

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

Ent: 309545 - Pg 1 of 13  
Date: 6/23/2008 12:34 PM  
Fee: \$0.00 NO CHARGE  
Filed By: RGL  
CALLEEN B PESHELL, Recorder  
Tooele County Corporation  
For: STATE OF UT GOVERNORS OFF

**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over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its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 Poverty Cutoff Road; County Road Number: tc02392; State Geographic Information Database (SGID) Road Identification Number: RD230064. Total road length is 0.51 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





Ent# 309545 - Pg 3 of 13

**Poverty Cutoff Road - Tooele County**  
**SGID RD\_ID RD230064**

**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**

- Poverty Cutoff Road
- Other Roads
- Title V: Issued Or Under Consideration By BLM Or County
- Photo Event Point
- Section = 1 Mile



1:11,030  
1 inch equals 0.2 miles

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





EP230064001

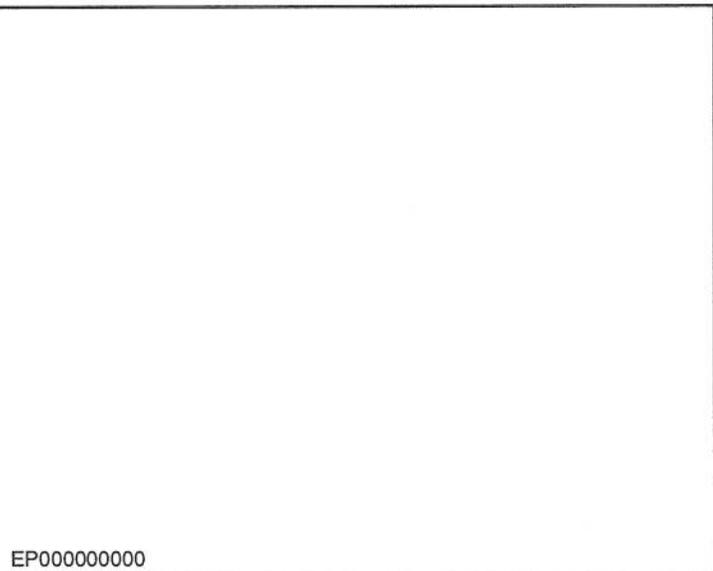


EP230064002

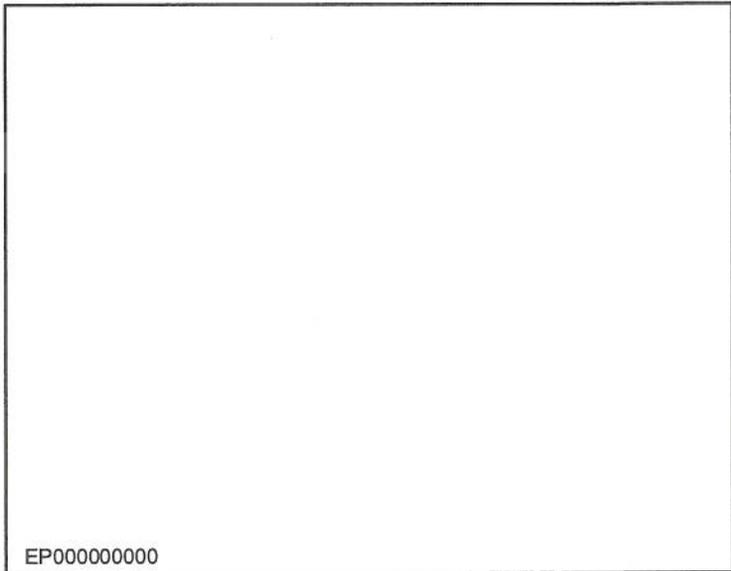


EP230064003

EP000000000



EP000000000



EP000000000

**Poverty Cutoff Road - Tooele County**  
**SGID RD\_ID RD230064**

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



### Attachment 3

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

**Popular Name: Poverty Cutoff Road**

**County: Tooele**

**County Road Number: tc02392**

**State Geographic Information Database (SGID) Road Identification Number: RD230064.**

**Total Road Length: 0.51 miles more or less.**

**Beginning at a point** on the road centerline located at 40 degrees 47 minutes 54.93 seconds North Latitude and -112 degrees 44 minutes 51.84 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,294,951.6 feet and Y = 7,462,056.8 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 40 degrees 47 minutes 50.81 seconds North Latitude and -112 degrees 44 minutes 17.84 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,297,560.5 feet and Y = 7,461,603.2 feet based on the US Survey Foot conversion.

This road may traverse:

Township 1 North Range 8 West, Section(s) 21,22, Salt Lake Base & Meridian  
See Attachment 1 above for a cartographic depiction of the course of this road.

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

**Popular Name: Poverty Cutoff Road**

**County: Tooele**

**County Road Number: tc02392**

**State Geographic Information Database (SGID) Road Identification Number: RD230064.**

**Total Road Length: 0.51 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>RD230064</b>	<b>001</b>	<b>BLM</b>	<b>0.29 Miles</b>	<b>A</b>
<b>RD230064</b>	<b>002</b>	<b>ST</b>	<b>0.22 Miles</b>	<b>(not shown)</b>
		<b>Total Road Length</b>	<b>0.51</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 GERALD E. BERTAGNOLE**

**POVERTY CUTOFF ROAD**

**COUNTY ROAD NUMBER tc02392**

**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 Poverty Cutoff 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 approximately 1993 when I last observed it. Attached is a Tooele County map showing Poverty Cutoff 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 the early 1950s and continuing through 1976 to approximately 1993. 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 daily for more than ten continuous years prior to 1976, and was so used in approximately 1993.

4. Throughout the time period from the early 1950s to approximately 1993, 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 and recreation.

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.

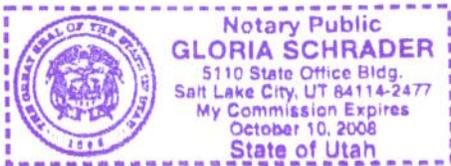
7. Prior to 1976, I observed the graded and paved surface of the road.

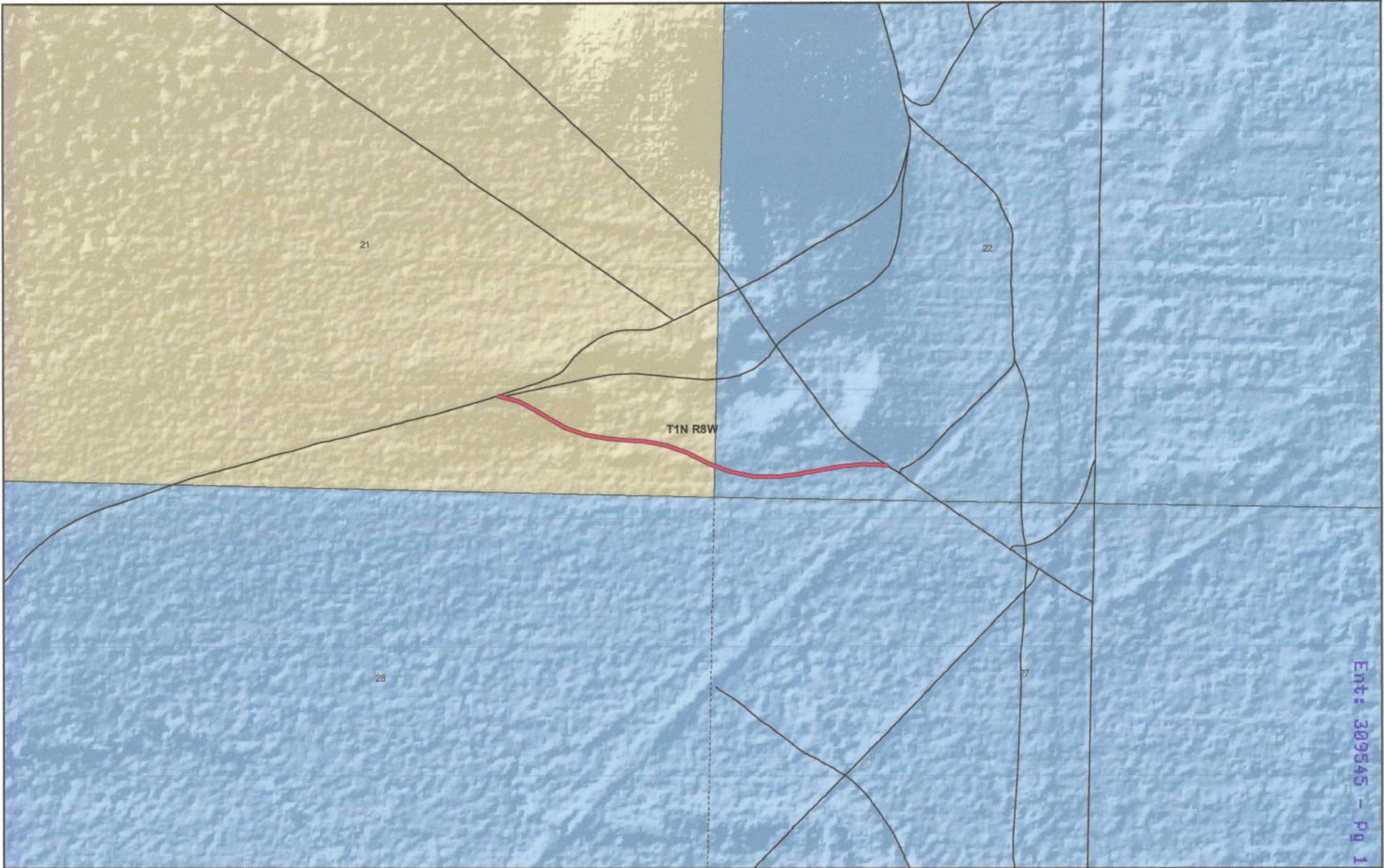
Dated this 3 day of June, 2008.

*Gerald E. Bertagnole*  
GERALD E. BERTAGNOLE

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

*Gloria Schrader*  
NOTARY PUBLIC





Ent: 309545 - Pg 10 of 13

**Tooele County  
Poverty Cutoff Road  
County Unique - tc02392**

**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**

- Poverty Cutoff Road
- State / U.S. Highway
- Local Roads



1:10,514  
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



**AFFIDAVIT OF RICHARD ANDERSON**

**POVERTY CUTOFF ROAD**

**TOOELE COUNTY, UTAH**

**ROAD NUMBER 02392**

State of Utah                    )  
  : ss.  
County of Tooele                )

RICHARD ANDERSON, 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 Grantsville, Tooele County, Utah. I have lived in Tooele County for 56 years.

2. I have traveled and am familiar with a road in Tooele County known as Poverty Cutoff 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. Attached is a Tooele County map showing Poverty Cutoff 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.

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 2007. Throughout this time period I observed travel on the road by means of cars, pickup trucks, semi belly dump trailers and ATVs. During this time period, the road has been used daily for more than ten 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 livestock operations and for my employment with Mag Corp hauling gravel and hunting.

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, trapping, mining and mineral exploration, sightseeing and recreation.

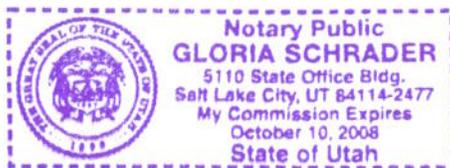
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1960s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. Prior to 1976, I observed road graders and heavy equipment performing maintenance and construction activities on the road.

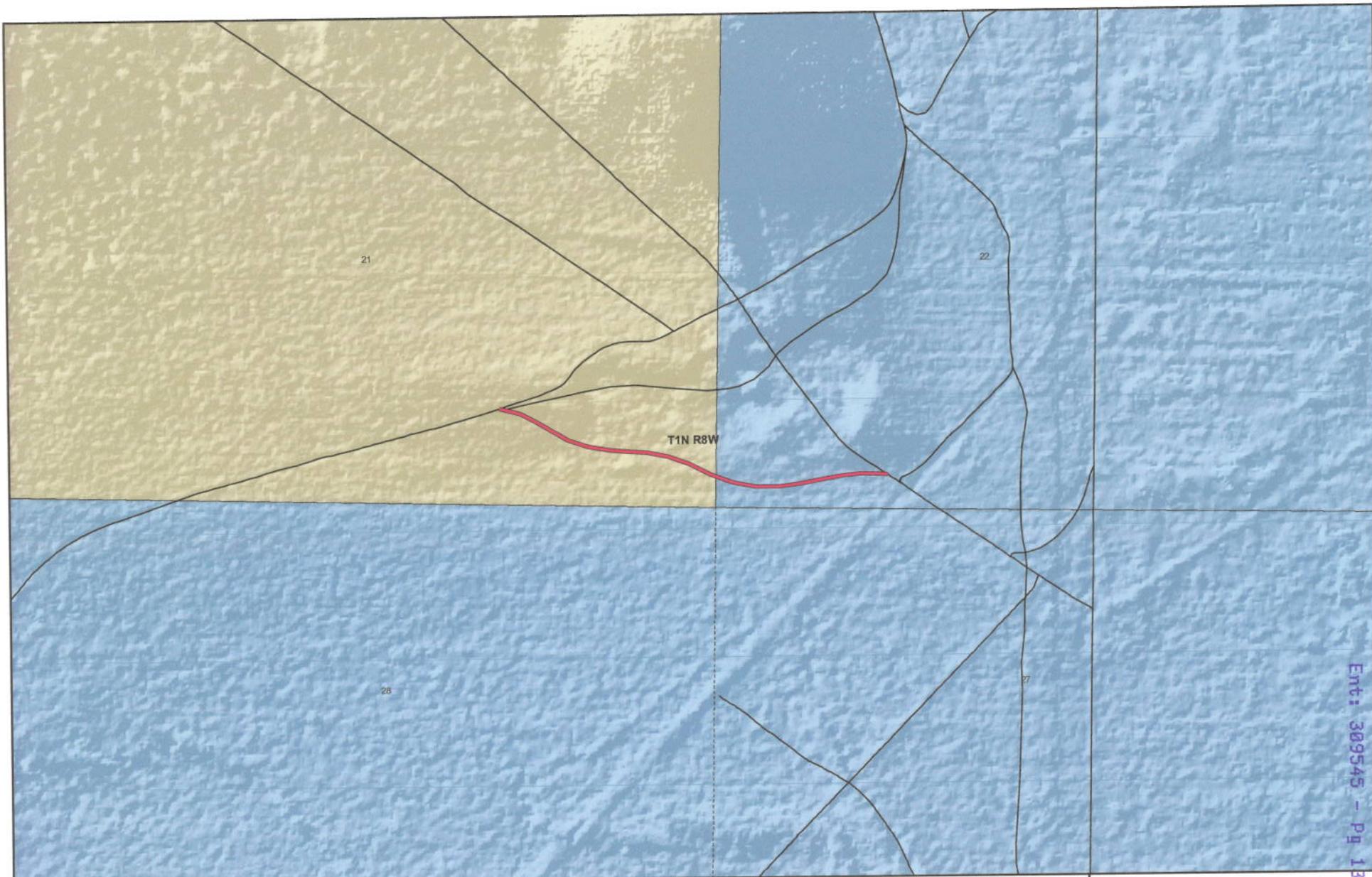
DATED this 27 day of August, 2007.

  
RICHARD ANDERSON

SUBSCRIBED AND SWORN to before me this 27<sup>th</sup> day of August, 2007.



  
NOTARY PUBLIC



Ent: 309545 - Pg. 18 of 13

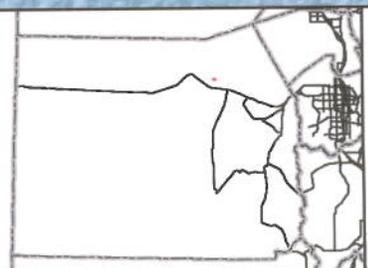
**Tooele County  
Poverty Cutoff Road  
County Unique - tc02392**

- 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**
- Poverty Cutoff Road
  - State / U.S. Highway
  - Local Roads



1:10,514  
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: Poverty Cutoff Road**

**County: Tooele**

**County Road Number: tc02392**

**State Geographic Information Database (SGID) Road Identification Number: RD230064.**

**Road-Segment Number: 001**

**Road-Segment Length: 0.29 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 8 West, Section(s) 21, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (Poverty Cutoff 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 40 degrees 47 minutes 54.93 seconds North Latitude and -112 degrees 44 minutes 51.84 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,294,951.6 feet and Y = 7,462,056.8 feet; thence the following courses along the said road center line:

thence South 75 Degrees 55 Minutes 45 Seconds East	145 feet
thence South 62 Degrees 18 Minutes 20 Seconds East	125.7 feet
thence South 60 Degrees 21 Minutes 40 Seconds East	118.2 feet
thence South 60 Degrees 55 Minutes 43 Seconds East	126.9 feet
thence South 71 Degrees 49 Minutes 21 Seconds East	139.5 feet
thence South 80 Degrees 00 Minutes 04 Seconds East	137.1 feet
thence South 85 Degrees 57 Minutes 59 Seconds East	129 feet
thence South 85 Degrees 53 Minutes 55 Seconds East	127 feet
thence South 80 Degrees 17 Minutes 18 Seconds East	141 feet
thence South 70 Degrees 24 Minutes 05 Seconds East	153.9 feet
thence South 63 Degrees 15 Minutes 33 Seconds East	162.2 feet

thence South 70 Degrees 39 Minutes 09 Seconds East 38.4 feet more or less to **the ending point at:** 40 degrees 47 minutes 50.59 seconds North Latitude and -112 degrees 44 minutes 32.86 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,296,405.1 feet and Y = 7,461,596.4 feet.