

0004

*Incoming
C/007/0011
Q*

From: Priscilla Burton
To: OGMCOAL
CC: Dean, Dana; Demczak, Steve; Haddock, Daron; Hess, Pete; Houskeeper, ...
Date: 2/4/2009 2:07 PM
Subject: Fwd: Road Title Letter.pdf - Adobe Reader
Place: OGMCOAL
Attachments: Hiawatha Road Title Letter.pdf

RE: Hiawatha Mine C/007/011 Incoming

Rex Sacco indicates by this email and attached letter that Carbon County does not claim ownership of roads in the North Fork or South Fork of Hiawatha Mine. The reclamation plan for Hiawatha may need to be changed, where it indicates that the South Fork canyon road will remain for County use (pg 2-45).

>>> "Rex L. Sacco" <Rex.Sacco@carbon.utah.gov> Tuesday, February 03, 2009 9:45 AM >>>

Priscilla,

Attached is a letter from Clay Holbrook of Professional Title Services that Carbon County hired to do a title search on the Hiawatha Road. This search has shown that at one time Carbon County had permissive use from the coal company, but apparently didn't use it as a result of finding another way to access the Television Towers located on Star Point. As a result of this search it appears that Carbon County has no authority on the road west of the Rail road tracks and proceeding through town and to the ancillary routes all on private lands.

If you have any questions please contact me any time.

Rex Sacco
Public Lands Director
Carbon County Utah
120 East Main Street
Price, Utah 84501
Phone 435-636-3712
Fax 435-636-3264
rex.sacco@carbon.utah.gov



Professional Title Services

107 South 100 East • Price, Utah 84501
Telephone: (435) 637-2320 • FAX: (435) 637-2323
Email: order@ptsfirst.net

LIMITED PROPERTY REPORT

Mr. Rex Sacco
Public Lands and
Access Coordinator
Carbon County
120 East Main
Price, Utah 84501

Name Reference: HIAWATHA
Our Order No. : REK

Mr. Sacco;

At your request, we have searched the records in the Office of the County Recorder of Carbon County, State of Utah, for the period commencing with the earliest records available and ending February 15, 1994 as to the following described tract of land in said County to-wit:

Township 15 South, Range 8 East, Salt Lake Base and Meridian:

Sections: 19, 20, 21, S1/2 27, 28, 29, 32, 33, 34, 35,
and 36

The purpose our research was to locate any documents which may reflect the status of the roads located upon the lands in question, specifically, "Are these public roads? Are these County Roads?"

We examined the Transcripts of Land and Patents regarding said lands. we found contained therein the standard wording, "...subject to any easement or right of way of the public, to use all such highways as may been established according to law, over the same or any part thereof." None of these contained any reference to a specific road or use or ownership.

We examined Deeds, Rights of Way, Agreements, Orders, and any other documents which we felt may contain a reference to said roads, or the status or ownership thereof.

(Continued)

Representing STEWART TITLE GUARANTY COMPANY

Professional Title Services (continued)

We did find one document of interest. This was an Agreement Permitting Use of Road (recorded November 9, 1959, in Book 64, Page 411) which relates to temporary access to Star Point. This seems to set forth access from the South, and not across the property in question. Also, this was a temporary use, and appears to have expired.

No other documents were found which pertain to the question at hand or the issues about which you inquired.

Should you have need for further clarification, or if you have any questions, please feel free to contact our office.

This is a report on a limited search of the public records designated above. If evidence of title is required, Title Insurance or an Abstract of Title should be purchased.

The total liability of Professional Title Services in connection with this report shall be limited to twice the amount paid for this report.

PROFESSIONAL TITLE SERVICES

By 

Clay G. Holbrook, President

enclosures