



November 17, 2016

Weber County Recorder/Surveyor

Attn: Devron Anderson

RE: Email dated 11-14-2016, subject Yellow Rose Garden Approval

Dear Devron:

The questions you are asking at this late date have already been addressed but I will try to answer each point that you have made in your email as referenced. Hopefully, this information will alleviate your concerns or questions.

This section of road (from the intersection of 5500 East and 1900 North) running south to the dam was originally constructed in the 1930's as part of the Pineview Lake project. The road was deeded from George Stallings to the USA in deed book 122 page 293 dated 1934. The deed descriptions reads in part, "A strip of land . . . of that portion of the following described center line of what is known as the relocation of Pine View-Eden Highway . . . Also all right, title and interest of the parties of the first part in and to any roads, highways, rights of way and ditches, not on the foregoing premises, but in connection with or serving said premises."

The strip was purchased for the use of the Public as a highway because the main road that was in the bottom of the canyon, now north arm of the lake, was buried in the lake. This same strip was again relocated for highway use in the 1950's when the lake was raised. Yet, the portion of this road we are discussing was continued to be used by the public as access to the lake to this day. The public has not abandoned the use of the road nor, to my knowledge, has the county commission vacated the road.

In deed book 654 page 51 a decree is issued on behalf of George Stallings describing the subject property and in that description it identifies the subject road as being "county road". This would be the same road which the deed from George Stallings to the USA reserved rights to. It would then follow that this property had reserved access to the "county road" and that those rights would flow with the land.

To further eliminate any potential issue with the USFS the owners contacted them and received the following response April 28, 2016.

Hi Clay, I'm attaching our map of that area. You can see that the access point to your property is completely off of forest. The only portion of Forest on that road seems to be at the beginning for about 300' and then of course where the road ends. Our road engineer said that portion (first 300') is listed as a forest road but is maintained by the state. Do you want to have the person at the county call me? Or I can call them. This is not something we would issue a road use permit for. I can send someone at the county an email explaining that if you can get me an email address.



Anne Hansen
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Caring for the land and serving people

The USFS is placing the access control in the hands of the State and if you will look at Blane Frandsen's comments in this regard you will see that the State believes it unnecessary to issue an access permit. I would remind you that according to the deeds access was granted by the USA at time of road purchase and can not be taken away even if the road was vacated by the county, which I do not believe it has been.

As to the question of "legal status as a public road", the USFS and UDOT have not stated that the road is not a public road. In fact, they have admitted that they still consider it as such and that the public is continuing to utilize it to access public land. Since the road is not vacated as required by UCA 72-5-105 I believe it to be a public highway and should not be a hindrance to the approval of this subdivision.

Respectfully,

Ernest D. Rowley, PLS, CFedS
Principle Owner - Landmark Surveying, Inc.
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