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DISTRICT COURT - SUMMIT

2003 AUG -5 PM 3:43

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT

IN AND FOR SUMMIT COUNTY, STATE OF UTAH

et

JEFFREY H. THORPE,	:	
J. DENIS KROLL,	:	SUMMARY JUDGMENT
JAY L. STONE,	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	
SUMMIT COUNTY, a subdivision	:	Civil No. 980600266
of the state of Utah,	:	
	:	
Defendant.	:	

5-024279

Plaintiffs' motion for summary judgment came before the court on July 9, 2003 for a decision. The court having reviewed the pleadings of the parties and the entire file and being fully advised, finds defendant did not file a memorandum or affidavit in opposition to plaintiffs' motion, that there is no genuine issue as to any material fact, and that plaintiffs are entitled to a judgment as a matter of law. The material facts to which there is no genuine issue are:

1. There is a road in Summit County that goes west out of Coalville City, over Interstate 80, over the Weber River, northerly into Section 8, Township 2 North, Range 5 East, S.L.M. and through Section 7, Township 2 North, Range 5 East, S.L.M. known as Icy Springs Road.

2. Icy Springs Road traverses Section 7, Township 2 North, Range 5 East, S.L.M. and goes to the north section line of Section 18, Township 2 North, Range 5 East, S.L.M., Summit County, Utah. The centerline description of Icy Springs Road in Section 7 is as follows:

5-024279

Beginning at a point South 650.88 feet along the section line from the East ¼ Corner of Section 7, Township 2 North, Range 5 East, Salt Lake Base and Meridian, said point being located at the centerline of an existing road, the following courses are along said road centerline, and running thence North 84° 00' 04" West 113.41 feet; thence North 75° 28' 58" West 78.90 feet; thence North 69° 55' 55" West 170.45 feet; thence North 82° 19' 29" West 94.01 feet; thence South 83° 36' 45" West 75.32 feet; thence South 75° 14' 36" West 104.63 feet; thence North 78° 34' 52" West 54.83 feet; thence South 76° 36' 41" West 105.00 feet; thence South 81° 07' 55" West 83.58 feet; thence South 86° 27' 35" West 136.00 feet; thence South 79° 41' 37" West 81.39 feet; thence South 65° 19' 21" West 47.89 feet; thence South 60° 48' 00" West 120.27 feet; thence South 53° 00' 12" West 77.97 feet; thence South 45° 02' 50" West 437.05 feet; thence South 35° 35' 33" West 124.92 feet; thence South 41° 23' 06" West 264.31 feet; thence South 47° 49' 31" West 44.09 feet; thence South 53° 10' 09" West 168.64 feet; thence South 56° 08' 47" West 103.54 feet; thence South 64° 28' 28" West 105.31 feet; thence South 65° 14' 33" West 108.54 feet; thence South 37° 46' 03" West 109.59 feet; thence South 31° 32' 13" West 79.05 feet; thence South 39° 20' 43" West 112.26 feet; thence South 36° 36' 32" West 104.13 feet; thence South 29° 47' 06" West 480.32 feet; thence South 27° 45' 17" West 51.30 feet; thence South 15° 25' 52" West 57.17 feet; thence South 4° 37' 55" West 151.27 feet to the terminus of the herein centerline description being the southerly line of said Section 7.

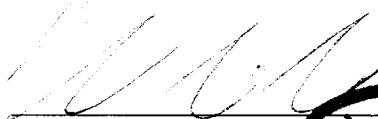
3. Icy Springs Road was on the State of Utah's Class B road system for the years 1950-1983, appeared on the State of Utah's Class B Road Maps for the years 1950, 1956, 1966, 1971, 1975, 1979 and 1983, has been dedicated and abandoned to the public by virtue of its continuous use by the public for a period of more than ten years pursuant to Utah Code Ann. § 72-5-104, and has never been vacated or abandoned by the Board of

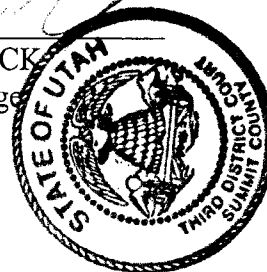
Summit County Commissioners or by other competent authority as permitted by Utah Code Ann. § 72-3-108.

Therefore, based upon the undisputed material facts and the law, the court hereby ORDERS, DECLARES AND ADJUDGES Icy Springs Road is a public road dedicated and abandoned to the use of the public.

DATED this 5 day of August July 2003.

BY ORDER OF THE COURT:


BRUCE C. LUBECK
District Court Judge



I CERTIFY THAT THIS IS A TRUE COPY OF AN ORIGINAL DOCUMENT ON FILE IN THE THIRD DISTRICT COURT, SUMMIT COUNTY, STATE OF UTAH.

DATE: 3/09/2007


DEPUTY COUNTY CLERK

