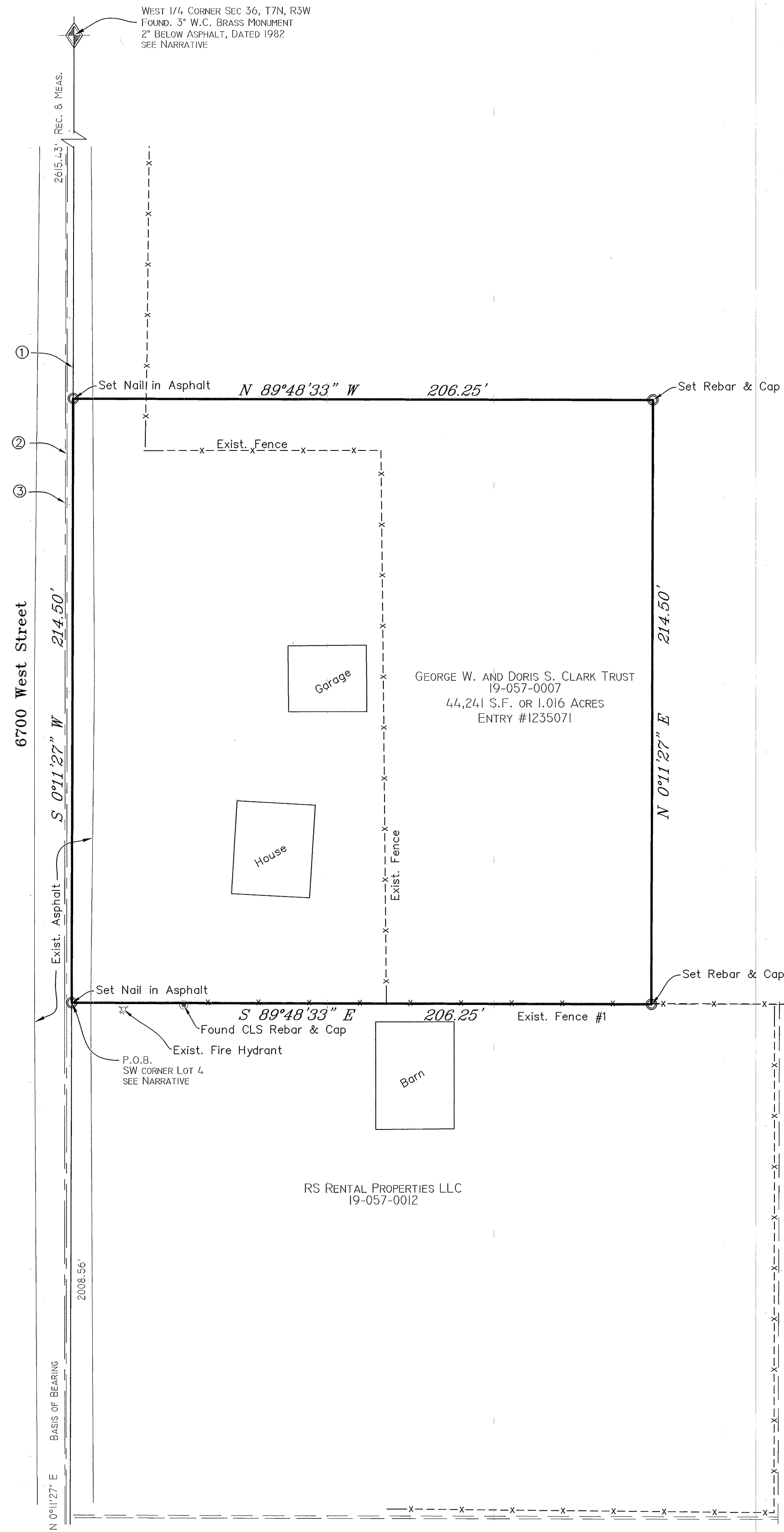


Scale ~ 1" = 30'

Legend

- - - - - EXISTING FENCE
- - - - - EASEMENTS
- - - - - STREET CENTERLINE
- ◆ FND SECTION CORNER
- ▲ FND STREET MONUMENT
- FND CURB NAIL
- FND REBAR AND CAP
- SET #5x24" REBAR AND CAP STAMPED LANDMARK



EDWARD H. HARBERTSON JR. 3/6
 STACEY LEE ADAMS 1/6
 DOUGLAS JAMES HARBERTSON 1/6
 GUY PAUL HARBERTSON 1/6
 19-057-0006

Lot 4

Lot 5

Lot 3

RECORD DESCRIPTION

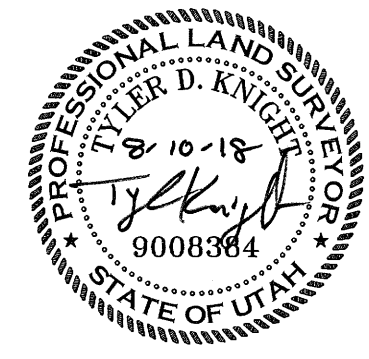
Beginning at the Southwest corner of Lot 4, Section 36, Township 7 North, Range 3 West, Salt Lake Base & Meridian, U.S. Survey; running thence East 12.5 rods, thence North 13 rods, thence West 12.5 rods, thence South 13 rods, to the place of beginning, containing one acre, more or less.

AS SURVEYED DESCRIPTION

A part of the Southwest Quarter of Section 36, Township 7 North, Range 3 West, Salt Lake Base & Meridian, U.S. Survey; Beginning at the Southwest corner of Lot 4, Section 36, Township 7 North, Range 3 West, Salt Lake Base & Meridian, Local Survey, said point also being 2008.56 feet North 0°11'27" East from the Southwest corner of said Section 36; and running thence South 89°48'33" East 206.25 feet, thence North 0°11'27" East 214.50 feet, thence North 89°48'33" West 206.25 feet, thence South 0°11'27" West 214.50 feet to the point of beginning.

SURVEYOR'S CERTIFICATE

I, Tyler D. Knight, do hereby certify that I am a professional land surveyor in the State of Utah and hold certificate no. 9008384-2201 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.



- NOTES
1. Current Section Line between Brass Cap Monuments as shown.
 2. Center line of current Asphalt Road.
 3. Possible Section Line location per Plat of Section 36, Book 6 Page 71.

NARRATIVE

This survey was requested by Ken Clark to determine the location of the property as it exists on the ground.

- Documents used to aide in this survey:
1. Weber County Tax Plat 19-057 (current and prior years).
 2. Deeds of record as found in the Weber County Recorder's Office for parcels 19-057-0005, 19-057-0006, 19-057-0007, 19-057-0012, 19-057-0015, 19-057-0016, 19-057-0035, 19-057-0048, 19-057-0057.
 3. Section Corner Tie Sheet information from Weber County Surveyor's Office and available on the Surveyor's Interactive GIS map online.
 4. Plats found on file in the Weber County Recorder's Office: #46-036 Trails End Subdivision, #52-039 Shoo-Fly Ranch Subdivision.
 5. Record of Survey's: #533, #535, #1180, #1182, #2845, #4776, #5394
 6. Historical Plat of Section 36, T.7N., R.3W. (Plat Book 06 Page 071)

Subject parcels Record Description is from Quit-Claim Deed Entry #1235071 recorded July 7, 1993 in the Weber County Recorder's office. Plat of Section 36 (06-071) was used to verify "Lot 4" referred to in said Quit-Claim Deed. Several fence lines and the canal were located to aid in the placement of Plat 06-071. Per verbal testimony of both clients, the fence line dividing their parcel and parcels 19-057-0012 and 19-057-0015 has been in place for a very long time (fence line labeled Fence #1 on map). They recalled working with the prior owners of the parcels South of Fence #1 approximately 40 years ago, replacing/rebuilding this fence line in the same location/alignment of a fence, considered at that time to be an ancient fence, that had begun to deteriorate. This existing fence line (Fence #1) was used to place Plat 06-071 holding the South lines of lots 3 and 4 along the alignment of this fence line. A canal that is documented on Plat 06-071, found at the East end of this fence line was used to place Plat 06-071 in the East/West directions. Placing the Plat in this manner allowed other areas of the plot to closely match existing old fence lines and roads in this Section. It is our opinion this fence line (Fence #1) is the Title line between Lots 3, 4 and 5 as shown on Plat 06-071 and all subsequent divisions of these parcels from the date of the survey (1898) to present day.

Deed descriptions for the parcels directly to the South of subject parcel create an overlap of approximately 12.6 feet if held from the currently monumented location of the Southwest Section Corner. The current tie sheet for this Section corner identifies this monument as a 3" Brass, 2" below road surface, dated 1963, with a picture of the monument showing a date of 1980. The monument found during this survey was a 3" Brass, 2" below road surface, dated 1980. It is unknown if there is another Section Corner from 1963 that is unfound and in a different location than the found 1980 monument. There is a prior tie sheet (Page No. 23-13) dated 3/11/89 which again shows a 1963 date. Another prior tie sheet (No 402) dated 2-6-1981 identifies a "monument was set December 11, 1980 by using Single Proportionate Measurement" by the Weber County Survey Crew. By using the single proportionate measurement instead of historical evidence and deeds, it is our opinion the Section corner was placed in a location that did not match the deeds in the area that predated this 1980 placement (the parcels directly South of subject parcel) thus causing confusion of locating these boundary lines and an error of the 12.6 feet overlap. The Surveyor's Interactive GIS map also links notes from the original 1855 placement of this corner, inferring the current location matches the original 1855 location. It is our opinion the current location does not match the original 1855 location.

In the alternative for determining the boundary line, per testimony of Clients stated above, the boundary line is to be along the fence line by elements of acquiescence. Elements of acquiescence are: (i) occupation up to a visible line marked by monuments, fences, or buildings, (ii) mutual acquiescence in the line as a boundary, (iii) for a period of at least 20 years, (iv) by adjoining landowners. (*Jacobs v. Hafan*, 917 P.2d 1078, 1081 (Utah 1996)). "Title is obtained by operation of law at the time the elements of boundary by acquiescence are satisfied." (*Oz v. Hughes*, 2016 UT 8).

Record descriptions were rotated and adjusted to fit existing evidences.

In this survey we are not showing the right of way for the 6700 West Street because of possible discrepancies in its location. Other surveys and plat's in this area have used the current Section line (Note #1 on this map) as the centerline of the right of way for this road. A prior tie sheet to the West Quarter Corner (Page No. 24-13) documents the "monument falls approx. 1' East of Centerline". In performing this survey and collecting the physical location of the asphalt road, a best fit line was drawn to the centerline (Note #2) of the asphalt and is approx. 1.9' West of the current Section line. It is unclear if the tie sheet is referring to this observed centerline. It is our opinion 6700 West Street is not a public road recognized by the 1884-1885 County Court Public Road designation survey since Plat 06-071 does not show a road in the current location of 6700 West Street. Therefore the right of way should be the lanes of travel plus a reasonable shoulder until a formal dedication and/or Deed, transfers more land for the right of way.

Note #3 is the possible historical location of the Section line from the placement of Plat 06-071 as stated above, and is 2.6' West of the current Section line.

Basis of bearing is State Plane Grid on a line bearing N 0°11'27" E between the Southwest Corner and the West Quarter Corner of Section 36 as shown.

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 BY: 6073

RECORD OF SURVEY

Landmark Surveying, Inc.
 A Complete Land Surveying Service
 www.LandmarkSurveyUtah.com
 4646 South 3500 West - #A-3
 West Haven, UT 84401
 801-731-4075

CLIENT: Ken Clark & John Clark

A part of the SW 1/4 of Section 36,
 Township 7 North, Range 3 West, Salt Lake Base and Meridian.

Revisions:	DRAWN BY: TDK
	CHECKED BY: TDK
	DATE: 5/25/18
	FILE: 3826