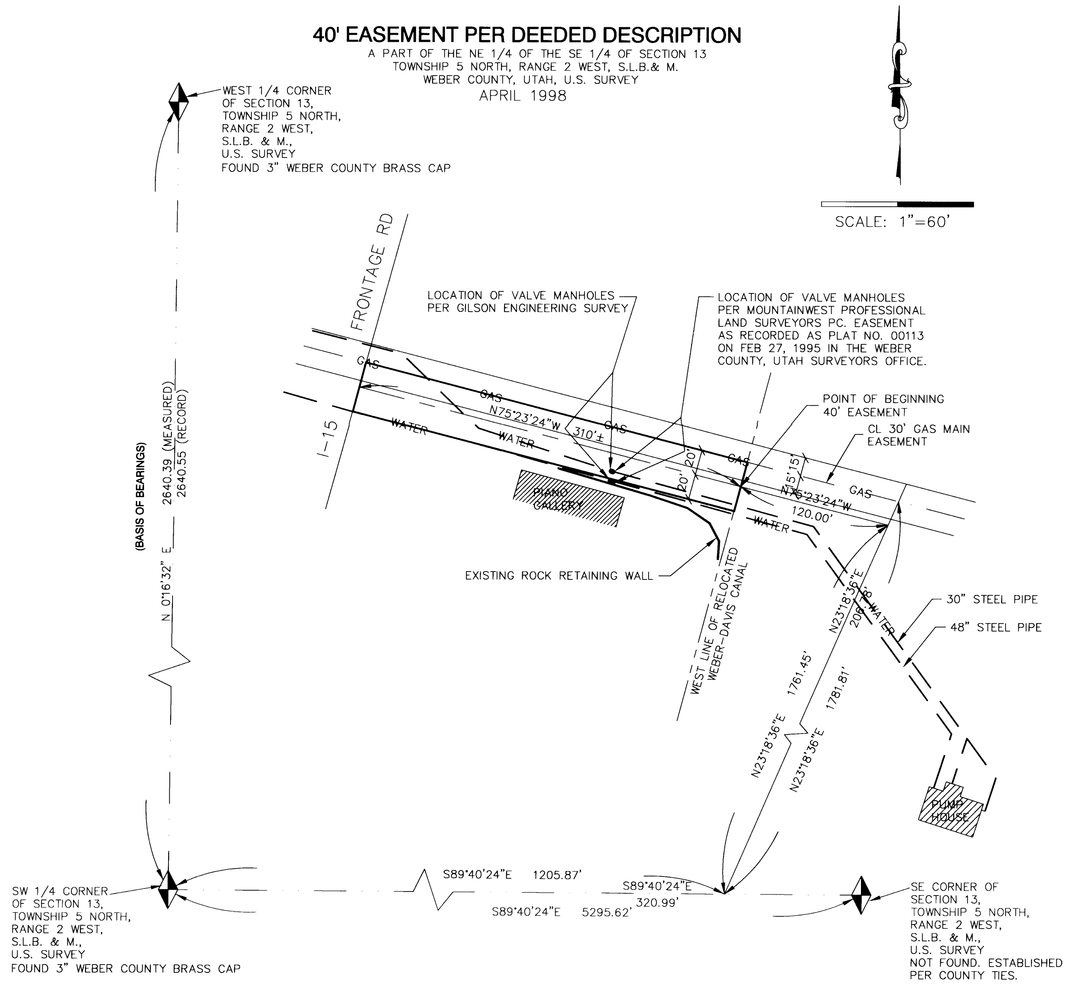
40' EASEMENT PER DEEDED DESCRIPTION

A PART OF THE NE 1/4 OF THE SE 1/4 OF SECTION 13
TOWNSHIP 5 NORTH, RANGE 2 WEST, S.L.B.& M.
WEBER COUNTY, UTAH, U.S. SURVEY
APRIL 1998



40' EASEMENT DESCRIPTION (ESTABLISHED PER DEED RECORDED ON PAGE 329 BOOK 990 OF DEEDS IN THE WEBER COUNTY, UTAH RECORDER'S OFFICE.)

AN EASEMENT 40 FEET WIDE LYING 20 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE, FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A WATER MAIN: A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, BEGINNING AT A POINT SOUTH 89°40'24" EAST 1205.87 FEET, AND NORTH 23°18'36" EAST 1761.45, AND NORTH 75°23'24" WEST 120 FEET, MORE OR LESS, FROM THE SOUTHWEST CORNER OF SAID SECTION 13. SAID POINT BEING ON THE WESTERLY LINE OF THE RELOCATED DAVIS DAVIS AND WEBER CANAL RIGHT-OF-WAY, AND RUNNING NORTH 75°23'24" WEST 310 FEET, MORE OR LESS, TO THE EASTERLY LINE OF THE STATE HIGHWAY ACCESS ROAD.

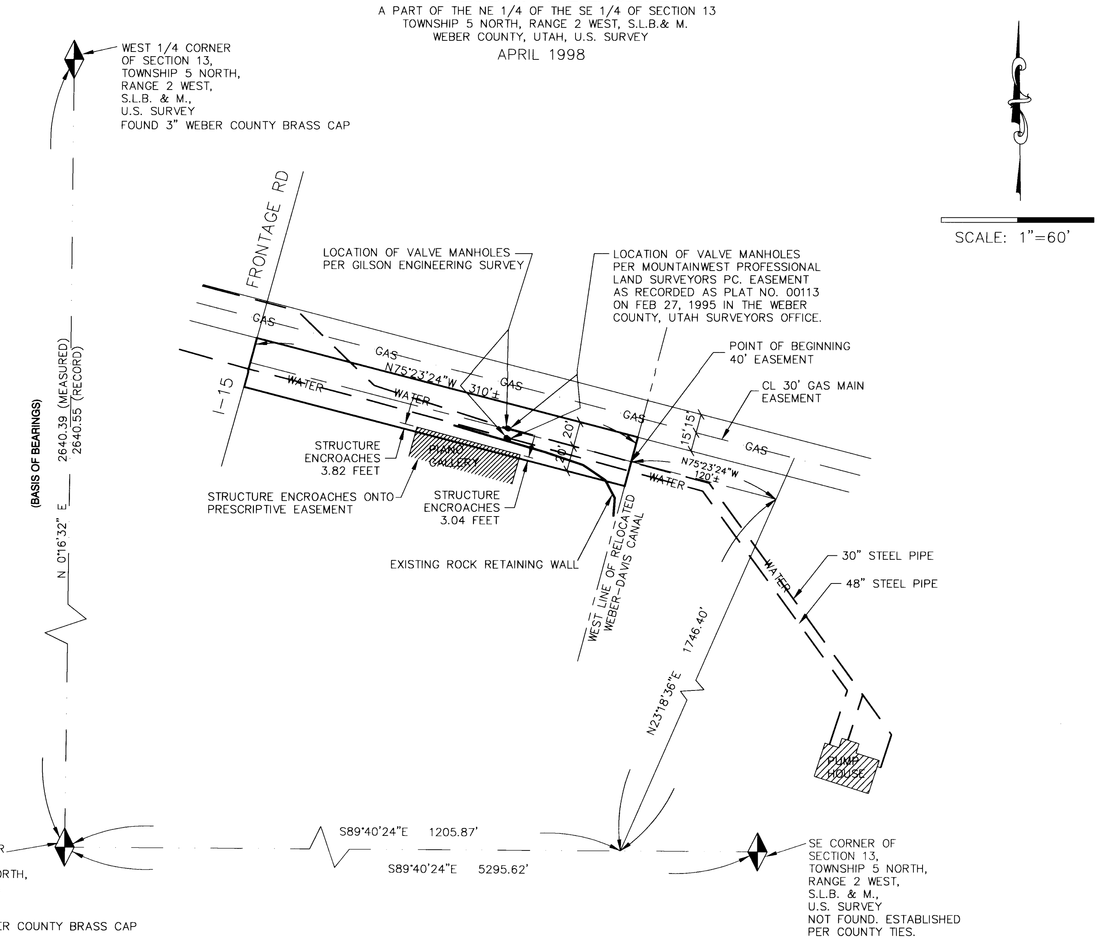
DEED ROTATED TO MATCH COUNTY SECTION TIE INFORMATION.

30' GAS LINE EASEMENT DESCRIPTION (EASEMENT ESTABLISHED PER DEED RECORDED ON PG. 332, BOOK 990 IN THE WEBER COUNTY, UTAH RECORDERS OFFICE.)

THAT PORTION OF A 30 FOOT GAS LINE EASEMENT LYING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE; A PART OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, US SURVEY, BEGINNING AT A POINT S89°40'24"E 1205.87 FEET AND N23°18'36"E 1781.81 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 13, AND RUNNING THENCE N75°23'24"W 404.00 FEET MORE OR LESS TO THE EASTERLY LINE OF THE STATE HIGHWAY ACCESS ROAD.

40' PRESCRIPTIVE EASEMENT

A PART OF THE NE 1/4 OF THE SE 1/4 OF SECTION 13
TOWNSHIP 5 NORTH, RANGE 2 WEST, S.L.B.& M.
WEBER COUNTY, UTAH, U.S. SURVEY
APRIL 1998



40' PRESCRIPTIVE EASEMENT DESCRIPTION

AN EASEMENT 40' WIDE LYING 20 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE, FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A WATER MAIN: A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. BEGINNING AT A POINT SOUTH 89°40'24" EAST 1205.87 FEET, NORTH 23°18'36" EAST 1746.40, AND NORTH 75°23'24" WEST 120 FEET MORE OF LESS FROM THE SOUTHWEST CORNER OF SAID SECTION 13, SAID POINT BEING ON THE WESTERLY LINE OF THE RELOCATED DAVIS AND WEBER CANAL RIGHT-OF-WAY; AND RUNNING NORTH 75°23'24" WEST 310 FEET MORE OR LESS TO THE EASTERLY LINE OF THE STATE HIGHWAY ACCESS ROAD.

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO LOCATE ON THE GROUND THE EXISTING STRUCTURE KNOWN AS THE PIANO GALLERY WITH ITS RESPECTIVE IMPROVEMENTS AND THE EXISTING 48" AND 30" WATER MAINS OWNED AND OPERATED BY THE ROY WATER CONSERVANCY SUB-DISTRICT; AND TO DETERMINE IF THE SAID STRUCTURE IS ENCROACHING UPON A 40' WIDE EASEMENT ESTABLISHED FOR THE PURPOSE OF INSTALLING AND MAINTAINING THE SAID WATER MAINS. PER GILSON ENGINEERING'S REVIEW OF THE DESIGN DRAWINGS OF THE SAID WATER MAINS AND PER OUR CONVERSATION WITH THE PROJECT ENGINEER AND SURVEYOR, IT WAS DETERMINED THAT THE 40' WIDE WATER MAIN EASEMENT WAS INTENDED TO BE ESTABLISHED ADJACENT SOUTHERLY TO AN EXISTING 30' WIDE GAS LINE EASEMENT AND THAT THE WATER MAINS WERE TO BE CENTERED WITHIN THE SAID 40' WIDE EASEMENT. HOWEVER, THE RECORDED DESCRIPTION OF THE SAID 40' WIDE EASEMENT WAS FOUND TO HAVE AN ERRONEOUS TIE TO THE SECTION CORNER THAT CAUSED THE DESCRIPTION OF THE EASEMENT TO BEGIN APPROXIMATELY 15' FURTHER NORTH THAN WAS INTENDED THUS OVERLAPPING THE SAID 30' WIDE GAS LINE EASEMENT. THIS ERRONEOUS TIE IN THE RECORD DESCRIPTION CAUSES THE WATER MAINS TO FALL IN THE SOUTHERN PORTION OF THE EASEMENT INSTEAD OF BEING CENTERED WITHIN THE EASEMENT AS WAS INTENDED. GILSON ENGINEERING HAS DETERMINED THAT IF THE 40' WIDE EASEMENT IS LOCATED PER ITS INTENT, THAT BEING ADJACENT SOUTHERLY TO THE SAID GAS LINE EASEMENT, THE WATER MAINS DO FALL IN THE CENTER OF THE EASEMENT. IT IS GILSON ENGINEERING'S OPINION THAT A PRESCRIPTIVE EASEMENT EXISTS AS SHOWN ABOVE IN THE "40' PRESCRIPTIVE EASEMENT" BLOCK. THIS OPINION IS SUPPORTED BY THE INFORMATION STATED ABOVE AND BY THE FACT THE THE SAID WATER MAINS HAVE EXISTED IN THEIR CURRENT LOCATION WITH ABOVE GROUND EVIDENCE OF THEIR EXISTENCE (MANHOLES) FOR MORE THE 20 YEARS AND THAT THE ROY WATER CONSERVANCY SUB-DISTRICT HAS OWNED AND MAINTAINED THESE WATER MAINS CONTINUALLY DURING THIS 20 YEAR PERIOD OF TIME.

SURVEYORS CERTIFICATE

I, HUGH M. WHEELOCK, A REGISTERED LAND SURVEYOR, NO. 57909460, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT THIS "RECORD OF SURVEY", WAS PREPARED FROM A SURVEY MADE ON THE GROUND AT THE REQUEST OF ROY WATER CONSERVANCY AND IN BEHALF OF GILSON ENGINEERING, IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Hugh M. Wheelock

HUGH M. WHEELOCK, P.E., L.S.
LICENSE NUMBER: 57909460

REGISTERED ENGINEER AND LAND SURVEYOR No. 57909460 WHEELOCK H. M. STATE OF UTAH

BASIS OF BEARINGS

THE BASIS OF BEARING OF THIS SURVEY IS THE UTAH COORDINATE SYSTEM, 1927 NORTH ZONE AS DETERMINED LOCALLY BY THE LINE BETWEEN THE SOUTHWEST CORNER AND THE WEST 1/4 CORNER OF SECTION 13, T.5N., R.2W., S.L.B.&M., U.S. SURVEY, AND IS SHOWN HEREON AS N0°16'32"E.

RECORD OF SURVEY

40' WATER MAIN EASEMENT
FOR
ROY WATER CONSERVANCY SUB-DISTRICT

RECEIVED
APR 22 1998
Weber County Surveyor

Gilson Engineering
• Draper, Utah (801) 571-9414
• Riverdale, Utah (801) 773-1191

DRAWN:	DESIGNED:	CHECKED:	APPROVED:
J. NELSON	JEFF BRESSE	HUGH WHEELOCK	HUGH WHEELOCK

DATE	FILE NUMBER	DRAWING NUMBER
APRIL 1998	RWC.011	11-1

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