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

**DOC # 20080019323**

Right of Way Page 1 of 14  
Russell Shirts Washington County Recorder  
05/12/2008 09:01:29 AM Fee \$ 0.00  
By GOVERNOR OF STATE OF UTAH



**THE STATE OF UTAH**

**TO ALL WHOM THESE PRESENTS SHALL COME, Greeting:**

**Know ye,** This is an Acknowledgment and Notice of Acknowledgment made under Utah Code Sections 72-5-309 through 310 inclusive, that the grant of the United States of America of “the right of way for the construction of highways over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its political subdivision Washington County as it pertains to the highway located in Washington County known as ENTERPRISE T.V. TOWER ROAD; County Road Number: 0190; State Geographic Information Database (SGID) Road Identification Number: RD270190. Total road length is 1.86 miles more or less.

The reason for this Acknowledgment and Notice of Acknowledgment includes, but is not limited to, the fact that the road was constructed, mechanically, or by continuous use as a public highway for a period of at least ten years, over public lands not reserved for public uses, prior to the earlier of (a) the October 21, 1976 repeal of R.S. 2477 or (b) the date the servient estate was reserved for public uses.

This Acknowledgment and Notice of Acknowledgment applies only to the segments of the road that traverse land owned by the Bureau of Land Management, United States Department of the Interior, and does not apply to segments of the road that traverse land owned by any other person or entity. The State of Utah and its political subdivisions reserve the right to make further acknowledgments and notices of acknowledgment with regard to road segments that traverse land owned by other entities, including the United States of America, through one or more of its agencies.

A printed copy of a map showing the location of the road in said county is appended hereto as “Attachment 1,” a printed copy of representative photos of the road is appended hereto as “Attachment 2,” a printed copy of a description of the beginning and ending points of the entire road together with a list of Townships, Ranges and Sections that may be traversed by the road in said county is appended hereto as “Attachment 3,” and a printed copy of the Road Centerline Description Cover Page(s) is appended hereto as “Attachment 4.” The Appendices listed in “Attachment 4” that contain the actual road centerline descriptions are incorporated herein by reference. Affidavits provided by individuals familiar with the road are appended hereto as “Attachment 5.”

A printed copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or obtained at the office of the Utah State Archives.

An electronic copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or downloaded as read-only PDF (Portable Document Format) files via the


Internet at <http://recorded2477roads.utah.gov>.

The owner of the servient estate in the land underlying the road-segments subject to this Acknowledgment and Notice is believed to be the United States of America through one or more of its agencies. Any of such agencies or any other person with a servient ownership claim or a competing dominant estate right-of-way ownership claim, may file a petition in the State District Court for Salt Lake County for a decision regarding the correctness of this Acknowledgment. A claimant shall file a petition within sixty (60) days after receipt of this Notice.

**In Witness Whereof**, I, John Harja, the official designee of the Governor of the State of Utah, in conformity to the laws of the State (Utah Code Sections 72-5-308 through 310 inclusive), have caused this Acknowledgment and Notice of Acknowledgment to be made.

Signed by my hand in Salt Lake City, Utah, the 23<sup>rd</sup> day of APRIL, 2008.

By the Governor's Designee

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

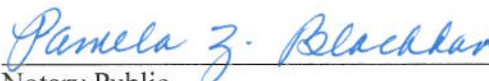
### CERTIFICATION

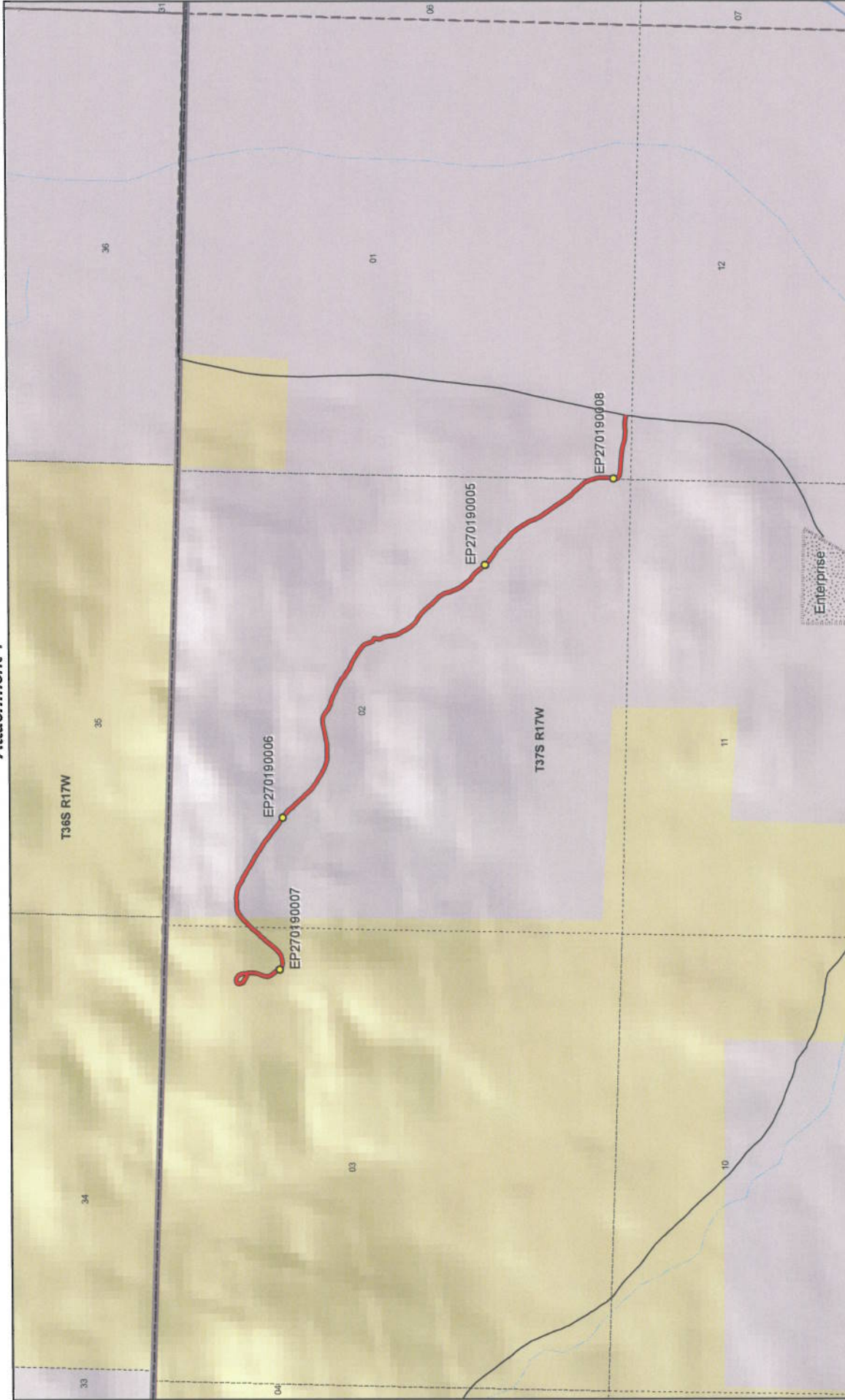
State of Utah                    )  
  : ss  
County of Salt Lake         )

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 23<sup>rd</sup> day of April, 2008.



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



1:18,769  
1 inch equals 0.3 miles

### ENTERPRISE T.V. TOWER ROAD - Washington County

#### SGID RD\_ID RD270190

Map prepared by the State of Utah  
Agriculture Center Reference Center  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
Feb 12, 2008

<p><b>Land Ownership Categories</b></p> <ul style="list-style-type: none"> <li>BLM</li> <li>Private</li> <li>SITLA, State Trust Land</li> <li>USFS, National Forest</li> <li>State Parks and Recreation</li> <li>Tribal, Indian Reservation</li> <li>NPS, National Park</li> </ul>	<p><b>Transportation Network</b></p> <ul style="list-style-type: none"> <li>ENTERPRISE T.V. TOWER ROAD</li> <li>Other Roads</li> <li>Title V, Issued Or Under Consideration By BLM Or county</li> <li>Photo Event Point</li> <li>Section = 1 Mile</li> </ul>
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Attachment 2



EP270190005



EP270190006



EP270190007



EP270190008

EP000000000

EP000000000

**ENTERPRISE T.V. TOWER ROAD - Washington County**  
**SGID RD\_ID RD270190**

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



### Attachment 3

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

**Popular Name: ENTERPRISE T.V. TOWER ROAD**

**County: Washington**

**County Road Number: 0190**

**State Geographic Information Database (SGID) Road Identification Number: RD270190.**

**Total Road Length: 1.86 miles more or less.**

**Beginning at a point** on the road centerline located at 37 degrees 36 minutes 07.17 seconds North Latitude and -113 degrees 44 minutes 15.06 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 992,267.1 feet and Y = 10,190,822.3 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 37 degrees 35 minutes 24.83 seconds North Latitude and -113 degrees 42 minutes 51.93 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 998,853.3 feet and Y = 10,186,381.7 feet based on the US Survey Foot conversion.

This road may traverse:

Township 37 South Range 17 West, Section(s) 1,2,3, Salt Lake Base & Meridian  
See Attachment 1 above for a cartographic depiction of the course of this road.

**Attachment 4  
Road Centerline Description Cover Page(s)**

**Popular Name: ENTERPRISE T.V. TOWER ROAD**

**County: Washington**

**County Road Number: 0190**

**State Geographic Information Database (SGID) Road Identification Number: RD270190.**

**Total Road Length: 1.86 miles more or less.**

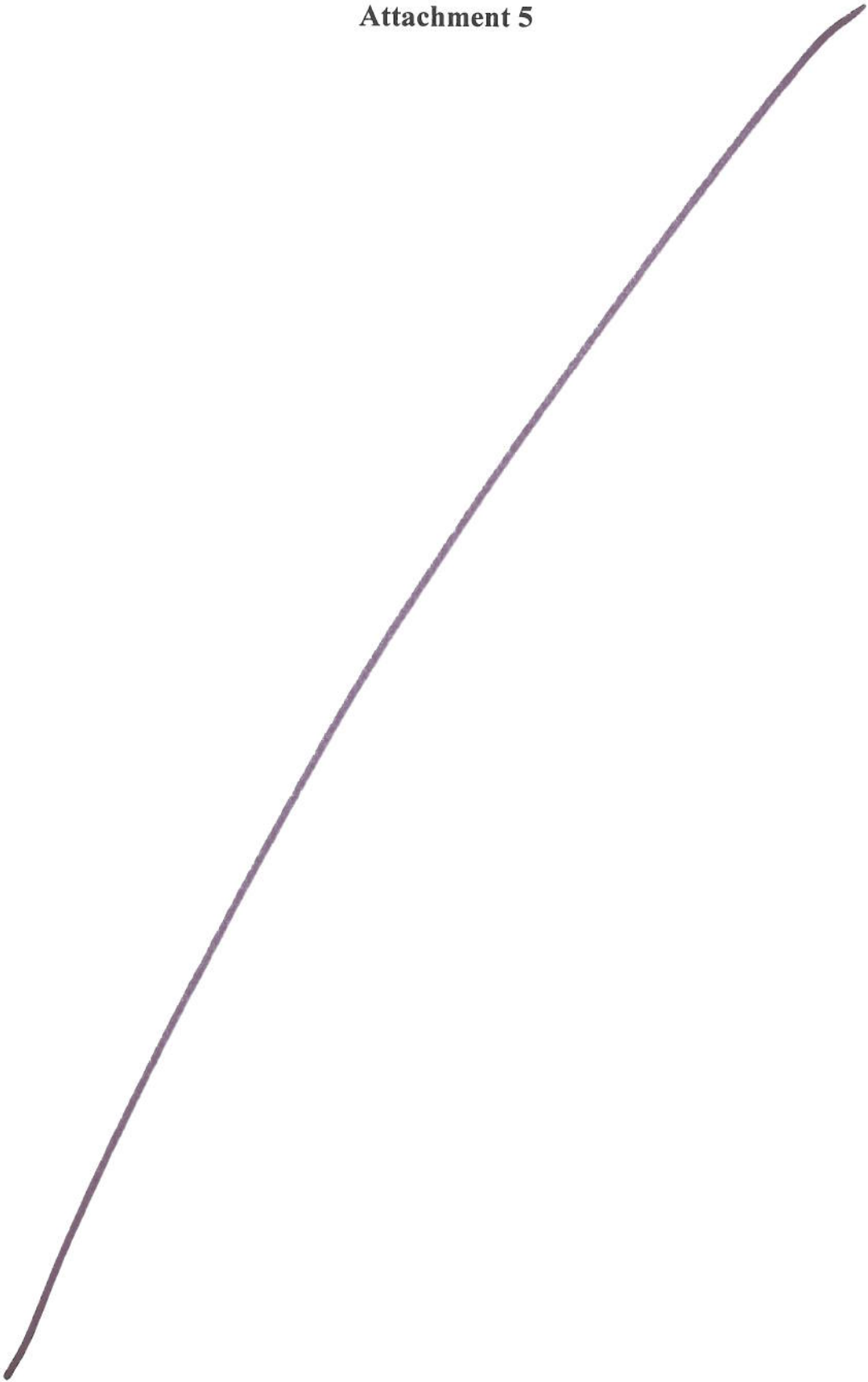
**Centerline Descriptions Of Road-Segments That Cross Over Federally Owned Land, Derived From Global Positioning System Data And Cross-checked against USGS Digital Orthophoto Quadrangles Compiled By The Utah Automated Geographic Reference Center And Entered Into The State Geographic Information Database (SGID).**

<b>Road-Segments Listed by SGID Road Identification Number (RD_ID)</b>	<b>Road-Segment Numbers</b>	<b>Believed Ownership Of Servient Estate</b>	<b>Approximate Segment Length</b>	<b>See Attached Appendix</b>
<b>RD270190</b>	<b>001</b>	<b>BLM</b>	<b>0.31 Miles</b>	<b>A</b>
<b>RD270190</b>	<b>002</b>	<b>PVT</b>	<b>1.55 Miles</b>	<b>(not shown)</b>
		<b>Total Road Length</b>	<b>1.86</b>	<b>_____</b>

\* Indicates that a Title V permit will be requested, is in process, or has been issued.

† Indicates that road-segments crossing Forest Service land are under consideration by the state and county as of the date of this Acknowledgment and Notice of Acknowledgment.

**Attachment 5**



AFFIDAVIT OF SHERWOOD LEE BRACKEN  
ENTERPRISE TV TOWER ROAD  
COUNTY ROAD NUMBER 0190  
WASHINGTON COUNTY, UTAH

State of Utah                                 )  
  :ss  
County of Washington                     )

SHERWOOD LEE BRACKEN, being first duly sworn, deposes and states as follows:

1. I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I am 55 years old. I currently reside in Enterprise, Washington County, Utah. I have lived in Washington County my entire life, except for 4 years when I attended college in Cedar City, Utah. During my 4 years attending college, I returned home on the weekends, summers, and other vacations to work on my family ranch. I am a partner in Bracken Farms, Inc., which is a family owned business that involves ranching, farming, trucking. I also own Bracken Service, a retail sales establishment, which sells among other items, wood gathering permits. I am also involved in search and rescue operations for Washington County.

2. I have traveled and am familiar with a road in Washington County known as ENTERPRISE TV TOWER ROAD. I am also familiar with the land the road traverses. I have traveled the road with my father and grandfather at various times since I was a small child. Both my father and grandfather were involved in farming and ranching operations in this area. When I first used and observed the road in 1965, it followed the same route as in 2007, when I last observed it. Attached is a Washington County map showing ENTERPRISE TV TOWER ROAD. To the best of my knowledge



and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map. The County also identifies this road according to the road number listed above.

3. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1965, and continuing through 1976 to the present. Throughout this time period I have observed travel on the road by recreational vehicles, jeeps, trucks and other motor vehicles, as well as maintenance vehicles for access and repair of equipment and towers. Throughout this time period, the road has been used regularly, weather permitting, for more than ten continuous years prior to 1976, and it is presently used daily.

4. Throughout the time period from 1965 to the present, I have used the road myself for farming and ranching operations, hunting, search and rescue operations, and recreation.

5. Throughout the time period described in the previous paragraphs I observed vehicles using the road at various times for the uses described in the previous paragraphs, in addition to government access including the Bureau of Land Management and United States Forest Service; private company access; wood gathering; and recreation, such as camping, picnicking, hiking and sight seeing.

6. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least 1955, and continuing through 1976 to the present, for the uses described in the previous paragraphs.

7. Prior to 1976 I occasionally observed county graders on the road. I observed general repairs and/or maintenance on the road, including berms, graded and raised surfaces and grader marks.

DATED this 13<sup>th</sup> of April, 2007.

  
SHERWOOD LEE BRACKEN

SUBSCRIBED AND SWORN to before me this 13<sup>th</sup> day of April, 2007.

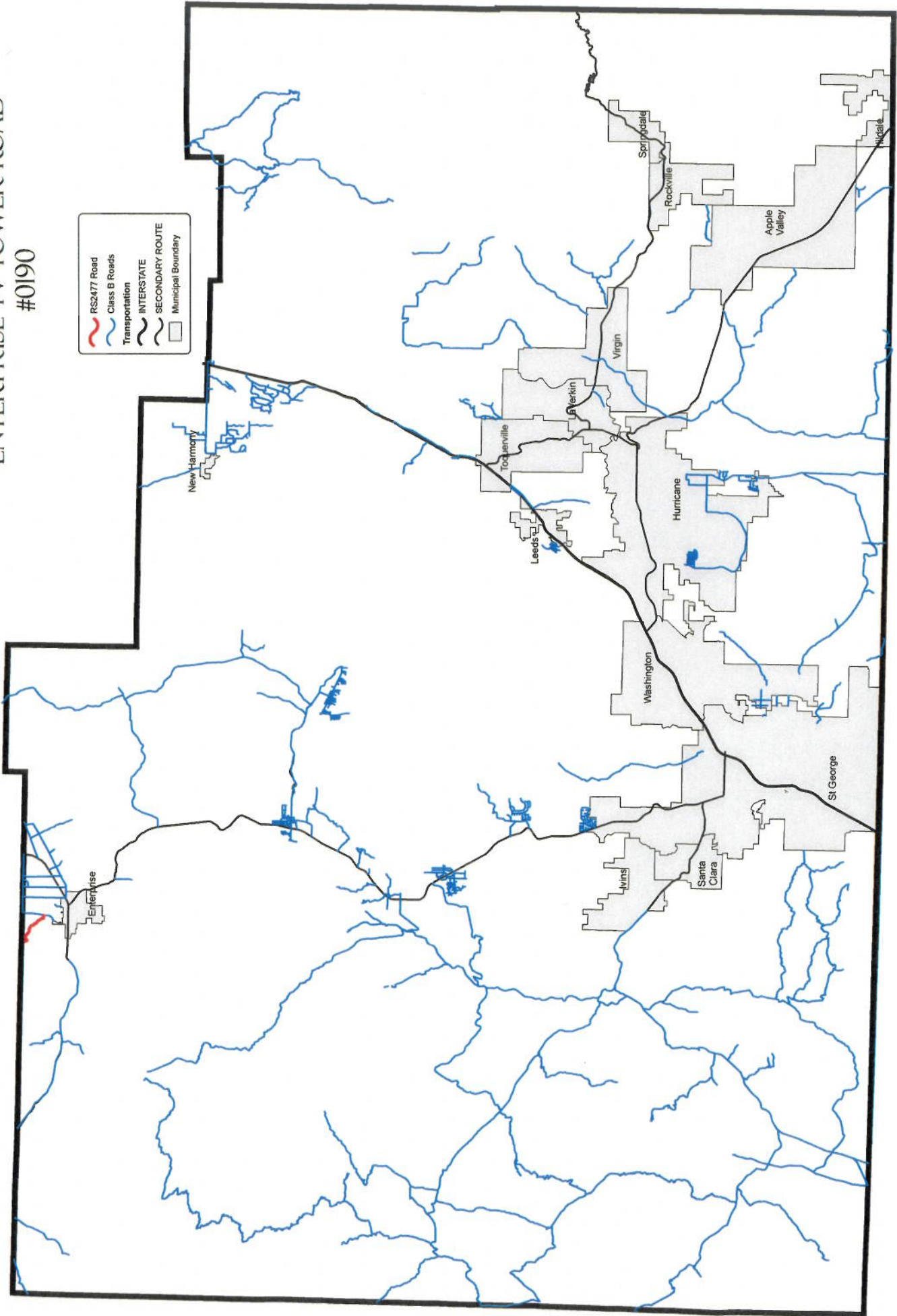


  
NOTARY PUBLIC

# WASHINGTON COUNTY ENTERPRISE TV TOWER ROAD

#0190

- RS2477 Road
- Class B Roads
- Transportation
- INTERSTATE
- SECONDARY ROUTE
- Municipal Boundary



AFFIDAVIT OF SHERWOOD N. BRACKEN  
ENTERPRISE TV TOWER ROAD  
COUNTY ROAD NUMBER 0190  
WASHINGTON COUNTY, UTAH

State of Utah                                      )  
  :ss  
County of Washington                      )

SHERWOOD N. BRACKEN, being first duly sworn, deposes and states as follows:

1. I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I am 72 years old. I currently reside in Enterprise, Washington County, Utah. I have lived in Washington County my entire life. I have worked as a rancher and farmer since 1957. I am the founding partner in Bracken Farms, Inc., which is a family owned business that involves ranching, farming, trucking and ownership of Bracken Service, a retail sales establishment.

2. I have traveled and am familiar with a road in Washington County known as ENTERPRISE TV TOWER ROAD. I am also familiar with the land the road traverses. When I first used and observed the road in approximately the mid-1950s, it followed the same route as in 2007, when I last observed it. Attached is a Washington County map showing ENTERPRISE TV TOWER ROAD. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map. The County also identifies this road according to the road number listed above.

3. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1955, and continuing through 1976

to the present. Throughout this time period I have observed travel on the road by horseback, trucks, jeeps, stock trucks, ATVs, and other motor vehicles. Throughout this time period, the road has been used regularly, weather permitting, for more than ten continuous years prior to 1976, and it is presently used daily.

4. Throughout the time period from the mid-1950s to the present, I have used the road myself for hunting and recreation.

5. Throughout the time period described in the previous paragraphs, I observed vehicles using the road at various times for the uses described in the previous paragraphs, as well as government access, private company access, and recreation, such as camping, picnicking, hiking and sight seeing.

6. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since the mid-1950s, and continuing through 1976 to the present, for the uses described in the previous paragraphs.

7. Prior to 1976, I occasionally observed general repairs and/or maintenance on the road, including berms, graded and raised surfaces, and grader marks.

DATED this 10 of MAY, 2007.

  
SHERWOOD N. BRACKEN

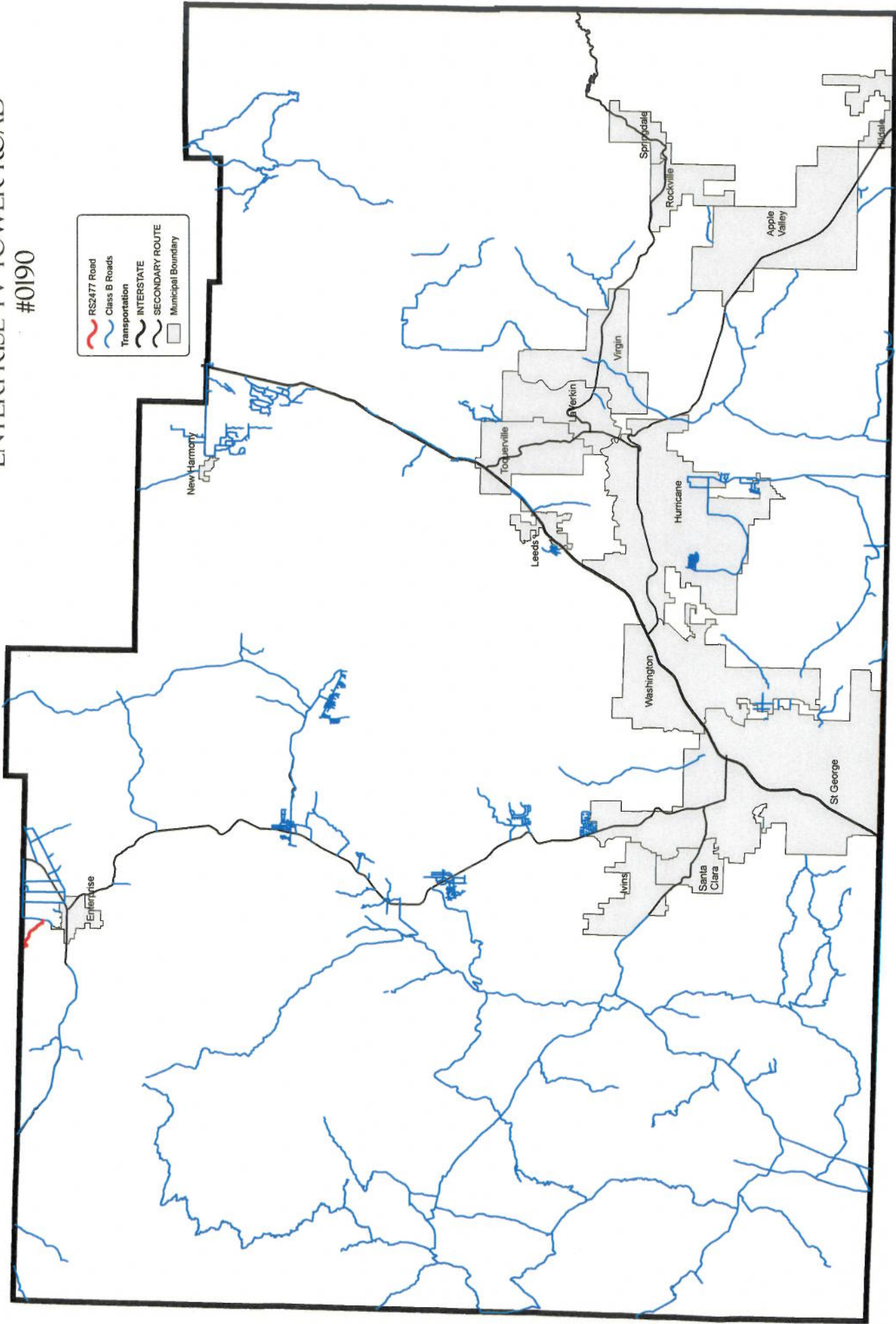
SUBSCRIBED AND SWORN to before me this 10th day of May, 2007.



  
NOTARY PUBLIC

# WASHINGTON COUNTY ENTERPRISE TV TOWER ROAD #0190

- RS2477 Road
- Class B Roads
- Transportation
- INTERSTATE
- SECONDARY ROUTE
- Municipal Boundary



## Appendix A to Attachment 4

**Popular Name: ENTERPRISE T.V. TOWER ROAD**

**County: Washington**

**County Road Number: 0190**

**State Geographic Information Database (SGID) Road Identification Number: RD270190.**

**Road-Segment Number: 001**

**Road-Segment Length: 0.31 miles more or less.**

**Believed owner of the land underlying this road-segment is: Bureau of Land Management.**

*The following description is based upon the geographic coordinate system using the NAD83 Datum. The source is GPS mapping grade data as indicated in the metadata and/or the transportation data model of the State of Utah Geographic Information Database (SGID).*

The road-segment itself is the monument that is identified by its physical presence on the land. The location of said physical presence is closely approximated by mapping grade Global Positioning System (GPS) data. Said data are checked against the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS) to verify a reasonable degree of accuracy. In circumstances where accurate satellite signal acquisition is not possible, such as deep, narrow canyons or under a canopy of dense foliage, or where very sharp curves in the road make accuracy questionable, such portions of the road were digitized from the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS).

This road-segment may traverse:

Township 37 South Range 17 West, Section(s) 2,3, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (ENTERPRISE T.V. TOWER ROAD)-- Segment 001 based on mapping grade Global Positioning System (GPS) data as defined above:

**Beginning at a point** on the road center line located at 37 degrees 36 minutes 07.17 seconds North Latitude and -113 degrees 44 minutes 15.06 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 992,267.1 feet and Y = 10,190,822.3 feet; thence the following courses along the said road center line:

thence North 52 Degrees 31 Minutes 28 Seconds West 16.6 feet  
thence North 60 Degrees 43 Minutes 20 Seconds West 27.9 feet  
thence North 65 Degrees 05 Minutes 56 Seconds West 30.8 feet  
thence North 58 Degrees 52 Minutes 14 Seconds West 34.6 feet  
thence North 25 Degrees 00 Minutes 09 Seconds West 36.1 feet  
thence North 02 Degrees 33 Minutes 43 Seconds East 26.3 feet  
thence North 41 Degrees 19 Minutes 59 Seconds East 19.7 feet  
thence North 84 Degrees 04 Minutes 08 Seconds East 23.4 feet  
thence South 77 Degrees 50 Minutes 07 Seconds East 31.9 feet  
thence South 56 Degrees 26 Minutes 11 Seconds East 30 feet  
thence South 37 Degrees 01 Minutes 27 Seconds East 25.8 feet

thence South 15 Degrees 56 Minutes 33 Seconds East 34.1 feet  
 thence South 04 Degrees 36 Minutes 58 Seconds East 34.9 feet  
 thence South 07 Degrees 11 Minutes 33 Seconds East 30.1 feet  
 thence South 08 Degrees 41 Minutes 00 Seconds East 31.5 feet  
 thence South 00 Degrees 11 Minutes 07 Seconds West 38.7 feet  
 thence South 08 Degrees 53 Minutes 47 Seconds West 34.9 feet  
 thence South 21 Degrees 01 Minutes 45 Seconds West 37 feet  
 thence South 24 Degrees 55 Minutes 57 Seconds West 31.5 feet  
 thence South 20 Degrees 24 Minutes 31 Seconds West 28.8 feet  
 thence South 03 Degrees 41 Minutes 26 Seconds West 28.3 feet  
 thence South 18 Degrees 57 Minutes 29 Seconds East 26.7 feet  
 thence South 31 Degrees 24 Minutes 32 Seconds East 22.2 feet  
 thence South 36 Degrees 22 Minutes 34 Seconds East 28.4 feet  
 thence South 34 Degrees 19 Minutes 10 Seconds East 31.7 feet  
 thence South 33 Degrees 16 Minutes 10 Seconds East 43.4 feet  
 thence South 38 Degrees 34 Minutes 24 Seconds East 45.5 feet  
 thence South 76 Degrees 38 Minutes 20 Seconds East 48.6 feet  
 thence North 84 Degrees 48 Minutes 40 Seconds East 50 feet  
 thence North 72 Degrees 34 Minutes 10 Seconds East 50.1 feet  
 thence North 54 Degrees 44 Minutes 20 Seconds East 49.2 feet  
 thence North 45 Degrees 35 Minutes 58 Seconds East 44.3 feet  
 thence North 39 Degrees 56 Minutes 10 Seconds East 39.1 feet  
 thence North 38 Degrees 40 Minutes 20 Seconds East 37.5 feet  
 thence North 41 Degrees 12 Minutes 37 Seconds East 38.1 feet  
 thence North 39 Degrees 26 Minutes 45 Seconds East 40.5 feet  
 thence North 40 Degrees 53 Minutes 08 Seconds East 38.3 feet  
 thence North 43 Degrees 00 Minutes 18 Seconds East 39.2 feet  
 thence North 43 Degrees 22 Minutes 03 Seconds East 39.9 feet  
 thence North 41 Degrees 10 Minutes 59 Seconds East 41.6 feet  
 thence North 40 Degrees 42 Minutes 31 Seconds East 40 feet  
 thence North 42 Degrees 49 Minutes 18 Seconds East 28.3 feet  
 thence North 42 Degrees 43 Minutes 25 Seconds East 10.6 feet  
 thence North 42 Degrees 43 Minutes 30 Seconds East 29.8 feet  
 thence North 48 Degrees 14 Minutes 21 Seconds East 45.1 feet  
 thence North 46 Degrees 34 Minutes 02 Seconds East 42.7 feet  
 thence North 51 Degrees 35 Minutes 31 Seconds East 34.5 feet more or less to **the ending**

**point at:** 37 degrees 36 minutes 08.01 seconds North Latitude and -113 degrees 44 minutes 06.75 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 992,937.0 feet and Y = 10,190,890.8 feet.