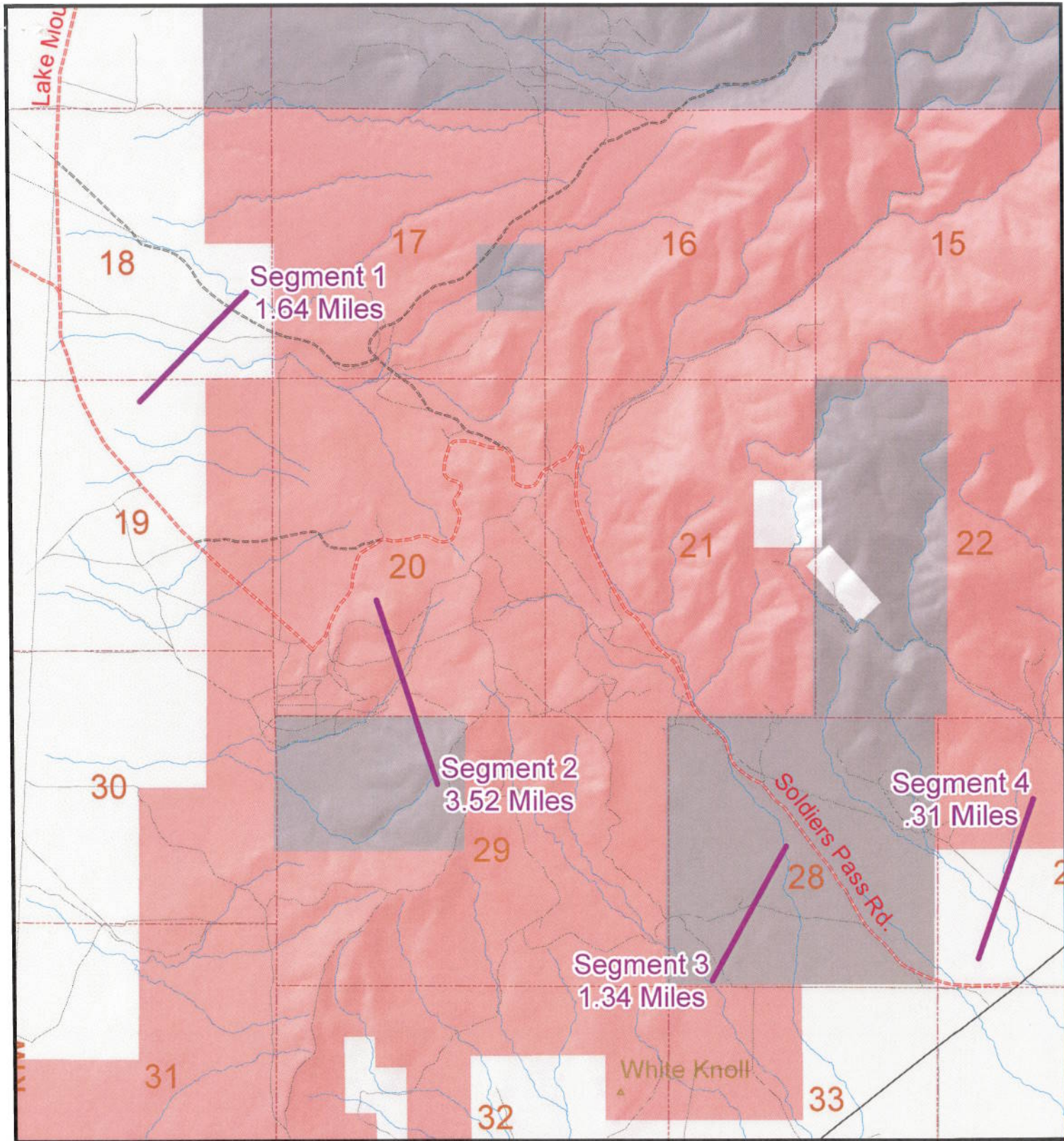
  
\_\_\_\_\_  
BYRON L. ORTON

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

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







**RS2477  
Soldier  
Pass Rd  
1.34 Miles**

---

**B952  
6.81 Miles**

**Legend**

<p><b>State Roads</b></p> <ul style="list-style-type: none"> <li> I-15</li> <li> US HWY/State Route</li> <li> Other FAE Route</li> </ul> <p><b>Official County Roads</b></p> <ul style="list-style-type: none"> <li> Paved</li> <li> Unpaved</li> </ul> <p><b>Local Roads</b></p> <ul style="list-style-type: none"> <li> Paved</li> <li> Dirt Roads</li> <li> Gravel Roads</li> <li> Other Roads</li> <li> Railroads</li> </ul>	<p><b>Public Land</b></p> <ul style="list-style-type: none"> <li> B.L.M. Lands</li> <li> National Park Service</li> <li> National Forest</li> <li> Military</li> <li> Other Federal Lands</li> <li> State Lands</li> <li> State Park</li> <li> Utah County Property</li> <li> National Forest Boundary</li> <li> Wilderness Study Areas</li> <li> Major Peaks</li> <li> Minor Peaks</li> </ul>	<p><b>Public Survey Lines</b></p> <ul style="list-style-type: none"> <li> Township Lines</li> <li> Section Lines</li> <li> Incorporated Cities</li> </ul>
--	--	---

1:31,999  
1 inch equals 2,666.62 feet

Utah County Public Works - Mapping Division  
2855 South Slate Street  
Provo, UT 84606  
(801) 851-8626  
Printed on July 26, 2006 by maryek

"Exhibit A"

## Exhibit B

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

**Popular Name: SOLDIER PASS ROAD**

**County: Utah**

**County Road Number: B952**

**State Geographic Information Database (SGID) Road Identification Number: RD250018.**

**Total Road Length: 4.54 miles more or less.**

**Beginning at a point** on the road centerline located at 40 degrees 11 minutes 21.97 seconds North Latitude and -111 degrees 58 minutes 58.62 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,505,498.6 feet and Y = 7,238,091.4 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 40 degrees 10 minutes 14.97 seconds North Latitude and -111 degrees 56 minutes 05.25 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,518,918.7 feet and Y = 7,231,243.2 feet based on the US Survey Foot conversion.

This road may traverse:

Township 7 South Range 1 West, Section(s) 20,21,27,28,34, Salt Lake Base & Meridian