

**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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 Tooele County as it pertains to the highway located in Tooele County known as Magellan Lane; County Road Number: tc02238; State Geographic Information Database (SGID) Road Identification Number: RD230042. Total road length is 0.91 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

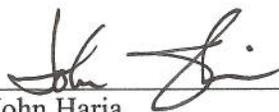
Internet at <http://recorded2477roads.utah.gov>.

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 20<sup>th</sup> day of June, 2008.

By the Governor's Designee

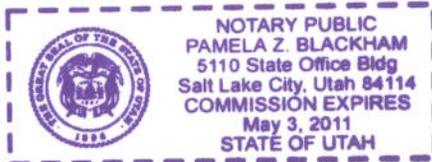
  
\_\_\_\_\_  
John Harja

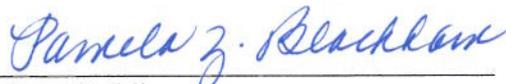
**CERTIFICATION**

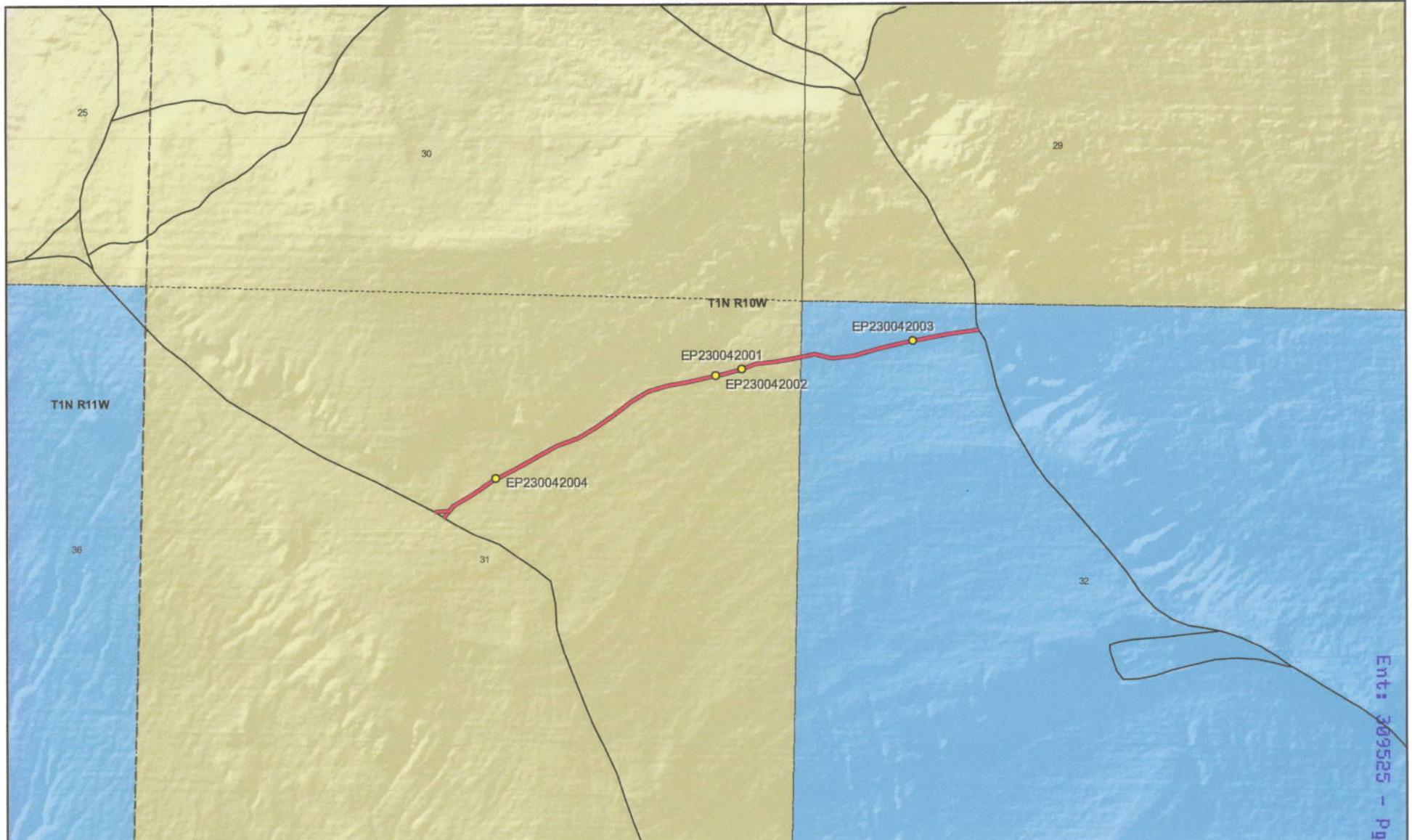
State of Utah                    )  
  : ss  
County of Salt Lake         )

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 20<sup>th</sup> day of June, 2008.



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



Ent: 309525 - Pg 3 of 13

		<p style="text-align: center;"><b>Magellan Lane - Tooele County</b> <b>SGID RD_ID RD230042</b></p> <table border="0"> <tr> <td colspan="2"><b>Land Ownership Categories</b></td> <td colspan="2"><b>Transportation Network</b></td> </tr> <tr> <td> BLM</td> <td> Wilderness</td> <td> Magellan Lane</td> <td> Other Roads</td> </tr> <tr> <td> Private</td> <td> UDWR Wildlife Reserve</td> <td> Title V: Issued Or Under Consideration By BLM Or County</td> <td> Photo Event Point</td> </tr> <tr> <td> SITLA, State Trust Land</td> <td> DOD, Military</td> <td> Section = 1 Mile</td> <td></td> </tr> <tr> <td> USFS, National Forest</td> <td> State Sovereign Land</td> <td></td> <td></td> </tr> <tr> <td> State Parks and Recreation</td> <td> National Recreation Area</td> <td></td> <td></td> </tr> <tr> <td> Tribal, Indian Reservation</td> <td> USFWS, Natl. Wildlife Refuge</td> <td></td> <td></td> </tr> <tr> <td> NPS, National Park</td> <td></td> <td></td> <td></td> </tr> </table>	<b>Land Ownership Categories</b>		<b>Transportation Network</b>		BLM	Wilderness	Magellan Lane	Other Roads	Private	UDWR Wildlife Reserve	Title V: Issued Or Under Consideration By BLM Or County	Photo Event Point	SITLA, State Trust Land	DOD, Military	Section = 1 Mile		USFS, National Forest	State Sovereign Land			State Parks and Recreation	National Recreation Area			Tribal, Indian Reservation	USFWS, Natl. Wildlife Refuge			NPS, National Park				<p>Map prepared by the State of Utah Automated Geographic Reference Center Room 5130 State Office Building Salt Lake City, Utah 84114 Jun 16, 2008</p>
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EP230042001



EP230042002



EP230042003



EP230042004

EP000000000

EP000000000

**Magellan Lane - Tooele County**  
**SGID RD\_ID RD230042**

Map prepared by the State of Utah  
Automated Geographic Reference Center  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
June 16, 2008



### Attachment 3

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

**Popular Name: Magellan Lane**

**County: Tooele**

**County Road Number: tc02238**

**State Geographic Information Database (SGID) Road Identification Number: RD230042.**

**Total Road Length: 0.91 miles more or less.**

**Beginning at a point** on the road centerline located at 40 degrees 46 minutes 39.34 seconds North Latitude and -113 degrees 01 minutes 11.99 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,219,445.4 feet and Y = 7,455,573.1 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 40 degrees 46 minutes 054.7 seconds North Latitude and -113 degrees 00 minutes 15.49 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,223,817.5 feet and Y = 7,457,054.7 feet based on the US Survey Foot conversion.

This road may traverse:

Township 1 North Range 10 West, Section(s) 31,32, 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: Magellan Lane**  
**County: Tooele**  
**County Road Number: tc02238**  
**State Geographic Information Database (SGID) Road Identification Number: RD230042.**  
**Total Road Length: 0.91 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).**

<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>RD230042</b>	<b>001</b>	<b>BLM</b>	<b>0.02 Miles</b>	<b>A</b>
<b>RD230042</b>	<b>002</b>	<b>BLM</b>	<b>0.01 Miles</b>	<b>B</b>
<b>RD230042</b>	<b>003</b>	<b>BLM</b>	<b>0.59 Miles</b>	<b>C</b>
<b>RD230042</b>	<b>004</b>	<b>ST</b>	<b>0.28 Miles</b>	<b>(not shown)</b>
		<b>Total Road Length</b>	<b>0.91</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 JAMES S. MCKENDRICK**

**MAGELLAN LANE**

**TOOELE COUNTY, UTAH**

**ROAD NUMBER tc02238**

State of Utah                    )  
  : ss.  
County of Tooele                )

JAMES S. MCKENDRICK, 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 Tooele, Tooele County, Utah. I have lived in Tooele County for most of the past 76 years. I was employed by the Tooele County Road Department from 1963 to 1993.

2.       I have traveled and am familiar with a road in Tooele County known as Magellan Lane. 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 the early 1990s when I last observed it. Attached is a Tooele County map showing Magellan Lane. 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.

3.       The County also identifies this road according to the road number listed 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 the early 1990s. Throughout this time period I observed travel on the road by means of livestock trucks and pickup trucks. During this time period, the road was used weekly, for more than ten continuous years prior to 1976 and was so used in the early 1990s.

5. Throughout the time period from the early 1960s to the early 1990s, I have used the road myself for county road maintenance and travel through the area.

6. Throughout the time period described in the previous paragraph, I have observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph, plus livestock operations, government access and hunting.

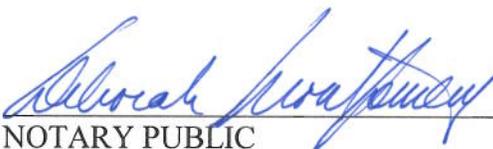
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1960s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

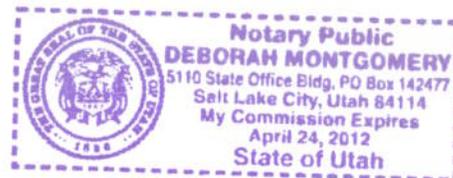
8. Prior to 1976, I graded and performed maintenance and construction activities on the road.

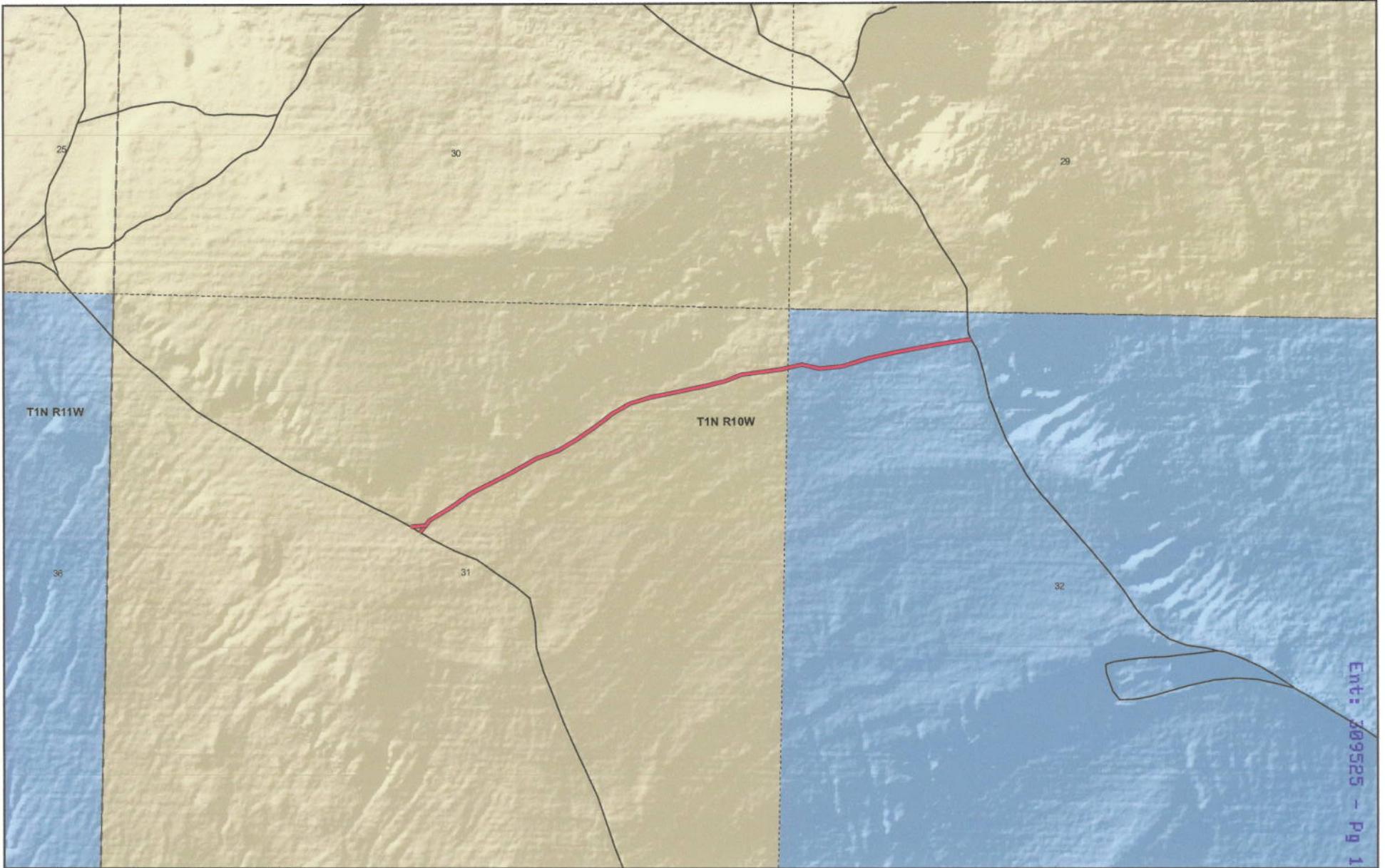
DATED this 6 day of June, 2008.

  
\_\_\_\_\_  
JAMES S. MCKENDRICK

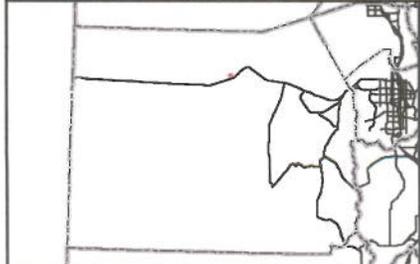
SUBSCRIBED AND SWORN to before me this 6 day of June, 2008.

  
\_\_\_\_\_  
NOTARY PUBLIC





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**Tooele County  
Magellan Lane  
County Unique - tc02238**

**Land Ownership Categories**

- BLM
- Private
- ◆ SITLA, State Trust Land
- ◆ USFS, National Forest
- ◆ State Park

- ◆ Wildlife Reserve
- ◆ Military
- ◆ Wilderness
- ◆ Tribal

**Misc**

- City / Town
- Municipalities
- Section = 1 Mile

**Transportation Network**

- Magellan Lane
- State / U.S. Highway
- Local Roads



1:12,256  
1 inch equals 0.2 miles



Map prepared by the State of Utah  
Automated Geographic Reference Center  
AGRC  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
Apr 16, 2008



**AFFIDAVIT OF GERALD E. BERTAGNOLE**

**MAGELLAN LANE**

**COUNTY ROAD NUMBER tc02238**

**TOOELE COUNTY, UTAH**

State of Utah                    )  
  : ss.  
County of Tooele                )

GERALD E. BERTAGNOLE, 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. My family has owned property in Tooele County since 1933. I have had grazing allotments in various parts of Tooele County since 1936 and continuing to the present.

2. I have traveled and am familiar with a road in Tooele County known as Magellan Lane. I am also familiar with the land the road traverses. When I first used and observed the road in the mid 1950s it followed the same route as in 1998 when I last observed it. Attached is a Tooele County map showing Magellan Lane. 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 the mid 1950s and continuing through 1976 to 1998. Throughout this time period I have observed travel on the road by various means, including cars, pickups, livestock trucks, ATVs and jeeps. Throughout

this time period, the road has been used weekly for more than ten continuous years prior to 1976, and was so used in 1998.

4. Throughout the time period from the mid 1950s to 1998, I have used the road myself for livestock operations and travel in and through the area.

5. 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 hunting, well access, recreation and government access.

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 as early as the early 1950s.

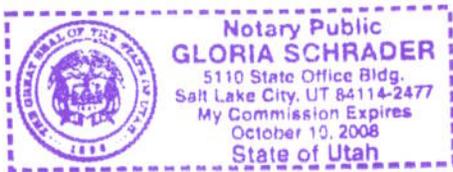
7. Prior to 1976, I observed the graded surface of the road.

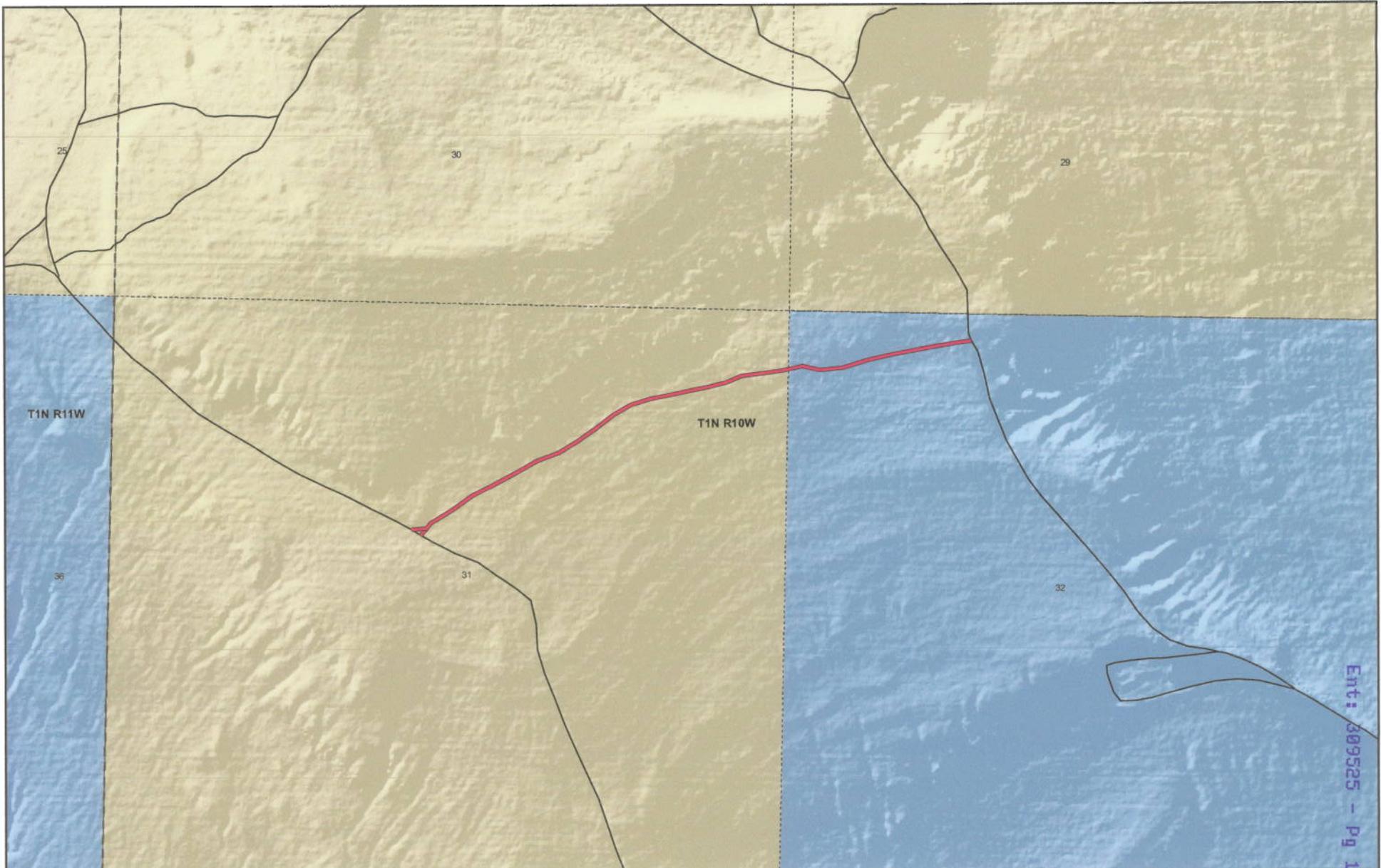
Dated this 3<sup>rd</sup> day of June, 2008.

Gerald E. Bertagnole  
GERALD E. BERTAGNOLE

SUBSCRIBED AND SWORN to before me this 3<sup>rd</sup> day of June, 2008.

Gloria Schrader  
NOTARY PUBLIC





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**Tooele County  
Magellan Lane  
County Unique - tc02238**

- Land Ownership Categories**
- BLM
  - Private
  - SITLA, State Trust Land
  - USFS, National Forest
  - State Park

- ◆ Wildlife Reserve
- ◆ Military
- ◆ Wilderness
- ◆ Tribal

- Misc**
- City / Town
  - Municipalities
  - Section = 1 Mile

- Transportation Network**
- Magellan Lane
  - State / U.S. Highway
  - Local Roads



1:12,256  
1 inch equals 0.2 miles



Map prepared by the State of Utah  
Automated Geographic Reference Center  
AGRC  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
Apr 18, 2008



## Appendix A to Attachment 4

**Popular Name: Magellan Lane**

**County: Tooele**

**County Road Number: tc02238**

**State Geographic Information Database (SGID) Road Identification Number: RD230042.**

**Road-Segment Number: 001**

**Road-Segment Length: 0.02 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 1 North Range 10 West, Section(s) 31, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (Magellan Lane)-- 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 40 degrees 46 minutes 39.34 seconds North Latitude and -113 degrees 01 minutes 11.99 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,219,445.4 feet and Y = 7,455,573.1 feet; thence the following courses along the said road center line:

thence North 84 Degrees 54 Minutes 12 Seconds East 118.9 feet more or less to **the ending point at:** 40 degrees 46 minutes 39.46 seconds North Latitude and -113 degrees 01 minutes 10.45 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,219,563.8 feet and Y = 7,455,583.7 feet.

## Appendix B to Attachment 4

**Popular Name: Magellan Lane**

**County: Tooele**

**County Road Number: tc02238**

**State Geographic Information Database (SGID) Road Identification Number: RD230042.**

**Road-Segment Number: 002**

**Road-Segment Length: 0.01 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 1 North Range 10 West, Section(s) 31, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (Magellan Lane)-- 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 40 degrees 46 minutes 39.46 seconds North Latitude and -113 degrees 01 minutes 10.45 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,219,563.8 feet and Y = 7,455,583.7 feet; thence the following courses along the said road center line:

thence South 40 Degrees 06 Minutes 58 Seconds West 73.3 feet more or less to **the ending point at:** 40 degrees 46 minutes 038.9 seconds North Latitude and -113 degrees 01 minutes 11.05 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,219,516.6 feet and Y = 7,455,527.6 feet.

## Appendix C to Attachment 4

**Popular Name: Magellan Lane**

**County: Tooele**

**County Road Number: tc02238**

**State Geographic Information Database (SGID) Road Identification Number: RD230042.**

**Road-Segment Number: 003**

**Road-Segment Length: 0.59 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 1 North Range 10 West, Section(s) 31, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (Magellan Lane)-- Segment 003 based on mapping grade Global Positioning System (GPS) data as defined above:

**Beginning at a point** on the road center line located at 40 degrees 46 minutes 39.46 seconds North Latitude and -113 degrees 01 minutes 10.45 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,219,563.8 feet and Y = 7,455,583.7 feet; thence the following courses along the said road center line:

thence North 40 Degrees 22 Minutes 41 Seconds East	49.8 feet
thence North 57 Degrees 51 Minutes 43 Seconds East	186.8 feet
thence North 55 Degrees 11 Minutes 35 Seconds East	203 feet
thence North 63 Degrees 26 Minutes 14 Seconds East	193.1 feet
thence North 60 Degrees 21 Minutes 06 Seconds East	184.4 feet
thence North 61 Degrees 01 Minutes 13 Seconds East	195.1 feet
thence North 69 Degrees 32 Minutes 49 Seconds East	181.3 feet
thence North 58 Degrees 32 Minutes 42 Seconds East	177.8 feet
thence North 54 Degrees 51 Minutes 50 Seconds East	175.4 feet
thence North 51 Degrees 50 Minutes 51 Seconds East	168.6 feet
thence North 59 Degrees 16 Minutes 42 Seconds East	159 feet

thence North 73 Degrees 54 Minutes 21 Seconds East 157.2 feet  
thence North 78 Degrees 42 Minutes 13 Seconds East 164.1 feet  
thence North 77 Degrees 13 Minutes 55 Seconds East 152.5 feet  
thence North 78 Degrees 32 Minutes 01 Seconds East 136.1 feet  
thence North 75 Degrees 15 Minutes 06 Seconds East 112.1 feet  
thence North 74 Degrees 28 Minutes 26 Seconds East 43.9 feet  
thence North 67 Degrees 36 Minutes 17 Seconds East 126.7 feet  
thence North 83 Degrees 15 Minutes 26 Seconds East 147.3 feet  
thence North 81 Degrees 23 Minutes 59 Seconds East 171.4 feet  
thence North 76 Degrees 52 Minutes 53 Seconds East 52.7 feet more or less to **the ending**

**point at:** 40 degrees 46 minutes 52.26 seconds North Latitude and -113 degrees 00 minutes 34.02 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,222,387.8 feet and Y = 7,456,831.4 feet.