

## ASSURANCES RELATING TO REAL PROPERTY ACQUISITION

- A. PURPOSE — This form is to be used by sponsor(s) to provide the assurances to the Natural Resources Conservation Service of the U.S. Department of Agriculture which is required in connection with the installation of project measures which involve Federal financial assistance furnished by the Natural Resources Conservation Service.

- B. PROJECT MEASURES COVERED —

Name of project Big Pole Fire EWP Project

Identity of improvement or development Approximately 15,000 linear feet of secondary water line

Location West Slope of Stansbury Mountains, Skull Valley, Tooele County, Utah

- C. REAL PROPERTY ACQUISITION ASSURANCE —

This assurance is applicable if real property interests were acquired for the installation of project measures, and/or if persons, businesses, or farm operations were displaced as a result of such installation; *and* this assurance was not previously provided for in the watershed, project measure, or other type of plan.

If this assurance was not previously provided, the undersigned sponsor(s) hereby assures they have complied, to the extent practicable under State law, with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 U.S.C. 4601-4655), as implemented in 7 C.F.R. Part 21. Any exceptions taken from the real property acquisition requirements under the authority of 42 U.S.C. 4655 because of State law have been or is hereby furnished to the Natural Resources Conservation Service along with the opinion of the Chief Legal Officer of the State containing a full discussion of the facts and law furnished.

- D. ASSURANCE OF ADEQUACY OF REAL PROPERTY RIGHTS —

The undersigned sponsor(s) hereby assures that adequate real property rights and interests, water rights if applicable, permits and licenses required by Federal, State, and local law, ordinance or regulation, and related actions have been taken to obtain the legal right to install, operate, maintain, and inspect the above-described project measures, except for structures or improvements that are to be removed, relocated, modified, or salvaged before and/or during the installation process.

This assurance is given with the knowledge that sponsor(s) are responsible for any excess costs or other consequences in the event the real property rights are found to be inadequate during the installation process.

Furthermore, this assurance is supported by an attorney's opinion attached hereto that certifies an examination of the real property instruments and files was made and they were found to provide adequate title, right, permission and authority for the purpose(s) for which the property was acquired.

If any of the real property rights or interests were obtained by condemnation (eminent domain) proceedings, sponsor(s) further assure and agree to prosecute the proceedings to a final conclusion and pay such damages as awarded by the court.

Tooele County

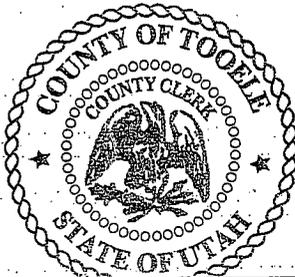
(Name of Sponsor)

By: Colleen Johnson

*Colleen Johnson*

Title: Chair, Tooele County Commission

Date: 6/7/11



(Name of Sponsor)

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

This action authorized at an official meeting \_\_\_\_\_ of the Tooele County

Commission held \_\_\_\_\_ on the 7th

day of June, 2011

at 3:00 p.m. in the Commission Chambers.

State of Utah

Attest: Marilyn Gillette

(Name)

*Marilyn Gillette*

Tooele County Clerk

(Title)

This action authorized at an official meeting \_\_\_\_\_

on \_\_\_\_\_

day of \_\_\_\_\_, 19\_\_\_\_,

at \_\_\_\_\_

State of \_\_\_\_\_

Attest: \_\_\_\_\_

(Name)

(Title)

TOOELE COUNTY ATTORNEY'S OFFICE



**Doug Hogan, County Attorney**  
Gary K. Searle, Chief Deputy Attorney

Scott A. Broadhead, Deputy Attorney  
Wayne D. Jones, Deputy Attorney  
Robert L. Clegg, Deputy Attorney

May 31, 2011

Judy Ousley  
NRCS  
125 South State Street, Ste. 4010  
Salt Lake City, UT. 84138-1100

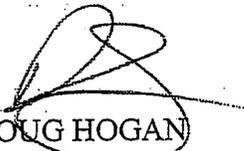
**Re: ADS-78 Form; Attorney Opinion Letter**

Dear Ms. Ousley:

As the Tooele County Attorney, I have reviewed the real property instruments and files associated with the Big Pole Fire EWP Project and am of the opinion that said instruments provide adequate title, right, permission and authority for the purpose(s) for which the property was acquired.

Please contact me at the numbers provided if I can be of further assistance in this matter.

Sincerely,

  
DOUG HOGAN  
Tooele County Attorney