

ACTS AND RESOLUTIONS,

PASSED AT THE

SECOND ANNUAL SESSION

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF UTAH,

BEGUN AND HELD ON THE SECOND MONDAY OF DECEMBER,
A. D. 1852, AT GREAT SALT LAKE CITY.

ALSO THE

CONSTITUTION OF THE STATE OF DESERET,

AND THE

ORDINANCES OF SAID STATE NOW IN FORCE,

IN THE

TERRITORY OF UTAH

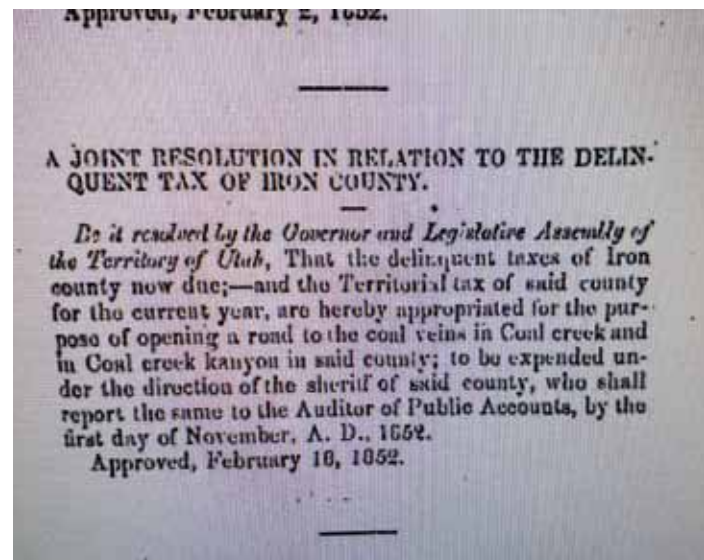
Published by Authority of the Legislative Assembly.

GREAT SALT LAKE CITY.
GEORGE HALE, PRINTER.

1853.

February 18, 1852 - Territory of Utah Legislature

A Joint Resolution passed appropriating tax funds be for the
“...purpose of opening a road to the coal veins in Coal creek
and in Coal creek canyon in said county;...”.



Dec. 27th, 1852 - Territory of Utah Legislature

\$2,000 (\$67,000 in 2020) was appropriated for the “...work-
ing of a road to the Coal Beds in Iron County.” By this time,
this Original Canyon Road had already been put to use but
was in need of improvements (“working”).

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RESOLUTION

In relation to a road to the Coal Beds in Iron County.

- 1st. *Be it resolved by the Governor and Legislative Assembly of the Territory of Utah,* That the sum of two thousand dollars, be, and is hereby appropriated for the working of a road to the Coal Beds in Iron County.
- 2nd. The appropriation shall be expended by and under the supervision of the Governor, or some person that he may appoint for that purpose.
- 3rd. The Territorial Treasurer is hereby authorized and instructed, to pay out of the Treasury any money not otherwise appropriated, the sum of two thousand dollars, to the person appointed to receive and expend the same.

Approved Dec. 27th, 1852.

Iron County was divided into two Road Districts: Parowan and Cedar Districts.

Philip Klingensmith was appointed Supervisor for Cedar District. "A *Petition was read from the citizens of Cedar praying for the location of a county road up Coal Creek Canyon.*" be paid for by the County. The County Commissioners decided the road should be "*a District Road*" paid for out of funds from Cedar District of the County as opposed to funds from the County as a whole.

of the settlement and the ~~the~~ settlement south
to interfere with the wants of the Iron business
Petition of Whittely and Burtel ^{being taken Feb. 22, 1852} faces and to secure
until their return from Salt Lake City

County Court organized —
May 4th 1852.

Judge — Chapman L. Duncan
Secty. — John H. Smith, John C. Smith, John H. Smith
Clerk of Court — James H. Martin

Organic Session. May 4th 1852. Court called by name of the judge. The
Court was organized by the judge, clerk, district mess, and
Indian Hunter and Assessor. In addition to the clerk, getting the books
and taking the oaths of office required by law, a further business being
in hand, the Court adjourned sine die. James H. Martin
County Clerk.

Special Session.)
Sat. May 22 1852.) Court opened at noon, present, the District Judge
and John H. Smith and John C. Smith, district mess. The Court
laid off Iron County into two road districts, two school districts, and two
Precincts, to be called the Parowan and Cedar Districts respectively; the
Parowan District to consist of all that part of Iron County lying north
of and including Summit creek, and the Cedar Dist. all that part
of Iron Co. lying south of Summit creek. Geo. Wright was appointed
Supervisor of roads for Parowan Dist., and Philip Klingensmith Super-
visor for Cedar District, and were empowered to collect and apply the
poll tax for the current year. A petition was read from the citizens
of Cedar, praying for the location of a county road up Coal
Creek Canyon, and the Court decided that — a District road
be laid out in said Canyon by the County Commissioners

June 4, 1855, Book B, Page 10-11 - Iron County Court Minutes

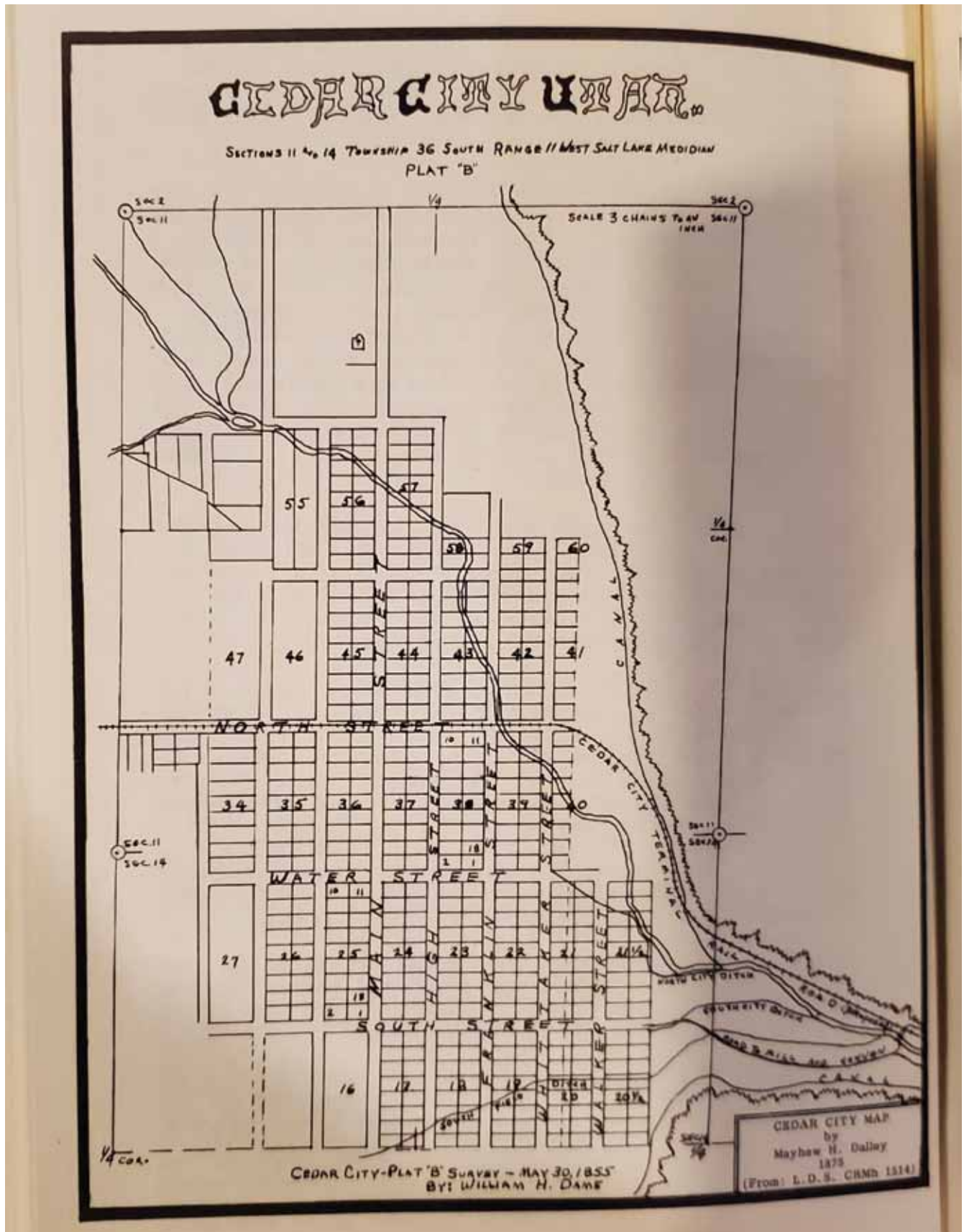
P.K. Smith presented a petition of the citizens of Cedar City praying that the "road up Coal Creek Canyon" be made a County road. The Court upon consideration granted the petition.

Chatterley. Agourma next Regular Session
 Jesse K. Smith County Clerk
 James Lewis Judge
 Monday June 4th 1855. Regular Session of the Circuit Court. Present Judge Lewis Delet Grand Jurors and Penetration, Clerk & Sheriff. Court opened at 9 o'clock A.M. P.K. Smith presented a petition from the citizens of Cedar City praying that the road up Coal Creek Canyon be made a County road and for an appropriation for the benefit of said road. The Court upon consideration granted the petition in accordance with the petition.

from the Iron District
 road in middle of the main Canyon is hereby constituted
 County road and that the sum of \$50.00 is appropriated
 for the present year which has been heretofore by
 former Court and also the sum of \$100.00 of the tax of
 year 1856. the same is hereby appropriated for said
 road to be expended under the direction of the Supervisor.
 said Road. Afternoon Session. J. Stratton was
 appointed Constable of Cedar District to serve until next
 annual election. The Locating Committee for District No. 1 met

May 30, 1855 - CEDAR CITY PLAT "B" - SURVEY By William Dame

"Road to Mill and Canyon" extends from "South Street" up canyon on the south side of Coal Creek. Note: There is shown and named a "proposed Rail Road" for the north side of Coal Creek.



Appropriation to I.C. Haight \$175 for benefit of Iron Works to be expended on "Kanyon road".

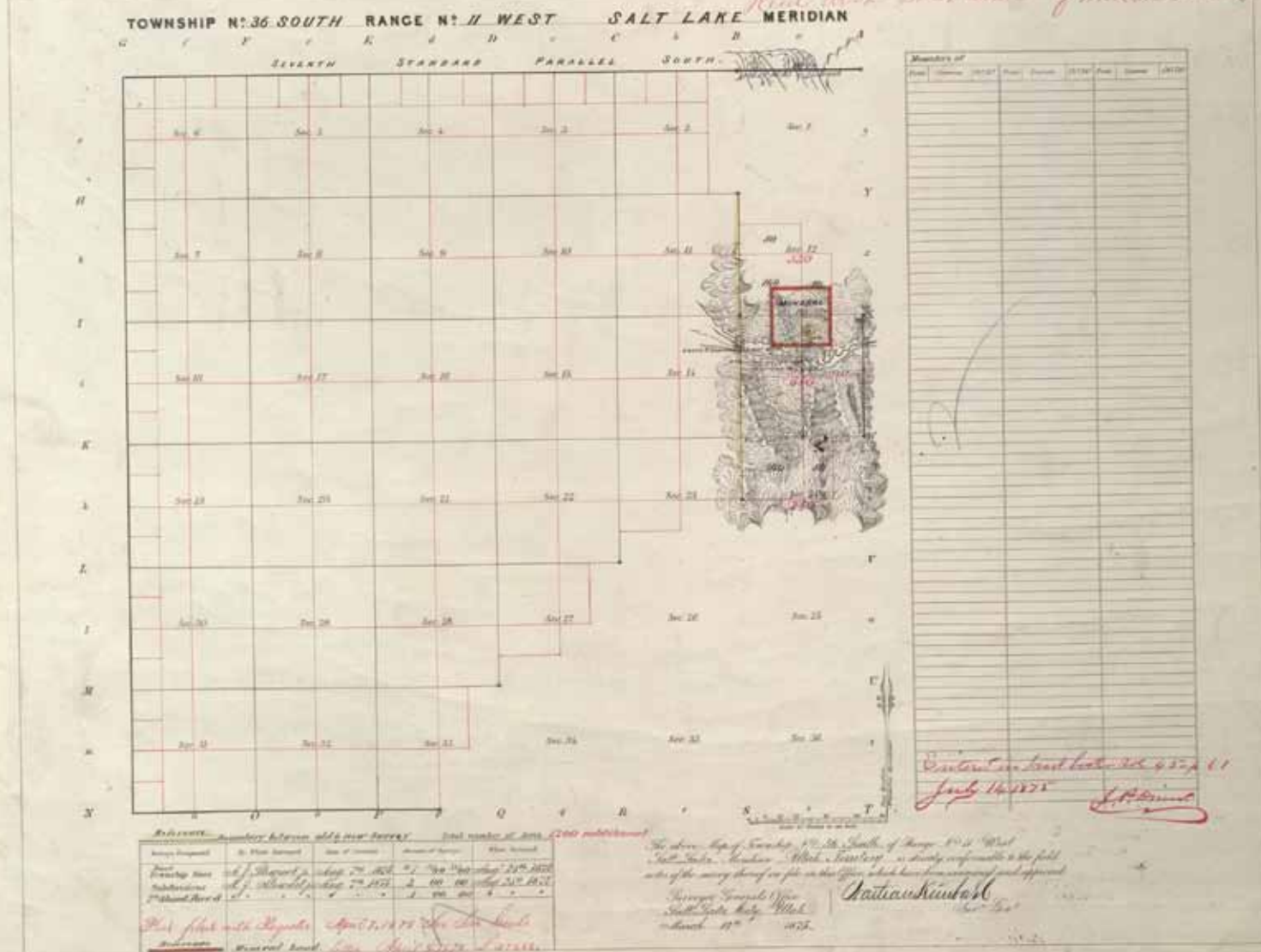
Monday Sept 21 1856 Regular Session of County Court - Present Judge Lewis Select Men Pennington & Dams
 The State Note of the County was considered and several resolutions made
 An amount of \$102.50 Bills were allowed J. & Smith \$16.50 A. Dams
 Treasurer \$87.50
 J. & Smith
 Monday Dec 1 1856 Regular Session of County Court Present Judge Lewis Select Men Pennington & Dams
 John M. Haight was appointed Superintendant for Iron works for the year 1857 (Resolved that the Settlement at Pinta Creek be made a Principal to be called Pinta against Amos J. Hamilton was obtained
 Election of the Peace Richard Robinson Constable and Rufus C. Allen Cottonwood
 James Haight of Sage Prineas - John McDermott was appointed Constable of Cedar Prineas J. & Smith
 James Lewis
 Monday March 2 1857 Regular Session of the County Court Present Judge Lewis Select Men Pennington & Dams
 The State Note & Col. presented the amount of Property for the present year which was \$114,158.00
 The Rattle fair out was established at 25 per cent the right was allowed 10 per cent for his services
 The Dams was allowed \$150 for shirt for by James Lewis
 25 per cents for same
 The Court grant to the Adams on behalf of the delinquents & the right of using the water of Little Creek for irrigate and other purposes
 J. & Smith
 James Lewis
 Judge
 Gene Term
 Appropriation to I. C. Haight \$175 for benefit of Iron Works to be expended on Kanyon road
 Monday Dec
 present adjourned

The Road to Mill and Canon is shown in Section 13 on the south side of Coal Creek passing two Mills and entering the “Canon”.



March 12, 1875 - Official United States Plat filed Surveyor Generals Office

This Survey specifically applies to Section 13, T36S, R11W to show and list the "Road" passing by the Mills on the south side of Coal Creek and heading East into Section 18, T36S, R10W. The Chain Survey in the "field notes" clearly locates and describes this "Road".



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[illegible]

May 25, 1870.

268 BOOK A 98

215

Subdivisions, Township 36 S., Range 11 W.

Chains

North between sections 10 and 11
Var. $15^{\circ} 50'$ E.

40.00 A Pinon Pine 8 in. diameter for $\frac{1}{4}$
section corner as monument.

50.00 Valley at the mouth of Cedar Creek
Canon which East, from which
Cedar City bears N.W. and adjoins
the same.

53.50 Road and street in Cedar City which
leads to the Mill in the canon,
East about 20.00 chains.

60.00 Grist mill bears East 250 links,
and street in Cedar City bears E. and N.

63.50 Coal Creek 25 links wide with stony
bottom, rapid current, and shallow,
fresh water, runs N.W.

65.00 Foot of Wahatch mountains, bears
North and East.

80.00 Set a white lime stone 16.6 8 6 for
corner to sections 11, 12, 13 and 14
from which bears a Pinon Pine
kindian. S. 50° E. 105 links dist.
A cedar 12 in. diam. bears S. 50° W.
78 links dist. A cedar 7 in. diam.
bears N. 38° W. 105 links dist.

BOOK-A-133

Salt Lake Meridian

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Chains North and East
 16.50 Coal Creek 25-lks Cropp
 id Current, rocky bottom
 runs N. W.
 20.00 L. H. Chaffin's Grist Mill
 2.50 lks East of line
 26.00 Irrigation Canal 15-lks
 Wide runs West
 26.50 Road from Cedar City
 to Mill and up Cañon
 bears East and West
 32.00 To point set a lime Stone
 16x10x8 Marked with (#) Cropp
 on W. side each mark 3 in
 long 1/6 in deep for witness
 point from which I run
 East on offset line
~~4.30~~ at 4.30 chs leave foot hills
 bears S 80° E and N. 56° W
 at 39.20 chs. Gates and Compa

1894 - Iron County Court Minutes - Book C, page 3 - 4

The Road Supervisor of Cedar City Road District was authorized by the Court to expend \$25 on the "Cedar Canyon Road" and to be paid in County Road interest bearing Warrants.

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referred to him for collection at the next term
 viz. Sevier, San Pete and Juillard Counties
 on motion the attorney was instructed
 to write them that if the claims were
 paid on or before the 15th day of March,
 1893, suit would probably be commenced
 against one or more of them for the
 collection of the same.

Petition of Utah Irrigation Commission for appropriation of \$5000 to be used towards defraying the expenses of publishing a new edition supplementing the report to the Utah Irrigation Commission to the Denver Congress on motion the same was tabled.

Court then adjourned till 10 o'clock in the evening

Tuesday - Sunset

Court convened as per adjournment all members present

Petition from Co. Surveyor John T. Hutchell made a verbal petition in behalf of the County Surveyor to have some of the old Records in the Surveyor's Office recorded as some of them were in a very dilapidated condition and some of them were only written with lead pencil were becoming illegible, and recommended that they be copied into a book like the one in present use on motion R. J. Williams and Thomas God Jones were appointed as a Committee to go and examine the said Records and report what was necessary at the next term of Court

Road Supervisor Report James Corlett then brought forward his report as Road Supervisor of Cedar City Road District No 2, which was read and on motion approved.

Road Business Mr Corlett then asked the Court to authorize him to expend \$20 or \$25 on the Cedar Canyon Road, and on motion he was authorized to expend \$25 on said road to be paid in

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Petition for relief from Tax R. H. Hayburne, assessor and collector petitioned the Court for relief of taxes on account of double assessment in the sum of \$11.25 on motion the relief was granted as prayed for and the clerk instructed to notify the Territorial Auditor & the Superintendent of District Schools of the amount.

appointment The appointments of Road Supervisor

"The Surveyor was ordered to furnish a Plat of the Roads & Highways in the County in duplicate" by "The Board of County Commissioners of Iron County".

*Request Iron County surveyors office or county commissioners office for a copy of this Plat.

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until Monday February 14, 1898.

R. H. Baird

Attest: Alfred M. Durham, Co. Clerk.

Special The Board of County Commissioners of Iron County, Utah met in special session on Monday Feb. 14, 1898 at 10 o'clock A.M. at the County Court House in Panguitch City, for the purpose of hearing reports of officers and attending to such other business that might properly come before them.

Present Commissioners McBride, Rasmussen and Com. Attorney Ellerton and other officers. Other the following business was transacted.

Minutes of previous meeting were read and duly approved.

Auditors Financial Report. Auditor Alfred M. Durham's financial report for the year 1897 was presented, showing the County to be in a good financial standing and upon the report was approved and ordered published in the Salt Lake Semi-Weekly Herald.

Auditors Treas. Statements. The Auditors & Treasurers joint statement ending Feb. 7, 1898 was also presented & approved.

Health Ordinance. The County Attorney was instructed to draw up a health ordinance to be presented for consideration at the next meeting.

Records of Births & Deaths. The Auditor was authorized and instructed to purchase the records for registering Births and Deaths as required by law, and the dog records for distribution to Doctors, Midwives etc. with the necessary blanks for reports.

Plat of Roads & Highways. The Surveyor was ordered to furnish a plat of the Roads & Highways in the County in duplicate.

Claims for half taxes. The claims of Washington & Kane Counties for half taxes on transient stock were referred to the Assessor to be reported on at the next meeting.

The request of the County Recorder for \$20.00 additional compensation for months of December & January was tabled until the next meeting.

The following claims were then taken up.

"Road to Mill and Canon" is here shown and named in Section 13, T36S, R11W. Being a settlement road of 1852, this original Canyon Road is not described with dimensions the same as newer city roads on this "Plat "B". However, the 1875 Plat by the Surveyor Generals Office described this Canyon Road's location in a detailed Chain Survey.



"Be it resolved by the Board of County Commissioners that the following named roads be declared and listed County Roads to wit - ... "Commencing at Cedar and up Cedar Canyon commencing at the mouth of the Gulch in Cedar Canyon thence to the head of its Gulch."

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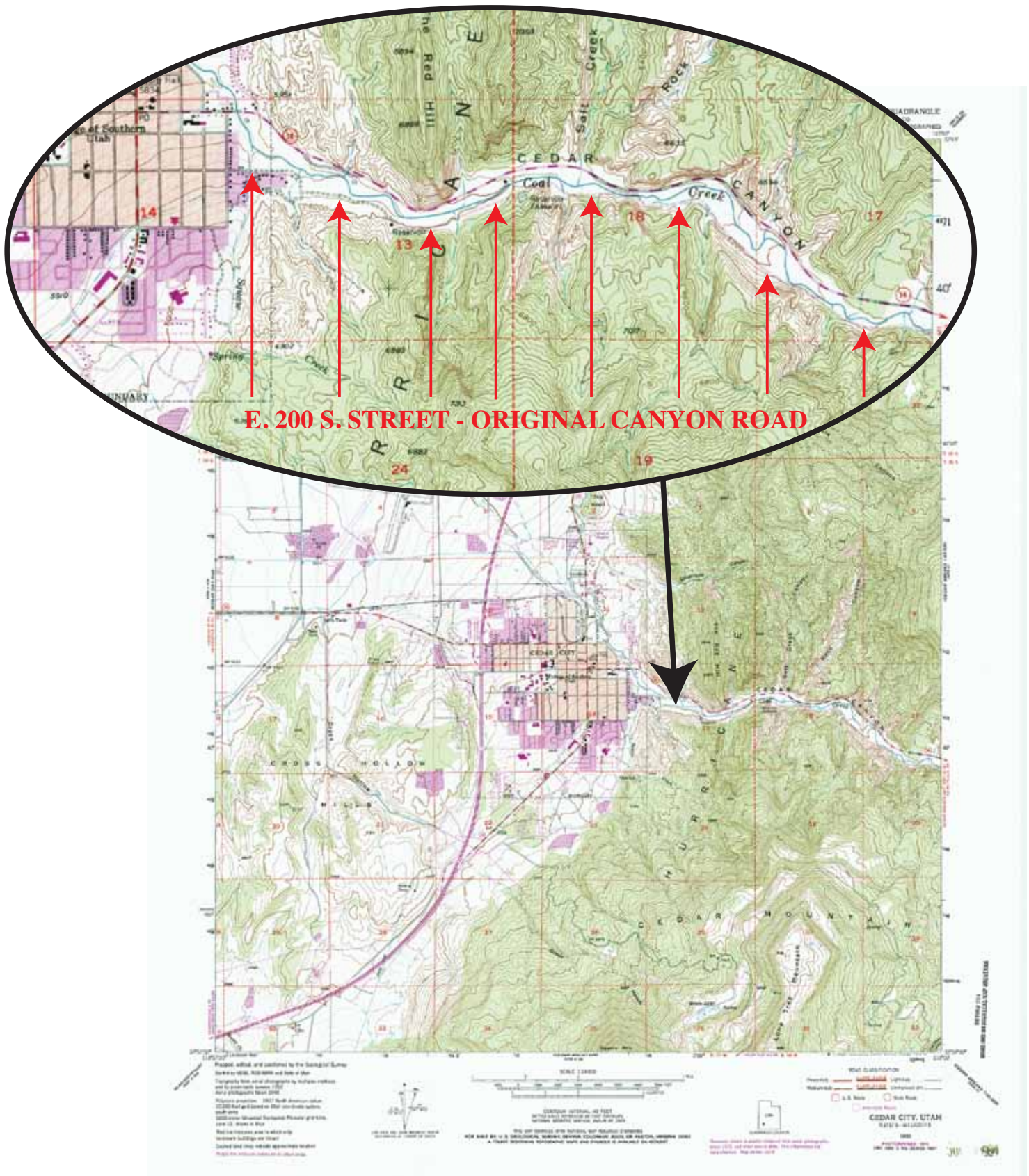
The Board of County Commissioners
of Iron County met in a regular session
at 10 o'clock A.M. on Monday Oct 15th
1906. Present: Henry W. Hunt
H. M. Hendrickson } Commissioners
Riley G. Wallianos }

E. H. Ryan County Attorney.

When the following business was transacted
On Motion of Hendrickson the following
resolution was passed by unanimous vote
"Be it resolved by the Board of County Commissioners
that the following named roads be declared and
listed County Roads to wit: -

Commencing at the County line south of
Kanarra and running thence northeasterly
through the towns of Kanarra, Hamilton, Cedar
Summit, Parowan, Paragonah and on to
the Beaver County line; The Road commencing at
Kanarra and running to the top of Kanarra
Mountain; The road commencing at Cedar City
and running thence west about 5 miles thence
by way of Hot Springs to Modena & Stateline
also commencing about five miles west of Cedar and
running thence southwesterly to the County line
also commencing at Cedar and thence to Lunch
via Iron Springs; Commencing upon the N.E.
corner of Cedar North field and thence north
to Beaver County line via Rush Lake.
Commencing at Cedar and up Cedar Canyon
commencing at the mouth of the Gulch in Cedar
Canyon and thence to the head of the Gulch.
The road commencing at Parowan and
running northwesterly to the Milford Road
by way of the Gap; Commencing at Parowan
and up Parowan Canyon over Fish Lake Mountain
to Warfield Lake; Commencing at mouth of
the Pine left hand in Parowan Canyon and
thence up main canyon, Bigfield Canyon and
to the top of Bull flat hill; also what is
known as the Cedar Mountain road.

1950 USGS TOPO MAP - CEDAR CITY



E. 200 S. STREET - ORIGINAL CANYON ROAD

Same location as on the 1875 U.S. GLO Plat. Road starting from Cedar City, present-day E. 200 S., and entering Cedar Canyon on the south side of Coal Creek. This historic road is on many historic maps, GLO Plats, and USGS Maps. Moreover, this road exists today and has been used continuously since 1852.

Jason Wolf <jasonwolf@utah.gov>
Wed, Dec 9, 3:14 AM (1 day ago)
to me, Hussein, Carmen

Hi Lane,

Thank you for reaching out to Utah's Public Lands Policy Coordinating Office. We are happy to help with your request. PLPCO is the state of Utah's authoritative source for RS2477 Roads. We work with the Attorney General's office to gather historical evidence pertaining to these roads. One piece of the evidence is historical maps.

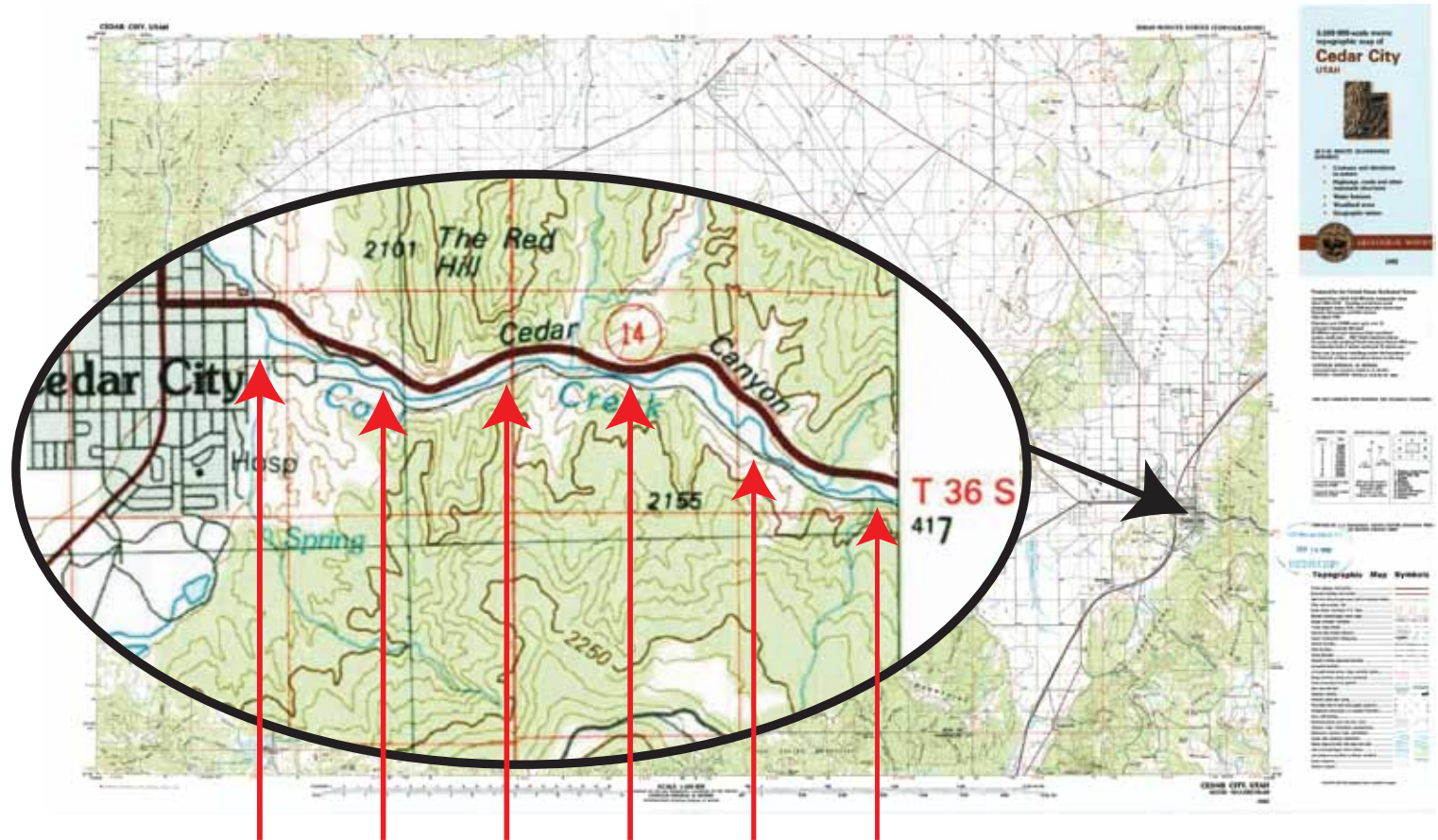
The best source of historical maps is the United States Geological Survey Department (USGS). They have a wonderful web application called Topo View, where you can easily click on a location and find all historical maps that the federal government keeps on record. This is the source we use for all our historical maps. From a quick search, it looks like there are roughly 23 maps available for the area west of Cedar City. It will take a bit of time but you can determine from there whether the road shows up on the maps. I hope that helps. Please let me know if you have any questions.

<https://ngmdb.usgs.gov/topoview/viewer/#13/37.6893/-113.0241>

Best Regards,
Jason Wolf

~~~~~  
State of Utah  
Jason Wolf  
GIS Project Manager  
State of Utah | Public Lands Policy Coordinating  
Office  
m: 801.809.6340  
w: publiclands.utah.gov  
e: jasonwolf@utah.gov  
a: 350 N State Street, SLC, UT

## 1982 USGS TOPO MAP - CEDAR CITY

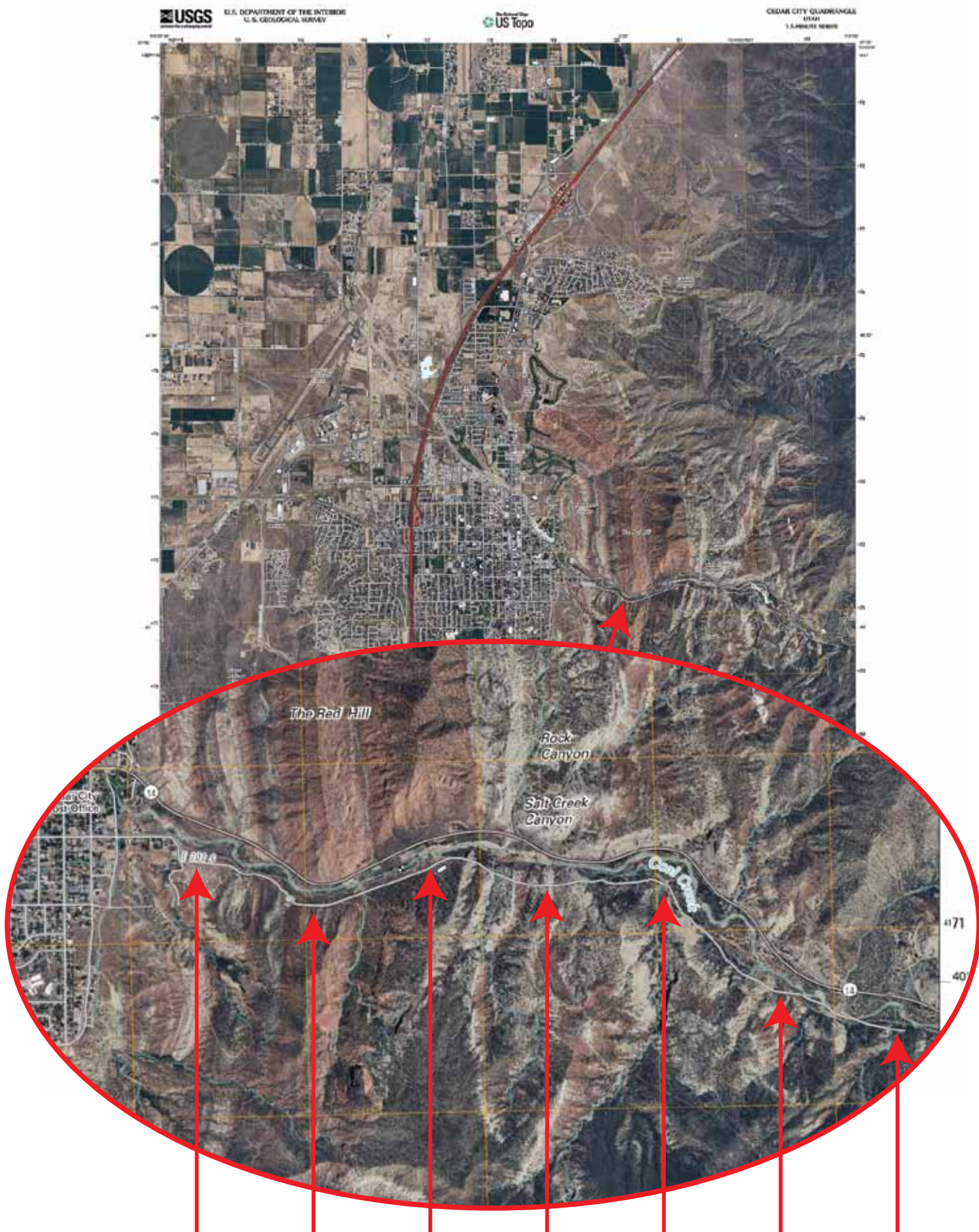


### E. 200 S. STREET - ORIGINAL CANYON ROAD

Same location as on the 1875 U.S. GLO Plat. Road starting from Cedar City, present-day E. 200 S., and entering Cedar Canyon on the south side of Coal Creek. This historic road is on many historic maps, GLO Plats, and USGS Maps. Moreover, this road exists today and has been used continuously since 1852.



# 2011 USGS SATELLITE MAP - CEDAR CITY

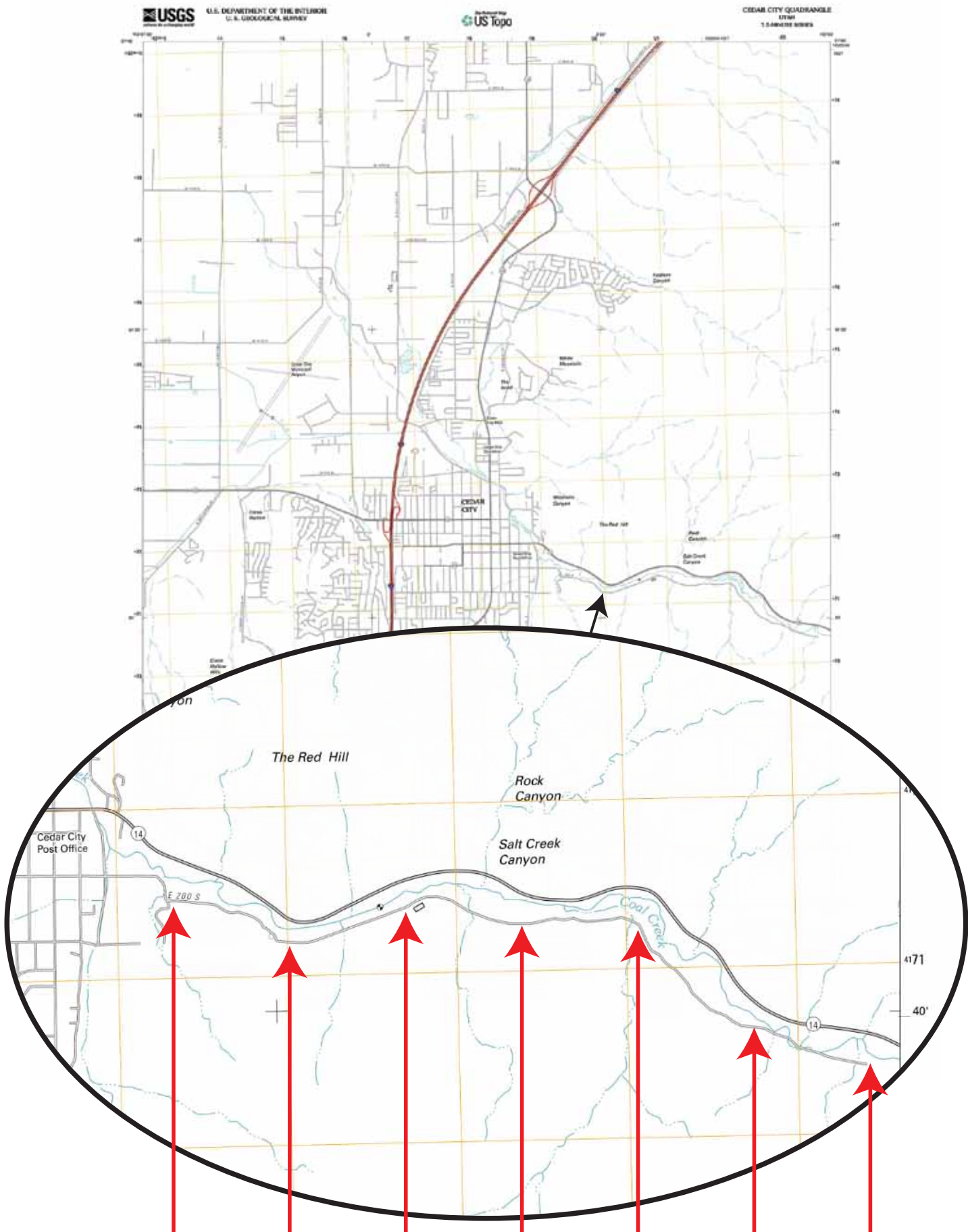


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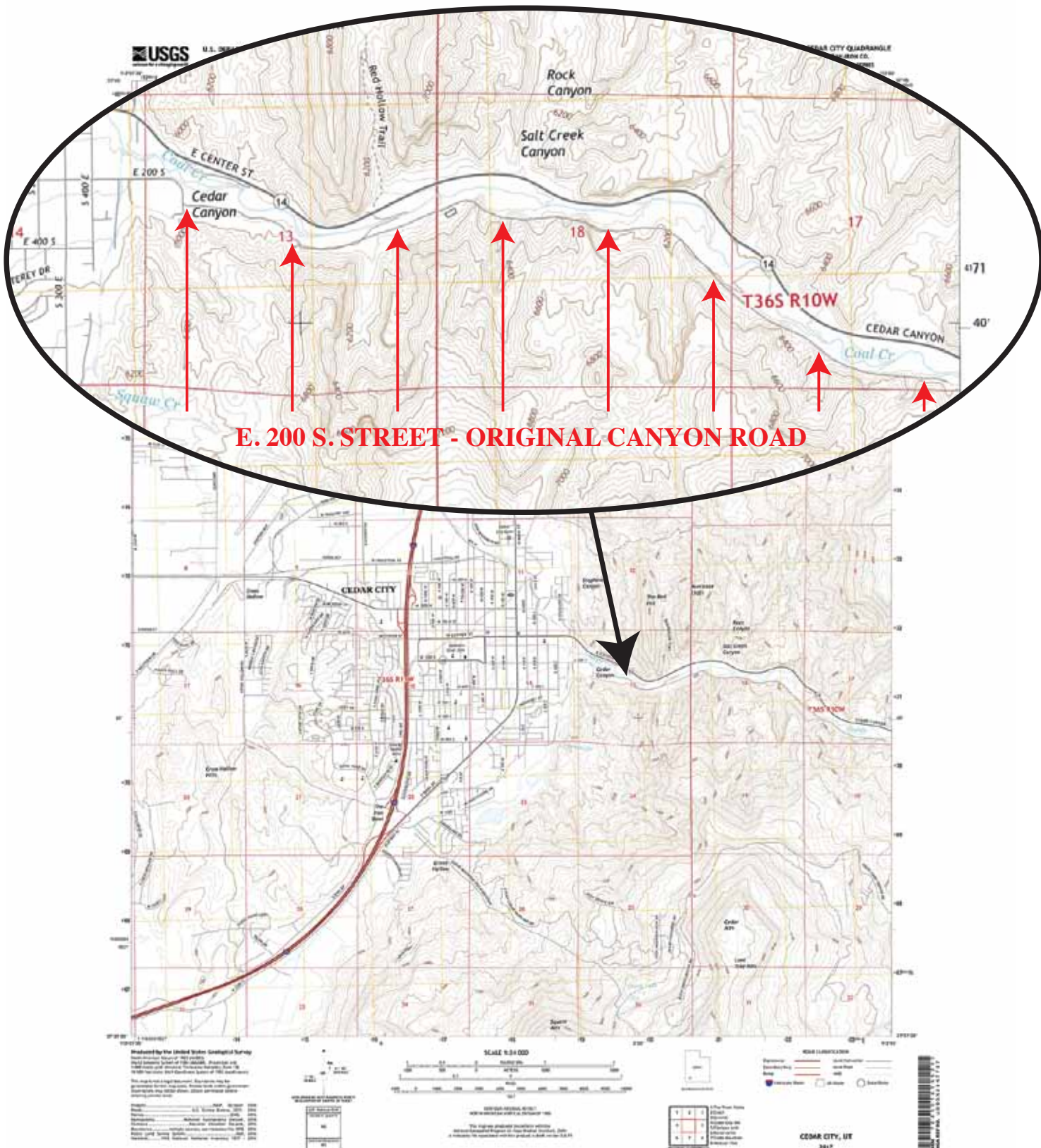


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# 2017 USGS TOPO MAP - CEDAR CITY

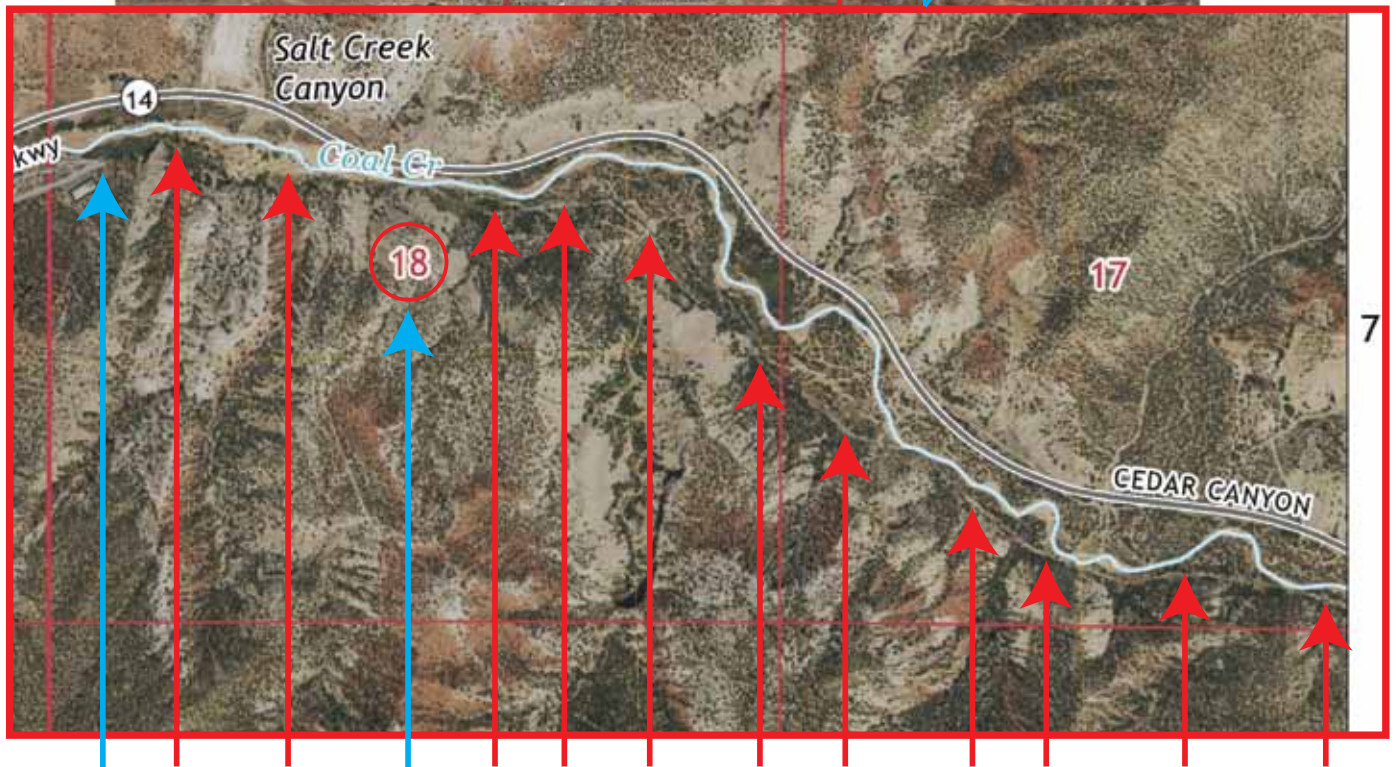


## E. 200 S. STREET - ORIGINAL CANYON ROAD

Same location as on the 1875 U.S. GO Plat. Road starting from Cedar City, present-day E. 200 S., and entering Cedar Canyon on the south side of Coal Creek. This historic road is on many historic maps, GO Plats, and USES Maps. Moreover, this road exists today and has been used continuously since 1852.



# 2020 USGS SATELLITE MAP - CEDAR CITY



## E. 200 S. STREET - ORIGINAL CANYON ROAD

This 2020 USGS Satellite image, clearly shows this historic road. The blue arrows above show the road ending just past the old 1925 Reservoir in Section 18, T36S, R10W (our property). Fortunately for this error, the **dirt road is very visible** (because it is not covered up by a road overlay). This road exists today and has been used continuously since 1852. It is the only road accessing properties south side of Coal Creek.