

SURVEYOR'S CERTIFICATE

I, Ernest D. Rowley, having been duly appointed as the Chief Deputy Surveyor do hereby certify that we, of the Weber County Surveyor's Office, of the State of Utah, have made a survey of the tract[s] of land shown hereon, that this plat has been prepared from the original field notes made during a survey of this tract[s] of land and that this plat is an accurate record of this survey.

BASIS OF BEARING

The Basis of Bearing is the Weber (NAD27) grid system as recorded and maintained by the Weber County Surveyor's Office. More specifically a bearing of South 00°44'28" West between the BLM monuments identified on their face as being the East Quarter and Southeast corners of Section 22, Township 6 North, Range 1 West, Salt Lake Base and

NARRATIVE

1) This survey began in 1995 as a topographic survey to be used as a design base for a proposed trail head at the mouth of Ogden Canyon. The design is being done by the Weber County Pathways group. Over time the design process and in negoations with the land owners it has become necessary to identify the land ownership, which this filing is the culmination of. At the time of this filing there has not been any property transaction take place in connection with this project. The properties identified are shown hereon as parcels 1-5, as well as a portion of the State Road, and a portion of Valley Drive & Park Blvd

2) In platting deeds it was found that most all the deeds did not agree with the location of physical features, ie. bridges, pavement, buildings, street monuments, & right of way markers, when utilizing the BLM monuments to control deed

3) The Ogden City "Bible" sheets were used as a basis for the right of way location of the city streets, accompanying that data were also coordinate locations for several section corners of Section 22. We found an original street monument, as shown, at the intersection of Park Blvd & Valley Drive, and a few hundred feet west of this intersection we found another street monument. The record and measured distances agree within reason, since the size of the monument is fairly large. Rotating and translating the Ogden Plat data to the monuments as surveyed revealed that the BLM monuments did not agree with old deed records nor with the Bible sheets.

4) It was at this point I began to investigate the monument locations. In examining the BLM notes along this line is was found that they used an Ogden City monument shown on the Bible sheets as the Southeast cor. of Sec 27, T6N, R1W, and did not find anything else all the way to the township line on the north, (5 miles of line) nor did they find the northeast cor. of Sec 3. They then proportioned in the northeast cor. of Sec. 3 and then proportioned in the remaining corners from this proportioned location of section 3, running South, to the Ogden City monument. Using these monument locations the deeds were south by about 50 feet and a little east of where they should be to match

5) We had Ogden City Survey crew help us find the Southeast cor. or Sec. 27 for us, and then we tied it into our project using GPS along with the BLM E 1/4 cor and the two street monuments on Valley Drive. We found them all to agree almost precicely except the SE cor. of Sec 27, the found Ogden City monuments, which has a position difference from the GPS position to the Ogden Plat location of X=28.38' & Y=5.91'. This shows a bearing problem along this mile long line in the old surveys but only about a 6 foot distance difference which is much less than the 50 feet that the deeds miss improvements at our project location. With that I held the street monuments in Valley Drive for positioning the Ogden City plat data and adjusted the location of the deeds to conform with the Ogden Plat corner locations and found the deeds to agree very well with the improvements.

6) State Road maps were then utilized to drafting the center line and then to offset the right of way line of Highway 39. During the survey we found one right of way marker which had aparently been run over by a lawn mower, the top was gone and all that was left was the bottom of the pipe in the concrete base. Even though the top was gone the base looked un-disturbed. Holding this location with the right of way layout a rough rotation was used to match the existing highway improvements. This gave some locations that could be used as search points for other monuments. In this process we found 2 more monuments to the west of the project and utilized them to fix the location of the State Road right of way. It was found from this evaluation that the record location of the State Road and Valley Drive and the monumented location of both matched each other very well when the BLM monuments were not used. These positions were then accepted and held for the road rights of way. The deeds examined in this survey are not controlled from the BLM monuments because, "The law is well settled that an original survey of lands, upon the faith of which property rights have been based and acquired, controls over surveys subsequently made with injuriously affect such rights." Washington Rock Co. v. Young, 80 P. 382. 7) Ogden City has property on the northeasterly side of the State Road which is identified in two deed documents. The

deeds transfered a strip of land from the Ogden Transit Company for what was the old abandonded railroad right of way and "...an irrigular strip of land, formerly used for depot purposes...". They were platted in relationship to the Ogden Bible plats since the deeds pre-date the BLM monuments, and again they fit the existing improvements quite well. A combined configuration of the deeds is shown and described hereon as parcel 3. The deed, book 132 page 206, has several individual descriptions, one being a strip of land 33 feet wide running from the south line of the UP&L property and running in a southeasterly direction into section 23 and terminating on the west line of property deeded in book 1386 page 1608 which is called as the east line of Ogden City. The same document also conveys "...all right, title, or interest... in an easement "...for a right-of-way for an electric railway track, ..." with a description of the center line of the track, but giving no width of the easement. The center line is shown hereon and labeled as such. However, the alignment does not agree with the 33 foot strip deeded to Ogden City in book 132 page 206. The location of this easement has not been accurately identified nor, with the information which I currently have, can it be.

8) In 1967 Ogden City gave to UDOT, land which they needed for the widening of the highway. It was described as being all the property "...which lay southerly from the following described line:". The line is a description of the northeasterly right of way. Then in 1969 for some reason UDOT gave the exact same description back to Ogden City. Yet the ownership plats do not show the reconveyance of these parcels. I have been in contact with UDOT and as of yet don't have an answer of why this would have happened. I do not believe that UDOT intended to give away a portion of it's road right of way. The two parcels in question are shown hereon as Tract 1 and Tract 2 and are located to the east and south, respectively, of the Ogden City chlorinator building. Ownership in these 2 tracts has not been

9) Rainbow Gardens is the other owner which is involved in this project and what they own is basically the leftover after the State Road and Ogden City properties are taken out as they are specifically excepted in the deeds of the Rainbow Gardens property. The properties being shown as parcel's 1,2,4 & 5 are what is left to Rainbow Gardens. 10) The line dividing the lands of Rainbow Gardens and UP&L was set using deed documents in book 205 page 205 which gives ... "The North 1/3 of the East 1/2 of the southeast quarter of Section 22, for UP&L, ... Except State Road ...". and book 1315 page 400 which describes it as "Part of the South 2/3 of the East 1/2 of the Southeast Quarter of Section 22, ...". From this reading it is recognized that the deeds describe the same line between Rainbow Gardens and UP&L. This line was established from the Ogden Bible sheets section data, where the southeast quarter of the section was defined. Then the southeast quarter of the section was divided in half from north to south creating a sixteenth section line. Then the sixteenth section line and the east line of the section were divided into thirds and a line was connected between these third points to create the line of ownership between UP&L and Rainbow Gardens. 11) The west line of Rainbow Gardens property (parcel 1) was then identified from a reading of deed documents from book 1315 page 400 and book 1114 page 179, which describes a common line between Rainbow Gardens and Claude Olsen. This line was identified by again using the Ogden Bible plat location of section 22 and attaching the description to the northeast corner of the south 2/3 of the east 1/2 of the southeast quarter which is called for in both documents, the descriptions were then rotated to the same bearing as the Ogden Bible sheet section line bearing. This established the

12) There are no visible lines of occupation that conflict with the location of the lines as described in parcels 1 thru 5. The UP&L property lines are shown on this plat using the Ogden City "Bible" plat section corner locations. An apparent encroachment on the western part of this property is shown. Again, this survey has not made an attempt to identify the legal ownership lines of the west or north property lines of the UP&L property. This is a matter in which the County has no interest in identifying or resolving as part of this project.

13) Having identified the land ownership around the proposed trail head site this project was placed on hold. Then in August of 2001 we recieved a request from the Weber County Trails staff to prepare two deeds that would reconfigure and consolidate the ownerships of Ogden City and Rainbow Gardens. Descriptions were prepaired and submitted to the client. This reconfiguration and the subsequent descriptions are shown on sheet 2 of 2 of this same survey. As of this filing date that transaction has not been completed or recorded.

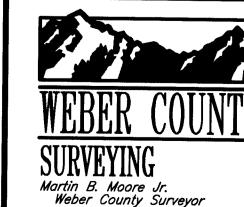
RECEIVED

JAN19 OS

Weber County Surve

Weber County Trails Mouth of Ogden Canyon

PART OF THE SE 1/4 OF SEC 22, & SW 1/4 OF SEC 23, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN



Ernest D. Rowley, Chief Deputy

2380 Washington Blvd. Rm 260 Ogden, Utah 84401

M. JENSEN SURVEY DATE from 1995 to 2001 Plat Prepared By E. ROWLEY Chief Deputy DRAWING DATE From 1995 to Jan. 19, 20 Approved for Filing By M. MOORE

County Surveyor

003404

SURVEY FILING NUMBER SHEET 1 OF 2

