

0/2a

ENT 80034:2008 PG 1 of 29  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
2008 Jul 15 1:06 pm FEE 0.00 BY SS  
RECORDED FOR STATE OF UTAH ATTORNEYS GEN  
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 TUNNEL ROAD; County Road Number: B977; State Geographic Information Database (SGID) Road Identification Number: RD250021.

This document supplements and supports the information contained in the document recorded on Feb. 26, 2008 at Ent: 21743:2008, 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  
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.



Pamela Z. Blackham  
Notary Public

**Exhibit A**

**AFFIDAVIT OF CLYDE R. NAYLOR**

**TUNNEL ROAD**

**UTAH COUNTY, UTAH**

**COUNTY "B" ROAD NUMBER B 977**

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 Tunnel Road that runs from SR 6 to the Hancock Ranch Road. A map of the road is attached hereto as Exhibit "A".

5. The road is known as Utah County "B" road # B 977. The road is a chip seal road that ends in a gravel road located in Township 11 South, Range 2 West. The 1.86 miles length of the road, located in Sections 11, 14 and 23 of Township 11 South, Range 2 West runs across federal property.
6. As the Utah County Surveyor, I have supervised a center line survey of the segment of the Tunnel Road believed to be in the ownership of the Bureau of Land Management.  
The center line description is as follows:

SEGMENT 2:

Commencing at a point located at the intersection of the centerline of Tunnel Road with the East line of Section 11, Township 11 South, Range 2 West, Salt Lake Base and Meridian, said point of beginning being more specifically described as being located 10,353.43 feet South and 5,190.07 feet West from the Northeast Corner of Section 1 of said Township and Range; thence the following along said centerline: South 39° 51' 02" West 166.62 feet; South 45° 46' 14" West 57.79 feet; South 60° 18' 03" West 61.53 feet; South 68° 33' 14" West 177.39 feet; South 71° 20' 12" West 316.00 feet; South 70° 18' 25" West 623.63 feet; South 67° 46' 46" West 126.28 feet; South 54° 15' 30" West 84.81 feet; South 40° 08' 59" West 91.89 feet; South 23° 15' 26" West 34.34 feet; South 05° 22' 18" West 35.07 feet; South 11° 52' 10" East 172.58 feet; South 05° 14' 24" East 245.56 feet; South 02° 47' 13" East 171.51 feet; South 00° 30' 25" East 1016.76 feet; South 01° 12' 57" West 371.78 feet; South 01° 59' 13" East 203.83 feet; South 01° 27' 15" West 1422.08 feet; South 00° 28' 21" West 879.85 feet; South 00° 19' 48" East 1165.48 feet; South 01° 03' 38" East 427.34 feet; South 02° 20' 10" East 691.38 feet; South 01° 36' 17"

East 1095.21 feet; South 02° 19' 31" East 147.00 feet; South 21° 26' 17" East 51.18 feet; South 44° 10' 14" East 29.70 feet to the intersection with the North-South One-Sixteenth line between the Center-East One-Sixteenth Corner of Section 23 and the East One-Sixteenth Corner between Sections 23 and 26 of said Township 11 South, Range 2 West.

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 1954, 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 Tintic Mountain, Utah dated 1954, shows the location of the road in Sections 11, 14 and 23 of Township 11 South, Range 2 West, which is attached hereto as Exhibit "A1".
- b. The Utah County map, prepared by L.D. Green, County Surveyor, and revised in September of 1966, shows the Tunnel Road as a county road running from US 6 highway south to the Hancock Ranch 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 # 12, 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 #12, 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 15, titled Hancock Ranch, shows the Tunnel Road as it traverses federal property, which is attached as Exhibit "A7".
  - h. The surveyed description for Segment 02 of the Tunnel 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 9<sup>th</sup> day of MARCH, 2007

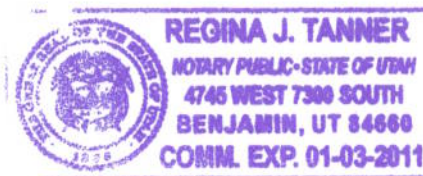
Clyde R. Naylor  
CLYDE R. NAYLOR

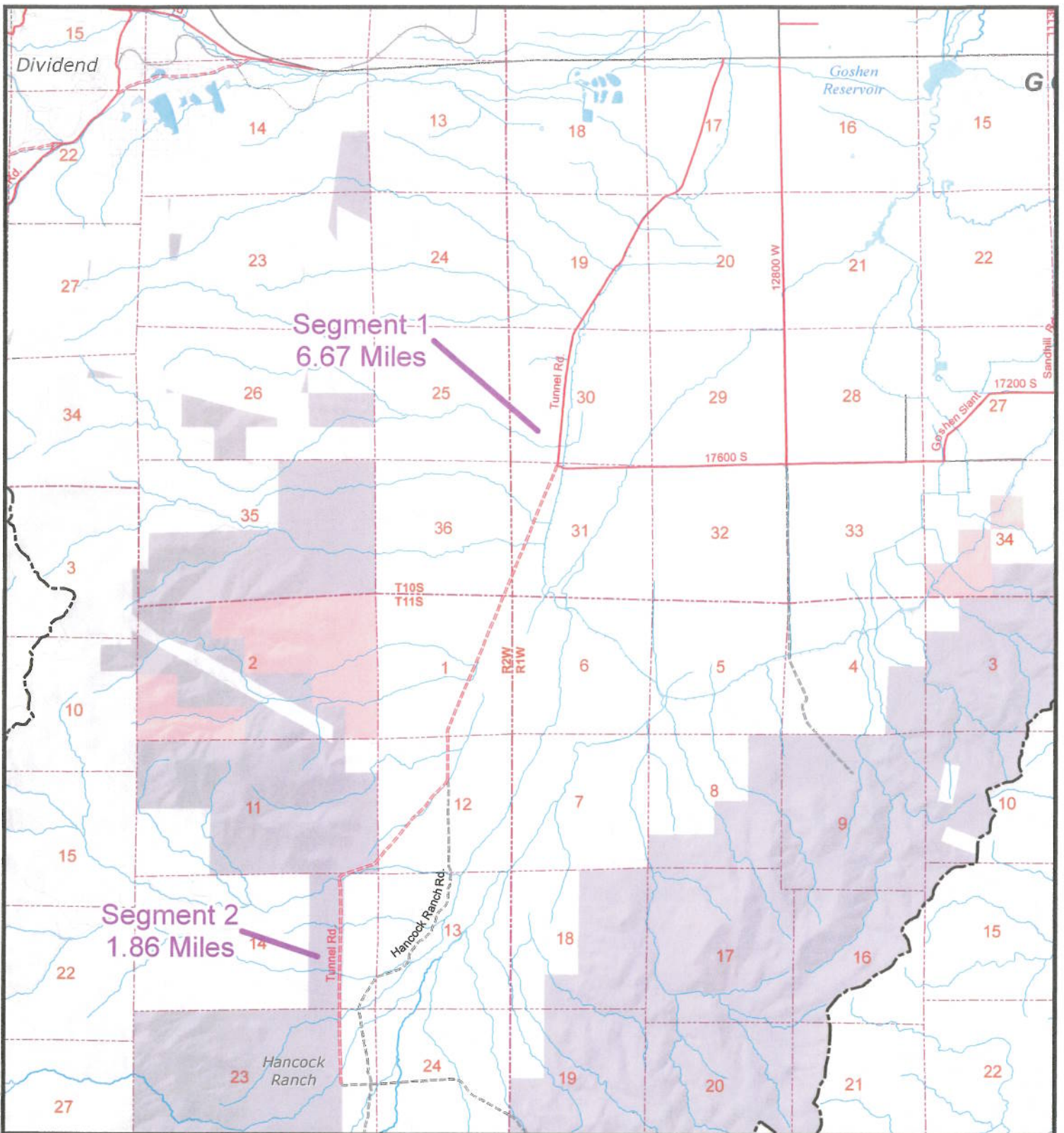
SUBSCRIBED AND SWORN to me, a Notary Public, this 9<sup>th</sup> day of march, 2007

Regina J. Tanner  
Notary Public

Residing in: UTAH

My commission expires: 01-03-2011





**RS2477  
Tunnel Rd.  
1.86 Miles**

**B977  
8.53 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>Public Survey Lines</b></p> <ul style="list-style-type: none"> <li> Township Lines</li> <li> Section Lines</li> <li> Incorporated Cities</li> </ul> |
|--|--|---|



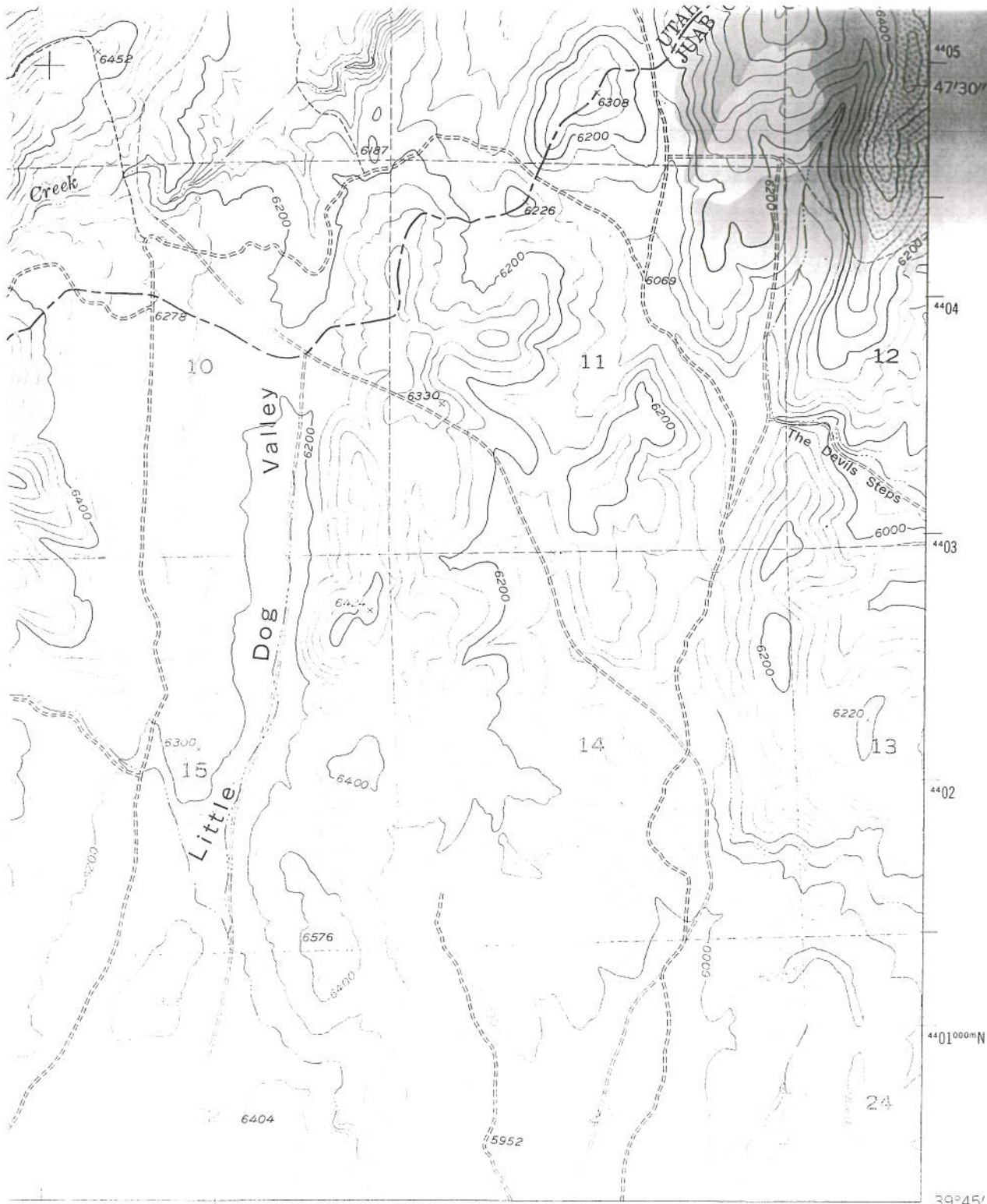
1:63,968  
1 inch equals 5,330.63 feet



Utah County Public Works - Mapping Division  
2855 South State Street  
Provo, UT 84606  
(801) 851-8626  
Printed on August 10, 2006 by marek

"Exhibit A"





2'30" 411 414000mN 112'00" 39'45'

MILE

ROAD CLASSIFICATION

- Primary highway, hard surface
- Secondary highway, hard surface
- Interstate Route
- U. S. Route
- State Route
- Light-duty road, hard or improved surface
- Unimproved road



ENT 80034:2008 PG 9 of 29

TINTIC MOUNTAIN, UTAH

N 3945—W 11200/7.5

(NEPH 1-62-500)  
111 696

TINTIC MOUNTAIN QUADRANGLE  
UTAH  
7.5 MINUTE SERIES (TOPOGRAPHIC)

NT 80034:2008 PG 10 of 29

3663 IV NW  
(GOSHEN)

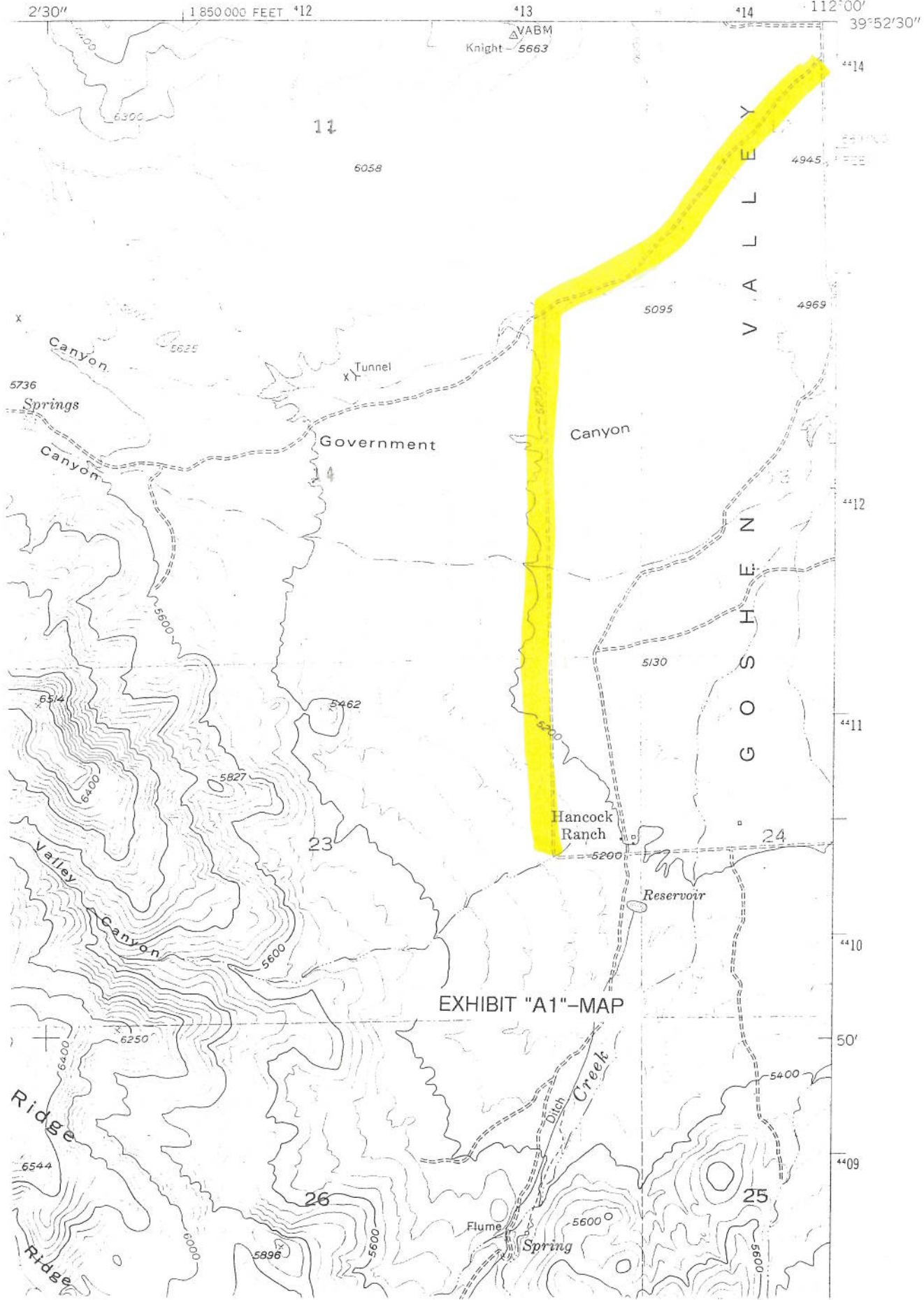
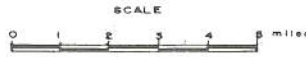


EXHIBIT "A1"-MAP

MAP OF

ENT 80034:2008 PG 11 of 29

# UTAH COUNTY, UTAH



L. D. GREEN COUNTY SURVEYOR

Revised Sept. 1966

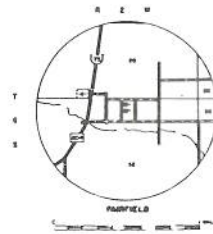


EXHIBIT "A2"--MAP TITLE

T  
9  
S

40° 00'

R 3 W

T  
10  
S

600,000  
C.Z.  
PACKARD PK.  
7600

MAMMOTH PK.  
9100

Y  
T  
N  
U  
O  
C

T  
11  
S

BUCKHORN MTN.  
7852

550,000  
C.Z.

TINTIC MTN.  
8214

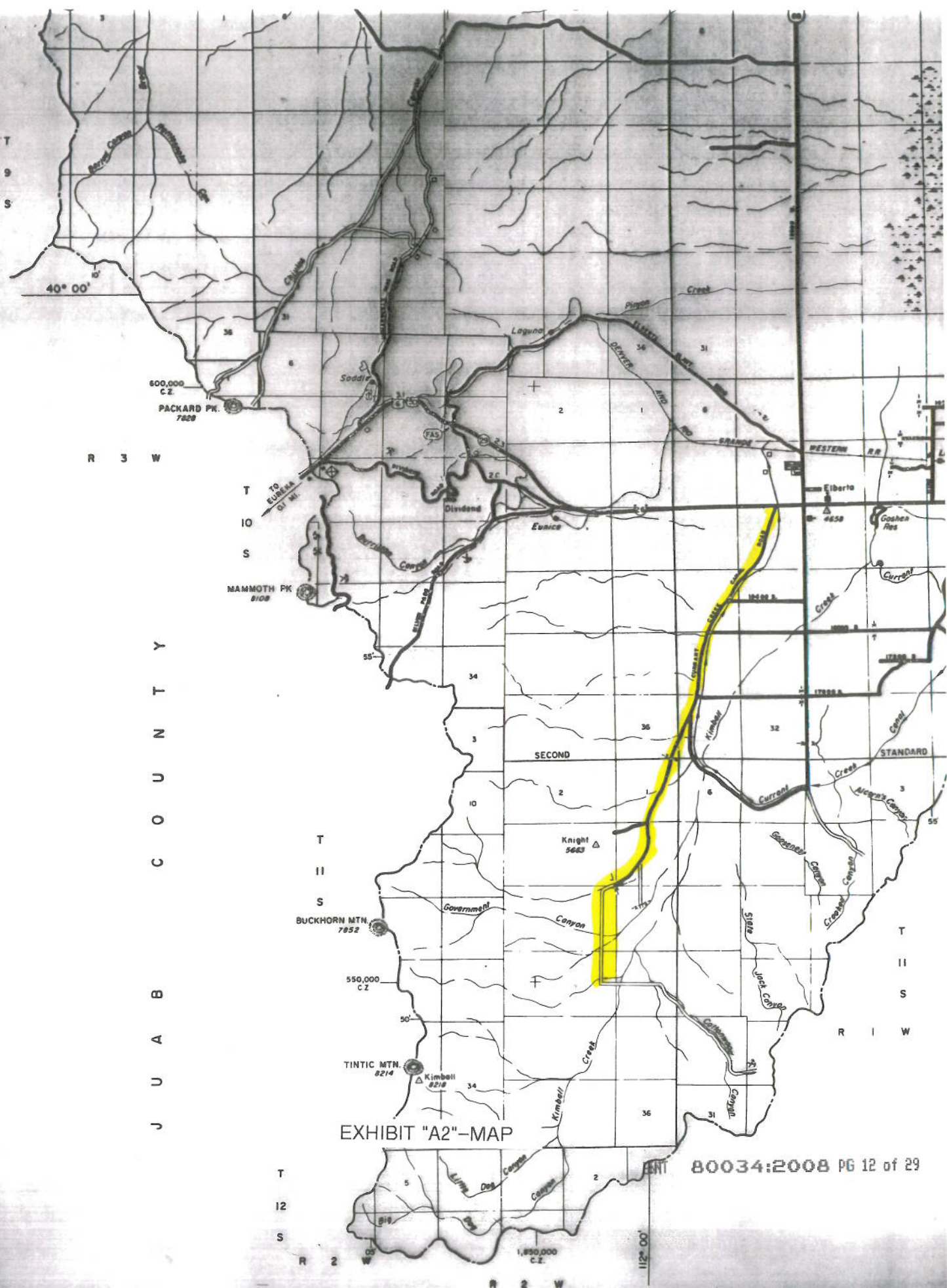
EXHIBIT "A2"-MAP

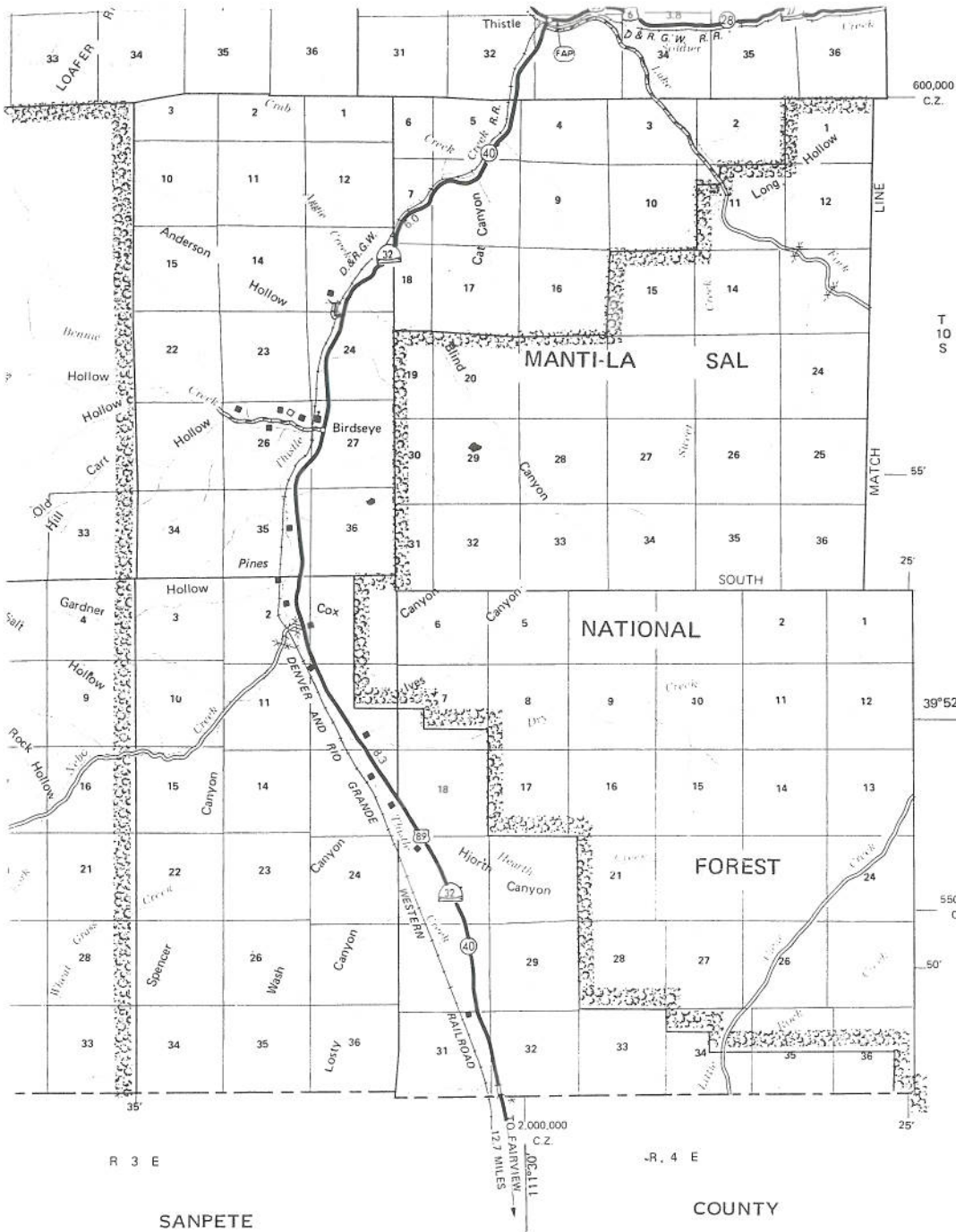
T  
12  
S

R 2 W

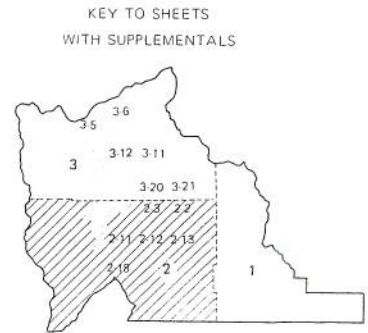
R 2 W

80034:2008 PG 12 of 29





ENT 80034:2008 PG 13 of 29



SANPETE

COUNTY

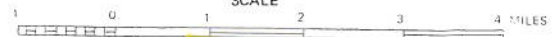
SHEET NO 1

EXHIBIT "A3"-MAP TITLE

**GENERAL HIGHWAY MAP  
UTAH COUNTY**

UTAH

SCALE



**1975**

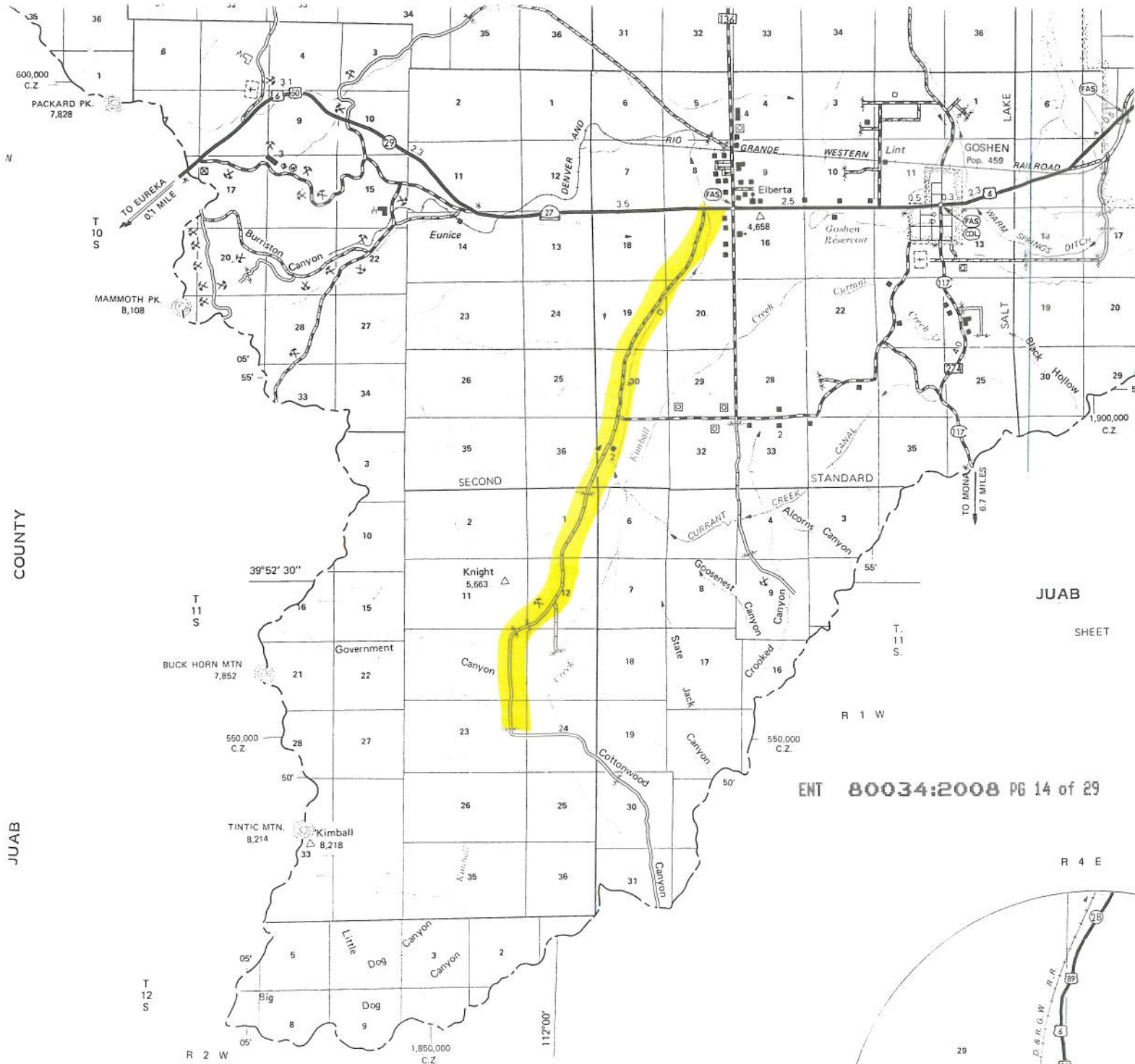
POLYCONIC PROJECTION  
50,000 foot grid based on Utah  
Coordinate System, Central Zone,  
as established by the NOAA.

SHEET 2 OF 3 MAP SHEETS AND 10 SUPPLEMENTAL SHEET

or resale prohibited.

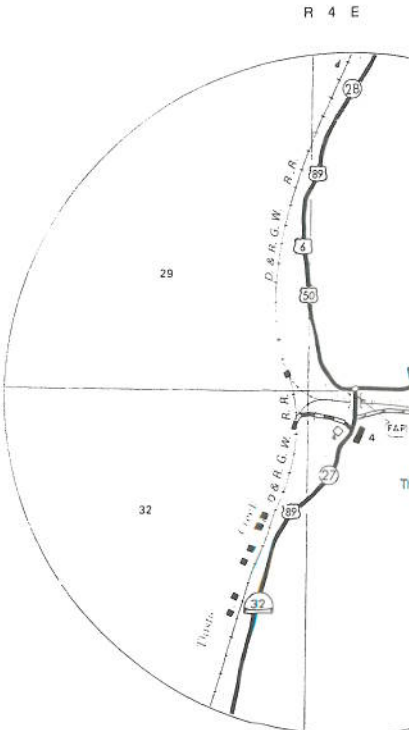
Copies of this map are available  
for public use at nominal cost.

Utah State Dept. of Highways  
Room 612  
State Office Building  
Salt Lake City, Utah 84114

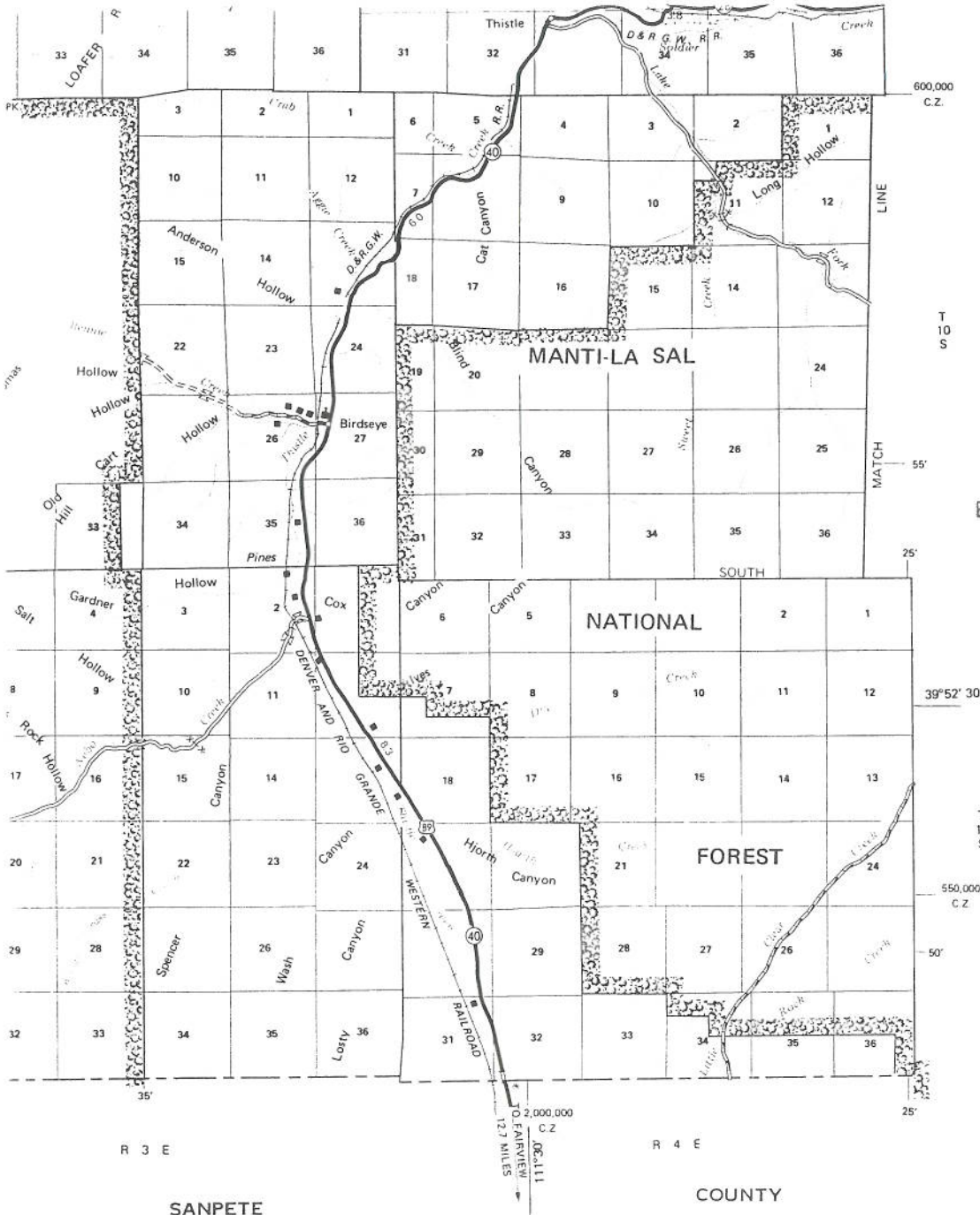


ENT 80034:2008 PG 14 of 29

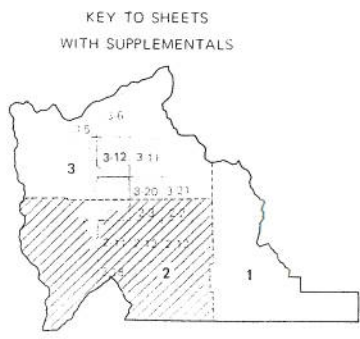
EXHIBIT "A3"-MAP



SCALE FOR ENLARGEM  
0 0.5



ENT 80034:2008 PG 15 of 29



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

UTAH  
SCALE



1985

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

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

SHEET 2 OF 3 MAP SHEETS AND 10 SUPPLEMENTAL SHEET

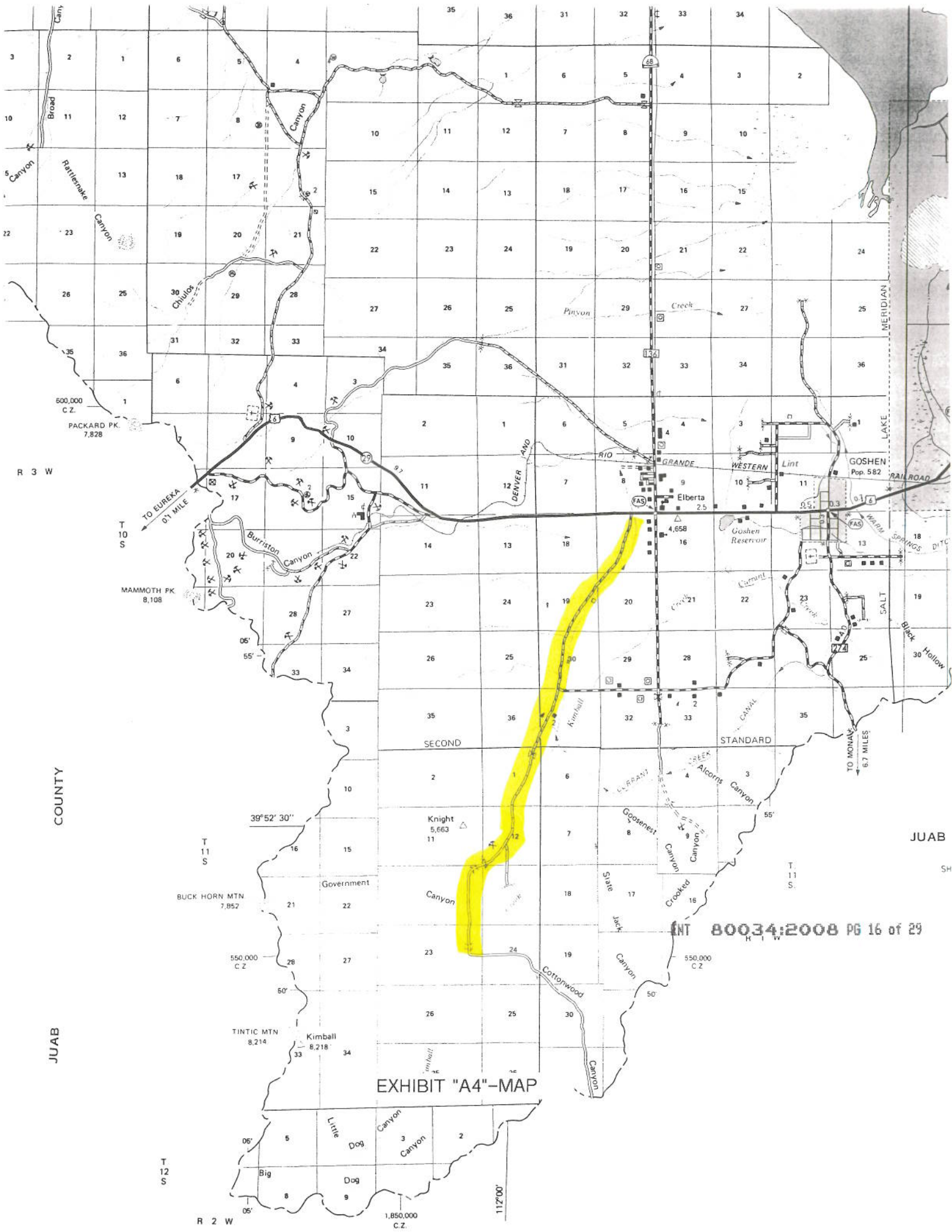


EXHIBIT "A4"-MAP



29

32

5

8

17

20

29

32

mbau

12100 East

12100 South

570000.000

39°52'30"

580000.000

580000.000

580000.000

1870000.000

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.

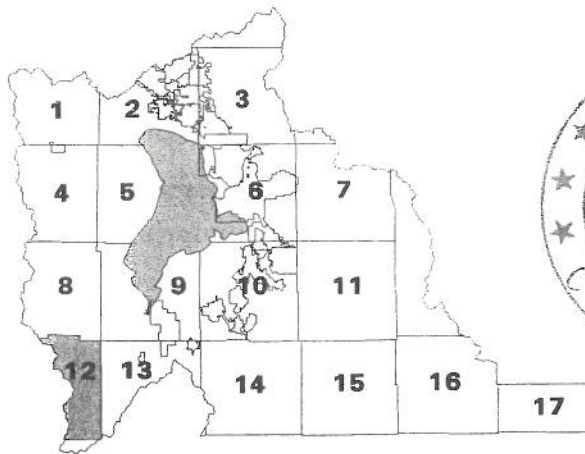
Utah County Geographic Information System  
Utah County Public Works Department, Mapping Division  
2855 South State, Provo, UT 84606, (801)370-8600

Plot Created: November 21, 1995 DBH

ENT 80034:2008 PG 17 of 29

# Road Map of Utah County Sheet 12

EXHIBIT "A5"-MAP TITLE



Index Map



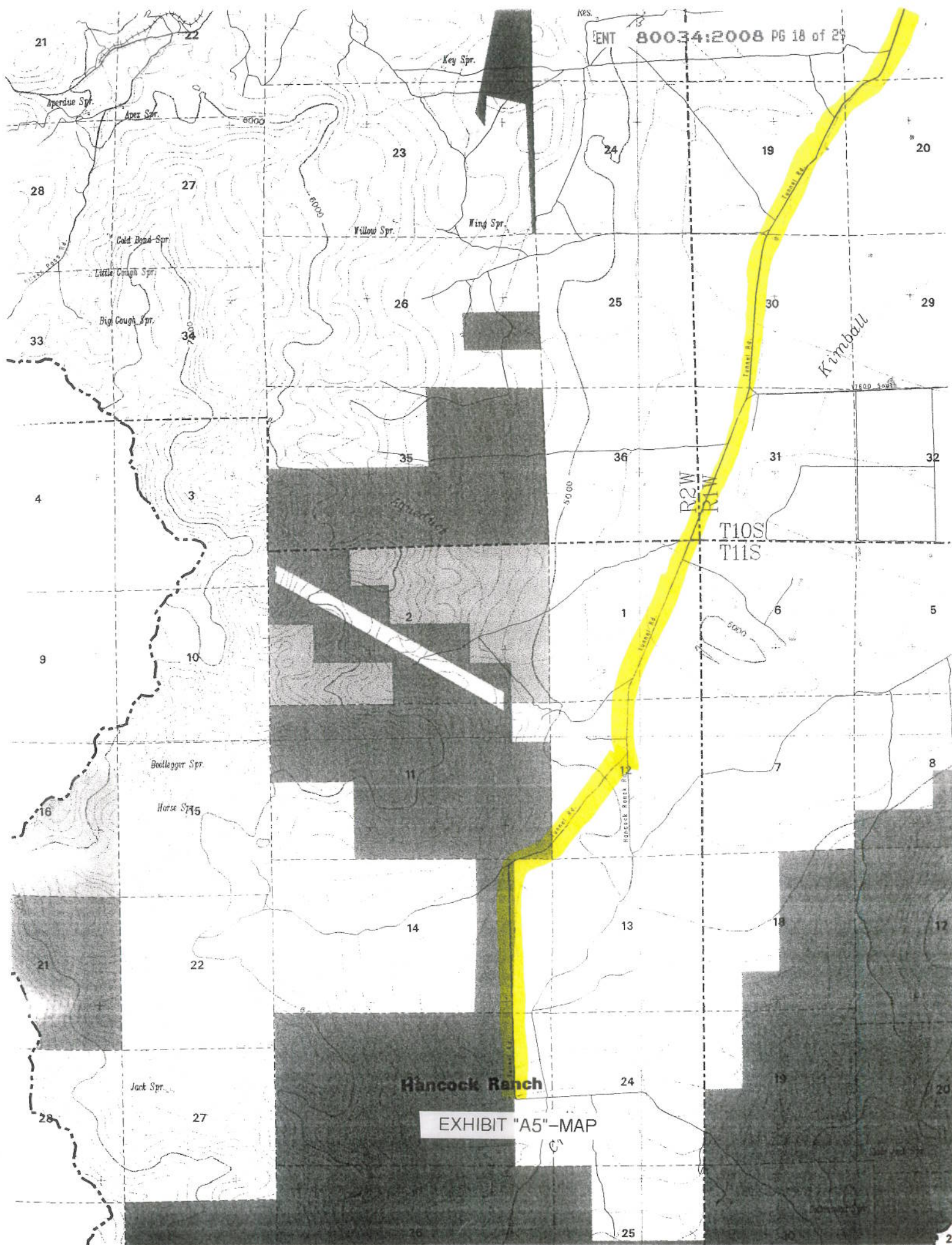


EXHIBIT "A5"-MAP

# Official County Road Map of Utah County Sheet 12

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

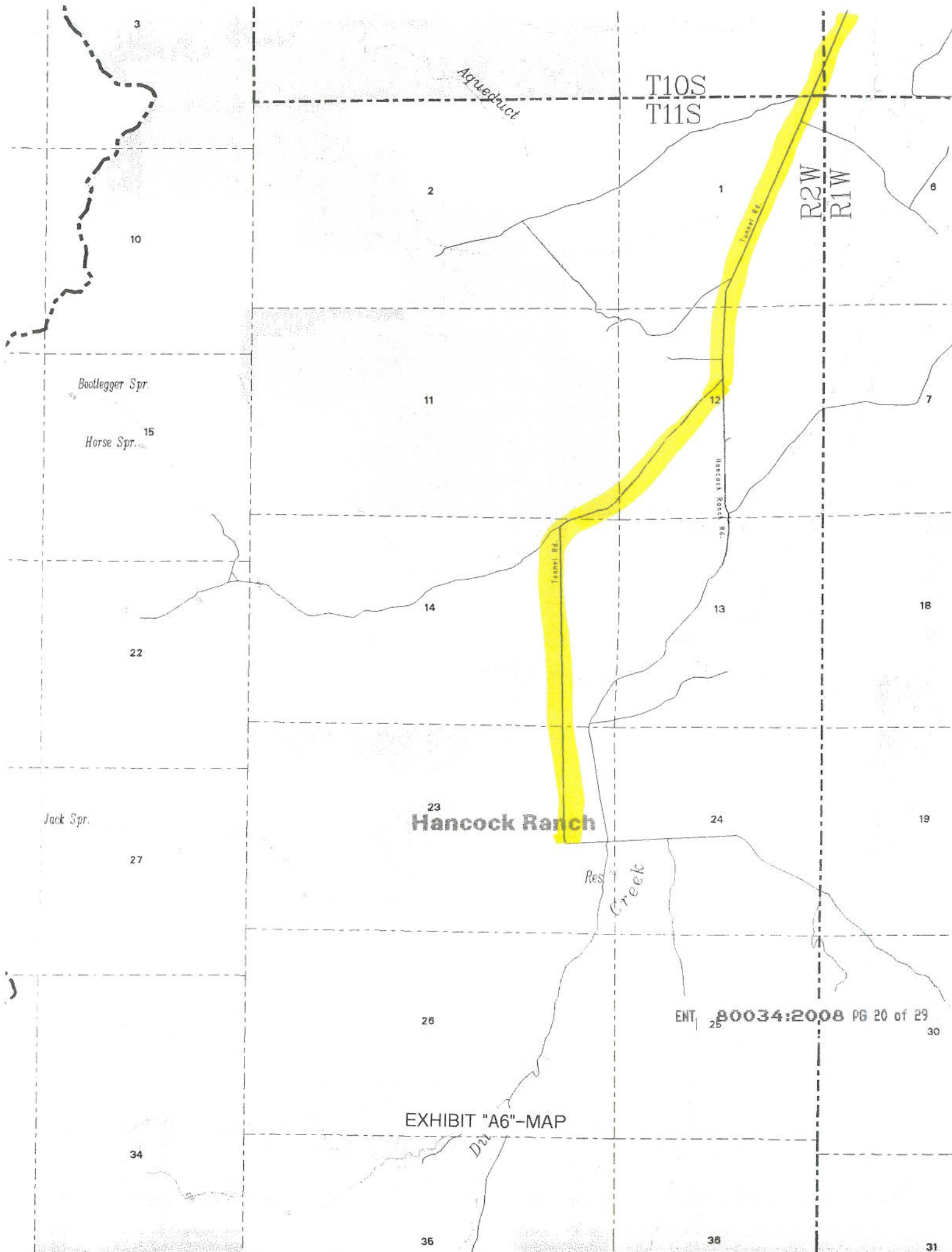
Commissioner: S/ Gary R. Herbert

Attest: S/ LeeAnn Orton

Title (See Seal): Deputy Clerk

Seal

EXHIBIT "A6"-MAP TITLE



T10S  
T11S

R2W  
R1W

23  
**Hancock Ranch**

EXHIBIT "A6"-MAP

ENT 80034:2008 PG 20 of 29

Aqueduct

Bootlegger Spr.

Horse Spr. 15

Jack Spr.

Res  
Creek

Ditch

3

10

2

1

6

11

12

7

14

13

18

22

23

24

19

27

26

25

30

34

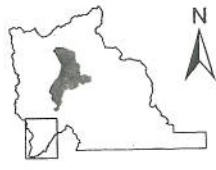
35

36

31

# 15 Hancock Ranch

Scale 1:100,000



# Utah County Atlas



0 1,000 2,000 4,000 Feet  
0 250 500 1,000 Meters

ENT 80034:2008 PG 21 of 29  
R1W

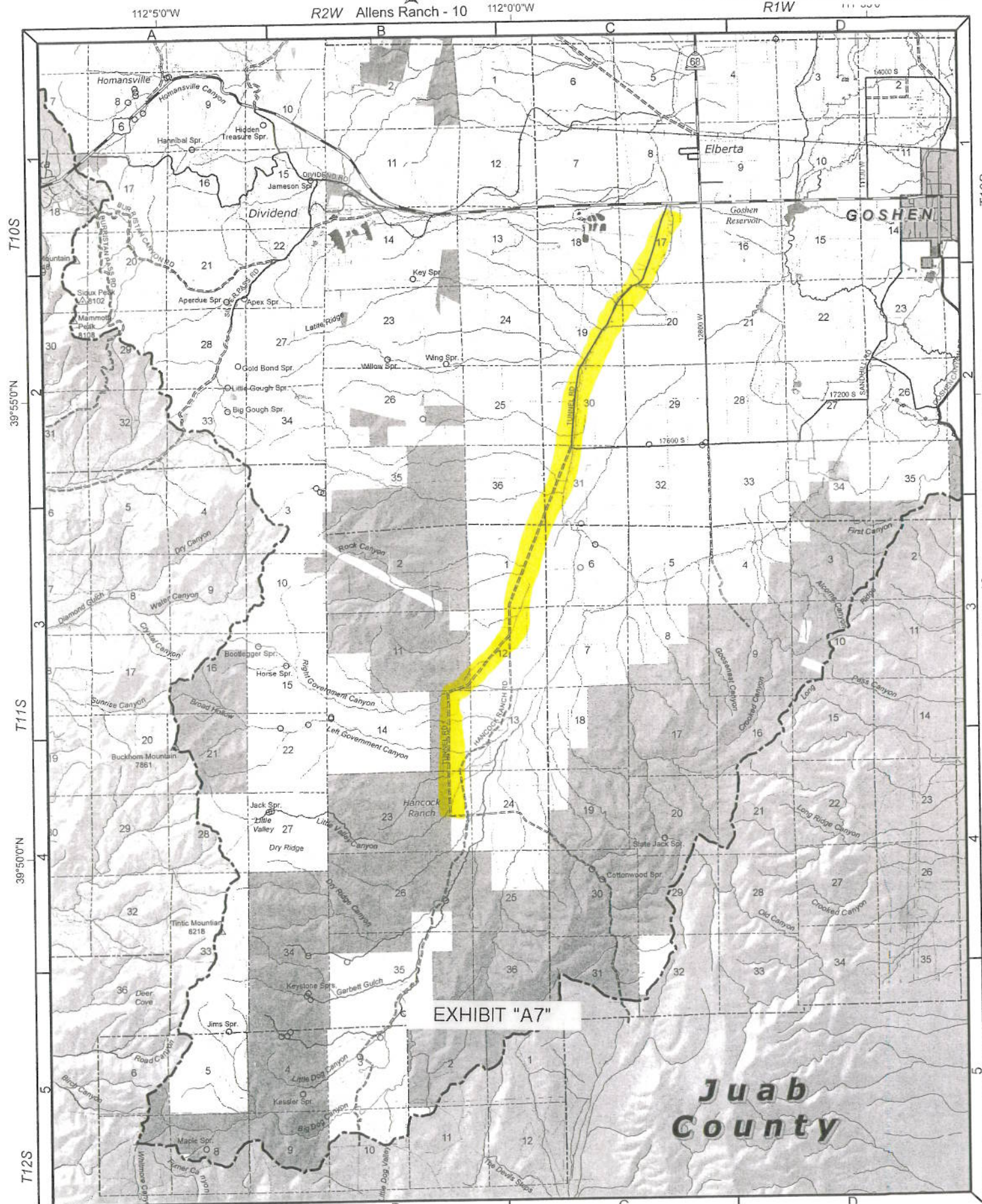
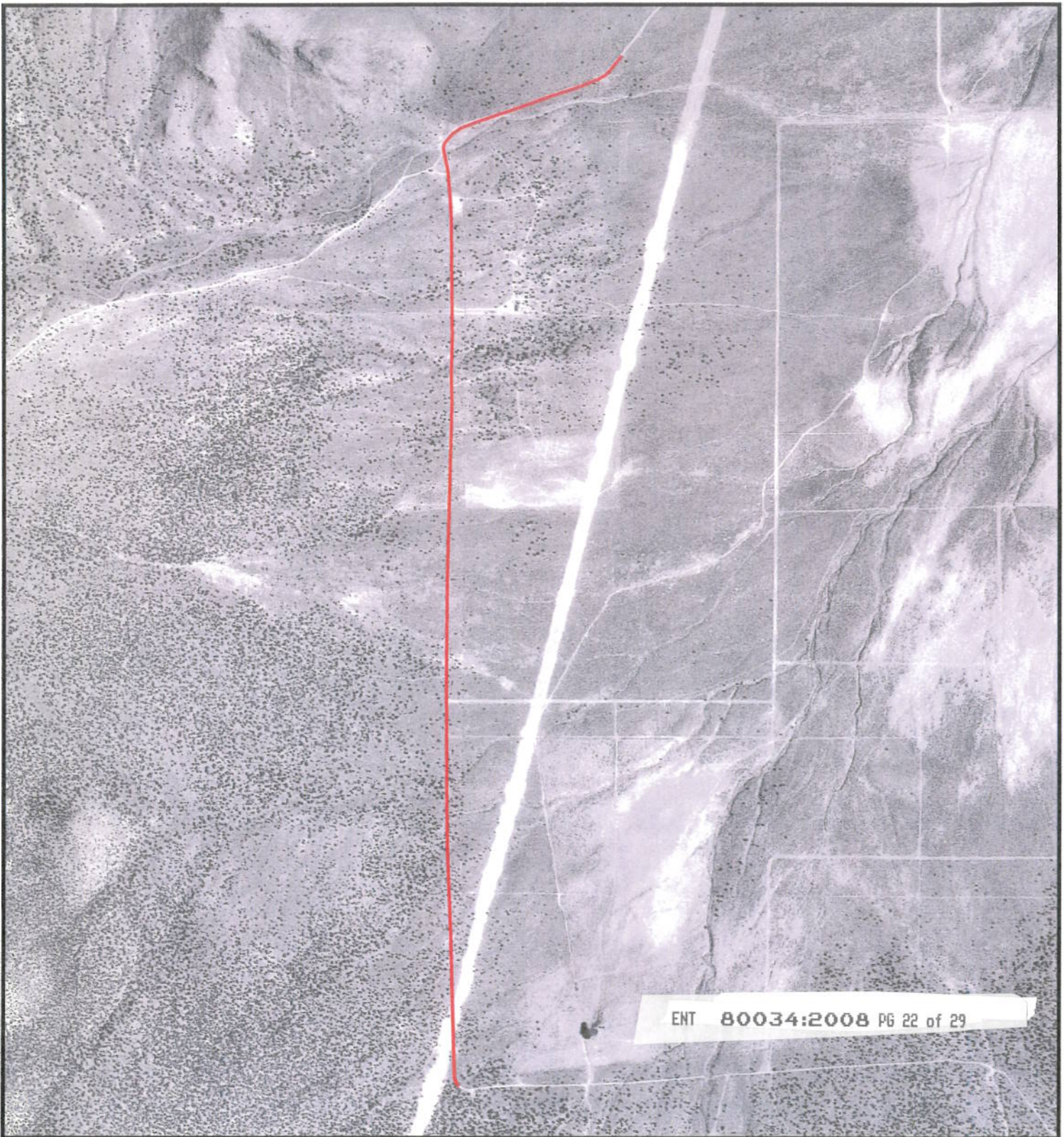


EXHIBIT "A7"

Juab  
County



ENT 80034:2008 PG 22 of 29

**RS2477  
Tunnel Rd.**

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



1:14,051  
1 inch equals 1,170.93 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 October 16, 2006 by maryek

**TUNNEL ROAD**

STATE OF UTAH            )  
                                  :SS  
COUNTY OF UTAH        )

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

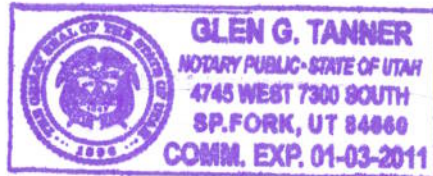
1. I am an adult competent to testify about the matters set forth below based on my personal knowledge.
2. From 1958 to 1988, I was employed with Utah County in the Roads Department where I was an operator/truck driver, supervisor over bridges and culverts, and worked in maintenance and oiling of roads. During that time period, I was personally familiar with Utah County's construction and maintenance activities on county roads, including the road known as Tunnel Road that runs from the SR6 to the Hancock Ranch Road. A map of the road is attached hereto as Exhibit "A".
3. As of 1950 the road had been constructed using road graders and other road equipment in addition to the passing of motor vehicles over the roadway. Following 1950 the road was regularly maintained with graders and snow plows.
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 worked for the Utah County Public Works Department Roads Division for several years beginning in the 1950's and continuing through the 1960's and 1970's.
6. Since before 1966 and continuing to the present the road has been used for ranching, farming, hunting, mining, homesteading, recreation, law enforcement, and traveling in and through the area.

- 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 1966 and continuing thereafter included those who went by car, recreational vehicle and truck. The frequency of use over the period 1950 to the present is approximately daily. While working with the road department I helped regularly maintain the road throughout the 1950's, 1960's, and 1970's.
- 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 1966.
- 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.

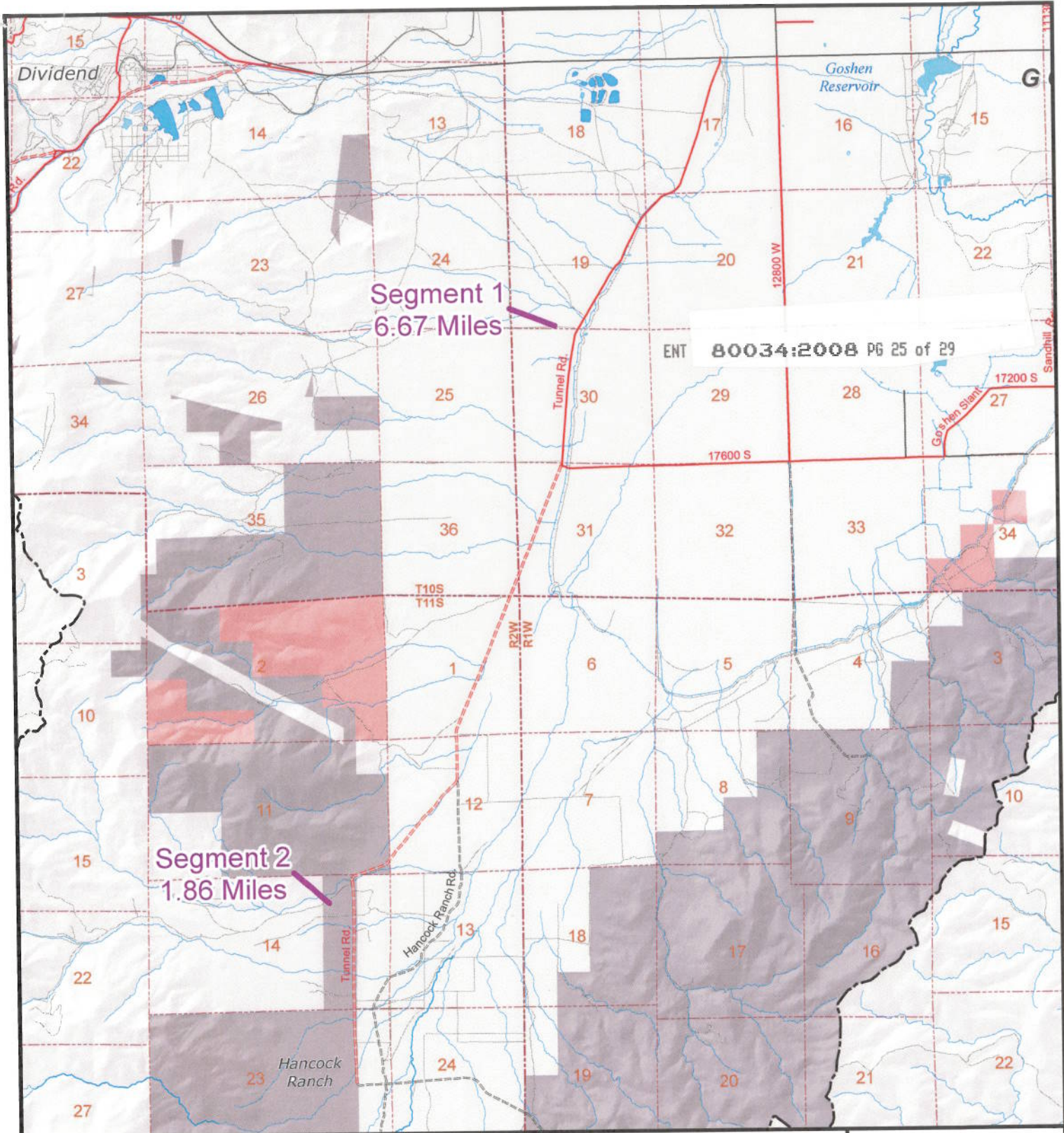
  
 ROBERT CURTIS BEVERLY

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



  
 Notary Public





**RS2477**  
**Tunnel Rd.**  
**1.86 Miles**

**B977**  
**8.53 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>Public Survey Lines</b></p> <ul style="list-style-type: none"> <li> Township Lines</li> <li> Section Lines</li> <li> Incorporated Cities</li> </ul>
--	--	---

1:63,814  
 1 inch equals 5,317.83 feet

Utah County Public Works - Mapping Division  
 2855 South State Street  
 Provo, UT 84606  
 (801) 851-8625  
 Printed on August 10, 2006 by maryek

**"Exhibit A"**

**TUNNEL ROAD**

STATE OF UTAH            )  
                                      :SS  
COUNTY OF UTAH        )

I, BYRON L. ORTON, 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 1947 to 1965, I was employed with Utah Department of Transportation in District 6 where I was an truck operator, a foreman, and supervisor. From 1965 to 1985 I was employed with Utah County in 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 Tunnel Road that runs from the SR6 to the Hancock Ranch Road. A map of the road is attached hereto as Exhibit “A”.
3. Construction and maintenance of the road before 1965 was performed by for example, removing rocks and vegetation from the roadway by road graders and other road equipment in addition to the passing of motorized vehicles over the roadway. As of 1965 the road had been graveled and it was maintained yearly by the county.
4. All acts of the County regarding this road were, 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 1966 and continuing through 1976 and beyond.
6. Since before 1966 and continuing to the present the road has been used for ranching, farming, hunting, mining, homesteading, commerce, sightseeing,

recreation, and traveling in and through the area. Between 1965 and 1985 I often traveled the road to perform my road maintenance duties.

- 7. Travelers on the road from before 1966 and continuing thereafter included those who went by car, recreational vehicle and truck. The frequency of use over the period 1950 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 procedures to abandon or vacate its right-of-way on the road.

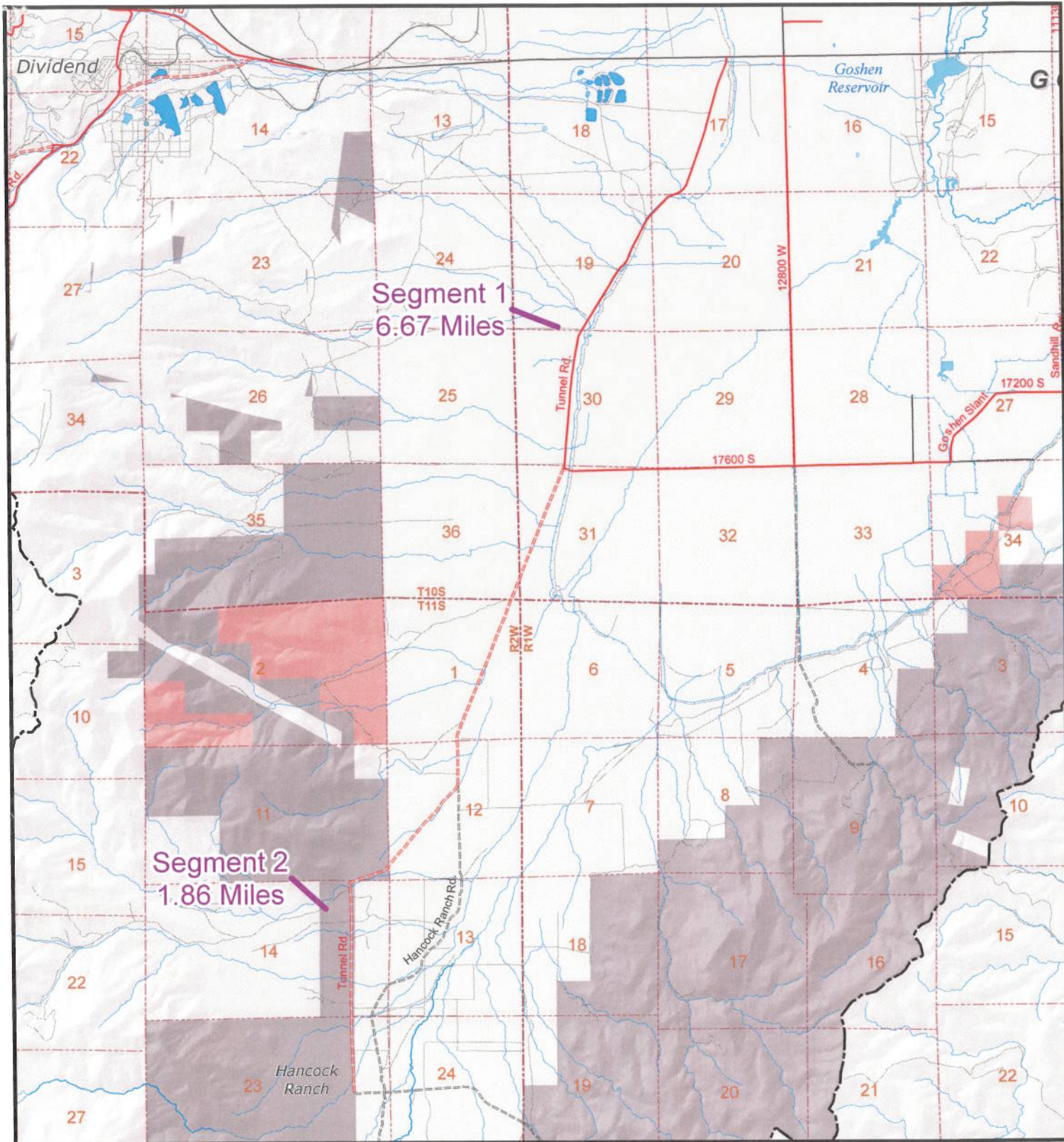
DATED this 17 day of MAY, 2007.

*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  
Tunnel Rd.  
1.86 Miles**

**B977  
8.53 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>Public Survey Lines</b></p> <ul style="list-style-type: none"> <li> Township Lines</li> <li> Section Lines</li> <li> Incorporated Cities</li> </ul> |
|--|--|---|

ENT 80034:2008 PG 28 of 29



1:63,814  
1 inch equals 5,317.83 feet



Utah County Public Works - Mapping Division  
2855 South State Street  
Provo, UT 84606  
(801) 851-8926  
Printed on August 10, 2008 by maryek

"Exhibit A"

## Exhibit B

ENT 80034:2008 PG 29 of 29

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

**Popular Name: TUNNEL ROAD**

**County: Utah**

**County Road Number: B977**

**State Geographic Information Database (SGID) Road Identification Number: RD250021.**

**Total Road Length: 8.51 miles more or less.**

**Beginning at a point** on the road centerline located at 39 degrees 50 minutes 26.79 seconds North Latitude and -112 degrees 00 minutes 56.77 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,495,597.4 feet and Y = 7,111,144.0 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 39 degrees 57 minutes 06.35 seconds North Latitude and -111 degrees 57 minutes 50.55 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,510,331.3 feet and Y = 7,151,491.2 feet based on the US Survey Foot conversion.

This road may traverse:

Township 10 South Range 1 West, Section(s) 17,19,20,30,31, Salt Lake Base & Meridian  
Township 10 South Range 2 West, Section(s) 36, Salt Lake Base & Meridian  
Township 11 South Range 2 West, Section(s) 1,11,12,14,23, Salt Lake Base & Meridian