



NARRATIVE

1. The purpose of this cemetery survey is to identify the boundary between the Town of Huntsville and the United States of America (USA). The United States Forest Service (USFS) entered into an interlocal agreement with the Weber County Surveyor's Office to identify the boundary of the Federal property with respect to Pineview Reservoir.

2. On October 30, 2001 our survey crew made field ties by means of total station of the fences and drafted features shown on this plot. This data was utilized in the evaluation of the deed documents which are noted herein.

3. On the 11th of July 1938 a deed was recorded in B131 P279 in which the Church of Jesus Christ of Latter-day Saints (LDS Church) sold to the Town of Huntsville a portion of the land now being used as the town cemetery. The deed contained 2 separate descriptions for the cemetery property. The first describing the approx. west half and the other the approx. east half of the cemetery, both being north of the section line. Both descriptions use the East 1/16th corner between sec. 11 & 14 as their p.o.b. (see point 1). These descriptions included the land shown herein as being parcels 1, 2, 4, 5, & 6. On the 24th day of April 1958 the Town sold to the USA, 3 separate tracts labeled as parcels 4, 5, & 6. The Town added to the cemetery parcel 3 by deed B609 P107 on the 8th day of December 1958.

4. Research has been done utilizing the 1971 BLM survey plots which were examined to see if they would lend some light on the location of the corners of Sections 11 & 14, to identify a location for the 1/16th corner. In making comparisons between monument positions in Sec. 14 and the BLM record, fairly large discrepancies both in distances and bearings were found. The only other federal survey plot is the 1971 GLO survey which was done prior to the construction of the lake, Pineview Reservoir. With the lake in place there is no way to retrocure the GLO survey. The BLM survey being after the filling of the lake was done as a retracement survey and shows that the corners which are under water were proportioned to give them a positional location. The proportioned location for the quarter corner common to sections 11 & 14 does not match the evidence of the section line.

5. The only possible evidence of the section line between these two sections is a small stretch of fence line shown on this plot between point 1 & point 13. There is also a BLM monument for the Southeast corner of Sec. 11. The small stretch of fence line is built very close to the bearing along a line between the BLM monument and the fence post labeled herein as the P.O.B. for the surveyed tract (Point 1). Any other evidence of the line is currently un-identifiable. Other than the call for the 1/16th corner, the second deed description in B131 P 279 has a secondary tie to the SE corner of Sec 11 as N89°42'W 80 rods (1320'). In deed B609 P107 has a tie of S89°58'E 1320.5 feet the two descriptions call the same section line two different bearings and differ by half a foot in the tie distance. It has been found that there are two monuments at this location. One set by the BLM and the other by the USFS. Photographs of these two monuments are shown herein.

6. A fence post at the west end of the fence which has been accepted as evidence of the section line, is at an angle point. The post is nearly 1320.5 feet, from the BLM monument labeled for the SE corner of Sec 11, and the state plane bearing of S89°42'E (which is the deed bearing from B131 P279) works very well for the section line bearing, or at least our retracement of the section line utilizing the fence post at the angle point as evidence of the 1/16th corner. This being the case,

I have held the deed bearings that relate to the S89°42'E and rotated the other deed bearings to match this bearing base.

7. It can be seen from the plot and notes that the fence line and the location of the deed lines are virtually the same, with two exceptions which will be discussed in a later paragraph.

8. Parcel 1 as shown on the plot is described in B131 P279 as the first description of two. This first description utilizes East as the section line bearing and is tied to the 1/16th corner. The second description is tied to the SE corner of the section, calling the p.o.b. at a point N89°42'W 80 rods. By the 1/16th corner tie and this distance of 80 rods along with the 1320.5' distance found in B609 P107, the p.o.b. of both descriptions could be interpreted as the same point, which we have done in this survey. We measured the physical locations at a distance of 1320.7 ft between the two points. Therefore, we have held the distance of 1320.5 feet as the position of the 1/16th corner. Glenn Ravenberg, PLS, also held this fence post as the 1/16th corner in a survey he did which is filed as Record of Survey # 000715 in the Weber County Surveyor's Office.

9. The first call in the parcel 1 description and the last call in the parcel 2 description have the same bearing (N00°12'E), which might indicate that the two were on the same bearing structure. Yet, the bearing that would be along the section line is intended to be the common line of ownership of the two descriptions. From this it seems that a rotation needs to be made of the parcel 1, 3 & 6 deeds. In determining the rotation an examination of the three deeds was done. In the examination the possibility that the parcel 6 deed has incorporated more than one basis of bearing in the description became apparent. The lines shown on this plot as course 11, 12, & 13 use the same bearings and distances in both deed descriptions, that being B131 P279 & B609 P108 (parcel 6 description is recorded at page 109 of Book 609), and course 14 has the same bearing in these descriptions, yet, the bearing along the section line in these descriptions are different.

10. When examining the description for parcel 3 which is found in B609 P107 it can be seen that the parcel 3 description needs to be rotated to match the section line bearing as described in B131 P279 and as re-troced. The parcel 3 description begins at the same 1/16th corner as the others and calls the last course to be on the "North line of said Section 14" with a bearing of S89°58'E going to the p.o.b. The description was then rotated to the section line bearing of S89°42'E. This position matches the existing fences, except for the fence on the west of the parcel.

11. The description for parcel 6 calls the p.o.b. as being along the section line utilizing the N89°58'W bearing then utilizes this same bearing for the first call in the description. The distance to the p.o.b. is noted as 1847.3 ft, subtracting 1320.5 ft leaves 526.8 ft. This is the same distance that the last call of parcel 3 description has. By this it can be seen that the p.o.b. of parcel 6 and the northwest corner of parcel 3 are the same point. Holding the NW corner of parcel 3 and rotating parcel 6 description to the section line bearing of N89°42'E gives placement of the two descriptions. This deed evidence and rotation coupled with the fence evidence makes the intent of the deed lines of Parcel 6 clear (description is found on B609 P109), except for the closing error of the description.

12. Parcel 6 was sold to the USA by the Town of Huntsville. This description has a closing error as shown on the plot. In trying to identify the location or cause of the error the last 6 calls of the description were held as a unit and adjusted to the p.o.b. (the NW cor. of parcel 3), when this is done it shows that the fences as surveyed are very close to the deed calls, except for the last call (course 18). It was decided that knowing the precise location or cause of the error did not need to be evaluated further since the adjustment, courses 13-17 matched the fencing and courses 10-12 were basically duplicates of the corresponding deed calls in the parcel 1 description, leading to the conclusion that courses 10-13 were intended to follow the original deed lines of parcel 1 and the fence line was the intended property line, with one exception that being Course 18.

13. The fence that is near course 18 in the parcel 6 description is not on the deed line, however, there is evidence that another fence line did exist in a location more closely fitting the deed location. The evidence that remains are some old cement posts with wire pieces attached to them. From the survey data the position of these posts closely approximate the direction of the deed line, the cement posts were accepted as the only remaining evidence that could verify the location of the deed line. Therefore, the deed bearing and distance have been held as the best evidence of the line of ownership for course 18.

14. A straight line from the southwest corner of parcel 3 to the angle point near one of the cement posts (labeled point 4) has been utilized since the descriptions for both parcels 3 & 6 use the same bearing, and the combined record distances of 128.5' and 98.5' were held on this line totaling 227.00 ft.

15. The second description is in B131 P279 and includes what is being shown as parcels 2, 4, & 5 on this plot. The description as recorded contains a closing error which is depicted on this plot near the p.o.b. of about 10 ft in the east/west direction and a foot north/south. In evaluating where the error was made in the description, 3 things became obvious.

One, the angle point labeled point 14, did not conform to the fence.

Two, Course 9 is east of the section line. The only evidence of the section line in this case is the BLM monument for the SE corner of Sec. 11 and the deed descriptions which call for the section line. The monumentation for the East 1/4 corner is in the lake making it an obliterated corner when accepting the existing fences as evidence.

Three, Courses 1 & 2 were located at Point 16 causing them to be offset from the fencing.

16. In examining these discrepancies on an angle point in the existing fence line, point 12, was evaluated to see how it relates to the deed. Courses 22, 3-9 & 19 were held as a unit and the south end of Course 22 was attached to the p.o.b. In doing so, courses 1 & 2 match the fence quite well and course 9 is much closer to the position of the monumented section line. With this new location it would be necessary to adjust the length of the deed line between points 13 & 14 from the 225.4' to 212.00', which would be between points 12 & 13. Also, the length of Course 19 would have to be extended from the deed of 50 ft to 57.39 ft. This holding the other deed lines at the p.o.b. Although this would effectively close the gap it would also cause 2 of the deed elements to be in error. Records were examined and a drawing was found titled for the "Pineview Reservoir (Enig.) right-of-way map". It is known as number 526-412-4383 and dated Feb 10, 1958. On this drawing it is shown that the bearing for course 19 is designated as N00°12'E and not as N12'E as the deed calls it to be. With this information the parcel was re-circled using the 12 minutes of bearing and found the description to close bringing the elements previously discussed into harmony with existing fencing with the exception of the fence near course 19. From the evidence of the document and the physical evidence on the ground it is held that the error is to be placed in course 19 as above discussed.

17. Making this adjustment brings the following points to light:

- 1) course 9 conforms more closely to the section line as evidenced by deeds,
- 2) it also brings courses 1 & 2 more closely in conformance to the fence lines, and
- 3) identifies a typographical error in the deed description.

18. It should be noted that the section line between the SE and E1/4 corners of section 11 have not been surveyed nor established in this survey. The deeds which are tied to the SE corner give different bearings along the section line indicating that some or all of the deeds need to be rotated. However, the precise location of this section line is not needed in this phase of the survey.

19. Course 2 deviates from the fence a little placing the deed corner about 1.1' south of the fence post. In examining this situation it is believed that the fence line may have been constructed incorrectly at this location therefore, the deed location is being held as the property corner.

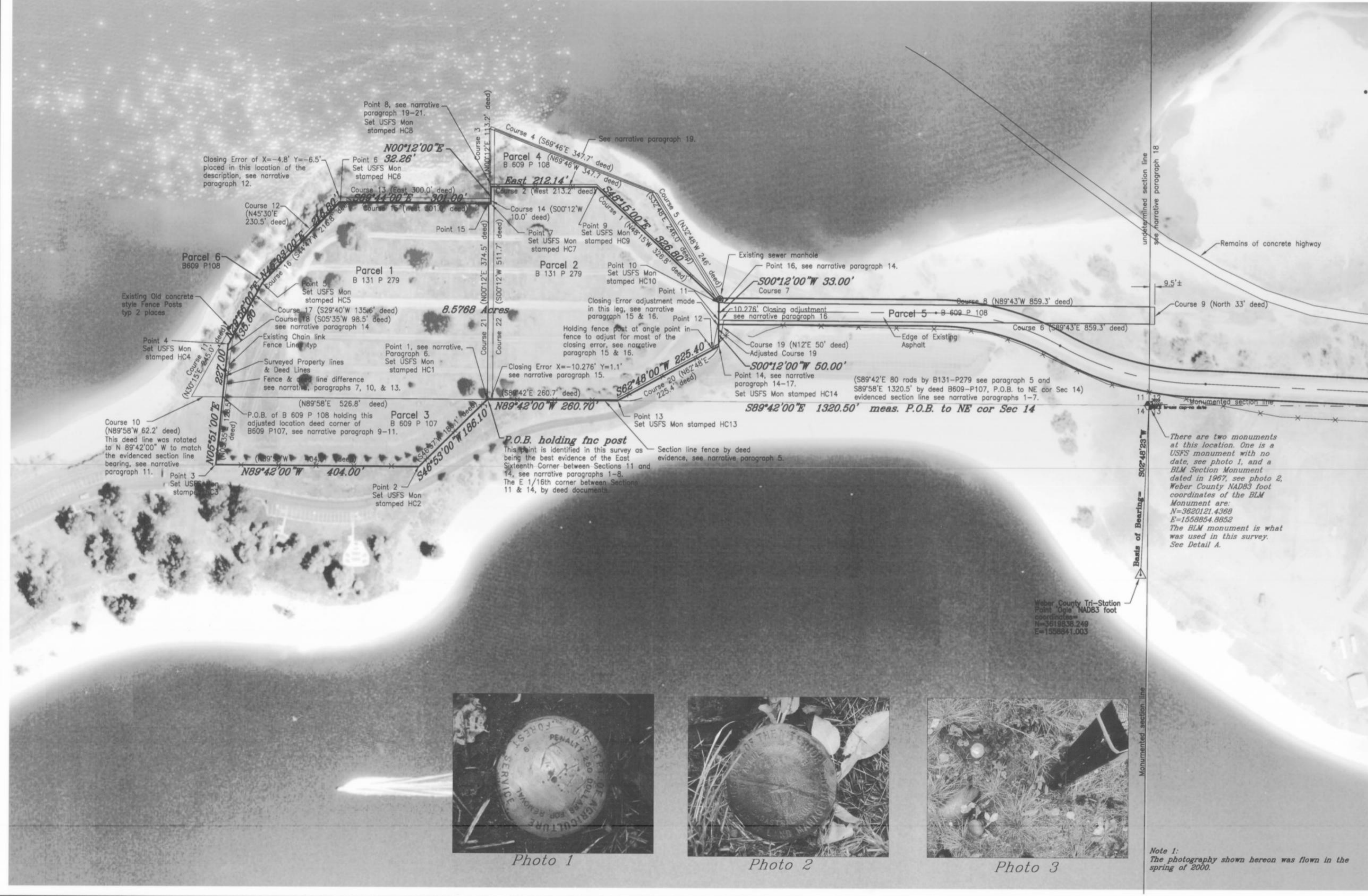
20. Course 14 has been held to the record bearing of S00°12'W, and Course 15 was held at the record bearing and distance (as rotated). This shortens the length of Course 2 by 1.08'. At the south end of the line course 14 the fence is South 0.57' and West 0.19' of the deed corner, and at the north end the fence is North 1.1' and East 0.56' of the deed corner, when held as described. Intersecting bearings by holding points 7 & 9 and the bearings of courses 2 & 3 a majority of the deed elements have been utilized and only one fence corner is not located in conformance to the deed corner locations with respect to these courses. Also, as shown on this plot the north/south deed lines of Parcel 1 and 2 (courses 21 & 22) do not conform to the fence location along course 14.

21. As part of the evaluation we looked at holding the distance of course 2 and the deed bearing for course 14. In doing this the deed corner at the north end of course 14 is now West 0.56' of the fence post and the south end is about a foot West of the fence post. This would shorten the 301 ft length, course 15, to less than 300 feet and would still be short of point 15 by over 4 feet. Also, in doing this only one deed element is still affected, however, two fence posts would be deemed as being incorrectly placed. Therefore, we believe that the solution shown herein, that being the adjustment of course 19, (holding 12 minutes as the bearing) and 2, (by reducing the length and holding the deed distance of course 15) is the best one and brings the majority of the deed and physical elements into conformance with one another.

USFS brass cap, has no date. See Photo 1.

BLM brass cap, dated 1967. See Photo 2.

Detail A



WEBER COUNTY SURVEYOR'S CERTIFICATE

I, Ernest D. Rowley, having been duly appointed as Chief Deputy surveyor do hereby certify that I am a licensed land surveyor, and hold certificate No. 89-171781-2201 as prescribed by the laws of the State of Utah, I further certify that we, of the Weber County Surveyor's Office, of the State of Utah have made a survey of the tract of land shown hereon, that this plot has been prepared in conformance with sound survey practices and principals utilizing the original field notes made during the survey of this tract of land, and from an examination of records found during the process of this survey, that this plot is a true record of the survey. We further certify that this survey was executed by the Weber County Surveyor's Office at the request of the USDA Forest Service, for the purposes of restoring, establishing, marking and perpetuating the corners and property lines which define the lands owned by the United States of America and Administered by the USDA Forest Service.

DEED REFERENCES USED IN THIS SURVEY

The deeds used in this survey are found in the Deed Records of Weber County. These references are not a comprehensive listing of the documents examined in this survey, but have been determined, in the process of this survey, to be the key documents in identifying the boundaries. The document Book and Page references are as follows:

B131 P279, B609 P107, B609 P108.

SURVEYED DESCRIPTION

A parcel of land being a part of an entire tract of land, situated in the Southeast Quarter of Section 11 and the Northeast Quarter of Section 14, Township 6 North, Range 1 East, Salt Lake Base and Meridian, in Weber County, in the State of Utah, the boundaries of said parcel of land are described as follows, having a basis of bearing using the State Plane Coordinate System as maintained by the Weber County Surveyor of South 02°48'23" West, between the BLM Monument representing the Northeast Corner of said Section 14, and the Weber County Triangulation Station known as Point "Ogle", said Northeast corner having Weber County NAD83 State Plane Grid Coordinates, expanded using the U.S. Foot conversion factor, are N=3620121.4368 and E=1558854.8852:

Beginning at a point known as the Southeast Corner of the Southwest Quarter of the Southeast Quarter of said Section 11, (the East Sixteenth Corner between Sections 11 and 14 of said township and range) in deed document recorded in Book 131 Page 279, the best evidence of said point of record being surveyed and identified at or near an existing fence corner which is located 1320.5 feet North 89°42'00" West from the Northeast Corner of said Section 14; RUNNING the following 2 courses along or near an existing fence line, 1. South 46°53'00" West 186.10 feet, 2. North 89°42'00" West 404.00 feet, Thence North 05°51'00" East 227.00 feet, Thence the following 6 courses along or near an existing fence line, 1. North 29°56'00" East 135.60 feet, 2. North 45°03'00" East 216.80 feet, 3. South 89°44'00" East 301.00 feet, 4. North 00°12'00" East 32.26 feet, 5. East 212.14 feet, 6. South 48°15'00" East 326.80 feet, Thence South 00°12'00" West 33.00 feet, Thence South 12°00'00" West 50.00 feet, Thence the following 2 courses along or near an existing fence line, 1. South 62°48'00" West 225.40 feet, 2. North 89°42'00" West 260.70 feet, to the point of beginning, said tract of land being surveyed, the record of which is filed in the Weber County Surveyor's Office, record of survey plot files. Said plot is hereby referenced and made a part hereof.

Containing 8.5768 acres, more or less.

USDA Forest Service Acceptance

I have reviewed this plot and recommend acceptance.

Sandra Lewis
s/Forest Land Surveyor

Thomas J. Cahall
s/Forest Supervisor

A Portion of the PINEVIEW FEDERAL BOUNDARY PROJECT for HUNTSVILLE CEMETERY

Being a part of the SE 1/4 of Sec. 11 and the NE 1/4 of Sec. 14, T 6 N, R 1 E, S.L.B.&M.

Surveyed By: MDJ, BPA, CM

SURVEY DATE: Oct. 30, 2001-Sep 2003

Plot Prepared By: Chief Deputy

Approved for Filing By: M. Moore (upon forest approval) Weber County Surveyor

APPROVAL DATE: Oct. 26, 2004

WEBER COUNTY SURVEYING

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SHEET 1

003407

SURVEY FILING NUMBER



Note 1: The photography shown hereon was flown in the spring of 2000.