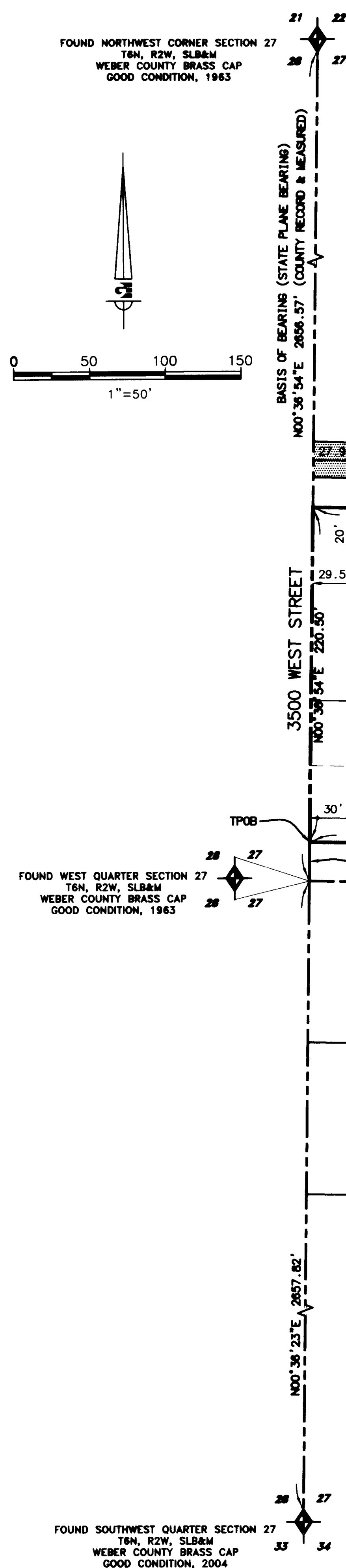


# RECORD OF SURVEY

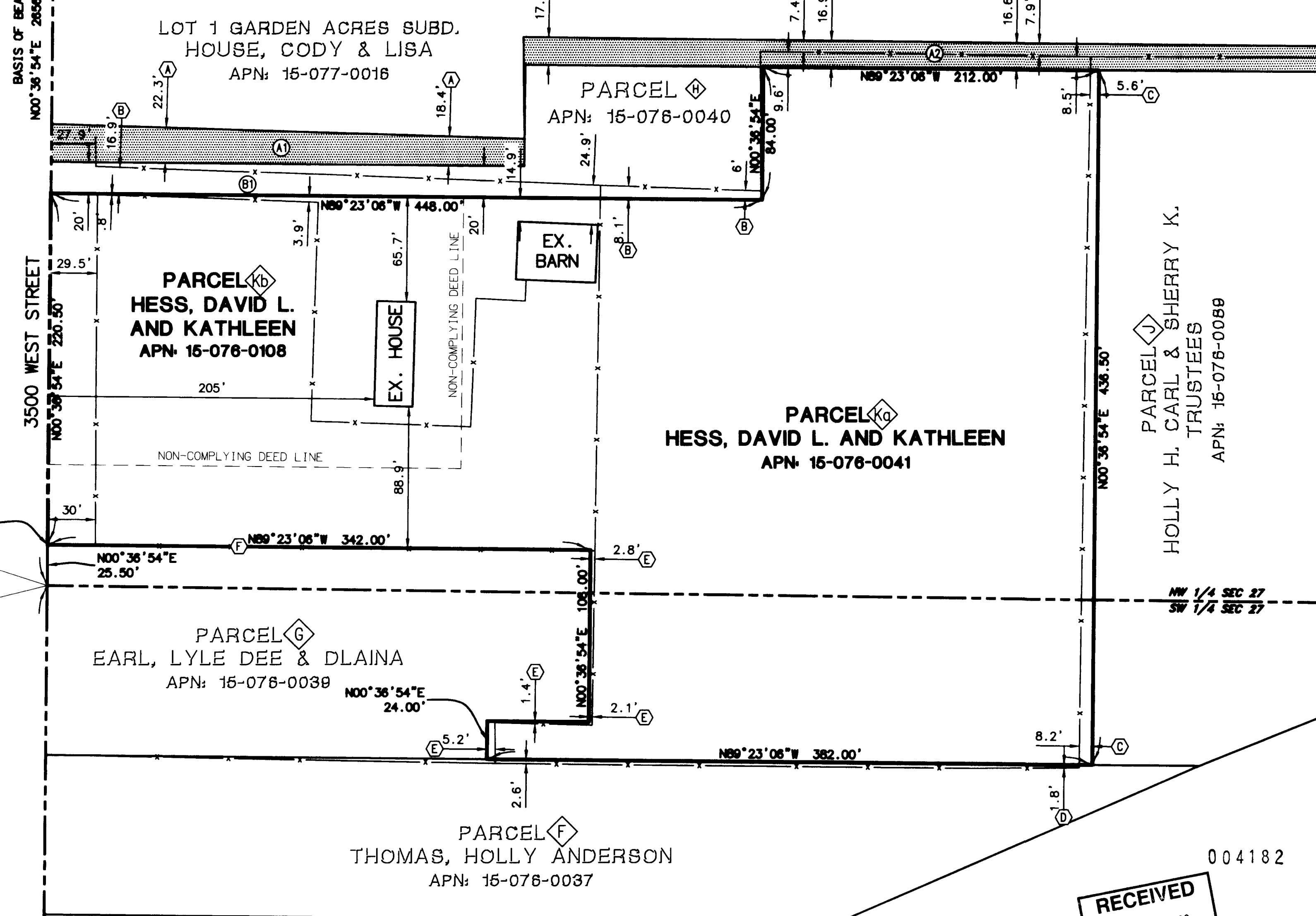
## A PART OF THE NORTHWEST AND SOUTHWEST QUARTERS OF SECTION 27, TOWNSHIP 6 NORTH, RANGE 2 WEST, SLB&M, U.S. SURVEY

### UNINCORPORATED WEBER COUNTY, UTAH

**SEPTEMBER 2008**



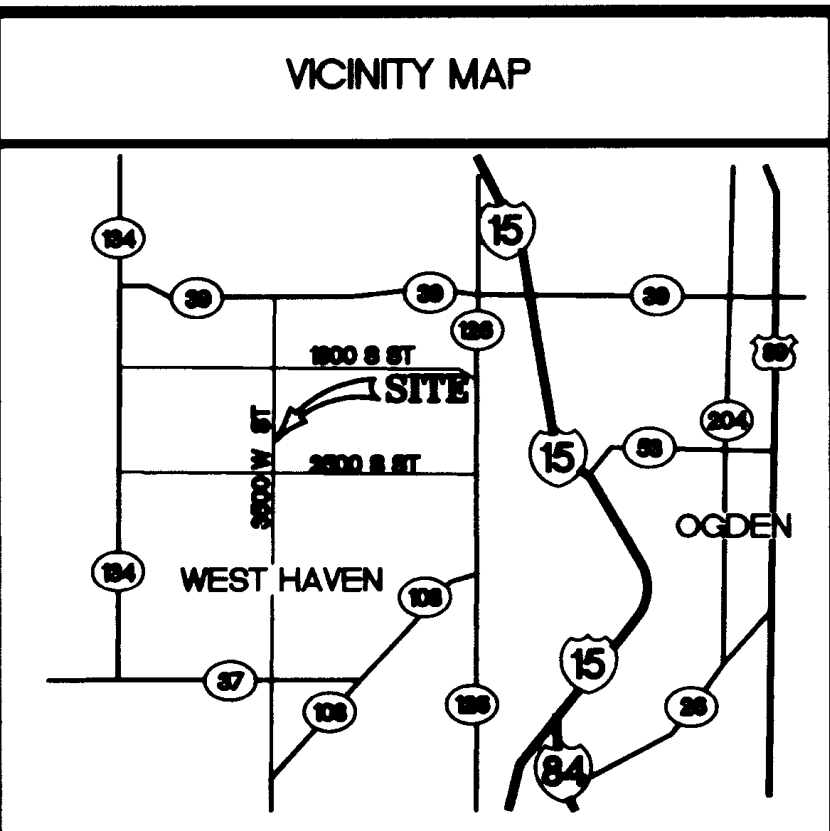
GARDEN ACRES SUBDIVISION  
BOOK 16 OF PLATS, PAGE 60



RECEIVED  
NOV 03 2008  
WEBER CO SURVEYOR

**OWNER**  
DAVE AND KATHLEEN HESS  
218 SOUTH 3500 WEST  
OGDEN, UTAH 84401

LEGEND	
	TRUE POINT OF BEGINNING
	COUNTY SECTION MONUMENT
	PARCEL LABEL (SEE NARRATIVE)
	FENCE OVERLAP LABEL (SEE NARRATIVE)
	AREA OF INTEREST (SEE NARRATIVE)
	RECORD OVERLAP AREA
	FENCE LINE



**SURVEYOR'S CERTIFICATE**

I, JAMES J. COULTS, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD CERTIFICATE NO. 7084124 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS RECORD OF SURVEY PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS; THAT THE REFERENCE MONUMENTS SHOWN ON THIS RECORD OF SURVEY PLAT ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS SURVEY; AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY.

SIGNED THIS 3<sup>RD</sup> DAY OF NOVEMBER, 2008.

JAMES J. COULTS, PLS NO. 7084124

**BOUNDARY DESCRIPTION**

THAT PORTION OF LAND LOCATED IN THE WEST HALF OF SECTION 27, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, IN THE COUNTY OF WEBER, STATE OF UTAH, DESCRIBED AS FOLLOWS:

COMMENCING AT THE WESTERLY QUARTER CORNER OF SAID SECTION 27, SAID CORNER BEING DISTANT SOUTH 00°36'54" WEST 2856.57' ALONG THE WESTERLY LINE OF SAID SECTION 27 FROM THE NORTH-WESTERLY CORNER OF SAID SECTION 27; THENCE, NORTH 00°36'54" WEST 25.50' FEET ALONG SAID WESTERLY LINE TO THE SOUTHWESTERLY CORNER OF THE PARCEL OF LAND DESCRIBED IN THAT CERTAIN WARRANTY DEED RECORDED OCTOBER 18TH, 1988 AS ENTRY NO. 1060799 IN BOOK 1549 AT PAGE 630 IN THE OFFICE OF THE RECORDER OF SAID COUNTY, HEREIN AFTER REFERRED TO AS PARCEL "K"; AND THE TRUE POINT OF BEGINNING; THENCE

NORTH 00°36'54" EAST 220.50 FEET ALONG SAID WESTERLY LINES TO THE NORTH-WESTERLY CORNER OF SAID PARCEL "K"; THENCE ALONG THE NORTHERLY, WESTERLY, SOUTHERLY AND EASTERLY LINES OF SAID PARCEL "K" FOR THE FOLLOWING FIVE COURSES:

SOUTH 80°23'06" EAST 448.00 FEET; THENCE

NORTH 00°36'54" EAST 64.00 FEET; THENCE

SOUTH 80°23'06" EAST 212.00 FEET; THENCE

SOUTH 00°36'54" WEST 436.50 FEET; THENCE

NORTH 80°23'06" WEST 382.00 FEET TO THE SOUTHEASTERLY CORNER OF THE PARCEL OF LAND DESCRIBED IN THAT CERTAIN WARRANTY DEED RECORDED JUNE 6TH, 1963 IN BOOK 431 AT PAGE 474 IN THE OFFICE OF THE RECORDER OF SAID COUNTY, HEREIN AFTER REFERRED TO AS PARCEL "G"; THENCE DEPARTING SAID SOUTHERLY LINE OF PARCEL "K"

NORTH 00°36'54" EAST 24.00 FEET ALONG THE EASTERLY LINE OF SAID PARCEL "G"; THENCE

SOUTH 80°23'06" EAST 64.00 FEET ALONG THE SOUTHERLY LINE OF SAID PARCEL "G"; THENCE

NORTH 00°36'54" EAST 108.00 FEET ALONG THE EASTERLY LINE OF SAID PARCEL "K" TO THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID PARCEL "K"; THENCE

NORTH 80°23'06" WEST 342.00 FEET ALONG THE SOUTHERLY LINE OF SAID PARCEL "K" TO THE TRUE POINT OF BEGINNING.

CONTAINING: 4.7486 ACRES MORE OR LESS

**SURVEY NARRATIVE**

THIS SURVEY WAS REQUESTED BY THE HESS FAMILY TRUST FOR THE PURPOSE OF CREATING A COMBINED PARCEL FROM TWO EXISTING PARCELS OWNED BY THE HESS FAMILY THAT HAD PREVIOUSLY BEEN CREATED WITH A NON-COMPLYING (SUBDIVISION ORDINANCE) WARRANTY DEED TRANSFER.

THE SURVEY IS LOCATED IN THE NORTHWEST AND SOUTHWEST QUARTERS OF SAID SECTION 27, AND AS SUCH THE NORTH-WESTERLY CORNER, WESTERLY QUARTER CORNER, AND SOUTHWESTERLY CORNER OF SAID SECTION 27 WERE SEARCHED FOR AND LOCATED. THE WESTERLY LINE OF THE SAID NORTHWEST QUARTER WAS HELD AS THE BASIS OF BEARING (STATE PLANE BEARING LINE) FOR THIS SURVEY.

TO ESTABLISH THE BOUNDARY FOR THIS PARCEL OF LAND, THE SURVEYOR BEGAN BY RE-ESTABLISHING THE PARENT TRACT OF LAND THAT THE SUBJECT PARCEL, ALONG WITH ALL ADJOINING PARCELS SHOWN ON THE PLAT, WERE DEEDED FROM. THIS PARENT TRACT WAS OWNED BY CLARENCE AND VIVA KINGSTON.

THE FIRST PARCEL TO BE SUBDIVIDED (DEED RECORDED 3/05/1948) FROM THE PARENT TRACT WAS THE PARCEL FROM WHICH PARCEL F (APN 15-076-0037; THOMAS, HOLLY ANDERSON) WAS LATER CREATED. THE BOUNDARY LINES OF PARCEL F WERE ESTABLISHED AT RECORD ANGLES AND DISTANCES PER THE ORIGINAL DEED AND ROTATED TO THE WESTERLY LINE OF THE SAID NORTHWEST QUARTER.

THE SECOND PARCEL TO BE SUBDIVIDED (DEED RECORDED 06/06/1953) FROM THE PARENT TRACT WAS THE PARCEL G (APN 15-076-0038; EARL, LYLE DEE AND DLAINA). THE BOUNDARY LINES OF PARCEL G WERE ESTABLISHED AT RECORD ANGLES AND DISTANCES PER THE ORIGINAL DEED AND ROTATED TO THE WESTERLY LINE OF THE SAID NORTHWEST QUARTER. NO DISCREPANCIES EXIST BETWEEN PARCEL G AND PARCEL F.

THE THIRD PARCEL TO BE SUBDIVIDED (DEED RECORDED 07/18/1959) FROM THE PARENT TRACT WAS A PARCEL THAT ENCOMPASSES PARCELS H, J, & K. THE BOUNDARY LINES OF THIS PARCEL WERE ESTABLISHED AT RECORD ANGLES AND DISTANCES PER THE ORIGINAL DEED AND ROTATED TO THE WESTERLY LINE OF THE SAID NORTHWEST QUARTER. NO DISCREPANCIES EXIST BETWEEN THIS SECONDARY PARENT TRACT AND PARCELS F & G.

THE ABOVE SECONDARY PARENT TRACT WAS THEN SUBDIVIDED AS DESCRIBED BELOW:

THE FIRST PARCEL TO BE SUBDIVIDED (DEED RECORDED 09/24/1985) FROM THE SECONDARY PARENT PARCEL WAS PARCEL H (APN 15-076-0040; TAYLOR-WEST WEBER WATER IMPROVEMENT DISTRICT). THE INITIAL CALL IN THIS DEED READS: "COMMENCING AT A POINT SOUTH 2374 FEET MORE OR LESS FROM THE NW CORNER OF THE SAID NW 1/4 OF SECTION 27, BEING THE SW CORNER OF THE CLARENCE D. KINGSTON PROPERTY". BASED ON THE SENIOR DEEDS, THE CHAIN OF TITLE, AND THE CURRENT MEASURED DISTANCE BETWEEN THE NW CORNER AND WLY 1/4 CORNER OF SAID SECTION 27, THIS SURVEYOR HELD A DISTANCE OF 2380.57 FEET FROM THE NW CORNER OF SAID SECTION 27 TO THE SW CORNER OF THE CLARENCE D. KINGSTON PROPERTY AS REFERRED TO IN THE DEED FOR PARCEL H. THE SW CORNER OF THE KINGSTON PROPERTY WAS HELD AS THE CONTROLLING CALL FOR THE LOCATION OF THIS PARCEL. AS FURTHER EVIDENCE OF THE LOCATION OF PARCEL H, THE NW CORNER OF THE SECONDARY PARENT TRACT, FROM WHICH PARCEL H WAS SUBDIVIDED, WAS ALSO LOCATED BY THIS SURVEYOR AT 2380.57 FEET FROM THE NW CORNER OF SAID SECTION 27. IT IS THE 16.57 FEET DIFFERENCE BETWEEN THE DEED DISTANCE AND THE CONTROLLING CALL LOCATION OF THE NW CORNER OF PARCEL H THAT HAS CAUSED DISCREPANCIES IN FUTURE SURVEYS OF THE SUBJECT AREA. USING THE AFORE MENTIONED CONTROLLING LOCATION FOR THE NW CORNER OF PARCEL H, THE BOUNDARY LINES OF PARCEL H WERE THEN ESTABLISHED AT RECORD ANGLES AND DISTANCES PER THE ORIGINAL DEED AND ROTATED TO THE WESTERLY LINE OF THE SAID NORTHWEST QUARTER. NO DISCREPANCIES EXIST BETWEEN PARCEL H AND THE SECONDARY PARENT TRACT.

THE SECOND PARCEL TO BE SUBDIVIDED FROM THE SECONDARY PARENT TRACT WAS PARCEL J. THE ORIGINAL DEED FOR THIS PARCEL WAS NOT RECOVERED, BUT WAS DEEMED UNNECESSARY AS THE SECONDARY PARENT TRACT CONTAINS THE CONTROLLING BOUNDS FOR MOST OF PARCEL J, AND THE WESTERLY LINE OF PARCEL J IS NOT IN CONFLICT WITH PARCEL K.

GARDEN ACRES SUBDIVISION WAS RECORDED 05/12/1987. THIS SUBDIVISION PLAT WAS TO DIVIDE THE CLARENCE D. KINGSTON PROPERTY AS REFERRED TO IN THE DEED FOR PARCEL H. THE SUBDIVISION PLAT CALLS FOR A DISTANCE OF 289.82 FEET FROM THE WLY 1/4 CORNER OF SAID SECTION 27. THE RECORD DISTANCE FROM THE WLY 1/4 AND THE NW CORNER OF PARCEL H IS 288.00'. THIS DISCREPANCY OF 23.82 FEET ON THE SECTION LINE HAS LEFT A RECORD GAP (A) BETWEEN PARCELS H, J, & K AND THE GARDEN ACRES SUBDIVISION AS SHOWN ON THIS PLAT.

PARCEL K WAS THEN SUBDIVIDED (10/18/1988) FROM THE SECONDARY PARENT TRACT. THE BOUNDARY LINES OF PARCEL K WERE ESTABLISHED AT RECORD ANGLES AND DISTANCES PER THE ORIGINAL DEED AND ROTATED TO THE WESTERLY LINE OF THE SAID NORTHWEST QUARTER. NO DISCREPANCIES EXIST BETWEEN PARCEL K AND PARCELS H & J AS ESTABLISHED ABOVE. THE DEED FOR PARCEL K DOES NOT CLOSE BY 0.50 FEET AND CAUSED A 0.50 FEET DISCREPANCY BETWEEN PARCEL K AND THE SENIOR PARCEL G. THE EASTERLY LINE OF PARCEL G (OR THE WESTERLY LINE OF THE SECONDARY PARENT TRACT) WAS HELD AS THE WESTERLY LINE OF PARCEL K.

PARCEL K WAS THEN SUBDIVIDED (03/01/1991) FROM PARCEL K. THIS SUBDIVISION WAS CREATED USING ONLY A WARRANTY DEED AND THEREFORE CREATED TWO LOTS WHICH WERE IN NON-COMPLIANCE WITH THE UTAH SUBDIVISION CODE. THE BOUNDARY LINES OF PARCEL K<sub>a</sub> WERE ESTABLISHED AT RECORD ANGLES AND DISTANCES PER THE ORIGINAL DEED AND ROTATED TO THE WESTERLY LINE OF THE SAID NORTHWEST QUARTER. NO DISCREPANCIES EXIST BETWEEN PARCEL K<sub>a</sub> AND THE ADJOINING PARCELS.

THE WESTERLY PORTION OF THE RECORD GAP (A) HAS BEEN USED AS ACCESS TO PARCEL H FOR A SIGNIFICANT AMOUNT OF TIME (ALL NEIGHBORS AGREE THAT IT IS OVER 20 YRS). ALTHOUGH A PORTION OF THE RECORD GAP AT ONE TIME WAS OUTCLAIMED TO THE OWNERS OF LOT 1, GARDEN ACRES SUBDIVISION, IT THE MOST RECENT TRANSACTION, IT WAS NOT INCLUDED IN THE DEED TRANSFER.

THE WESTERLY PORTION OF THE RECORD GAP (B) HAS A FENCE LOCATED NEAR THE MIDDLE OF GAP, WHICH HAS BEEN ACQUIRED TO BY THE ADJOINING LAND OWNERS FOR A SIGNIFICANT AMOUNT OF TIME.

THE OWNERS OF PARCEL K<sub>a</sub> HAVE BEEN USING A PORTION OF PARCEL H AS AN ACCESS DRIVE (C) TO PARCELS K<sub>a</sub> AND K<sub>b</sub> FOR QUITE SOME TIME. THE LOCATION OF THIS DRIVE IS MARKED BY THE FENCE AND DISTANCES (D) SHOWN HEREON.

THE WESTERLY LINE OF PARCEL K<sub>a</sub> (E) IS MARKED BY A FENCE LYING WESTERLY (DISTANCES SHOWN HEREON) OF THE PARCEL BOUNDARY. WHEN SPEAKING TO THE OWNERS OF PARCEL K<sub>a</sub>, IT WAS EVIDENT THAT THE FENCE HAS NOT BEEN HELD AS THE PROPERTY LINE BETWEEN PARCELS J AND K<sub>a</sub> AND BOTH ADJACENT OWNERS HAVE ACKNOWLEDGED THE DISCREPANCY BETWEEN THE FENCE LINE AND THE PARCEL BOUNDARIES.

THE SOUTHERLY LINE OF PARCEL K<sub>a</sub> (F) IS MARKED BY A FENCE LYING SOUTHERLY (DISTANCES SHOWN HEREON) OF THE PARCEL BOUNDARY. WHEN SPEAKING TO THE OWNERS OF PARCEL K<sub>a</sub>, IT WAS EVIDENT THAT THE FENCE HAS BEEN HELD AS THE PROPERTY LINE BETWEEN PARCELS F AND K<sub>a</sub> FOR A SIGNIFICANT AMOUNT OF TIME.

THE WESTERLY LINE OF PARCEL K<sub>b</sub> (G) IS MARKED BY A FENCE LYING EASTERLY (DISTANCES SHOWN HEREON) OF THE PARCEL BOUNDARY. WHEN SPEAKING TO THE OWNERS OF PARCEL K<sub>b</sub>, IT WAS EVIDENT THAT THE FENCE HAS BEEN HELD AS THE PROPERTY LINE BETWEEN PARCELS G AND K<sub>b</sub> FOR A SIGNIFICANT AMOUNT OF TIME.

THE WESTERLY PORTION OF THE SOUTHERLY LINE OF PARCEL K<sub>a</sub> (H) IS MARKED BY A FENCE LOCATED ON THE BOUNDARY LINE.

ALTHOUGH IT IS CLEAR THE ADJACENT OWNERS HAVE OCCUPIED A NUMBER OF THE FENCES SHOWN HEREON FOR A SIGNIFICANT AMOUNT OF TIME, THIS SURVEYOR HAS NOT USED THEM IN THE RE-ESTABLISHMENT OF THIS PARCEL BOUNDARY. WHEN A DEED CAN BE CLEARLY RETRACED, WITH LITTLE OR NO CONFLICT BETWEEN ADJOINING DEEDS, IT IS THE OPINION OF THIS SURVEYOR THAT THE RECORD BOUNDARY OF THE DEED MUST HOLD. THIS SURVEYOR HAS INFORMED THE CLIENT (DAVID L. HESS OF THE HESS FAMILY TRUST) OF THE FENCE/BOUNDARY DISCREPANCIES SHOWN ON THIS PLAT AND SUGGESTED FILING BOUNDARY LINE AGREEMENTS WITH THE ADJOINING OWNERS IN THE AREAS OF DISCREPANCY TO RESOLVE THE ISSUE. AT THIS TIME NO SUCH BOUNDARY LINE AGREEMENTS HAVE BEEN RECORDED AND THEREFOR THIS SURVEYOR HAS SHOWN THE RECORD DEED AS THE PARCEL BOUNDARY.

SCALE: 1"=50' DATE: 11/3/08 DESIGN: JJC DRAWN: AGD CHECKED: JJC DWG.: B.J.HESS-DAVID SURVEY DRAWINGS EXHIBITS-ROSS-HESS-PGL.DWG	<b>REVISIONS</b> DESCRIPTION DATE	<b>HESS FAMILY TRUST</b> <b>RECORD OF SURVEY</b> <b>UNINCORPORATED WEBER COUNTY, UTAH</b>
<p>5875 S. Admore Ave. Parkway, Suite 200 Ogden, Utah 84405 (801) 476-0202</p>		