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

Ent 129743 Bk 675 Pg 629
Date: 23-JUN-2008 12:57PM
Fee: None
Filed By: KR
VIKKI BARNETT, Recorder
CARBON COUNTY CORPORATION
For: UTAH STATE

### 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over public lands, not reserved for public uses" under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 Carbon County as it pertains to the highway located in Carbon County known as SOUTH AIRPORT FLATS ROAD; County Road Number: 455; State Geographic Information Database (SGID) Road Identification Number: RD040023. Total road length is 2.91 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 17th day of Jone, 200 8.

By the Governor's Designee

John Haria

### 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.

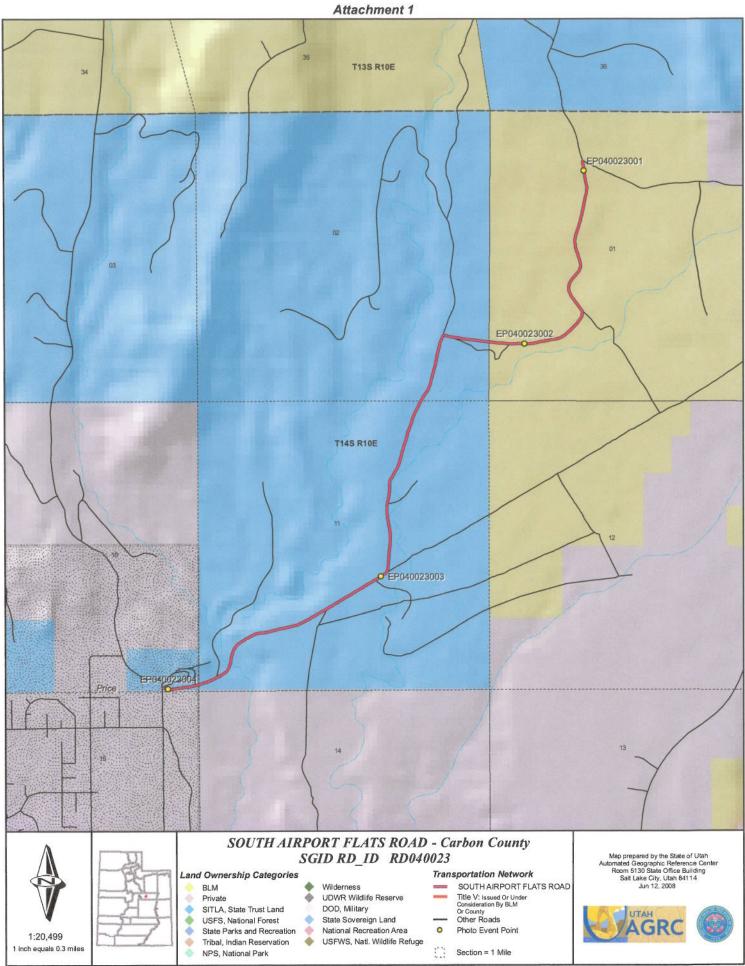
	NOTARY PUBLIC PAMELA Z. BLACKHAM 5110 State Office Bldg Salt Lake City, Utah 84114 COMMISSION EXPIRES May 3, 2011 STATE OF UTAH
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Dated this 17th day of fune, 2008.

Panela 2. Blackdaw

Notary Public

Notary Public



# Attachment 2









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EP000000000

SOUTH AIRPORT FLATS ROAD - Carbon County SGID RD\_ID RD040023

Map prepared by the State of Utah Automated Geographic Reference Center Room 5130 State Office Building Salt Lake City, Utah 84114 June 13, 2008



# Attachment 3

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

Popular Name: SOUTH AIRPORT FLATS ROAD

County: Carbon

County Road Number: 455

State Geographic Information Database (SGID) Road Identification Number: RD040023.

Total Road Length: 2.91 miles more or less.

**Beginning at a point** on the road centerline located at 39 degrees 36 minutes 56.15 seconds North Latitude and -110 degrees 46 minutes 50.21 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,843,066.7 feet and Y = 7,029,525.0 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 39 degrees 38 minutes 32.31 seconds North Latitude and -110 degrees 45 minutes 10.46 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,850,790.1 feet and Y = 7,039,317.5 feet based on the US Survey Foot conversion.

This road may traverse:

Township 14 South Range 10 East, Section(s) 1,2,10,11, 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: SOUTH AIRPORT FLATS ROAD

County: Carbon

County Road Number: 455

State Geographic Information Database (SGID) Road Identification Number: RD040023.

Total Road Length: 2.91 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).

Road-Segments Listed by SGID Road Identification Number (RD ID)	Road-Segment Numbers	Believed Ownership Of Servient Estate	Approximate Segment Length	See Attached Appendix
RD040023	001	ST	1.96 Miles	(not shown)
RD040023	002	BLM	0.94 Miles	A
		Total Road Length	2.91	

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

<sup>†</sup> 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 RAYMOND B. HANSON

# SOUTH AIRPORT FLATS ROAD

# CARBON COUNTY, UTAH

#### **COUNTY ROAD NUMBER 455**

State of Utah	)
	: SS
County of Carbon	)

Raymond B. Hanson, 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 currently reside in Carbon County, Utah. I have lived in Carbon County for 63 years. I was employed by the Carbon County Road Department from 1971 to 1976 and have been employed by the Carbon County Road Department since 1987 to the present. I have been the Carbon County Road Supervisor since January of 1991.
- 2. I have traveled and am familiar with a road in Carbon County known as South Airport Flats Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1960s, it followed the same route as in 2007, when I last observed it. Attached is a Carbon County map showing South Airport Flats 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.
- I am informed that the County identifies this road according to the road number described above.
- 4. 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 the early 1960s and continuing through 1976 to 2007. Throughout this time period I have observed travel on the road by various means,

including: ATV, pickup, automobile, gravel truck, loader and road grader. Throughout this time period, the road has been used daily for more than 10 continuous years prior to 1976, and is presently used daily.

- 5. Throughout the time period from the early 1960s to 2007, I have used the road myself for the following uses: hunting.
- 6. Throughout the time period described in the previous paragraph, I observed vehicles using the road at various times for the uses described in the previous paragraph, plus the following uses: livestock operations, oil and gas exploration.
- 7. 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 as early as the early 1930s and continuing through 1976 to the present, for the uses described in the previous paragraphs.
- 8. I observed the following evidence of construction and maintenance performed on the road prior to 1976: I observed the graded surface of the road.

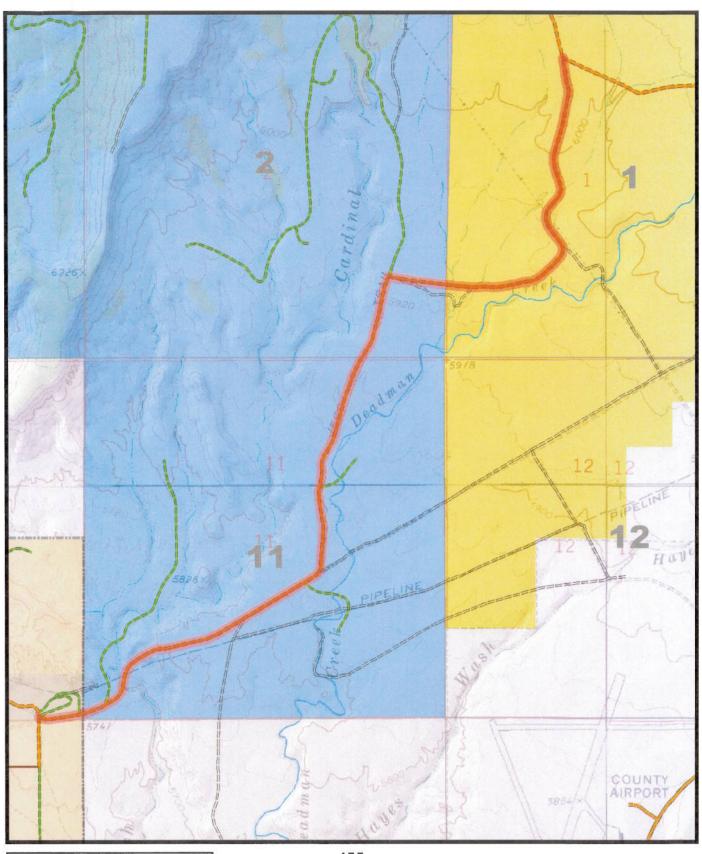
Dated this \_\_\_\_\_day of November, 2007.

RAYMOND B. HANSON

SUBSCRIBED AND SWORN TO before me this 6th day of November, 2007.

Motary Public
GLORIA SCHRADER
5110 State Office Bldg.
Salt Lake City, UT 84114-2477
My Commission Expires
October 10, 2008
State of Utah

Notary Public



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455 S. AIRPORT FLATS RD

#### AFFIDAVIT OF CLAYTON A. CAMPBELL

#### S. AIRPORT FLATS ROAD

# CARBON COUNTY, UTAH

#### **COUNTY ROAD NUMBER 455**

State of Utah	)
	: SS
County of Carbon	)

Clayton A. Campbell, being first duly sworn, deposes and states as follows:

- I am an adult competent to testify about the matters set forth below based upon
  my personal knowledge. I currently reside in Wellington, Carbon County, Utah. I have lived in
  Carbon County almost all of my life since 1944.
- 2. I have traveled and am familiar with a road in Carbon County known as S.

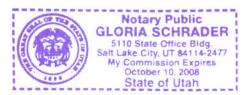
  Airport Flats Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1950s, it followed the same route as in 2006, when I last observed it. Attached is a Carbon County map showing S. Airport Flats Road. To the best of my knowledge and based upon 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.
- I am informed that the County identifies this road according to the road number described above.
- 4. 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 the early 1950s and continuing through 1976 to 2006. Throughout this time period I have observed travel on the road by various means, including pickups, oil field equipment, jeeps and ATVs. Throughout this time period, the road has been used daily for more than ten continuous years prior to 1976 and is presently used daily.

- Throughout the time period from the early 1950s to 2006, I have used the road myself for livestock operations, recreation and hunting.
- 6. Throughout the time period described in the previous paragraph, I observed vehicles using the road at various times for the uses described in the previous paragraph, plus oil and gas exploration and development, government access and access to private property.
- 7. 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 as early as the early 1950s and continuing through 1976 to the present, for the uses described in the previous paragraphs.
- 8. Prior to 1976 I observed the graded surface of the road and other evidence of road construction such as berms along the side of the road.

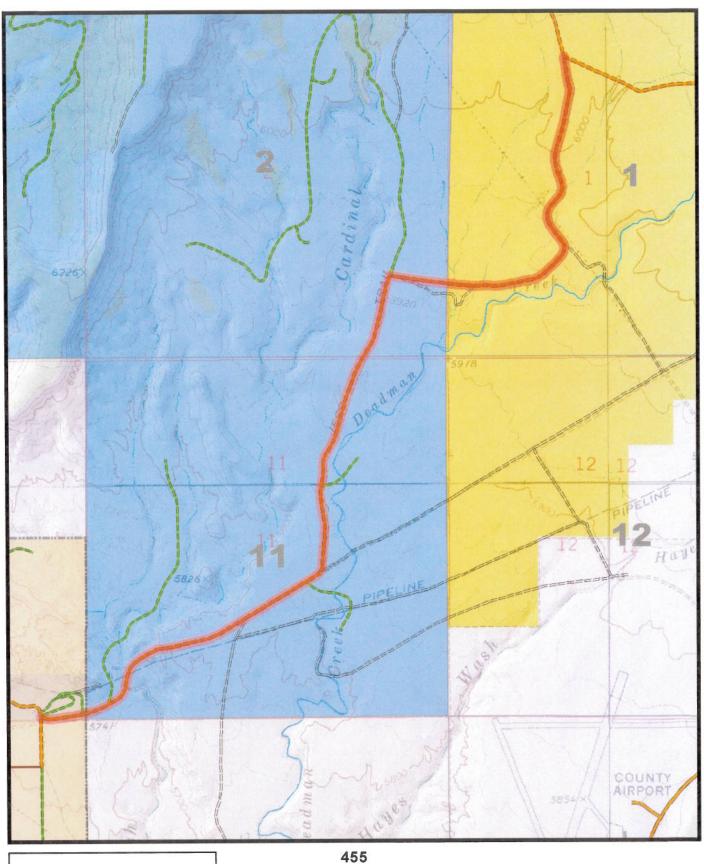
Dated this <u></u> day of November, 2007.

CLAYTON A. CAMPBELL

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of November, 2007.



Notary Public





S. AIRPORT FLATS RD

### Appendix A to Attachment 4

Popular Name: SOUTH AIRPORT FLATS ROAD

County: Carbon

County Road Number: 455

State Geographic Information Database (SGID) Road Identification Number: RD040023.

Road-Segment Number: 002

Road-Segment Length: 0.94 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 14 South Range 10 East, Section(s) 1,2, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (SOUTH AIRPORT FLATS ROAD)-- Segment 002 based on mapping grade Global Positioning System (GPS) data as defined above:

**Beginning at a point** on the road center line located at 39 degrees 37 minutes 59.15 seconds North Latitude and -110 degrees 45 minutes 32.63 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,849,084.4 feet and Y = 7,035,948.2 feet; thence the following courses along the said road center line:

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thence South 84 Degrees 36 Minutes 37 Seconds East thence South 83 Degrees 33 Minutes 17 Seconds East 3.9 feet thence South 83 Degrees 43 Minutes 36 Seconds East thence South 83 Degrees 56 Minutes 51 Seconds East 40.9 feet thence South 82 Degrees 18 Minutes 44 Seconds East 50.6 feet thence South 85 Degrees 22 Minutes 30 Seconds East 60.9 feet thence South 85 Degrees 02 Minutes 11 Seconds East 66.3 feet thence South 86 Degrees 15 Minutes 46 Seconds East 63.1 feet thence South 86 Degrees 28 Minutes 36 Seconds East 66.6 feet thence South 89 Degrees 55 Minutes 39 Seconds East 14.3 feet thence South 88 Degrees 39 Minutes 29 Seconds East 35.1 feet
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thence North 89 Degrees 58 Minutes 40 Seconds East 18.9 feet
thence North 87 Degrees 35 Minutes 37 Seconds East 38.8 feet
thence North 88 Degrees 13 Minutes 53 Seconds East 27.3 feet
thence North 86 Degrees 03 Minutes 00 Seconds East 35.8 feet
thence South 89 Degrees 58 Minutes 57 Seconds East 55.6 feet
thence South 86 Degrees 55 Minutes 05 Seconds East 30.4 feet
thence South 86 Degrees 13 Minutes 15 Seconds East 37.2 feet
thence South 88 Degrees 12 Minutes 18 Seconds East 26.7 feet
thence North 89 Degrees 59 Minutes 50 Seconds East 29.5 feet
thence North 86 Degrees 01 Minutes 36 Seconds East 35.5 feet
thence North 86 Degrees 18 Minutes 45 Seconds East 25.7 feet
thence North 83 Degrees 01 Minutes 14 Seconds East 40.5 feet
thence North 79 Degrees 43 Minutes 21 Seconds East 27.5 feet
thence North 79 Degrees 32 Minutes 23 Seconds East 40.6 feet
thence North 77 Degrees 07 Minutes 46 Seconds East 29.5 feet
thence North 77 Degrees 56 Minutes 45 Seconds East 39.2 feet
thence North 76 Degrees 43 Minutes 57 Seconds East 32.2 feet
thence North 78 Degrees 02 Minutes 54 Seconds East 35.7 feet
thence North 77 Degrees 27 Minutes 51 Seconds East 41.6 feet
thence North 78 Degrees 56 Minutes 33 Seconds East 25.7 feet
thence North 78 Degrees 34 Minutes 22 Seconds East 57.9 feet
thence North 80 Degrees 43 Minutes 27 Seconds East 71.3 feet
thence North 83 Degrees 05 Minutes 30 Seconds East 13.4 feet
thence North 79 Degrees 27 Minutes 57 Seconds East 49.4 feet
thence North 67 Degrees 57 Minutes 27 Seconds East 34.9 feet
thence North 69 Degrees 08 Minutes 36 Seconds East 32.3 feet
thence North 57 Degrees 08 Minutes 46 Seconds East 46.9 feet
thence North 56 Degrees 16 Minutes 16 Seconds East 14.8 feet
thence North 51 Degrees 19 Minutes 56 Seconds East 59.1 feet
thence North 47 Degrees 37 Minutes 50 Seconds East 73 feet
thence North 45 Degrees 49 Minutes 40 Seconds East 69.4 feet
thence North 45 Degrees 33 Minutes 08 Seconds East 15.2 feet
thence North 43 Degrees 39 Minutes 59 Seconds East 49.9 feet
thence North 44 Degrees 21 Minutes 47 Seconds East 25.2 feet
thence North 40 Degrees 51 Minutes 53 Seconds East 30.4 feet
thence North 41 Degrees 04 Minutes 59 Seconds East 38.1 feet
thence North 38 Degrees 11 Minutes 52 Seconds East 14.6 feet
thence North 38 Degrees 21 Minutes 44 Seconds East 50.2 feet
thence North 31 Degrees 54 Minutes 05 Seconds East 55.1 feet
thence North 10 Degrees 25 Minutes 17 Seconds East 44.2 feet
thence North 02 Degrees 41 Minutes 25 Seconds West 47.6 feet
thence North 10 Degrees 38 Minutes 09 Seconds West 16.7 feet
thence North 31 Degrees 26 Minutes 55 Seconds West 45.2 feet
thence North 35 Degrees 04 Minutes 12 Seconds West 57.1 feet
thence North 35 Degrees 58 Minutes 34 Seconds West 11.1 feet
thence North 38 Degrees 46 Minutes 53 Seconds West 44.2 feet
thence North 36 Degrees 54 Minutes 08 Seconds West 28.7 feet
thence North 39 Degrees 13 Minutes 02 Seconds West 36 feet
thence North 37 Degrees 26 Minutes 19 Seconds West 48.6 feet
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thence North 38 Degrees 30 Minutes 06 Seconds West 17.8 feet
thence North 34 Degrees 24 Minutes 30 Seconds West 61.7 feet
thence North 23 Degrees 31 Minutes 47 Seconds West 72.5 feet
thence North 14 Degrees 38 Minutes 15 Seconds West 19.5 feet
thence North 10 Degrees 47 Minutes 59 Seconds West 49.3 feet
thence North 03 Degrees 24 Minutes 54 Seconds East 62.5 feet
thence North 19 Degrees 49 Minutes 58 Seconds East 47.1 feet
thence North 19 Degrees 55 Minutes 11 Seconds East 17.5 feet
thence North 36 Degrees 52 Minutes 34 Seconds East 66.7 feet
thence North 41 Degrees 06 Minutes 25 Seconds East 55.5 feet
thence North 42 Degrees 29 Minutes 30 Seconds East 13.4 feet
thence North 42 Degrees 06 Minutes 11 Seconds East 63 feet
thence North 37 Degrees 08 Minutes 54 Seconds East 65.9 feet
thence North 20 Degrees 52 Minutes 04 Seconds East 55.3 feet
thence North 15 Degrees 37 Minutes 28 Seconds East 13.6 feet
thence North 05 Degrees 24 Minutes 55 Seconds East 43.7 feet
thence North 10 Degrees 19 Minutes 22 Seconds West 18.3 feet
thence North 11 Degrees 01 Minutes 57 Seconds West 37.6 feet
thence North 13 Degrees 12 Minutes 32 Seconds West 27.8 feet
thence North 18 Degrees 36 Minutes 04 Seconds West 34.6 feet
thence North 19 Degrees 35 Minutes 26 Seconds West 39.2 feet
thence North 21 Degrees 11 Minutes 59 Seconds West 27.3 feet
thence North 18 Degrees 33 Minutes 06 Seconds West 55.4 feet
thence North 19 Degrees 10 Minutes 40 Seconds West 11.3 feet
thence North 15 Degrees 25 Minutes 20 Seconds West 65.5 feet
thence North 14 Degrees 55 Minutes 45 Seconds West 12.8 feet
thence North 10 Degrees 47 Minutes 59 Seconds West 49.3 feet
thence North 08 Degrees 48 Minutes 22 Seconds West 30.7 feet
thence North 05 Degrees 01 Minutes 23 Seconds West 28 feet
thence North 00 Degrees 13 Minutes 57 Seconds East 47.6 feet
thence North 02 Degrees 53 Minutes 03 Seconds East 12.3 feet
thence North 11 Degrees 02 Minutes 14 Seconds East 61 feet
thence North 16 Degrees 43 Minutes 32 Seconds East 76.2 feet
thence North 17 Degrees 39 Minutes 41 Seconds East 72.3 feet
thence North 16 Degrees 57 Minutes 38 Seconds East 15.5 feet
thence North 16 Degrees 22 Minutes 08 Seconds East 59 feet
thence North 16 Degrees 03 Minutes 00 Seconds East 23.1 feet
thence North 15 Degrees 35 Minutes 57 Seconds East 51.1 feet
thence North 14 Degrees 54 Minutes 53 Seconds East 25.5 feet
thence North 14 Degrees 56 Minutes 51 Seconds East 49.2 feet
thence North 13 Degrees 37 Minutes 30 Seconds East 25.3 feet
thence North 13 Degrees 05 Minutes 21 Seconds East 48.8 feet
thence North 11 Degrees 07 Minutes 12 Seconds East 30.9 feet
thence North 11 Degrees 00 Minutes 23 Seconds East 41.8 feet
thence North 10 Degrees 12 Minutes 06 Seconds East 41.7 feet
thence North 09 Degrees 59 Minutes 02 Seconds East 30.8 feet
thence North 10 Degrees 23 Minutes 15 Seconds East 53.3 feet
thence North 09 Degrees 55 Minutes 52 Seconds East 19.2 feet
 thence North 10 Degrees 44 Minutes 29 Seconds East 62.6 feet
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thence North 12 Degrees 16 Minutes 06 Seconds East 77.2 feet
thence North 10 Degrees 23 Minutes 14 Seconds East 62.5 feet
thence North 08 Degrees 38 Minutes 42 Seconds East 15 feet
thence North 03 Degrees 46 Minutes 34 Seconds East 46.9 feet
thence North 13 Degrees 24 Minutes 11 Seconds West 17.7 feet
thence North 13 Degrees 45 Minutes 54 Seconds West 43.9 feet
thence North 14 Degrees 00 Minutes 24 Seconds West 16.9 feet
thence North 18 Degrees 59 Minutes 03 Seconds West 41.6 feet
thence North 08 Degrees 33 Minutes 28 Seconds West 37.3 feet
thence North 08 Degrees 00 Minutes 33 Seconds West 13.2 feet
thence North 09 Degrees 00 Minutes 54 Seconds West 52.3 feet
thence North 08 Degrees 51 Minutes 06 Seconds West 19.9 feet
thence North 08 Degrees 07 Minutes 47 Seconds West 34.8 feet
thence North 08 Degrees 44 Minutes 05 Seconds West 58.1 feet
thence North 09 Degrees 04 Minutes 31 Seconds West 50.7 feet
thence North 08 Degrees 53 Minutes 28 Seconds West 39.9 feet
thence North 05 Degrees 30 Minutes 55 Seconds West 36.2 feet
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thence North 10 Degrees 02 Minutes 49 Seconds West 37.5 feet more or less to the ending point at: 39 degrees 38 minutes 32.31 seconds North Latitude and -110 degrees 45 minutes 10.46 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,850,790.1 feet and Y = 7,039,317.5 feet.