

**PART OF THE SE 1/4 OF SECTION 12, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN
RIVERDALE CITY, WEBER COUNTY, UTAH - Record of Survey Date: October 2015**

NARRATIVE

The purpose of this survey is to identify the property boundaries of the Richard and Debra Eyre property which is identified by tax serial number 08-093-0026. The basis of bearing for this survey is as noted in the As Surveyed Description.

Since no monumentation of the original federal survey is available the current location of the SE corner of Section 12 is being used to identify the location of the deed description as a beginning point for evaluating the descriptions. This monument may not accurately represent the final locations of the deeds.

The survey began by extracting all of the documents associated with the SE 1/4 of Section 12 from the recorders records. A tracing of the conveyance and division history of the properties began with document recorded in Book G page 98 (book and page references are herein noted as G-98) on 5-17-1871. This transaction conveyed the property shown and eventually becomes the Diamond Hills and Barton Subdivisions and provided a width of 1150 West street as 50 feet at the time. The street has since been assumed to be 66 feet wide but I find no evidence in the title record to support that width.

Deed G-101 and G-102 were conveyed on the same day, 5-17-1871, which conveyed the property to the south of the Barton Subdivision, today identified by tax serial number 06-016-0150 and a line that is close to the north boundary of the subject properties. This conveyance also identified a 48 foot wide strip utilized as 1150 West street on the subject near Riverdale road. It should be noted that the county Ownership plat has a note on 1150 West that reads; "(Note: No specific data for this street on record)". This is due to the deeds originating in the late 1800's which have simply left this strip out of the chain of title. The property would have remained in the name of the Patentee, Lee Bybee, patent recorded Book N page 332 on 12-10-1881. The width of 1150 West street has apparently been assumed to be 66 feet in more recent years than the original 50 foot distance being left out of the conveyances of the surrounding properties. It also appears that the location of the pavement has been moved east to coincide with the Barton Subdivisions.

Subsequently, M-282 recorded 9-25-1879 conveying the north 10 rods 3 feet of G-101 and sets the south boundary of the subject properties. As can be seen this south boundary does not fit the existing fence line which is today on the north boundary of the Applepark Subdivision. Deed 9-381 recorded 2-28-1891 conveyed the property coincident with and to the south of M-282. Note that the south boundary of 9-381 (as written with no rotation and holding the current SE corner monument) which also matches the existing fence and south boundary of Applepark Subdivision.

Deed 10-418 is recorded 11-22-1890 (note that 10-418 is signed 11-22-1890 and 9-381 is signed 12-22-1883 establishing senior rights with deed 9-381) and overlaps 9-381. This deed also is attempting to identify the center of the street (1150 West) but the bearings and distances plot this "center" in the same longitudinal line as what the other deeds are plotting the West right of way line. This difference will not be resolved in this survey.

When 32-274 is conveyed it causes a gap between its south boundary and the north boundary of G-98 of about 21.5 feet.

Deed 40-432 identifies C.A. Bybee as the owner of the property north of John Bybee and the first call of the parcel is, "South 4.86 chains more or less to the North West corner of the land owned by John T. Bybee" and left a 6 foot gap utilizing the pole ties and the chain distance of the deed. Deed 216-16 consolidates by decree the property that will become the land north of Applepark subdivision and south of Diamond Hills Subdivision. This transaction moves the 6 foot gap that was between G-101 and 40-433 to the south boundary of 216-16.

As series of transactions subdividing 216-16 take place with documents 343-30, 447-565, 447-566, and 449-480. Following these transactions a description was written for a road that was deeded to Riverdale City for 4600 South street and the south end of 1250 West Street recorded 471-58 on 3-8-1955. This road deed shows that where the road was built does not fit along the center of the deeded right of way. The constructed portion of the street for 4600 south runs at a Northwest bearing and the deed is granted in a Southwest bearing. Also, the 1250 West portion is built on what is the east half of the road and does not match the location of the dedicated road in Diamond Hills Subdivision. The segment of 1250 West also runs at a Northwest bearing and the deed for the road is almost due north which means that the curve as deeded also does not fit the same configuration of the constructed curve for the road.

The deeded locations of 1150 West and 4600 South and the fact that they are not built in the deeded corridors, I believe, has caused some confusion related to the location of property lines on both sides of 4600 South. Deed 449-480 grants a parcel that is severely out of place with the occupation, however, after the road was deeded a new description was issued for the same property in deed 485-306 which states, "Beginning at a point on the South side of 4600 South Street, ...", and provides two courses that place the description as shown. This location also matches the south side of the deeded road near the pob of the curve on the south right of way. It should also be noted that the south boundary of this description roughly follows the north boundary of 9-381 which is significantly south of the Applepark Subdivision fence. The correction of this description gives the indication that the deeded location of 4600 South street is intended to be maintained, at least for properties on the south side of the street.

Deed 1107-753 grants a parcel on the east of 1250 West street and utilizes several job courses which follow the west line of 1150 West and the north line of 4600 south street as they are deeded. This location, however, does not fit the occupation fencing for this property and would need some adjustment. Deed 487-21 modifies the west boundary of 449-481 and deed 488-361 is conveyed adjacent thereto on the west coinciding with the modified boundary. Then deed 499-419 is conveyed and the description matches the deeded curve for 4600 south street (not the constructed location of the street).

The subdividing continues with deeds 542-72, 647-563, 712-625, and 727-146. Deed 727-146 conveyed two parcels one on each side of 1250 West street. The description on the west side of the street has a large closing error but was intended to match the deeded location of 1250 West street. The other description leaves a significant gap along its north boundary. Deed 712-625 also left a large gap on the north boundary. This gap is effectively closed by rotating the north group of deeds (those between the north right of way line and the south boundary of Diamond Hills Sub) to match the existing fences.

Then in the 1960's UDOT begins to sever the properties on the west of 1250 West street with the construction of Interstate 84 with deeds 768-356, 768-358, 771-881, 771-583, 777-67, 812-90, 853-319, 869-139, and 871-667.

With deed 860-541, recorded 5-9-1967 for parcel 08-093-0025, the first division adjacent to the subject parcel took place when J. Sedley Brough sells to Harold and Edith Van Vleet (Edith still owns this property). This deed states that it begins on the west line of 1150 West and describes the same line as all the prior deeds have done and describes the property to be a rectangle 150 feet East-West and 90 feet North-South. It should be noted that the description identifies the approximate north line of M-282 as the north line of this document which perpetuates the 6 foot gap and leaves an additional gap to the north of 860-541 and with the south boundary of 4600 South as deeded.

Deed 888-60 recorded 4-25-1968 for parcel 08-093-0026 (the subject property) is first divided when J. Sedley Brough sells to Carl and Joye Moffett and the description is duplicated and shown herein as the Record Description. Deed 939-200 recorded 4-14-1970 conveys parcel 08-093-0035. It is the common line between 939-200 and 888-60 that is the dispute that this survey is addressing. Deed 955-118 conveys a 13.45 foot strip 150 feet long which is apparently attempting to close a gap between 860-541 and the south boundary of 4600 South street. None of these three deeds, 888-60, 939-200, and 955-118, actually run along the street as it was deeded but call for the street as the north property line.

Since there are no clear lines of occupation for the Maw, Eyre, and Van Vleet parcels other methods of identification for the property boundaries must be used. There are some fences in the local area which were surveyed (where we were able to obtain permission to collect fence shots) and are shown hereon. Adding to this data we used 2012 Aerial photography from the State Office of AGRC to make comparisons between where the deeds were described and where the occupations have existed for a long time in the general neighborhood.

The difference between the occupations north of 4600 South street is significant and trying to adjust the deeds (meaning all of those between Diamond Hills Sub and Applepark Sub) as a Block to fit the occupations north of 4600 South street causes the same type of issues with the properties on the south side of 4600 South street. It is my opinion that properties on the north of 4600 South street must have a different boundary solution (e.g. rotation and translation) than those on the south and west side of 4600 South and 1250 West respectively. With that in mind an adjustment of North 51°33'11" East 3.28 feet (X=2.56' Y=2.04') along with a rotation of 0°17' clockwise has been made to try to bring some harmony to a few occupations and the deeds for the properties between the south and west right of way of 4600 South street and the north boundary of Applepark subdivision.

The points of occupation that were utilized in the adjustment are shown hereon as "Point 1, Point 2, Point 3". An attempt to rotate the Block of deeds on the north of 4600 South street and south of Diamond Hills Sub was along the monumented section line and moved the deeds on the north of 4600 South street to coincide more closely with the occupied locations, however, the south and west side of the street the deeds were moved almost 9 feet in a northeasterly direction at Point 1 to 4, nearly 13 feet northeasterly at Point 2 to 5, nearly 18 feet northeasterly at Point 3 to 6. Therefore, breaking the two groups apart (the group north of 4600 South and those south of 4600 South) making the rotation of 0°17' and the translation noted above which identified Points 1, 2, and 3 seem to harmonize the properties on the south side of 4600 South street.

RECORD DESCRIPTION

Part of the Southeast Quarter of Section 12, Township 5 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey: BEGINNING at a point North 623.65 feet and West 537.16 feet from the Southeast Corner of the said Southeast Quarter of Section 7, running thence South 21.55 feet; thence North 125 feet, more or less, to the South line of 4600' South Street; thence East along said South line 80.00 feet; thence South 103.5 feet, more or less, to the point of beginning.

AS SURVEYED DESCRIPTION

Part of the Southeast Quarter of Section 12, Township 5 North, Range 2 West, Salt Lake Base and Meridian, having a basis of bearing of Weber County Surveyor's Office (WCO) published NAD1927 bearing of South 89°54'45" West between the monumented Southeast corner (WCo NAD27 coordinates X=1860743.85 Y=307534.96) and the monumented South Quarter corner (WCo NAD27 coordinates X=1858078.73 Y=307534.98) of said Section 12; BEGINNING at a point located 387.59 feet South 89°54'45" West along said monumented section line, and 733.32 feet North 00°17'00" East along the assumed west right-of-way line of 1150 West Street to the southeast corner of the surveyed location of 4600 South Street as evidenced by deed recorded as Book 471 page 58 on March 8, 1955, and 150.00 feet South 89°35'00" West along the south right-of-way line of said 4600 South Street; FROM said monumented Southeast corner of Section 12; RUNNING thence South 00°17'00" West 127.88 feet along the east boundary of property deeded by Warranty Deed recorded Book 888 page 60 on April 25, 1968; Thence North 89°43'00" West 80.00 feet along the south boundary of said Book 888 page 60; Thence North 00°17'00" East 126.91 feet along the west boundary of said Book 888 page 60 to said south right-of-way line of 4600 South Street; Thence North 89°35'00" East 80.01 feet to the point of beginning. Containing 10,192 square feet, more or less.

SURVEYOR'S CERTIFICATE

I, Ernest D. Rowley, do hereby certify that I am a professional land surveyor in the State of Utah and hold certificate no. 171781-2201 as prescribed by the laws of this State. That I have made a survey of the property(s) shown hereon in accordance with UCA 17-23-17. That this plat was prepared from the field notes of this survey and from documents and records as noted hereon.



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CLIENT: Richard Eyre
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SE 1/4 of Section 12, Township 5 North, Range 2 West, Salt Lake Base and Meridian.	
Revisions	DRAWN BY: EDR
	CHECKED BY: ...
	DATE: March 28, 2016
	FILE: 3562

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