

O/S

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

ENT 80035:2008 PG 1 of 28  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
2008 Jul 15 1:22 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 TWELVE MILE PASS ROAD; County Road Number: B978; State Geographic Information Database (SGID) Road Identification Number: RD250022.

This document supplements and supports the information contained in the document recorded on **Feb. 26, 2008** at **Ent: 21744:2008, 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**

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**AFFIDAVIT OF CLYDE R. NAYLOR**

**TWELVE MILE PASS ROAD**

**UTAH COUNTY, UTAH**

**COUNTY "B" ROAD NUMBER B 978**

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 Twelve Mile Pass Road that runs from 18150 West Street to Tooele County. A map of the road is attached hereto as Exhibit "A".

5. The road is known as Utah County "B" road # B 978. The road is a dirt road located in Township 8 South, Range 3 West. The 0.90 miles length of the road, located in Sections 26 and 36 of Township 8 South, Range 3 West runs across federal property.
6. As the Utah County Surveyor, I have supervised a center line survey of the segments of the Twelve Mile Pass Road believed to be in the ownership of the Bureau of Land Management.

The center line descriptions are as follows:

SEGMENT 1:

Commencing at the point of intersection of the centerline of the Twelve Mile Pass Road with the North-South One-Sixteenth line of the Southeast Quarter of Section 26, Township 8 South, Range 3 West, Salt Lake Base and Meridian, said point of intersection being more specifically described as being located 7,860.30 feet North and 6,571.31 feet West from the Southeast Corner of Section 36 of said Township and Range; thence the following along said centerline: South 87° 47' 06" West 88.46 feet; South 82° 08' 16" West 130.35 feet; North 84° 07' 22" West 49.32 feet; North 63° 59' 36" West 57.86 feet; North 51° 24' 21" West 239.56 feet; North 41° 45' 59" West 150.46 feet; North 48° 02' 42" West 55.31 feet; North 61° 09' 49" West 109.11 feet; North 65° 59' 37" West 212.93 feet; North 62° 22' 26" West 132.98 feet; North 66° 09' 57" West 110.37 feet; North 77° 05' 55" West 197.66 feet; North 69° 20' 24" West 252.36 feet; North 64° 36' 44" West 429.64 feet; North 67° 37' 38" West 134.22 feet; North 64° 15' 10" West 300.31 feet;



North 67° 31' 05" West 97.56 feet; North 61° 37' 38" West 186.86 feet; North 64° 54' 12" West 221.52 feet; North 70° 47' 18" West 291.51 feet; North 65° 34' 45" West 101.90 feet; North 58° 32' 57" West 56.69 feet; North 53° 15' 44" West 124.15 feet; North 58° 40' 27" West 122.16 feet; North 62° 38' 53" West 365.96 feet; North 59° 09' 13" West, 359.66 feet.

SEGMENT 3:

Commencing at the point of intersection of the centerline of the Twelve Mile Pass Road with the North line of Section 36, Township 8 South, Range 3 West, Salt Lake Base and Meridian, said point of intersection being more specifically described as being located 5,381.36 feet North and 3,068.07 feet West from the Southeast Corner of Section 36 of said Township and Range; thence the following along said centerline: South 31° 31' 21" East 54.73 feet; South 43° 36' 10" East 31.39 feet; South 59° 06' 03" East 28.96 feet; South 72° 33' 21" East 186.87 feet; South 68° 39' 22" East 96.23 feet; South 65° 05' 33" East 123.92 feet to the approximate North-South One-Quarter Section line.

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 1949, 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 Boulter Mts., Utah dated 1949, shows the location of the road in Sections 26 and 36 of Township 8

South, Range 3 West, which is attached hereto as Exhibit "A1".

- b. The general highway map of Utah County, dated 1975, prepared by the Utah State Department of Highways, shows the Twelve Mile Pass Road as a county road that runs from the 18150 West Street to Tooele County, which is attached hereto as Exhibit "A2".
- c. 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 "A3".
- d. The Road Map of Utah County, Sheet # 8, created November 21, 1995, shows the relationship the road has with the federal property in the area, which is attached as Exhibit "A4".
- e. The official County Road Map of Utah County, Sheet #8, adopted by the Board of County Commissioners on October 30, 1996, shows the road running across the federal properties, which is attached as Exhibit "A5".
- f. The current County Atlas, page 10, titled Allens Ranch, shows the Twelve Mile Pass Road as it traverses federal property, which is attached as Exhibit "A6".
- g. The surveyed description for Segment 01 of the Twelve Mile Pass Road has been plotted on an Aerial Photo taken in 1993 to verify the roads existence and is attached as Exhibit "A7".

- h. The surveyed description for Segment 03 of the Twelve Mile 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 6<sup>th</sup> day of MARCH, 2007

Clyde R. Naylor  
CLYDE R. NAYLOR

SUBSCRIBED AND SWORN to me, a Notary Public, this 6<sup>th</sup> day of march, 2007

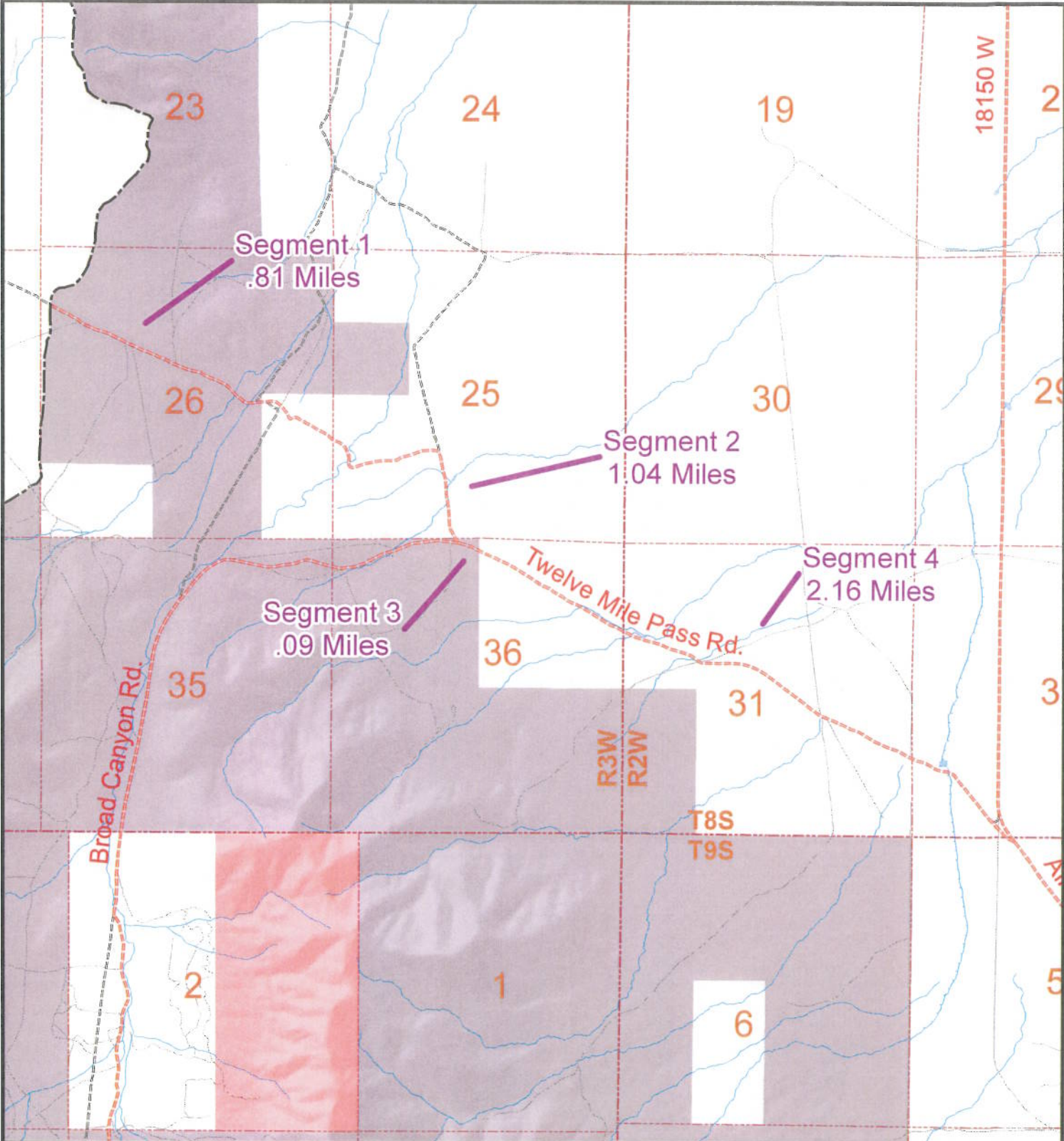
Regina Tanner  
Notary Public

Residing in: UTAH

My commission expires: 01-03-2011









**RS2477**  
**Twelve Mile**  
**Pass Rd.**  
**.90 Miles**

**B978**  
**4.10 Miles**

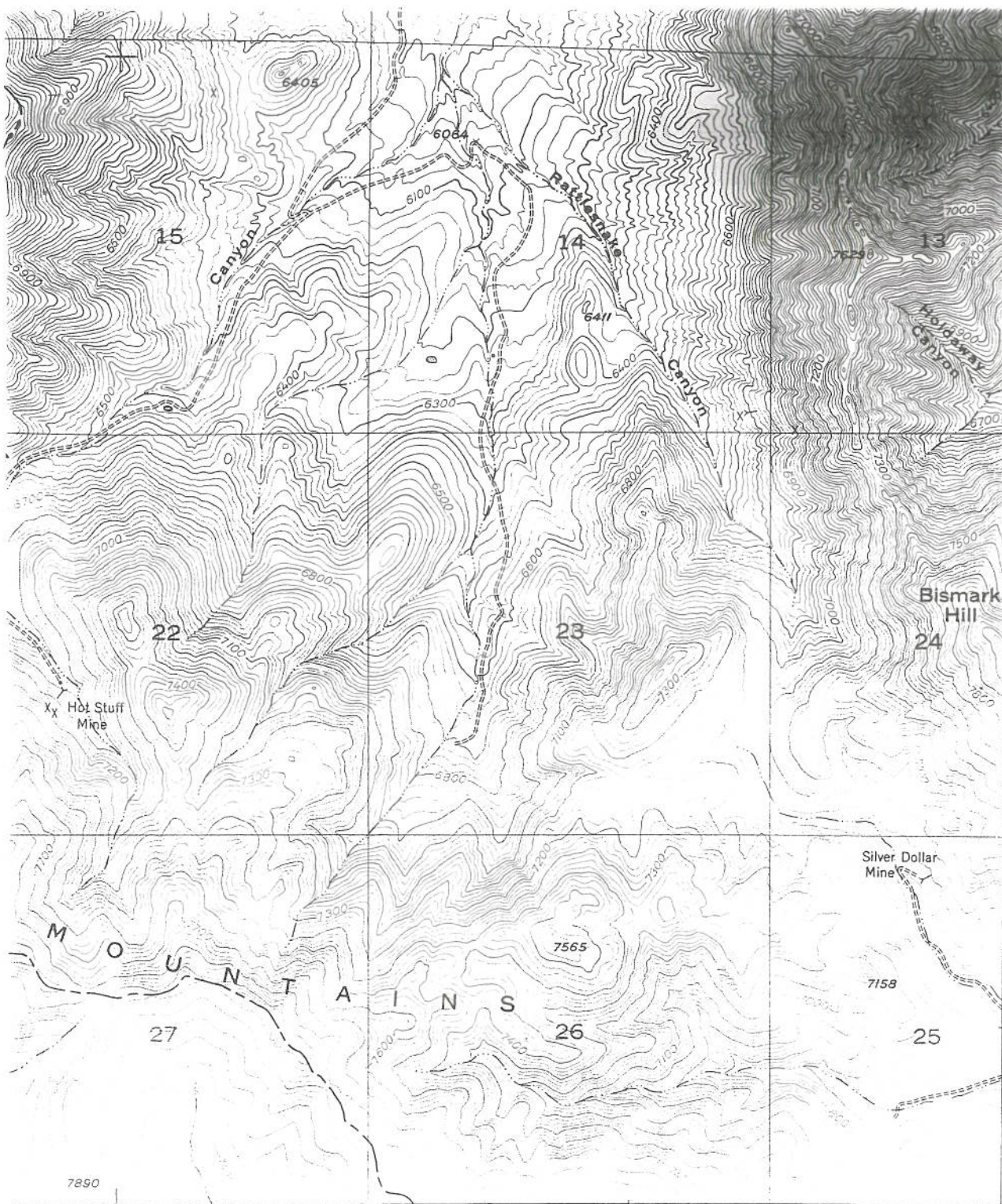
Legend		
<b>State Roads</b>	<b>Public Land</b>	<b>Public Survey Lines</b>
I-15	B.L.M. Lands	Township Lines
US HWY/State Route	National Park Service	Section Lines
Other FAE Route	National Forest	Incorporated Cities
<b>Official County Roads</b>	Military	
Paved	Other Federal Lands	
Unpaved	State Lands	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

  
 1:30,032  
 1 inch equals 2,502.65 feet

  
 Utah County Public Works - Mapping Division  
 2855 South State Street  
 Provo, UT 84606  
 (801) 851-8626  
 Printed on December 08, 2008 by maryek

"Exhibit A"





2'30"

Bismark Hill  
24

Silver Dollar Mine

M O U N T A I N S

10' (TINTIC SPECIAL 1:62500)

40°00'  
112°07'30"

(EUREKA)

1 MILE  
ET

ROAD CLASSIFICATION

HARD-SURFACE	ALL WEATHER ROADS	DRY WEATHER ROADS
Heavy-duty	4 LANE 6 LANE	Improved dirt
Medium-duty	4 LANE 6 LANE	Unimproved dirt
Loose-surface, graded, or narrow hard-surface		

U. S. Route

State Route

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EXHIBIT "A1"-MAP TITLE

**BOULTER MTS. UTAH**

N4000-W11207.5/7 5

PRINTED 1949

PROPERTY OF  
UTAH COUNTY PLANNING COMMISSION



C E D A R

Twelvemile Pass

TOOELE CO  
UTAH CO

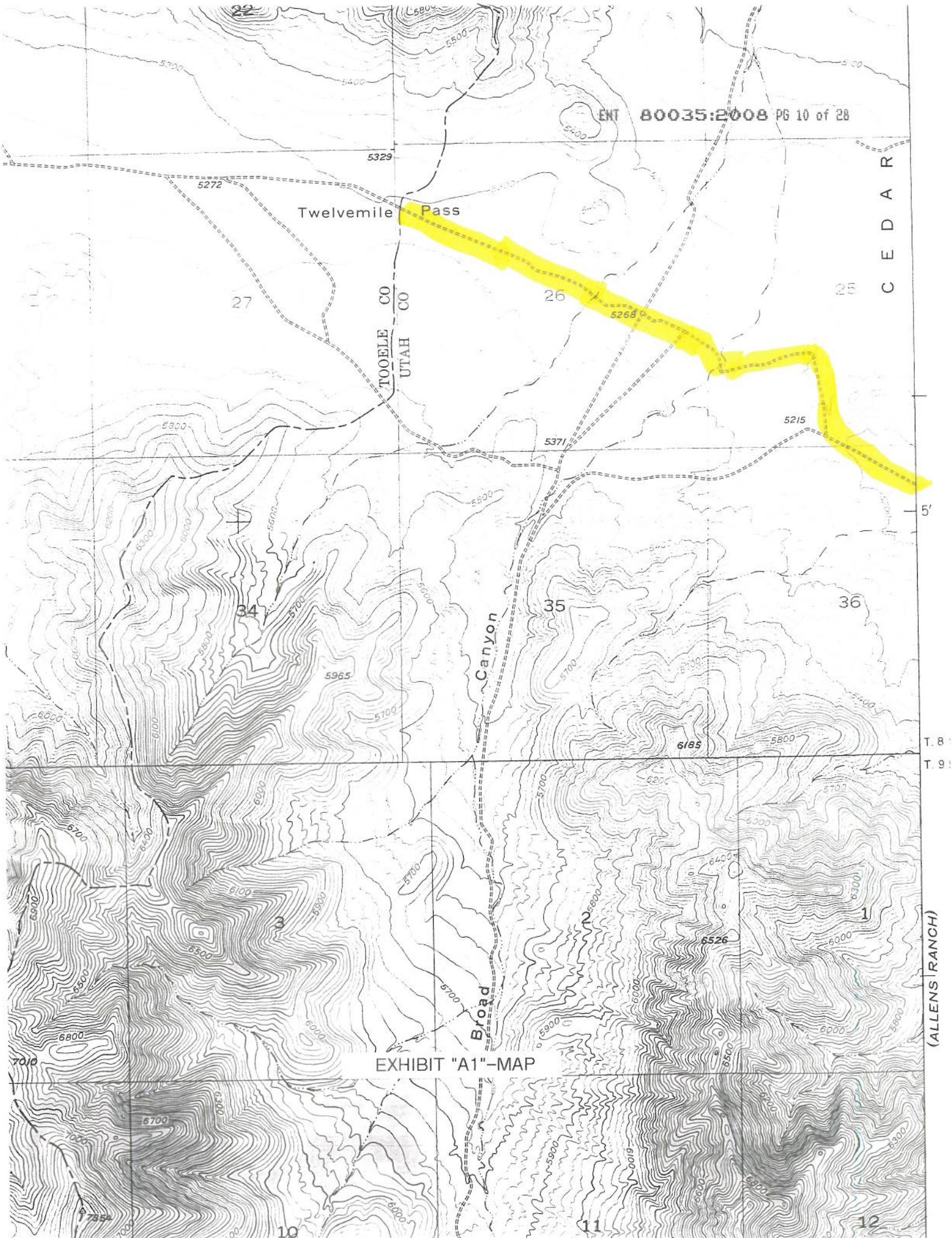
Canyon

Broad

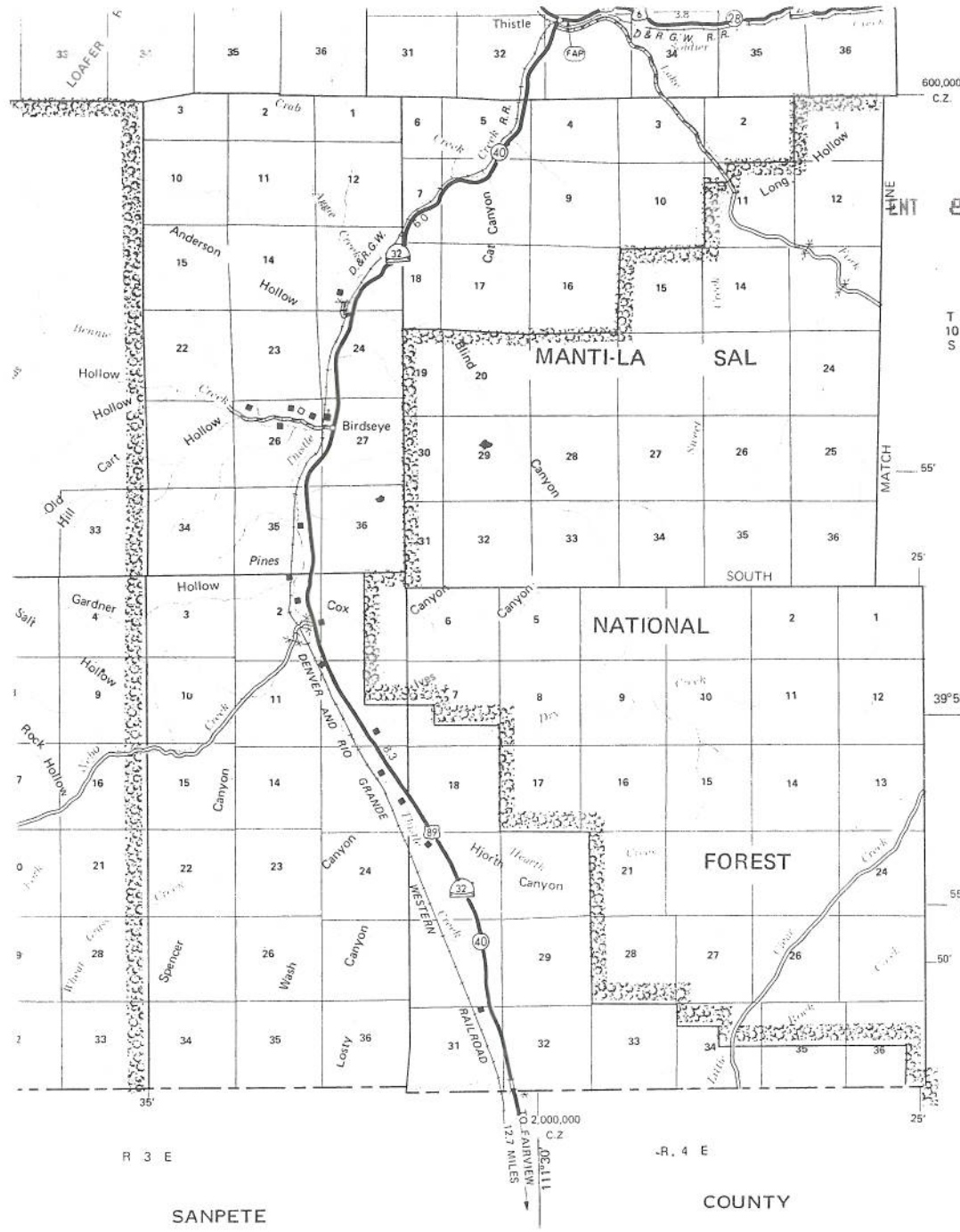
EXHIBIT "A1"-MAP

T. 8  
T. 9

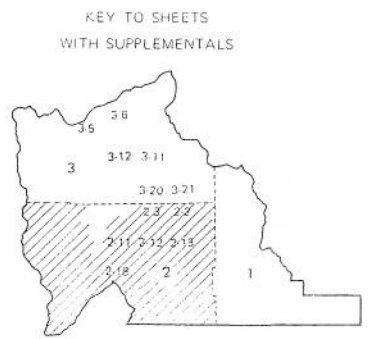
(ALLENS RANCH)







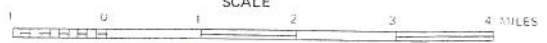
80035:2008 PG 11 of 28



**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.

EXHIBIT "A2"-MAP TITLE

SHEET 2 OF 3 MAP SHEETS AND 10 SUPPLEMENTAL SHEET

for 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

R 3 W

R 2 W

R 1 W

1,850,000  
C ENT 80035:2008 PG 12 of 28

117'00"

COUNTY  
TOOELE

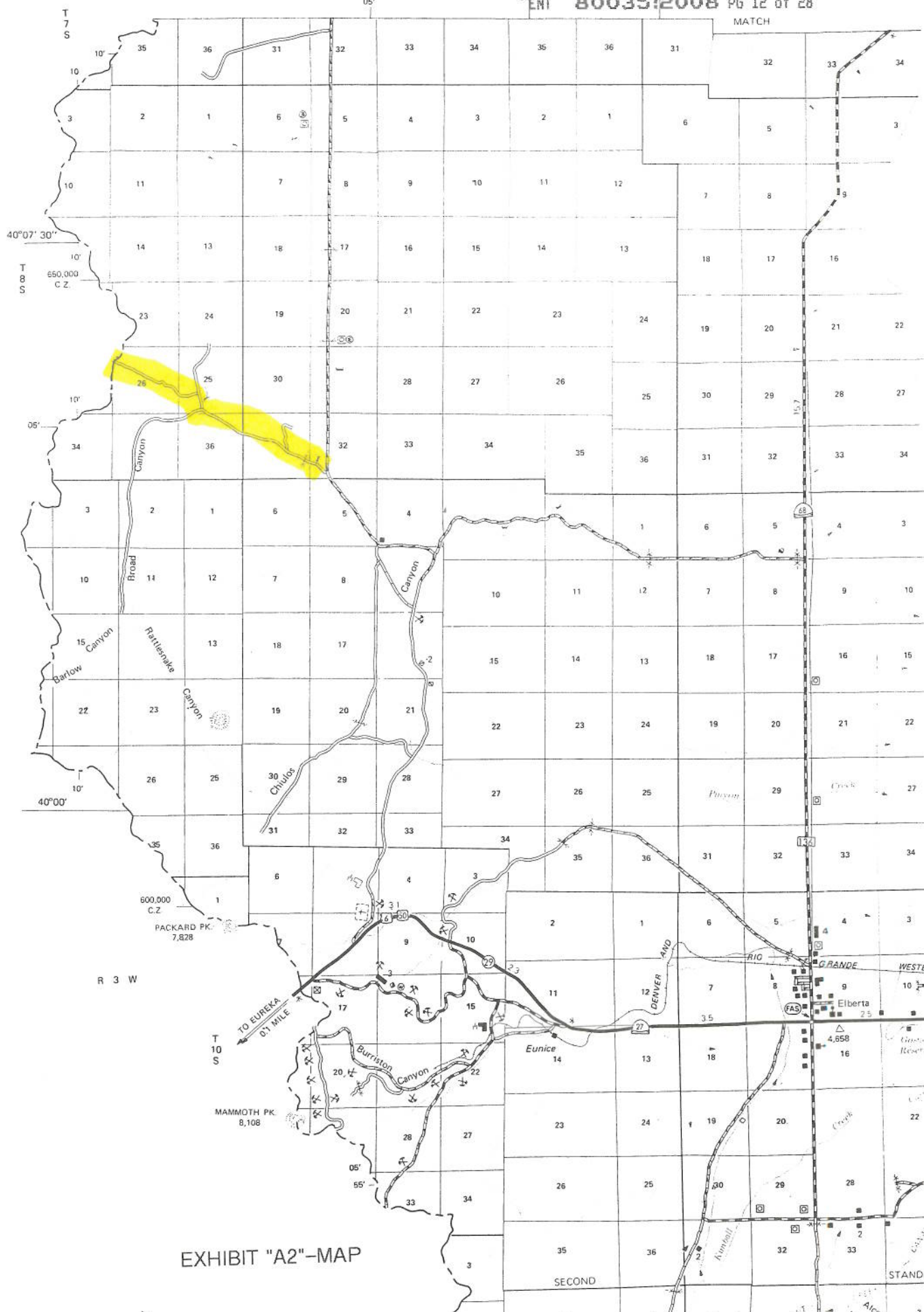
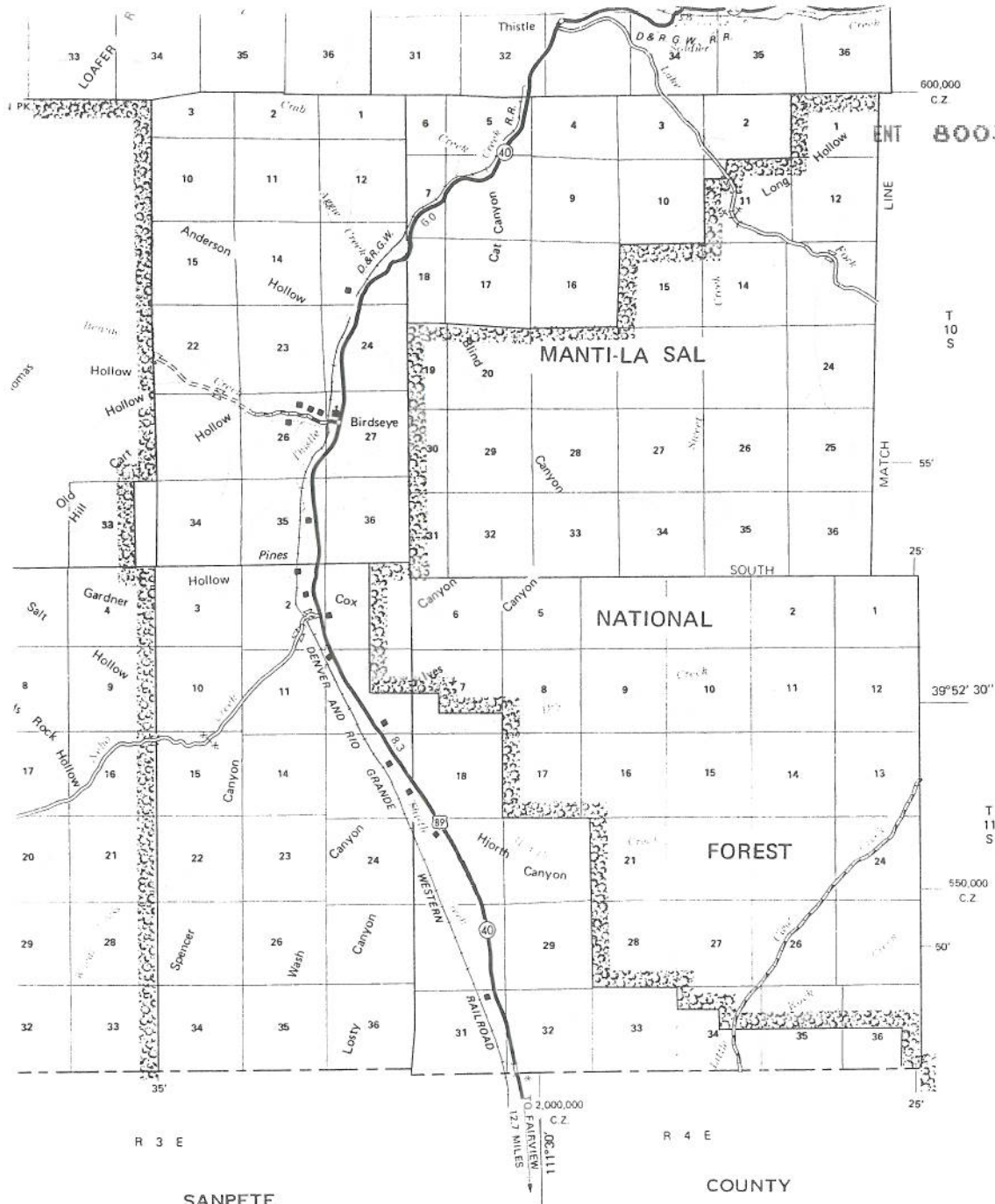
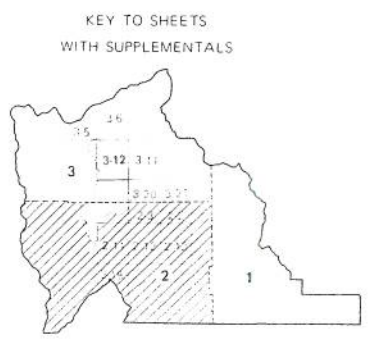


EXHIBIT "A2"-MAP



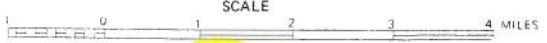


ENT 80035:2008 PG 13 of 28



**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.

EXHIBIT "A3"-MAP TITLE

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

R 3 W

R 2 W

ENT 80035:2008 PG 14 of 20

1,850,000  
C.Z.

117,000

MATC

COUNTY

TOOELE

T 9 S

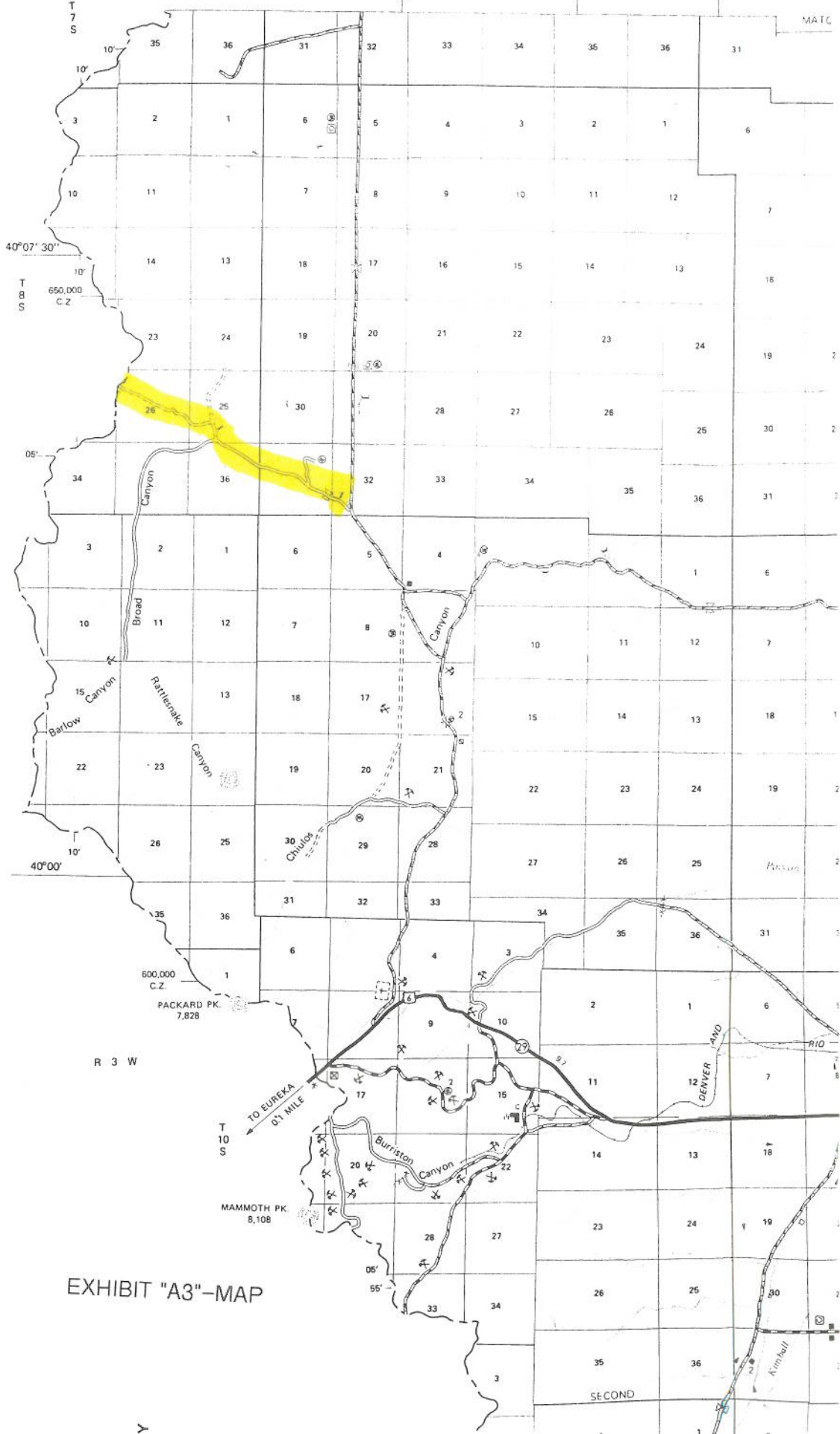
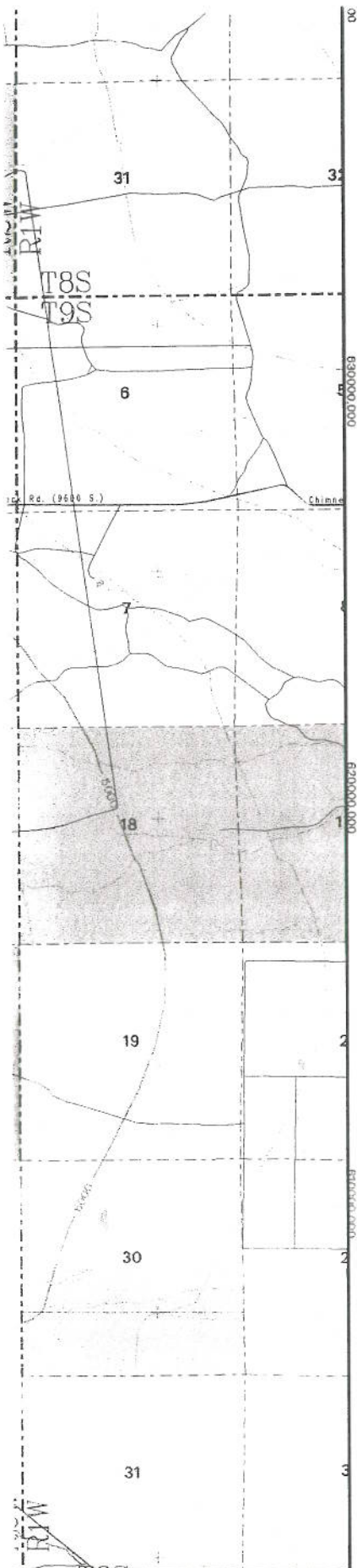


EXHIBIT "A3"-MAP

Y



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.

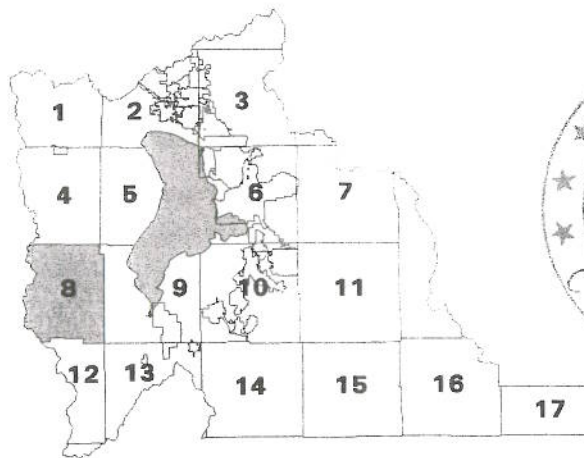
Utah County Geographic Information System  
 Utah County Public Works Department, Mapping Division  
 2855 South State, Provo, UT 84606, (801)370-8600

Plot Created: November 21, 1995 DBH

ENT 80035:2008 PG 15 of 28

# Road Map of Utah County Sheet 8

EXHIBIT "A4"-MAP TITLE



Index Map



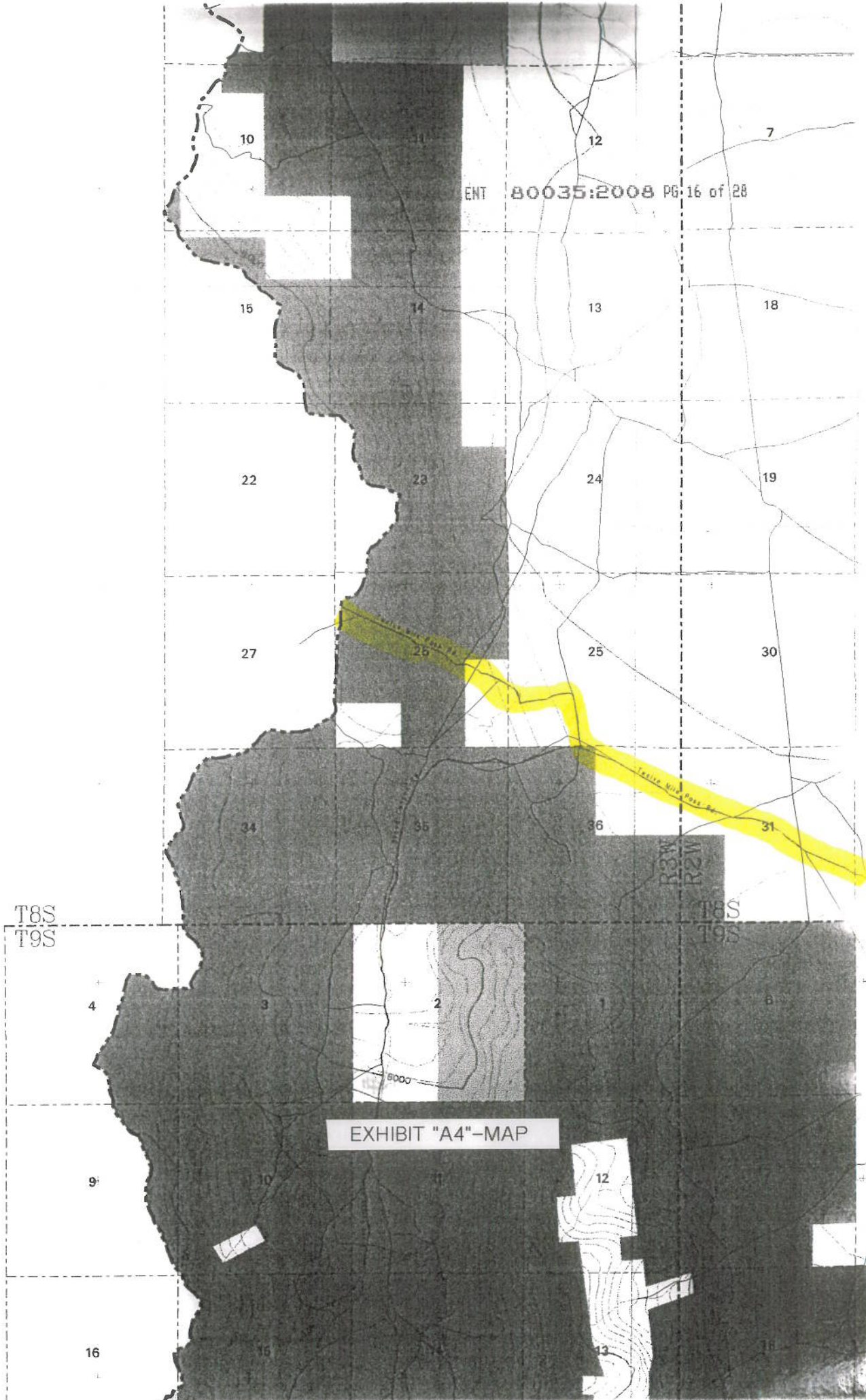


EXHIBIT "A4"-MAP



# Official County Road Map of Utah County Sheet 8

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

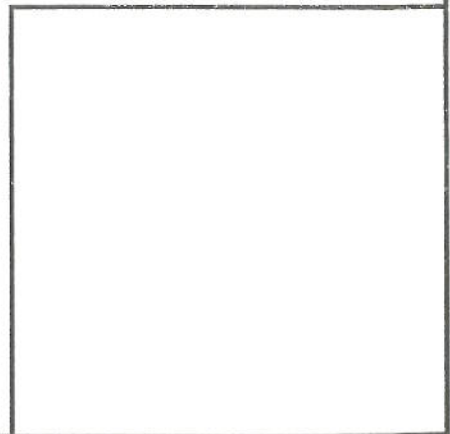
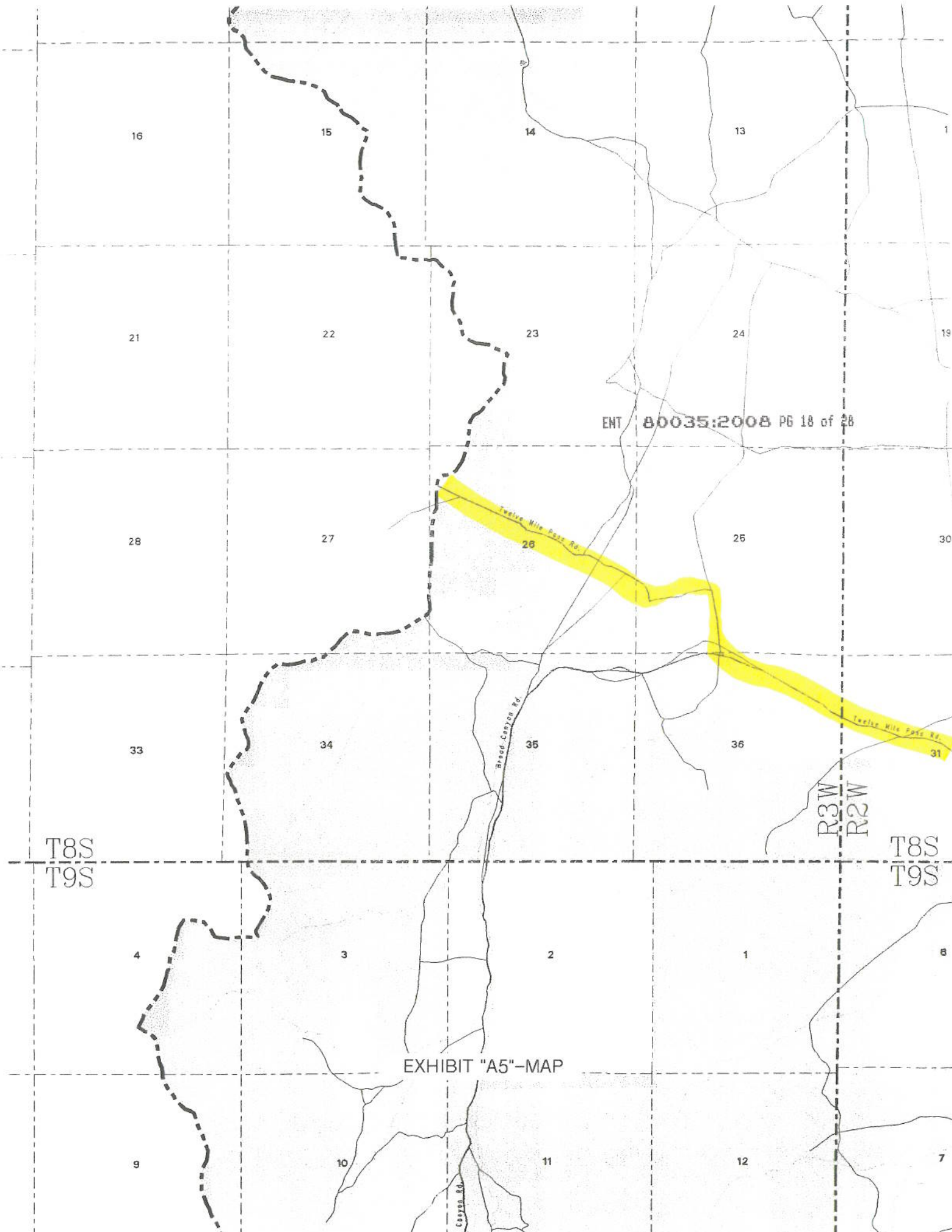


EXHIBIT "A5"-MAP TITLE





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T8S  
T9S

T8S  
T9S

R3W  
R2W

EXHIBIT "A5"-MAP

16

15

14

13

1

21

22

23

24

19

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27

26

25

30

33

34

35

36

31

4

3

2

1

8

9

10

11

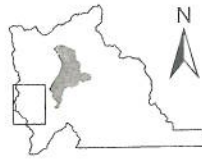
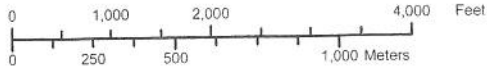
12

7





# Utah County Atlas



Scale 1:100,000

# 10

## Allens Ranch

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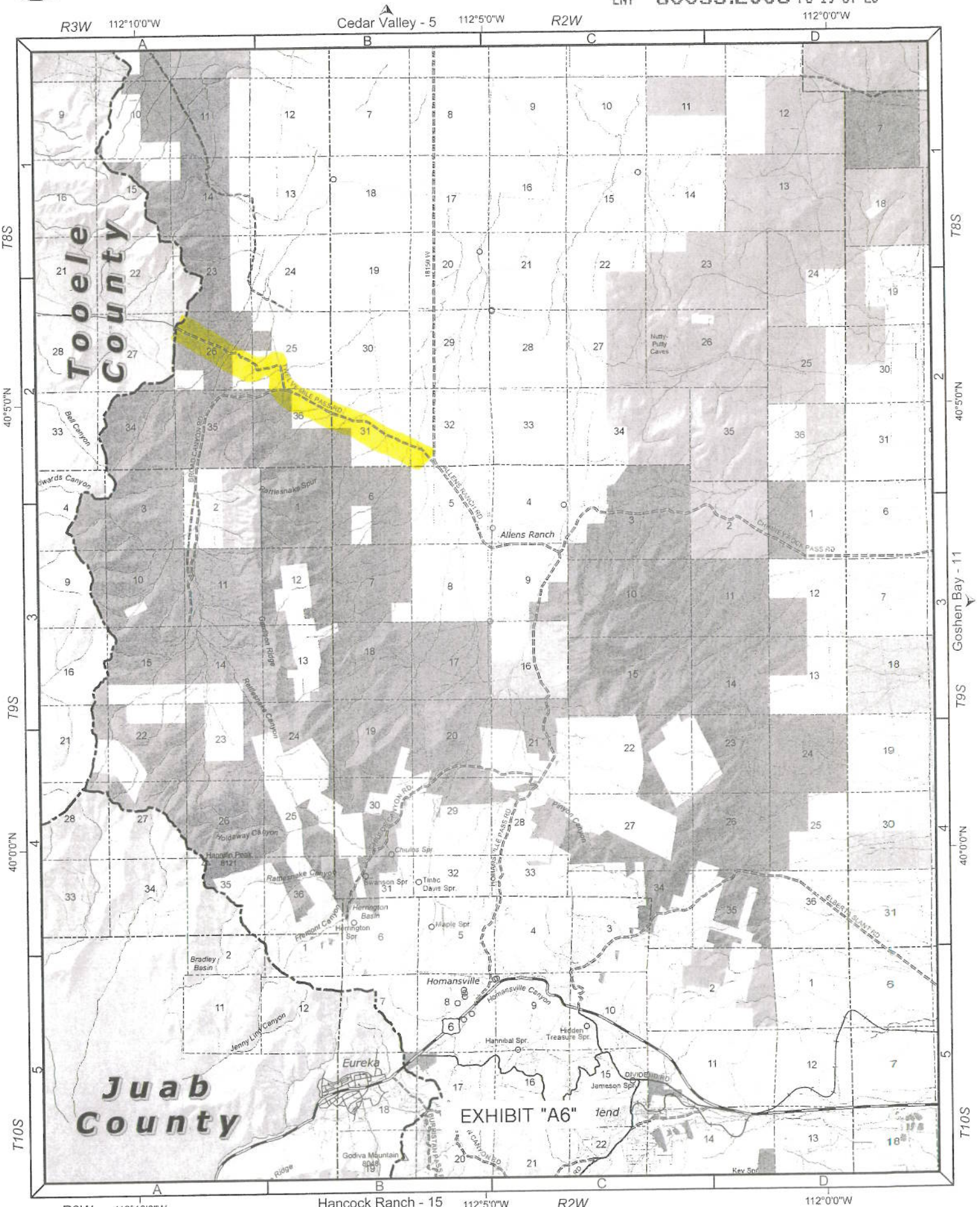


EXHIBIT "A6"





**RS2477  
Twelve Mile  
Pass Rd.**

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



1:9,305  
1 inch equals 775.46 feet

**Segment 01**

**Photo Date 1993**

**EXHIBIT "A7"**



Utah County Public Works - Mapping Division  
2855 South State Street  
Provo, UT 84606  
(801) 851-8628  
Printed on October 17, 2006 by maryek





**RS2477  
Twelve Mile  
Pass Rd.**

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



1:3,500  
1 inch equals 291.67 feet

**Segment 03**

**Photo Date 1993**

**EXHIBIT "A8"**



Utah County Public Works - Mapping Division  
2655 South State Street  
Provo, UT 84606  
(801) 851-8626  
Printed on October 17, 2008 by maryek

**TWELVE MILE PASS ROAD**

STATE OF UTAH                    )  
  :SS  
COUNTY OF UTAH                )

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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 Twelve Mile Pass Road that runs from 18150 West Street to Tooele County. A map of the road is attached hereto as Exhibit “A”.
3. Construction and maintenance of the road before 1949 was performed by graders, dozers, and other road equipment in addition to the passing of motorized vehicles over the roadway. For several years after 1949. during the 1950’s, 1960’s, and 1970’s, I helped maintain the road using graders and other road equipment.
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 1949; one of my responsibilities was the maintenance of Twelve Mile Pass Road.
6. Since before 1949 and continuing to the present the road has been used for ranching, hunting, homesteading, commerce, sightseeing, camping, recreation, and traveling in and through the area. At least as early as 1949, I often used the road for hunting and while working for the county.

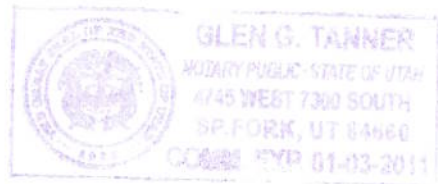


7. The road has been open to the public for all to use, to come and go as they pleased, since before 1949 and continuing through 1976 and beyond.
8. Travelers on the road from before 1949 and continuing thereafter included car, recreational vehicle, and truck. The frequency of use over the period 1966 to the present is approximately daily during the hunting season and the spring and summer months.
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 1949.
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.

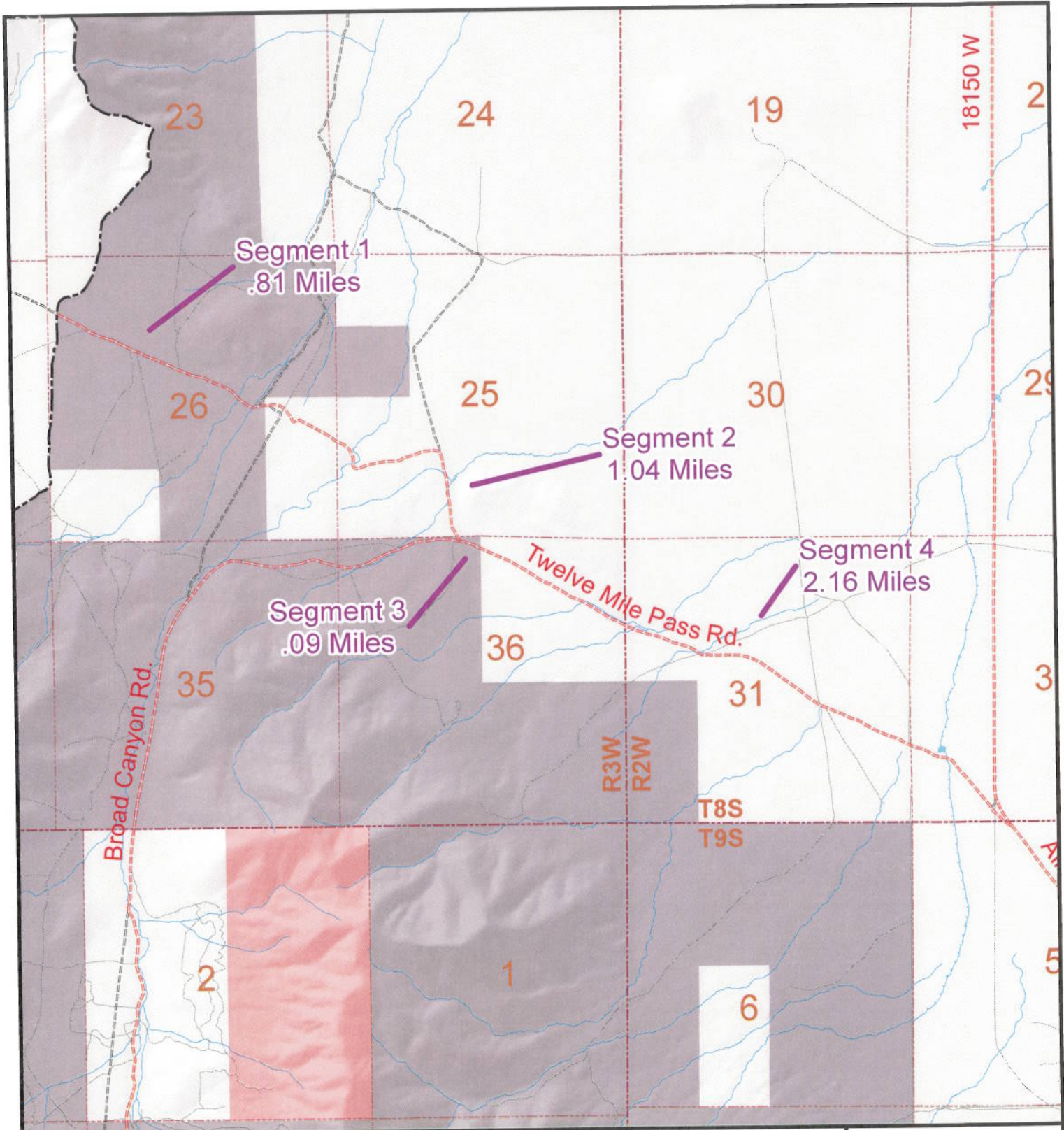
  
ROBERT CURTIS BEVERLY

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



  
Notary Public





**RS2477**  
**Twelve Mile**  
**Pass Rd.**  
**.90 Miles**

---

**B978**  
**4.10 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>
--	--	---

1:30,032  
 1 inch equals 2,502.65 feet

Utah County Public Works - Mapping Division  
 2855 South State Street  
 Provo, UT 84606  
 (801) 851-8626  
 Printed on August 28, 2008 by maryek

"Exhibit A"

**TWELVE MILE PASS ROAD**

STATE OF UTAH                    )  
  :SS  
COUNTY OF UTAH                )

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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 Twelve Mile Pass Road that runs from the 18150 West Street to Tooele County. A map of the road is attached hereto as Exhibit "A".
3. Construction and maintenance of the road before 1965 was performed by hand labor and 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 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 continuing through 1976 and beyond.
6. Since before 1965 and continuing to the present the road has been used for ranching, farming , hunting, commerce, camping, recreation, law enforcement, and traveling in and through the area. Between 1965 and 1985 I often traveled the road in order to perform inspections and regular maintenance.
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 1966 to the present is approximately daily except during the winter when the road travel is light.

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.

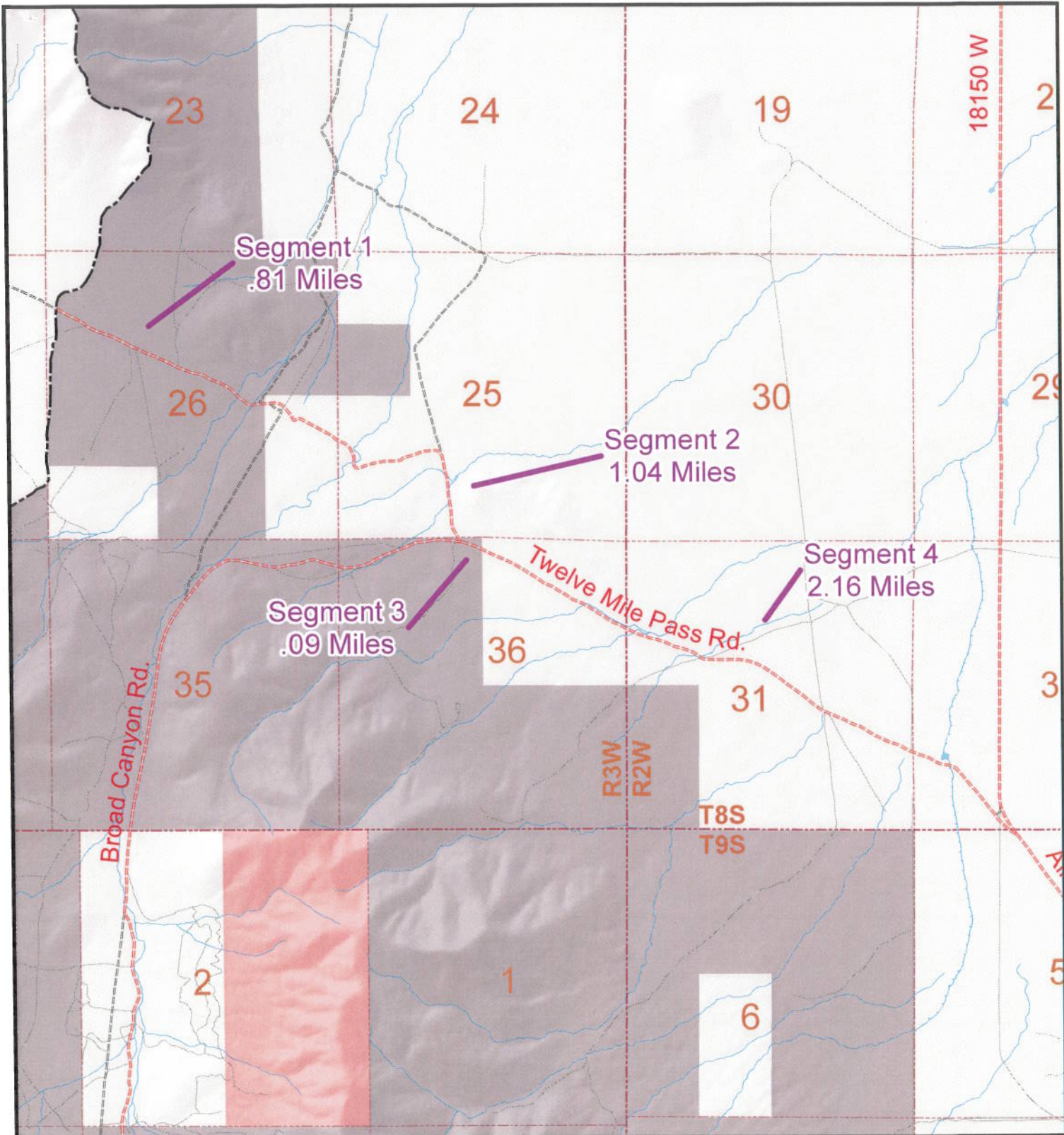
DATED this 17 day of MAY, 2007.

  
BYRON L. ORTON

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

  
Notary Public





**RS2477**  
**Twelve Mile**  
**Pass Rd.**  
**.90 Miles**

**B978**  
**4.10 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		
Gravel Roads		
Other Roads		
Railroads		



1:30,032  
 1 inch equals 2,502.65 feet



Utah County Public Works - Mapping Division  
 2855 South State Street  
 Provo, UT 84606  
 (801) 951-8626  
 Printed on August 28, 2006 by maryek

"Exhibit A"



## Exhibit B

ENT 80035:2008 PG 28 of 28

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

**Popular Name: TWELVE MILE PASS ROAD**

**County: Utah**

**County Road Number: B978**

**State Geographic Information Database (SGID) Road Identification Number: RD250022.**

**Total Road Length: 4.09 miles more or less.**

**Beginning at a point** on the road centerline located at 40 degrees 05 minutes 52.73 seconds North Latitude and -112 degrees 09 minutes 25.85 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,456,581.1 feet and Y = 7,205,088.9 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 40 degrees 04 minutes 17.48 seconds North Latitude and -112 degrees 05 minutes 39.69 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,474,090.1 feet and Y = 7,195,329.0 feet based on the US Survey Foot conversion.

This road may traverse:

Township 8 South Range 2 West, Section(s) 31,32, Salt Lake Base & Meridian  
Township 8 South Range 3 West, Section(s) 25,26,36, Salt Lake Base & Meridian  
Township 9 South Range 2 West, Section(s) 5, Salt Lake Base & Meridian