

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

ENT 80021:2008 PG 1 of 28
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2008 Jul 15 12:20 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 CEDAR FORT DIAGONAL; County Road Number: B831; State Geographic Information Database (SGID) Road Identification Number: RD250002.

This document supplements and supports the information contained in the document recorded on **Feb. 26, 2008** at **Ent: 21730:2008, 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 3rd 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 3rd day of July, 2008.


Notary Public

AFFIDAVIT OF CLYDE R. NAYLOR

CEDAR FORT DIAGONAL ROAD

UTAH COUNTY, UTAH

COUNTY "B" ROAD NUMBER B 831

STATE OF UTAH)
 :SS
COUNTY OF UTAH)

I, CLYDE R. NAYLOR, being first sworn, deposes and states as follows:

1. I am an adult competent to testify about the matters set forth below based on my personal knowledge.
2. My educational background includes a B.E.S. degree in Civil Engineering and M.S. degree in Structural Engineering, both from Brigham Young University.
3. I am currently a member of the American Public Works Association where I was the past chapter president and a past National Institute for Transportation Executive Council Member, a member of the American Society of Civil Engineers, and a member of the Utah Council of Land Surveyors.
4. I have been the Utah County Surveyor from January 1979 to December 31, 2006, the Utah County Engineer from January 1980 to the present, and the Utah County Public Works Director from January 1991 to the present. During these time periods, I have been personally familiar with Utah County's construction and maintenance activities on county roads, including the "B" road known as the Cedar Fort Diagonal Road that runs from State Road 73 westerly and northerly to the Cedar Fort Townsite. A map of the road is attached hereto as Exhibit "A".

5. The road is known as Utah County "B" road # B 831. The road is a chip sealed road located in Township 6 South, Range 2 West. The 0.19 miles length of the road, located in Section 7 of Township 6 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 Cedar Fort Diagonal Road believed to be in the ownership of the Bureau of Land Management.

The center line description is as follows:

SEGMENT 1:

Commencing at the point of intersection of the centerline of the subject road with the North line of Section 7, Township 6 South, Range 2 West, Salt Lake Base and Meridian; said point being more specifically described as being located West 736.27 feet and North 0.97 feet from the Northeast Corner of said Section 7; thence the following along the said subject road centerline: South $09^{\circ} 40' 56''$ East 204.30 feet; South $08^{\circ} 37' 16''$ East 491.20 feet; South $08^{\circ} 34' 08''$ East 308.83 feet to the intersection with State lands as described and recorded under Deed #24391-85.

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 1955, 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 General Highway Map of Utah County, dated 1955, prepared by the Utah Department of Transportation, shows the Cedar Fort Diagonal as a

county road used to access the south end of the Town of Cedar Fort, which is attached hereto as Exhibit "A1".

- b. The general highway map of Utah County, dated 1958, prepared by the Utah Department of Transportation, shows the existence of the road, which is attached hereto as Exhibit "A2".
- c. The United State Government survey map for Cedar Fort, Utah dated 1968, shows the road, which is attached as Exhibit "A3".
- d. The Official County Road Map of Utah County for Township 6 South, Range 2 West, adopted by the Utah County Commission on April 28, 1980 shows the road, which is attached hereto as Exhibit "A4".
- e. The Road Map of Utah County, Sheet # 4, 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 #4, 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 36, titled Cedar Fort, shows the Cedar Fort Diagonal Road as it traverses federal property, which is attached as Exhibit "A7".
- h. The surveyed description for Segment 01 of the Cedar Fort Diagonal 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 5th day of FEBRUARY, 2007

Clyde R. Naylor
CLYDE R. NAYLOR

SUBSCRIBED AND SWORN to me, a Notary Public, this 5th day of February, 2007

Regina J. Tanner
Notary Public

Residing in: UTAH

My commission expires: 01-03-2011



6

CEDAR FORT

Center St.

Church St.

Cedar
Valley
Elem.

100 S.

100 E.

200 E.

100 W.

200 S.

Cedar
Fort
Cemetery

300 S.

300 S.

Church St.

Station Rd.

Segment 1
.19 MilesSegment 2
.07 Miles

Cedar Valley Rd.

7

RS2477
Cedar Fort
Diagonal
.19 Miles

B831

Legend

State Roads

- I-15
- US HWY/State Route
- Other FAE Route

Official County Roads

- Paved
- Unpaved

Local Roads

- Paved
- Dirt Roads
- Gravel Roads
- Other Roads
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- Fire/Amb Combo
- Volunteer Fire
- Hospital
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- Sheriff
- Public Works Office
- Other PW Facility

Government

- Government Offices
- Court House
- Post Office
- Schools
- Church
- LDS Church
- Krishna Temple
- Cemeteries

Points of Interest

Public Land

- B.L.M. Lands
- National Park Service
- National Forest
- Military
- Other Federal Lands
- State Lands
- State Park
- Utah County Property
- Urban Parks
- National Forest Boundary
- Wilderness Study Areas
- Major Peaks
- Minor Peaks

Public Survey Lines

- Township Lines
- Section Lines
- Incorporated Cities



1:8,500

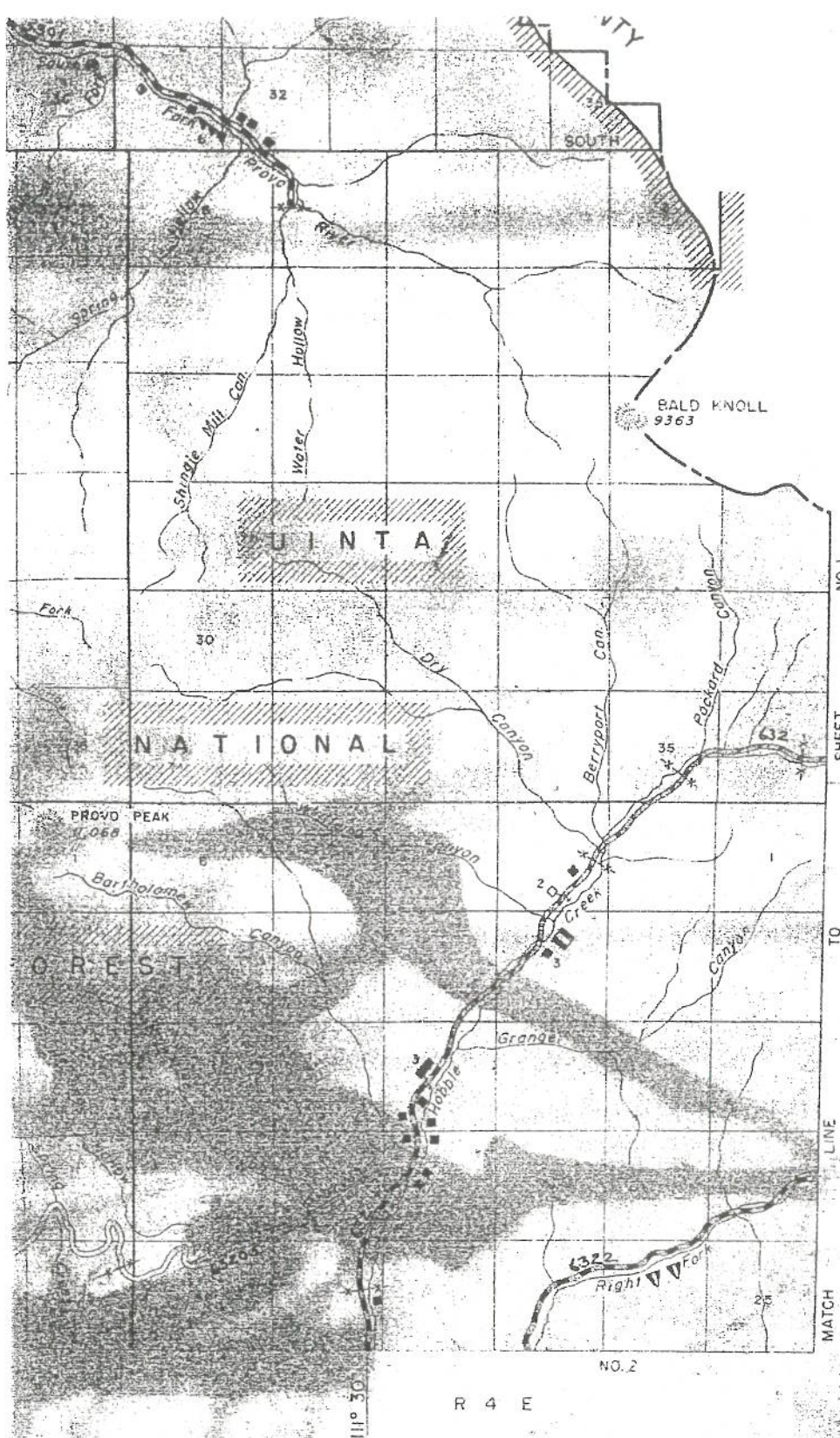
1 inch equals 708.33 feet



Utah County Public Works - Mapping Division
2855 South State Street
Provo, UT 84606
(801) 851-8628

Printed on July 26, 2009 by mayek

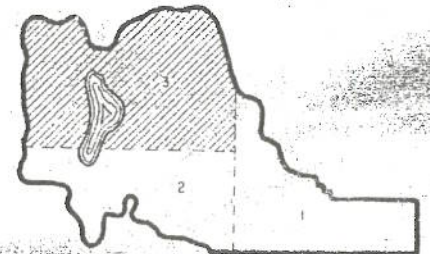
"Exhibit A"



T
6
S

40°15'

KEY TO SHEETS



T
7
S

LINE

MATCH

NO. 2

R 4 E

EXHIBIT "A1"-MAP TITLE

GENERAL HIGHWAY MAP

UTAH COUNTY

UTAH

1953

STON
AK
403

ENT 80021:2008 PG 9 of 28

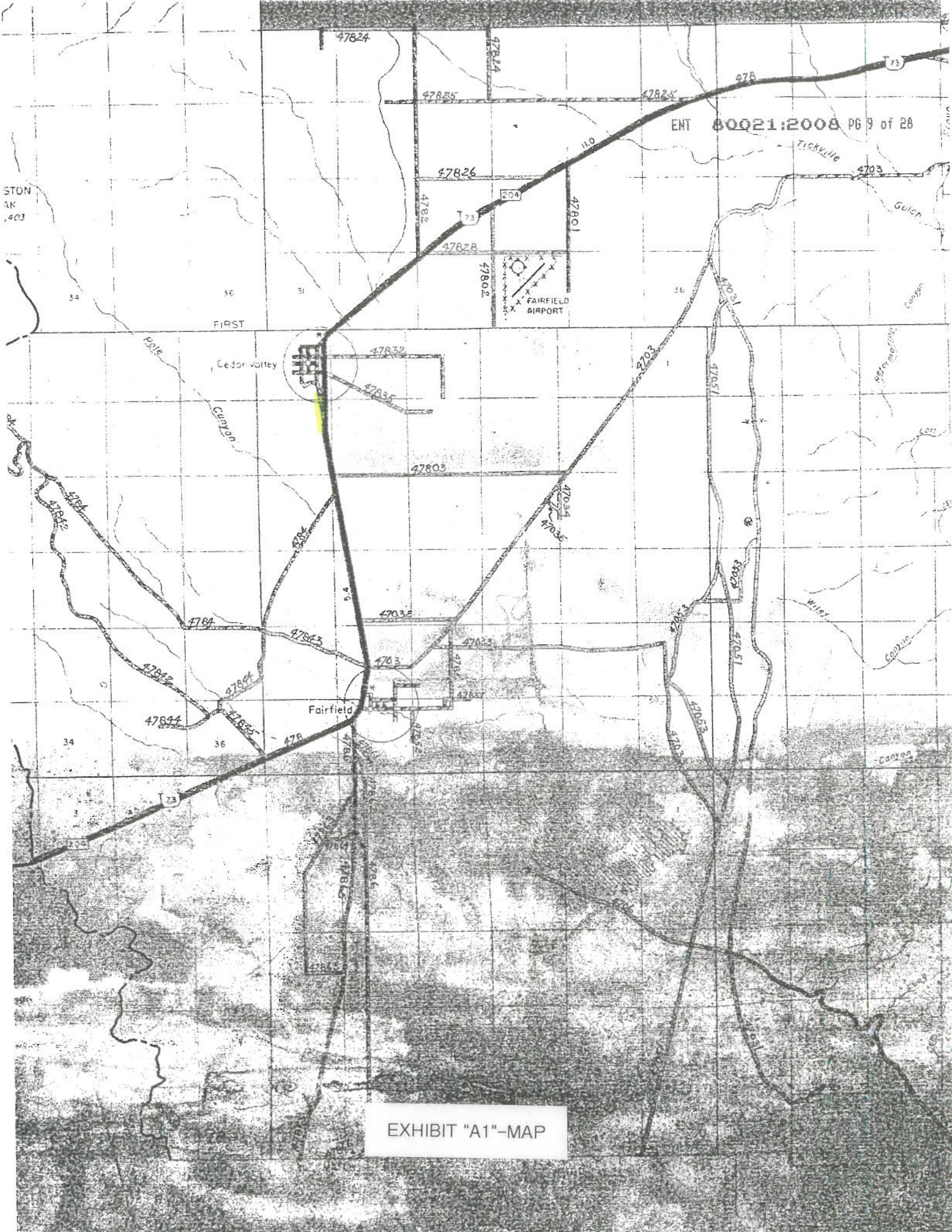
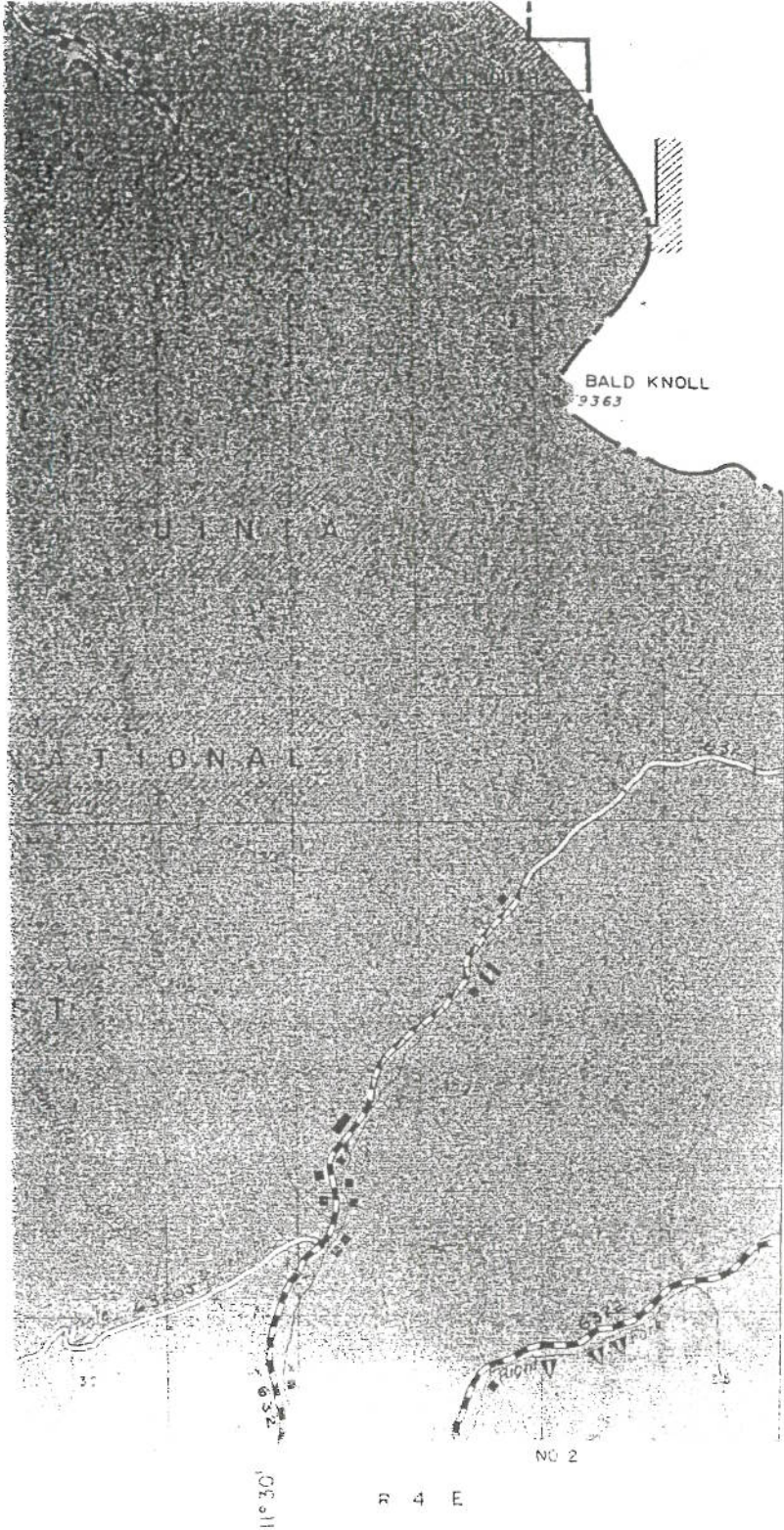


EXHIBIT "A1"-MAP



T
6
S

NO. 1

SHEET

40° 15'

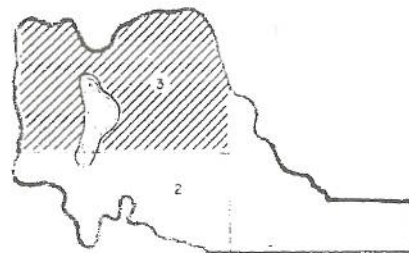
TO

T
7
S

LINE

MATCH

KEY TO SHEETS



GENERAL HIGHWAY MAP
UTAH COUNTY
UTAH

DATE

EXHIBIT "A2"-MAP TITLE

BY THE U.S. GEOLOGICAL SURVEY

1958

SHEET NO. 3 OF 3

TOOELE COUNTY

SHEET NO. 1

TOOELE COUNTY

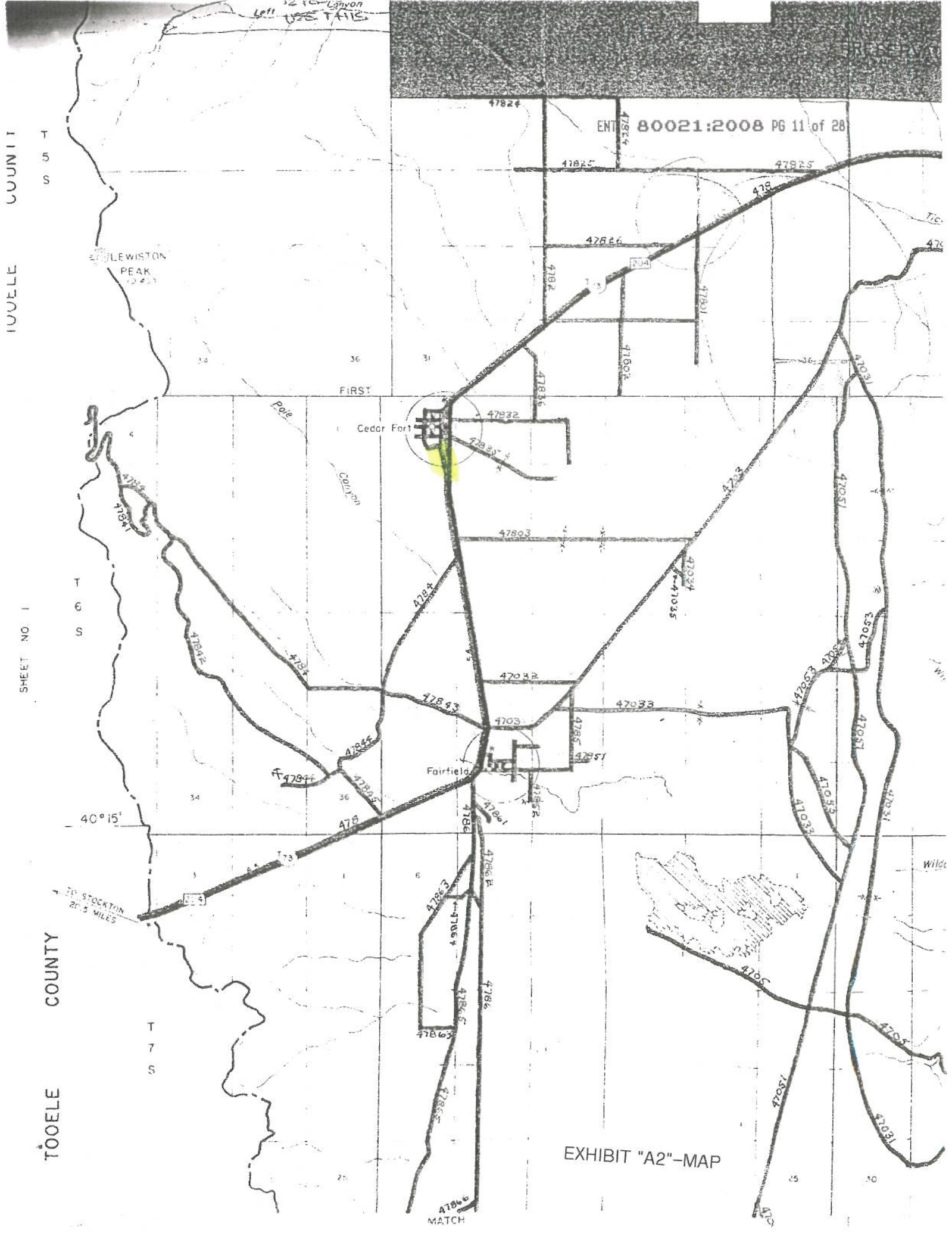
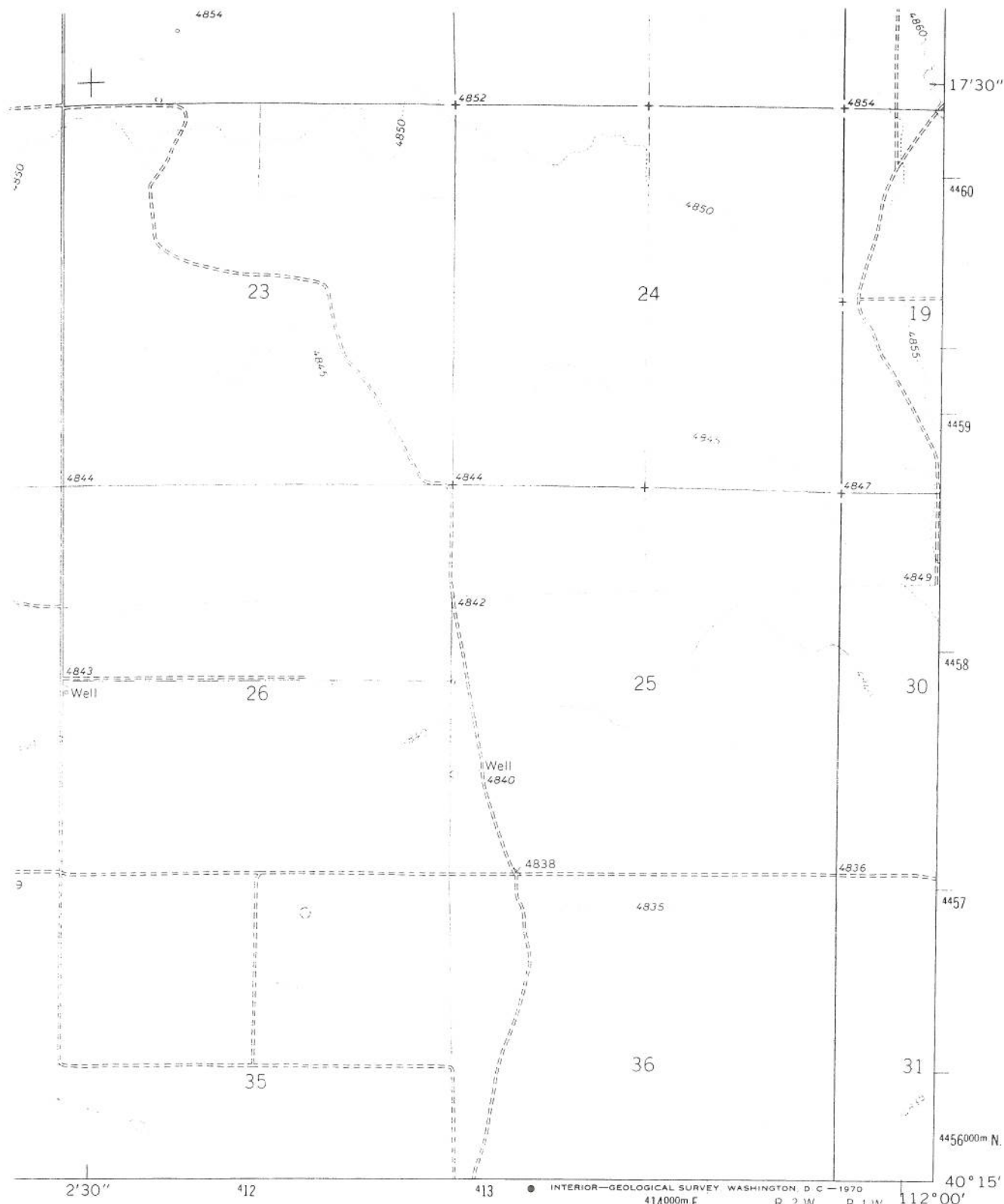


EXHIBIT "A2"-MAP



ROAD CLASSIFICATION

Secondary highway, all weather, hard surface
 Light-duty road, all weather, improved surface
 Unimproved road, fair or dry weather

State Route ENT 80021:2008 PG 12 of 28



QUADRANGLE LOCATION

CEDAR FORT, UTAH
 SE/4 FAIRFIELD 15' QUADRANGLE
 N4015—W11200/7.5

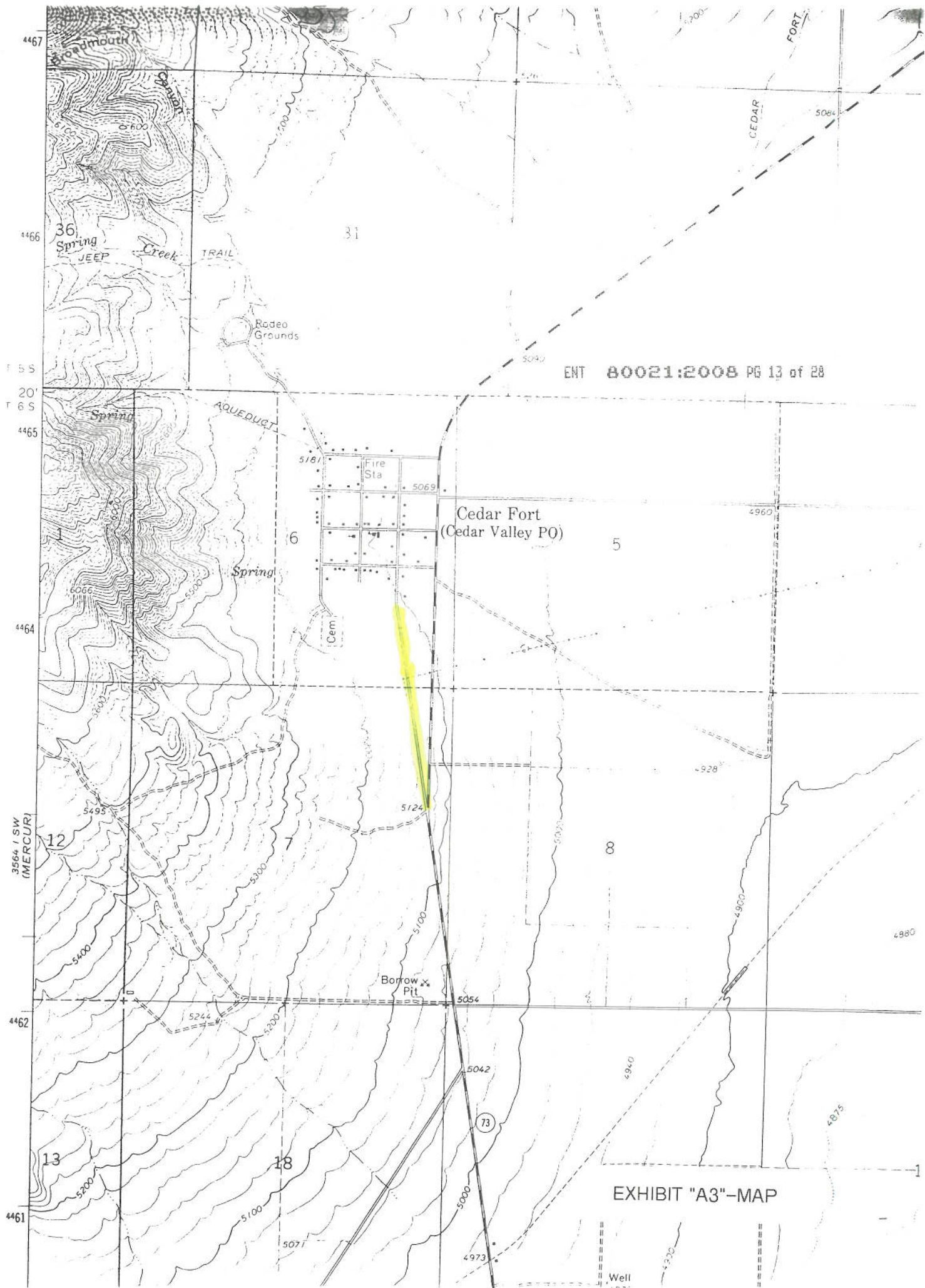
1968

AMS 3564 I SE-SERIES V897

J. C. 20242

EXHIBIT "A3"—MAP TITLE

(SOLDIERS PASS)
 3664 III NW
 #.11.



ENT 80021:2008 PG 13 of 28

EXHIBIT "A3"-MAP

TGS R2W

Official County Road Map of Utah County

Adopted by the Board of County
Commissioners this 28 day of
APRIL, 1980.

Chairman Excused

Commissioner Kenneth J. Panigas

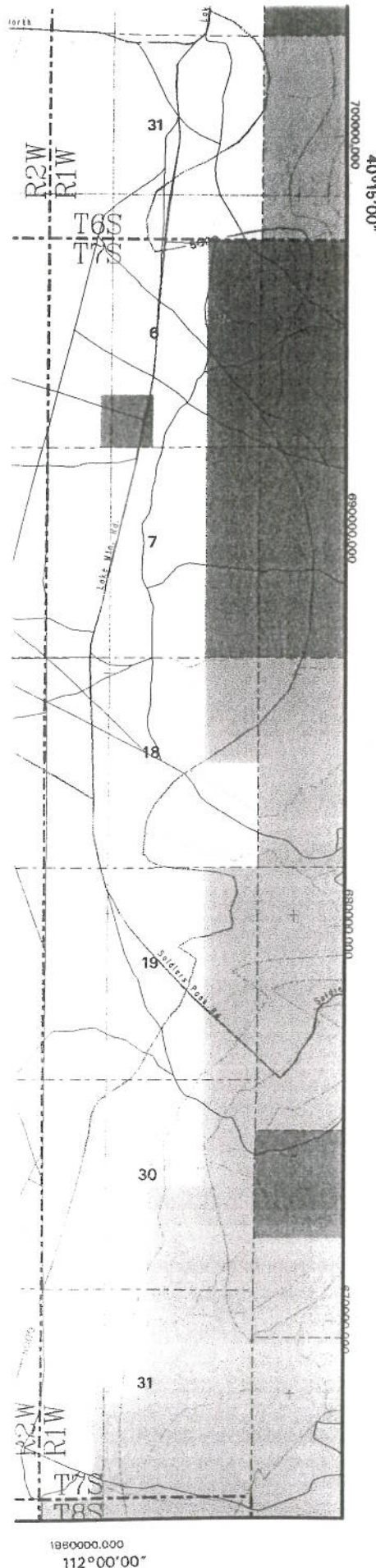
Commissioner H. Jerry Bradshaw

ATTEST: William F. Huish, Clerk
by: Cheryl Jones, Deputy

EXHIBIT "A4"-MAP TITLE



EXHIBIT "A4"-MAP



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

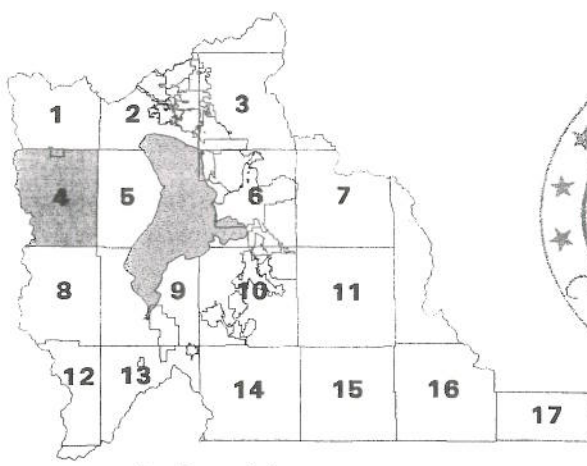
The latitude/longitude ties are based on the NAD83 datum. The state plane coordinate ties are based on the NAD27 datum.

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 80021:2008 PG 16 of 28

Road Map of Utah County Sheet 4



Index Map

EXHIBIT "A5"-MAP TITLE

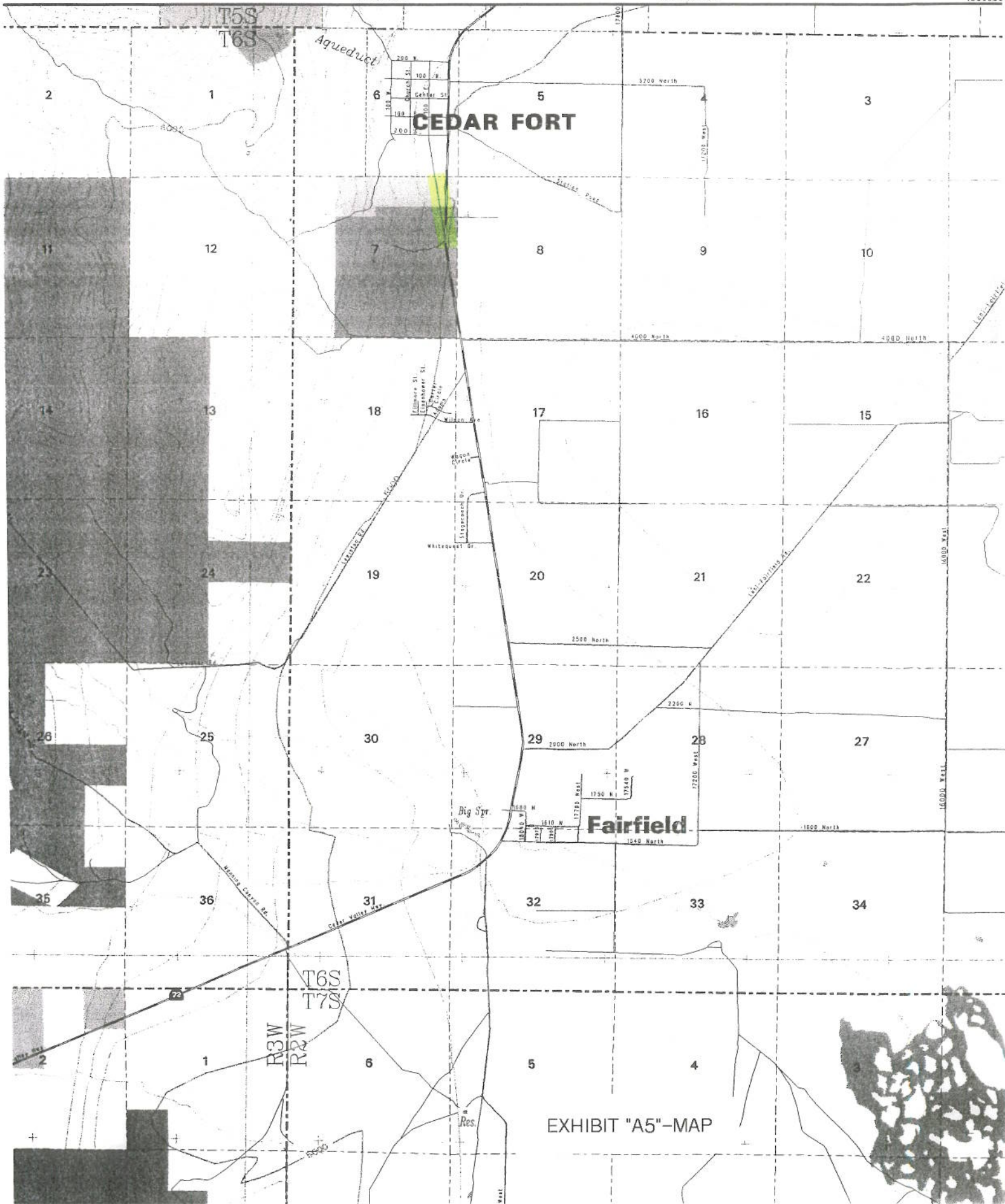


EXHIBIT "A5"-MAP

E

F

Official County Road Map of Utah County Sheet 4

G

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

H

Acceptance by Legislative Body

Adopted by the Board of County

Commissioners this 30th day of October, 1996.

Seal

Chairman: S/ Jerry D. Grover

Commissioner: S/ David Gardner

Commissioner: S/ Gary R. Herbert

Attest: S/ LeeAnn Orton

Title (See Seal): Deputy Clerk

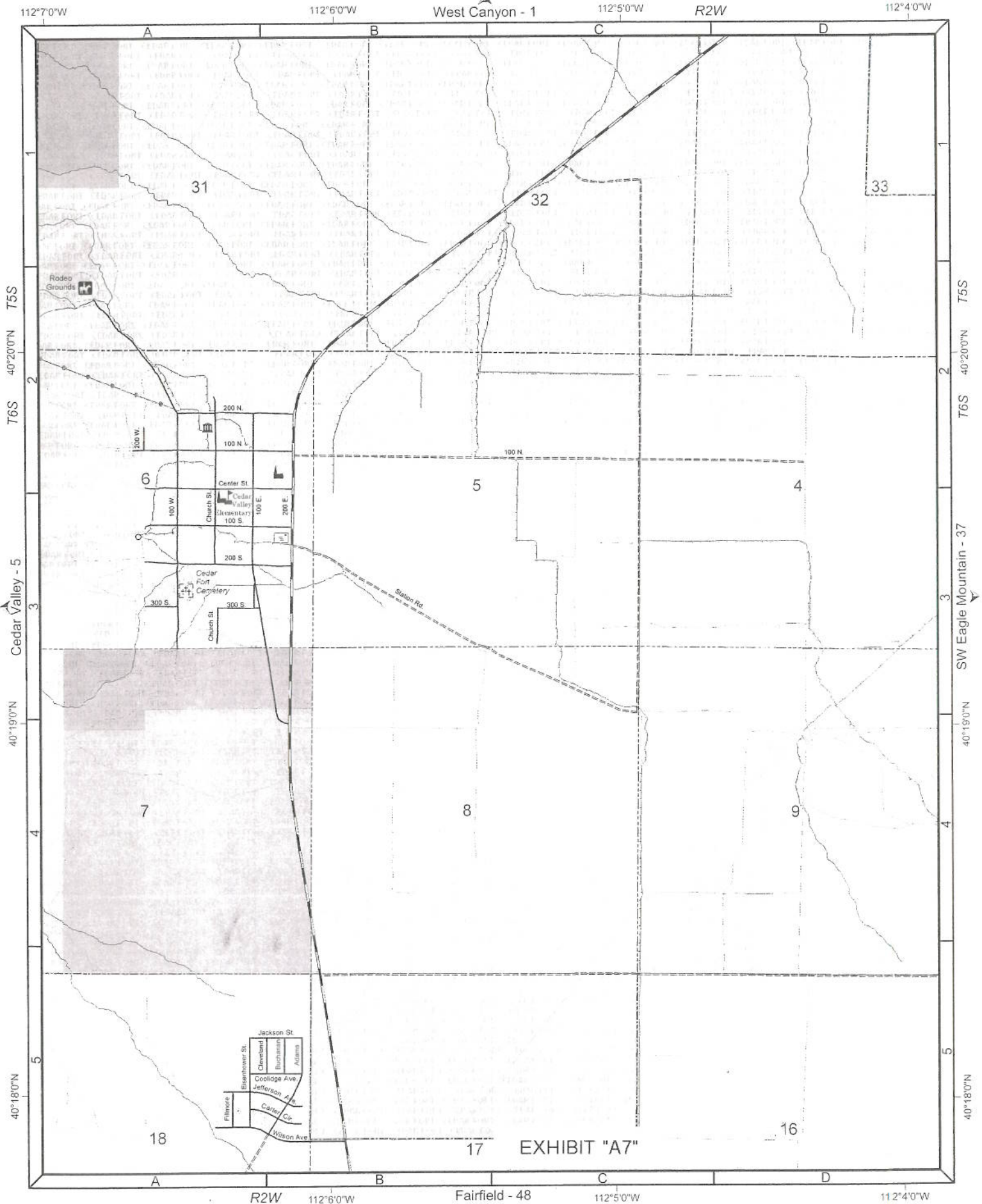
I

EXHIBIT "A6"-MAP TITLE

EXHIBIT "A6"-MAP



ENT 80021:2008 PG 20 of 28





**RS2477
Cedar Fort
Diagonal Rd.**

Segment 01

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

Photo Date 1993

EXHIBIT "A8"



1:3,500
1 inch equals 291.67 feet



Utah County Public Works - Mapping Division
2855 South State Street
Provo, UT 84606
(801) 851-8626
Printed on August 31, 2006 by maryek

CEDAR FORT DIAGONAL

STATE OF UTAH)
 :SS
COUNTY OF UTAH)

ENT 80021:2008 PG 22 of 28

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

1. I am 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 Cedar Fort Diagonal that runs from State Road 73 westerly and northerly to the Cedar Fort Townsite. A map of the road is attached hereto as Exhibit "A".
3. Construction and maintenance of the road before 1976 was performed by road graders and other road equipment in addition to the passing of motorized vehicles over the roadway. While working with the Utah County Public Works Department Road Division throughout the 1950's and 1960'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. 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.
6. Since before 1950 and continuing to the present the road has been used for ranching, farming, hunting, homesteading, commerce, sightseeing, search and rescue, law enforcement, land management, accessing state school and institutional trust lands, and traveling in and

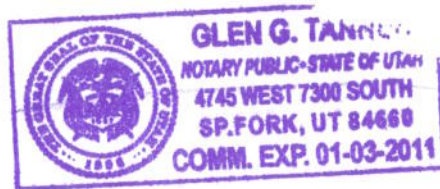
through the area. At least as early as 1950, while working for the Utah County Public Works Department Roads Division, I often traveled the road performing road maintenance.

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 1950 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.
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
ROBERT CURTIS BEVERLY

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



Glen G. Tanner
Notary Public

6

Center St.

Church St.

Cedar Valley Elem.

100 S.

100 E.

200 E.

CEDAR FORT

200 S.

Cedar Fort Cemetery

300 S.

300 S.

Church St.

Station Rd.

Segment 1
.19 MilesSegment 2
.07 Miles

Cedar Valley Rd.

7

RS2477
Cedar Fort
Diagonal
.19 Miles

B831

Legend

State Roads

- I-15
- US HWY/State Route
- Other FAE Route

Official County Roads

- Paved
- Unpaved

Local Roads

- Paved
- Dirt Roads
- Gravel Roads
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Emergency

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- Other PW Facility

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- Post Office
- Schools
- Church
- LDS Church
- Krishna Temple
- Cemeteries

Points of Interest

Public Land

- B.L.M. Lands
- National Park Service
- National Forest
- Military
- Other Federal Lands
- State Lands
- State Park
- Utah County Property
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1:8,500

1 inch equals 708.33 feet



Utah County Public Works - Mapping Division
2855 South State Street
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Printed on July 26, 2006 by maryek

"Exhibit A"

CEDAR FORT DIAGONAL

STATE OF UTAH)
 :SS
COUNTY OF UTAH)

ENT 80021:2008 PG 25 of 28

I, BYRON L. ORTON, being first duly sworn, deposes and state as follows:

1. I am 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 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 Cedar Fort Diagonal that runs from State Road 73 westerly and northerly to the Cedar Fort Townsite. A map of the road is attached hereto as Exhibit "A".
3. Construction and Maintenance of the road before 1947 was performed by road graders and other road equipment in addition to the passing of motorized vehicles over the roadway. In more recent time, though still before 1976, the road was paved and maintained by snow plows.
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 at least as early as 1947 and continuing through 1976 and beyond.
6. Since before 1966 and continuing to the present the road has been used for ranching, farming, hunting, homesteading, commerce, sightseeing, recreation, law enforcement, and traveling in and through the area. I used the road for access to Cedar Fort and Tooele.

7. Travelers on the road from before 1947 and continuing thereafter included those who went by car, recreational vehicle, and truck. The frequency of use over the period 1947 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 1966.
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.

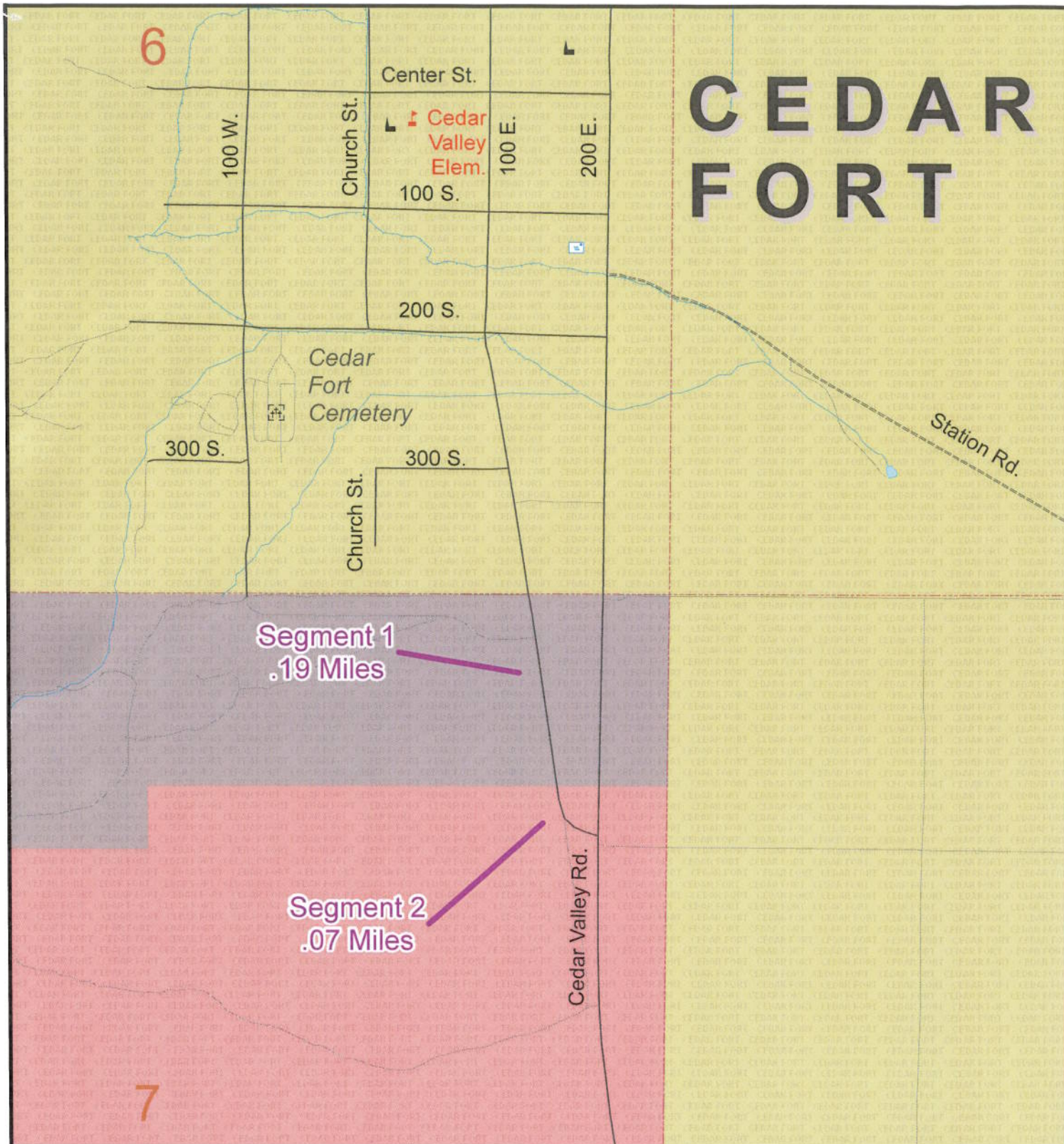
DATED this 17 day of MAY, 2007.

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
Cedar Fort
Diagonal
.19 Miles

B831

State Roads

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- US HWY/State Route
- Other FAE Route

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- Incorporated Cities



1:8,500
1 inch equals 708.33 feet



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2855 South State Street
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Printed on July 26, 2006 by maryek

"Exhibit A"

Exhibit B

ENT 80021:2008 PG 28 of 28

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

Popular Name: CEDAR FORT DIAGONAL

County: Utah

County Road Number: B831

State Geographic Information Database (SGID) Road Identification Number: RD250002.

Total Road Length: 0.26 miles more or less.

Beginning at a point on the road centerline located at 40 degrees 19 minutes 00.03 seconds North Latitude and -112 degrees 06 minutes 08.86 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,472,423.8 feet and Y = 7,284,643.5 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 40 degrees 19 minutes 12.35 seconds North Latitude and -112 degrees 06 minutes 13.57 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,472,067.8 feet and Y = 7,285,892.7 feet based on the US Survey Foot conversion.

This road may traverse:

Township 6 South Range 2 West, Section(s) 7, Salt Lake Base & Meridian