

P-13

DOC # 20080037726

Right of Way Page 1 of 13
Russell Shirts Washington County Recorder
09/26/2008 09:49:30 AM Fee \$ 0.00
By WASHINGTON CO ATTORNEY



**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:

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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 TOWER ROAD; County Road Number: 0163; State Geographic Information Database (SGID) Road Identification Number: RD270163. Total road length is 3.03 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 18th day of August, 2008.

By the Governor's Designee



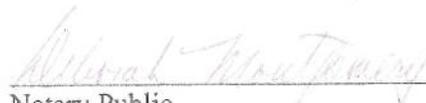
John Harja

CERTIFICATION

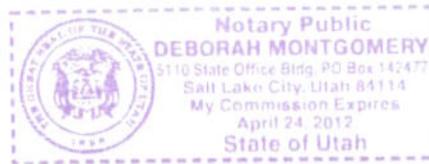
State of Utah)
 : ss
County of Salt Lake)

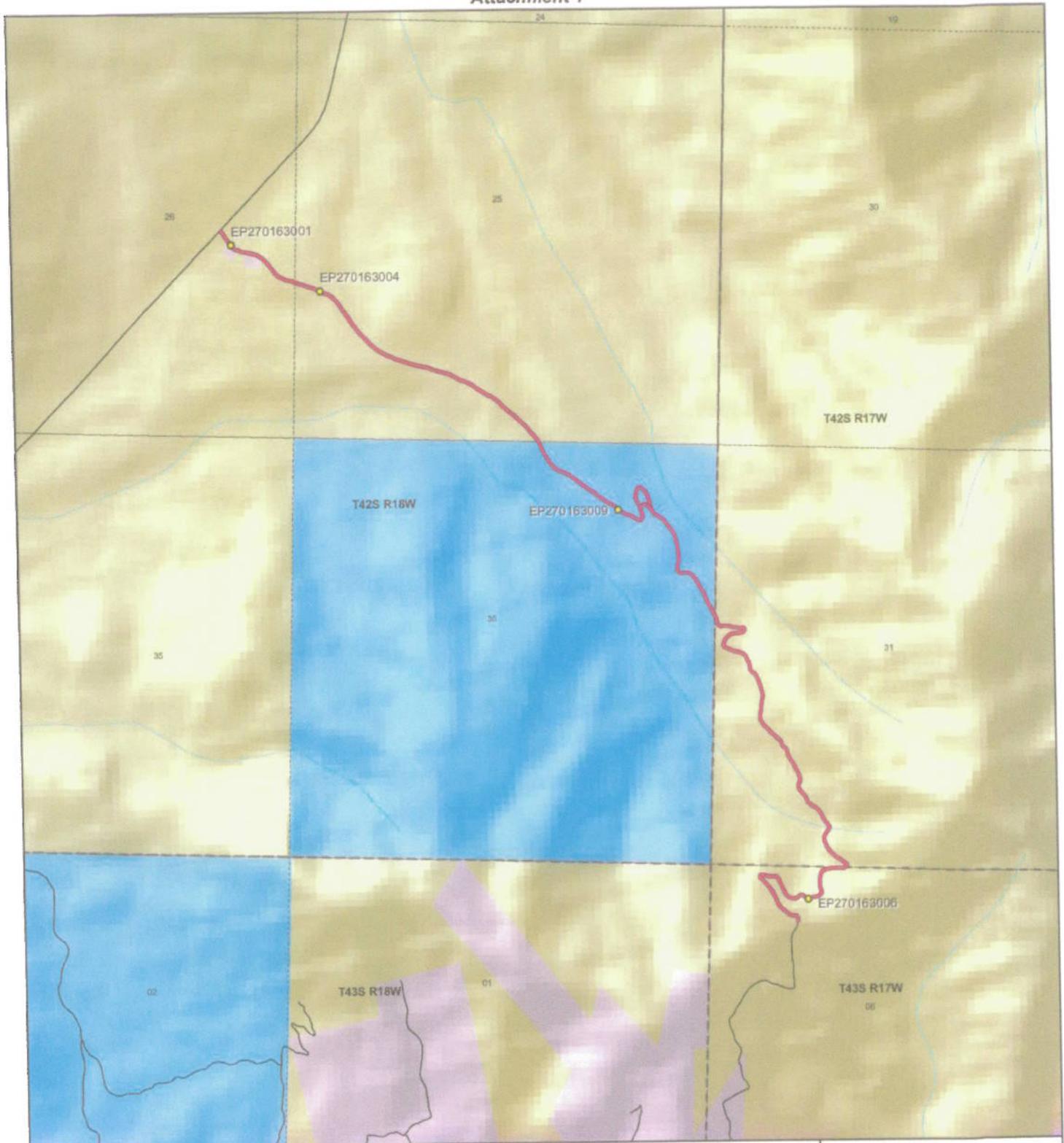
I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to Utah Code Section 72-5-309. He further vouched that, based upon information and belief, the facts alleged therein are true.

Dated this 18th day of August, 2008.



Notary Public





**TOWER ROAD - Washington County
SGID RD_ID RD270163**

Land Ownership Categories

- BLM
- Private
- SITLA, State Trust Land
- USFS, National Forest
- State Parks and Recreation
- Tribal, Indian Reservation
- NPS, National Park
- Wilderness
- UDWR Wildlife Reserve
- DOD, Military
- State Sovereign Land
- National Recreation Area
- USFWS, Natl. Wildlife Refuge

Transportation Network

- TOWER ROAD
- Title V, Issued Or Under Consideration By BLM Or County
- Other Roads
- Photo Event Point
- Section = 1 Mile



1:19,468
1 inch equals 0.3 miles



Map prepared by the State of Utah
Automated Geographic Reference Center
Room 5130 State Office Building
Salt Lake City, Utah 84114
Feb 13, 2009



Attachment 2



EP270163001



EP270163004



EP270163006



EP270163009

EP000000000

EP000000000

TOWER ROAD - Washington County
SGID RD_ID RD270163

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: TOWER ROAD

County: Washington

County Road Number: 0163

State Geographic Information Database (SGID) Road Identification Number: RD270163.

Total Road Length: 3.03 miles more or less.

Beginning at a point on the road centerline located at 37 degrees 04 minutes 044.7 seconds North Latitude and -113 degrees 48 minutes 08.96 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 968,762.0 feet and Y = 10,000,938.4 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 37 degrees 06 minutes 09.59 seconds North Latitude and -113 degrees 49 minutes 39.72 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 961,623.1 feet and Y = 10,009,704.0 feet based on the US Survey Foot conversion.

This road may traverse:

Township 42 South Range 17 West, Section(s) 31, Salt Lake Base & Meridian

Township 42 South Range 18 West, Section(s) 25,26,36, Salt Lake Base & Meridian

Township 43 South Range 17 West, Section(s) 6, 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: TOWER ROAD

County: Washington

County Road Number: 0163

State Geographic Information Database (SGID) Road Identification Number: RD270163.

Total Road Length: 3.03 miles more or less.

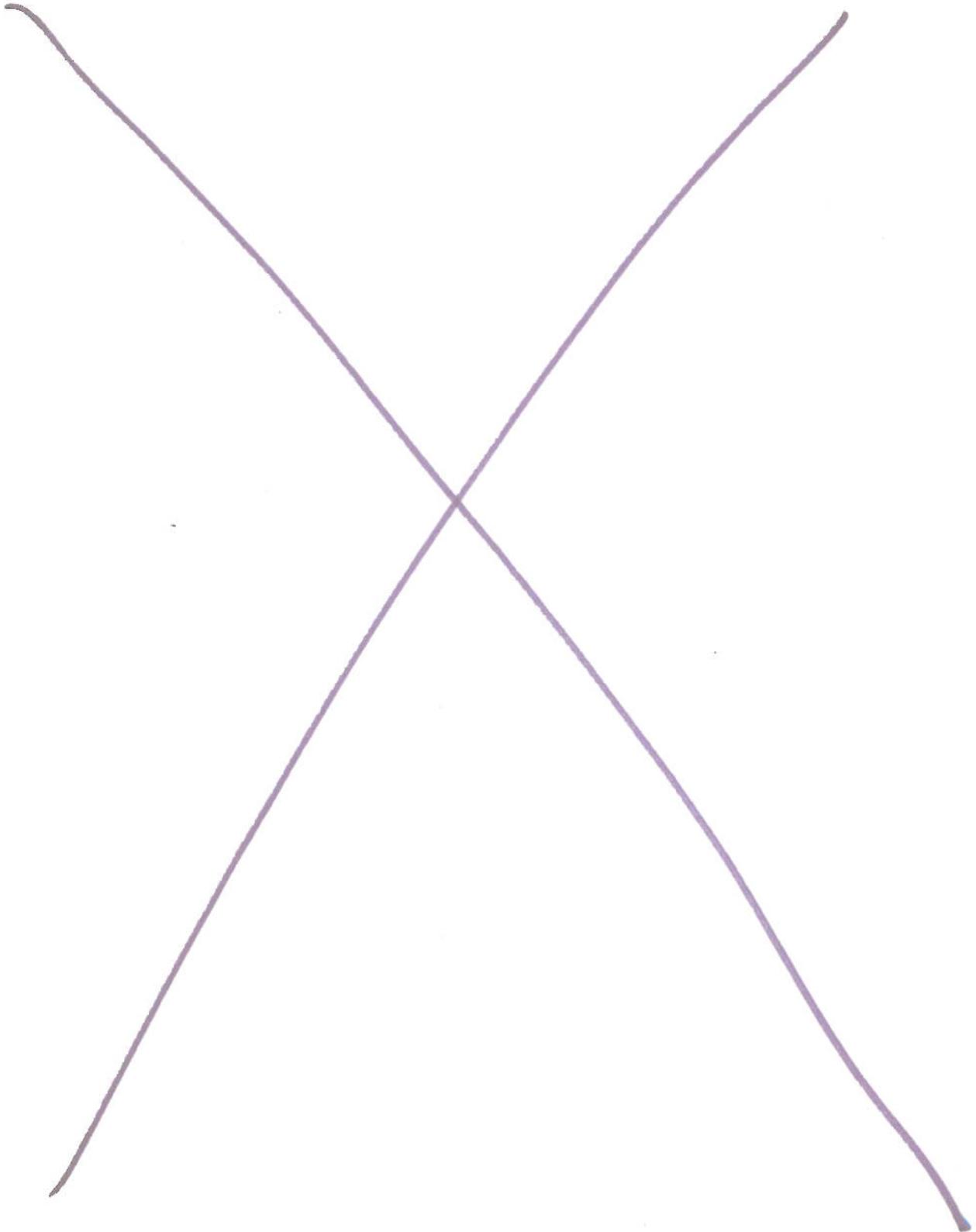
Centerline Descriptions Of Road-Segments That Cross Over Federally Owned Land, Derived From Global Positioning System Data And Cross-checked against USGS Digital Orthophoto Quadrangles Compiled By The Utah Automated Geographic Reference Center And Entered Into The State Geographic Information Database (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
RD270163	001	BLM	1.29 Miles	A
RD270163	002	ST	0.32 Miles	(not shown)
RD270163	003	ST	0.11 Miles	(not shown)
RD270163	004	ST	0.03 Miles	(not shown)
RD270163	005	ST	0.35 Miles	(not shown)
RD270163	006	BLM	0.81 Miles	B
RD270163	007	PVT	0.02 Miles	(not shown)
RD270163	008	BLM	0.03 Miles	C
RD270163	009	PVT	0.03 Miles	(not shown)
RD270163	010	BLM	0.04 Miles	D
		Total Road Length	3.03	

* 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



other motor vehicles. Throughout this time period, the road has been used daily for more than ten continuous years prior to 1976, and it is presently used on a daily basis, weather permitting.

4. Throughout the time period from 1960 to the present, I have used the road myself for hunting, camping, hiking, sight seeing, wood gathering, government access for my job, and trapping.

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, plus livestock operations, commerce, mining and prospecting, recreation and tourism, and travel in and through the general areas.

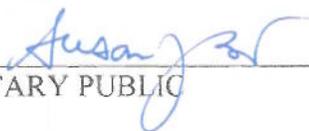
6. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased as early as 1900, when pioneers traveled the road, and continuing through 1976 to the present, for the uses described in the previous paragraphs.

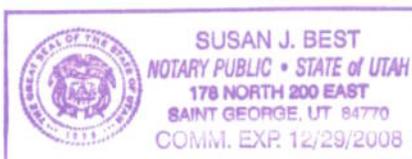
7. Prior to 1976, I occasionally observed graders and road crews from Washington County on the road. I observed general repairs and maintenance of the road. I observed cattle guards, berms, cuts and fills, grader marks, culverts, flood repair work, and gated areas, where necessary.

DATED this 3 of January, 2008.

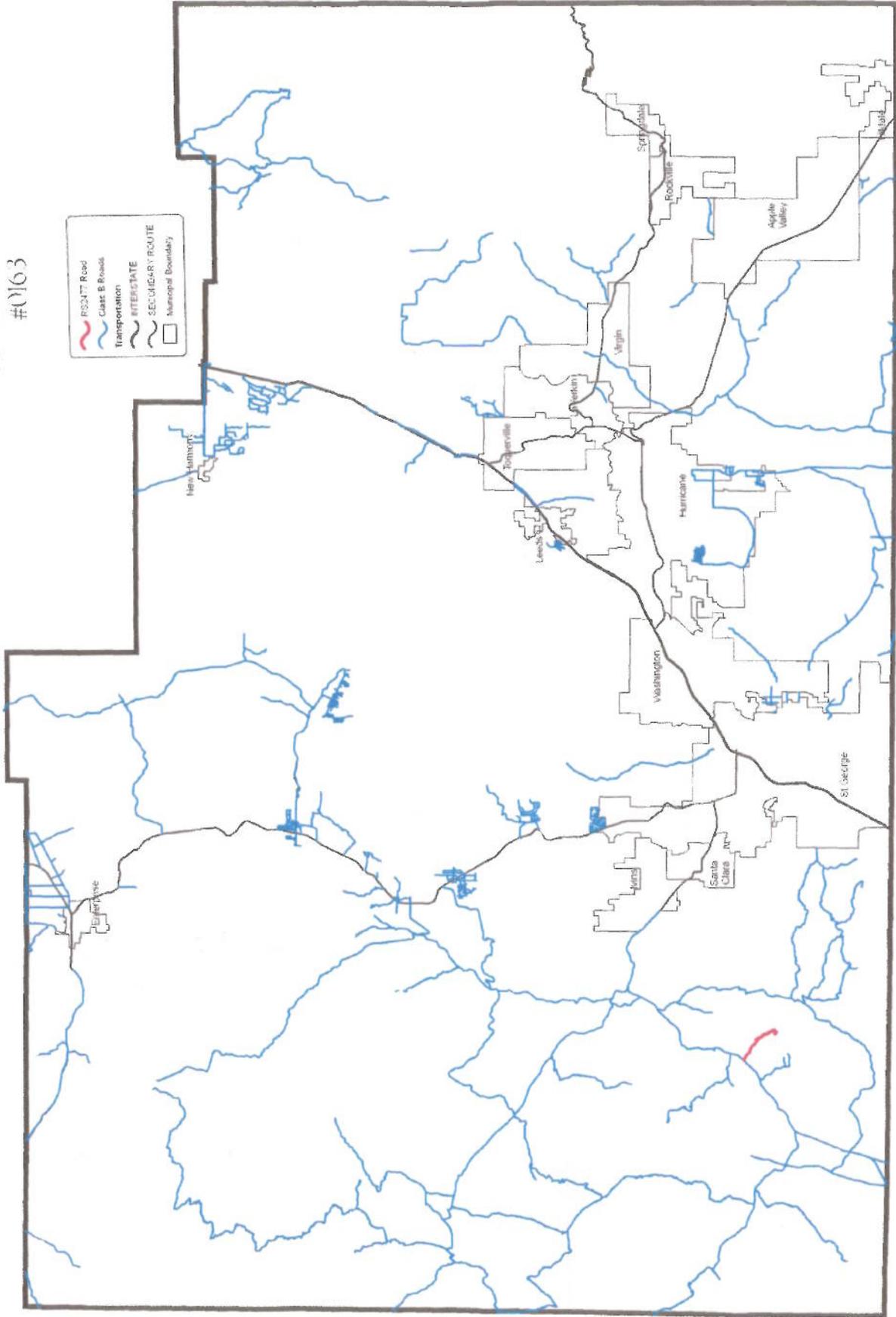

RYMAL J. HINTON

SUBSCRIBED AND SWORN to before me this 3 day of January, 2008.


NOTARY PUBLIC



WASHINGTON COUNTY LOWER ROAD #0163



least weekly, weather permitting, for more than ten continuous years prior to 1976, and it is presently used on at least a weekly basis, as the weather permits.

4. Throughout the time period from 1970 to the present, I have used the road myself for livestock operations, recreation, wood gathering, hunting, and government access for my job, including search and rescue operations.

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, plus prospecting; trapping; government access; and recreation, such as camping, picnicking, hiking, sight seeing, and traveling in and through the general areas.

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 1950 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 personally observed and have been involved in calling Washington County road crews to the road due to floods and inclement weather. I observed general repairs and/or maintenance and construction of the road by Washington County. I observed cattle guards, berms, culverts, graded and raised surfaces, cuts and fills and flood repair work, as necessary.

DATED this 31 of July, 2008.

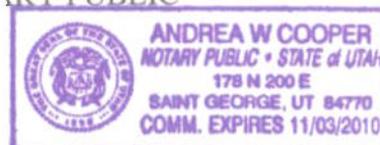


KEVIN BROOKS

SUBSCRIBED AND SWORN to before me this 31st day of July, 2008.



NOTARY PUBLIC



WASHINGTON COUNTY TOWER ROAD #0163

- PSAD Road
- Class 6 Roads
- Transportation
- INTERSTATE
- SECONDARY ROUTE
- Municipal Boundary

