



description issues that have existed over a long period of time in this area, which description issues prompted a more detailed examination of the quarter section to see if there were clues or indications of where the lines of ownership were intended to be by the original grantor and if there are clues to the location of the section corners that were being used in those descriptions that may provide the answers needed.

11. The examination began in the historic abstract book record of the Weber County Recorder's Office. The research began with documents dated 1874. Edmund Ellsworth, Sen. began to deed to several individuals property in this quarter section. I'm sure it is because he received the patent to the section Sept 6, 1872 although he did not record until Nov 2, 1883. 12. In this research I started platting the descriptions assuming a square 40 chain quarter section. After completing the research and making some adjustments to the location and rotation of the descriptions, theoretical section corner locations were derived and are noted on Sheet 1 of this survey.

13. The only Federal survey of this township was done in 1855 and showed the section to be essentially a square of regular dimension (the north and south boundaries are slightly long but not enough to account for the disputed 12 to 14 feet of land, see the copy of the the plat hereon). Even assuming this shape and size for the quarter section it was found that descriptions have been overlapping and creating gaps in the record almost from the beginning (at least when using this assumption). I suspect that the description issues in this area are a result of the typical problems that exist in this township in sections that have the Weber River running through or near them.

14. While I was employed at Weber County it was found in many cases that sections around the river had serious problems when examining the occupations on one side of the river as opposed to the other side of the river. In some cases the section lines appear to offset at the river by over 300 feet. What is suspected is that the Federal surveyor did not monument this township as reported in his notes. He stated that the lines were surveyed in the required manner, crossing the river and continuing to extend the lines to the north boundary of the township.

15. It appears that the monuments were set on the south of the river, terminating the surveyed lines at the nearest monument to the river. Then later crossing the river at a convenient location and running the lines south from the north boundary of the township not knowing that there was a discrepancy in the position of the monuments on the north boundary in relation i to those on the south side of the river, thus causing the offset lines to take place in the river. Section 17 is one of these "River Sections" on the western boundary and may have significant original monumentation issues.

16. In this survey I have NOT attempted to resolve the monumentation problem except for the Center 1/4 corner. I have noted a location on this plat which I believe more accurately represents the location used by many of the deeds for the NORTHEAST QUARTER, however, I have not examined the other 3 quarters to see if the location shown hereon works for those document locations. No representation is being made in this survey as to the "correct" location of the center 1/4 or any other section monument. Other monument locations shown or noted are either physical locations of the county monument or positions used in the deed research for this survey. However, in the progress of this survey I did locate and survey the SE corner, S 1/4 corner, and C 1/4 corner of Section 17 which were found to be Weber County Brass Caps. I searched for the N 1/4 corner of Section 17 as well but was unable to find a brass cap which the county tie sheets indicate was set in 1963 of 1964. I did, however, find an object that is at the coordinate location referenced by the two subdivision plats but it was not a brass cap (not sure what it is but I took a photograph of the object which is about 5 inches under the surface of the asphalt). The Freedom Acres Subdivision indicates there being a Spike at the location and

the Old Corral Subdivision (pb34pg75) notes the county brass cap as being a 1964 monument. that it was in an erroneous position. As a matter of disclosure, the Ingram Subdivision plat was 17. Subdivisions shown are tied to the physical monuments of the county's and are shown in the location that they were recorded. No attempt to find their physical location on the ground is made in this survey.

18. When the deeds from Edmund Ellsworth, who received the NE 1/4 by patent, are plotted conforming to the 1855 record location we see the configuration shown in Exhibit A. There are Gap's and Overlap's that occur with many of the descriptions, only the most obvious have been labeled but a close examination of Exhibit A will show that the circumstance is prevalent in many of the deeds. Also, many of the deeds have closing errors, some large and others small.

19. Adjusting the deeds as plotted (no rotation) to coincide with fences show that there are three fences (labeled Fence 2, Fence 3, & Fence 4) which seem to be closely constructed to fit the deed locations. Fence 5 appears to be fairly close as well. Using these fences as a guide I began to move descriptions to close Gap's or eliminate Overlap's. The following is a list of the moves that were made.

19.1. Document J-200 was moved so that the NW corner matched the NE corner of Document 2-416. Doing this eliminated an overlap and a gap.

19.2. A refinement of Document K-312 was made so that the NW corner matched the NE corner of Document

J-200 in it's adjusted position.

19.3. Document J-103 was next moved so that the NW corner matched the NE corner of Document N-14. 19.4. Document 0-222 was moved so that the NE corner matched the SE corner of Document N-14. This move eliminated an overlap with Document J—125 and closed a gap.

19.5. Next J—191 was moved so that he east boundary matched the west boundary of J—102 and adjusted north so that the north boundaries of each are an extension of one another. 19.6. Document J-104 was moved so that the NE corner matched the NW corner of the adjusted location of J-191.

This also closed a gap on the north boundary. 19.7. Document J-502 was moved so that the NW corner matched the inside corner of Document J-191.

19.8. Document 110-619 was moved so that the NE corner matched the inside corner of J-191. This move effectively identifies the East Boundary of the property that is now the Allen's. 20. Making these adjustments closes nearly all of the gaps and eliminates nearly all of the overlaps for this quarter

21. The next adjustment was to move the entire set of deeds to coincide with Fence 2 and Fence 3. Then a rotation was made so that the "North" as written in the deed coincided with the center line of 4600 West Street. This street was used because it has been called for in several deeds.

22. After the rotation and translation were made the configuration shown in Exhibit B is derived. This configuration could also help to identify the other locations of the section corners but, again, an evaluation of the neighboring sections and quarter sections should take place before a making such a determination. For this circumstance the adjustments made bring the "neighborhood" into harmony and helps identify the intent of the conveyances.

23. Document J-279 is a parent parcel for both the Chatelain and Allen's parcels (they are both divided from this parcel). When comparing the location of the East boundary of this parcel with that of the West boundary of Document 110-619 their location is found to be very close to one another, which is interesting since the two deeds are tied to opposite section corners.

24. Tracing the chain of title for the properties for parcel J-279 a division took place with document P-420 wherein John Gibson, who is deceased, conveys by decree a parcel of ground to Mary A. Gibson that creates a line that will eventually become the West boundary of the Chatelain property. This division created a remainder parcel of T-439 which I have hatched the boundaries of this remainder.

25. Several transactions take place between John Gibson and Heber Gibson but they each convey the same property that John Gibson received, that being J-279. Then in Document 104-544 Heber Gibson conveys to Marsela Gibson the property that is on the West side of 4600 South street leaving another remainder of the property which is eventually split to create the Chatelain and Allen's properties. The division splits parcel T-439 into two remainders one being the property bordering on the East of 4700 West Street and the other bordering on the East of 4600

26. Document 304-64 attempts to describe the remainder parcel that was created when parcel 104-544 was deeded out of T-439. It should be noted that the tie for this description does not place the POB in the correct location but the dimensions of the parcel described to fit what would be the remainder parcel.

27. Later Harold W Gibson and wife Edna C deed to Dianne R Gibson the westerly portion of the property they owned under deed 304-64 in a conveyance by deed 938-653 and by that document created the division line that has become the disputed line in this case.

28. It is evident from the deed J-279 and deed T-439 that the total distance from the section line is intended to be 1157.64 feet (0.79 chs + 16.75 chs = 17.54 chs) to the east boundary of those parcels. The question to be answered is where was the section line considered to be at the time of the conveyance? I believe that this question has been answered by the comparison of deed descriptions to the existing fencing.

29. It can be seen from the 1939 era Highway drawings (Exhibit C above) that the Section line and the Center line of the Highway are not the same location. Some of the deeds examined in the research indicated that the East right-of-way line of 4700 West was at a distance of the 0.79 chains (52.14 ft) East of the Center Quarter and at a distance of 50 feet east of the North 1/4 corner (this is evidenced in deed Book 139 page 421). Also, in 139-421 4700 West St is called to be a "50 foot County Road" and was dated February 24th, 1941.

30. The Highway drawings were done in 1939 and show the highway to be predominately 80 feet wide, 40 feet on each side of the center line but it does vary depending on where the fencing is shown to be. At the Center 1/4corner the drawings show the station of the East-West 1/4 line to be 243+57, the North-South 1/4 line is shown to be west of the center line but no distance is given on sheet 10 of 12. The 1939 highway maps, sheet 9 of 12, note that the South 1/4 corner of Sec 17 was not found but indicate that it may be at Station 217+20. Sheet 11 of 12 shows that the North 1/4 corner was not found either but gives a station of 270+00.1 and identifies that R. of W. Markers were set at points 40 feet Rt and Lt of center on what they considered to be the section line. They also give a bearing and distance to the Northeast corner of Section 17 of S 89°59' W 2614.6 ft.

31. The North 1/4 corner seems to be located in the same North—South position as indicated on the highway drawings based on the 10 foot jog in the fence. Using the stationing given on the plans the Center 1/4 would be about 28+ feet further south than the current monument. Essentially, the highway drawings confirm that the section line is not in the middle of the road which is where the current monuments are located and that at least the Center 1/4 is too far north.

32. All this brings me back to the deeds and the location of the existing fences as shown in Exhibit B. Therefore, I'm holding the positions as shown on Sheet 1 and providing a description that is tied to the current section

33. Corners were set as noted on 7-23-2015. At that time I surveyed the new fence that has been built along the Williford line which is shown and noted herein.

DOCUMENTS USED IN THIS SURVEY

1. A comprehensive examination of all documents in the Northeast Quarter of the section were examined from deed Book I page 262 from Edmund Ellsworth Sen to John Newey recorded March 16, 1874 to deed Book 1357 page 859 from Donals S. Gibson and wife Lois to Louis Gibson and wife Della B, etal, recorded June 5, 1979. These documents are listed in the old abstract books of the Weber County Recorder's Office.

2. Electronic Abstract and Ownership sheets for parcels 15-049-0020, 15-049-0021, 15-049-0022, and

15-049-0034. 3. Ownership Plats (Tax map), Book 15 page 49.

4. Specific deeds to pay attention to are Entry Numbers; 826805, 828766, 832150, 868358, 878325, 878327, 933797, 1426450, 1448703, 1578500, 1578501, 1580002, 2101530, 2184681, 2556953, 2558919, 2599920, 2642606, and (Book-page) I-262, J-102, J-103, J-104, J-105, J-125, J-191, J-200, J-279, J-502, K-312, L-33, L-36, N-14, N-363, O-222, P-16, P-420, Q-288, R-165, T-439, T-444, T-447, U-192, W-192, 2-416, 5-68, 15-44, 15-313, 17-298, 19-448, 20-501, 23-494, 24-349, 25-005, 26-629, 28-122, 28-140, 33-217, 33-522, 34-48, 40-55, 40-498, 43-222, 43-431, 43-537, 47-631, 48-560, 48-588, 53-298, 56-526, 57-108, 59-162, 75-588, 75-631, 80-348, 80-249, 84-57, 87-266, 87-267, 102-588, 104-542, 104-543, 104-544, 110-259, 110-619, 139-421, 140-123, 152-261, 152-424, 169-435, 195-32, 248-89, 304-64, 390-77, 518-454, 558-387, 560-125, 576-158, 605-15, 633-439, 649-283, 666-544, 666-545, 666-547, 666-548, 666-549, 682-647, 682-648, 684-490, 685-170, 748-239, 748-240, 763-116, 805-119, 809-612, 813-655, 836-476, 850-683, 858-656, 89.-493, 899-435, 900-536, 914-686, 916-371, 919-466, 926-349, 938-653, 948-167

Records of Survey: 001455, 002343, 004164, 004447, 004724, 004791 . UDOT State Road Maps circa 1939 (FAP—155—A(4) sheets 9 thru 14) for 4700 West street.

7. BLM records of GLO plat for Township 6 North, Range 2 West circa 1855.

8. Subdivision plats: (Plat Book-page) 20-91 Freedom Acres Sub, 32-5 Gibson Ranchettes Sub, 33-24 Gibson Ranchettes Sub, 34—16 Gibson Ranchettes Sub, 34—75 Old Corral Sub, 35—89 Brent Hancock Sub, 71—58 CJ Hancock Sub, 73-71 Mary Ann Estates Sub 1st Amendment, 73-84 Ingram Subdivision.

9. County Surveyor monument tie sheets for the North 1/4, Center 1/4, South 1/4, and Northeast Corners. 10. County Surveyor bearing sheet for Township 6 North, Range 2 West.

JUL **29** 2015 005285 andmark Surveying, Inc. 4646 South 3500 West - #A-3 A Complete Land Surveying Service West Haven, UT 84401 www.LandmarkSurveyUtah.com *801-731-4075* CLIENT: Kathy Chatelain 640 Address: 4592 West 400 South, Ogden, UT 84404 2 of 2 NE 1/4 of Section 17. Township 6 North, Range 2 West, Salt Lake Base and Meridian. DRAWN BY: EDR 8007 CHECKED BY: DATE: July 23, 2015 1855 Federal Section 17 Dimensions

N. 0° 22 E .--LIST OF STRUCTURES REQUIRED Side Drain Rt 229+47 | x1x 20 Wood Box 228-76 | 6x44 Tile Pipe IN PLACE REMARKS DRAWING NO. 229.75 5.14 230118 15.40 230118 15.40 230118 15.42 230118 15.42 230118 15.42 230118 15.42 230118 15.42 24011 15.42 24011 15.42 24012 15.42 _xhibit (Scale=NTS

Hadley parcel.

NARRATIVE

The purpose of the survey is to provide the boundaries of property that is owned by the client. There is a dispute on the common property line between Cahtelain and the Allred's. This dispute seems to have been caused by a survey done by the Williford Group filed with Weber County as record of survey number 001455 for Cheryl Harper Property which is now owned by the Allred's. The basis of bearing is noted in the boundary description herein.

My involvement in this property and the dispute began a number of years ago when I was

employed as Chief Deputy for the Weber County Surveyor's Office. Martin B. Moore, Jr., the County Surveyor, had me look at the location of the section corner to which this property is tied, that being the C 1/4 of Sec 17, T6N, R2W. It was determined at that time that the county monument was probably too far north by around 25 or 30 feet. The matter became stale at the county and no further evaluation was done to determine a more accurate location of the corner. In 2012 and 2013 a proposed subdivision resurrected the monument location issue. This subdivision is now recorded as "Ingram Subdivision" recorded as Plat book 73 page 84. I was at that time the County Recorder/Surveyor and spent some time putting together some information relating to the C 1/4 corner and how the current position of the monument has adversely affected the property lines of several owners on the west side of 4700 West Street. The information is part of the County Surveyor records pertaining to a Board of Adjustment (BOA) variance request that the Ingram's made and which I provided corner information for so that the BOA could understand that the county had responsibility in causing the issues which were being requested for variance. In that information I have documented what information was used for me to state that the current monument is in the wrong location. The main points provided to the BOA in February of 2013 are as follows:

CIRCUMSTANCES SURROUNDING INGRAM PARCEL

5.1. The property being discussed is in the Northwest Quarter of Section 17, Township 6 North, Range 2 West. In 1934 Weber County received a deed for an 80 foot wide road (Book 180 page 492). This is 4700 West street. In November of 1962 Dan Hadley sells to Milo Hadley a parcel (Book 727 page 348) on the south of the property. Prior to this transaction Dan Hadley owned all the property which is now divided into the following parcels; the Scott Hadley parcel (15-048-0020), the GGA LLC parcel (15-048-0026), CJ Hancock Subdivision (15-509-0001), and the Ingram parcel

(15-048-0038) In 1963 Weber County Surveyor's Office established the Center of Section Monument in 4700 West street. This point is shown and labeled on the map.

5.5. October 12, 1973 Dan Hadley Sells to Scott Wright Hadley a parcel (Book 1037 page 652) which is shown on the map in vellow. This parcel was placed on the ground from the new County Monument as evidenced by fencing.

In November 1973 Dan Hadley sells to Mary Ann Hadley a parcel (Book 1041 page 107) immediately west of the Milo

- 5.7. Also, in November 1973 Dan Hadley sells to Scott Wright Hadley a parcel (Book 1041 page 108) that was immediately north of the Milo Hadley parcel.
- 5.8. In 1992 Dan Hadley owned a parcel of land that was described as 481.56 feet in the north-south dimension and 233 feet in the east-west dimension. This parcel now comprises all of the CJ Hancock Subdivision (15-509-0001) and the Ingram parcel (15-048-0038). May 3, 1995 Dan Hadley sold to Ryan Stratford what is now the Ingram parcel (210 ft north-south) positively identifying the
- north line of their property as being the south line of the Opheikens property (book 1756 page 34). 5.10. June 2001 Dan Hadley put the property that eventually became the CJ Hancock Subdivision into a trust (Book 2146 page 2690) using a description that placed the property about 30 feet north of where it should have been. This also coincided with
- the conveyance to Scott Wright Hadley in 1973. 5.11. September 11, 2003 Ryan Stratford sold to Patrick Ingram the property he purchased using the same description that he purchased the property with.
- 5.12. May 2, 2008 a boundary line agreement was executed (Entry Number 2339525) which clarified the north line of the Hadley Property and the south line of the Ingram property. See plats.
- 5.13. September 22, 2010 the CJ Hancock Subdivision was recorded and identified the property location from the County 6. This history of the Ingram BOA case is important in that the testimony that I gave to the BOA

indicated that much of the property issues that these land owners were experiencing were a direct result of the County Surveyor establishing a monument in a position about 30 feet (or more — this survey is indicating a difference of a little over 40 feet) North of where it should have been. What is interesting is that many of the long time residents of the area already knew done by Dallas Buttars of Landmark Surveying, Inc., I had no affiliation with Landmark Surveying while employed at Weber County.

7. This survey started for me when Kathy Chatelain approached me, as an employee of Landmark, to look into the situation and see if the Williford survey was correct of if the statement that Martin Moore made to her that it was wrong was correct. I have done enough document research and work on this project to this point to be able to state that, in my opinion, the

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