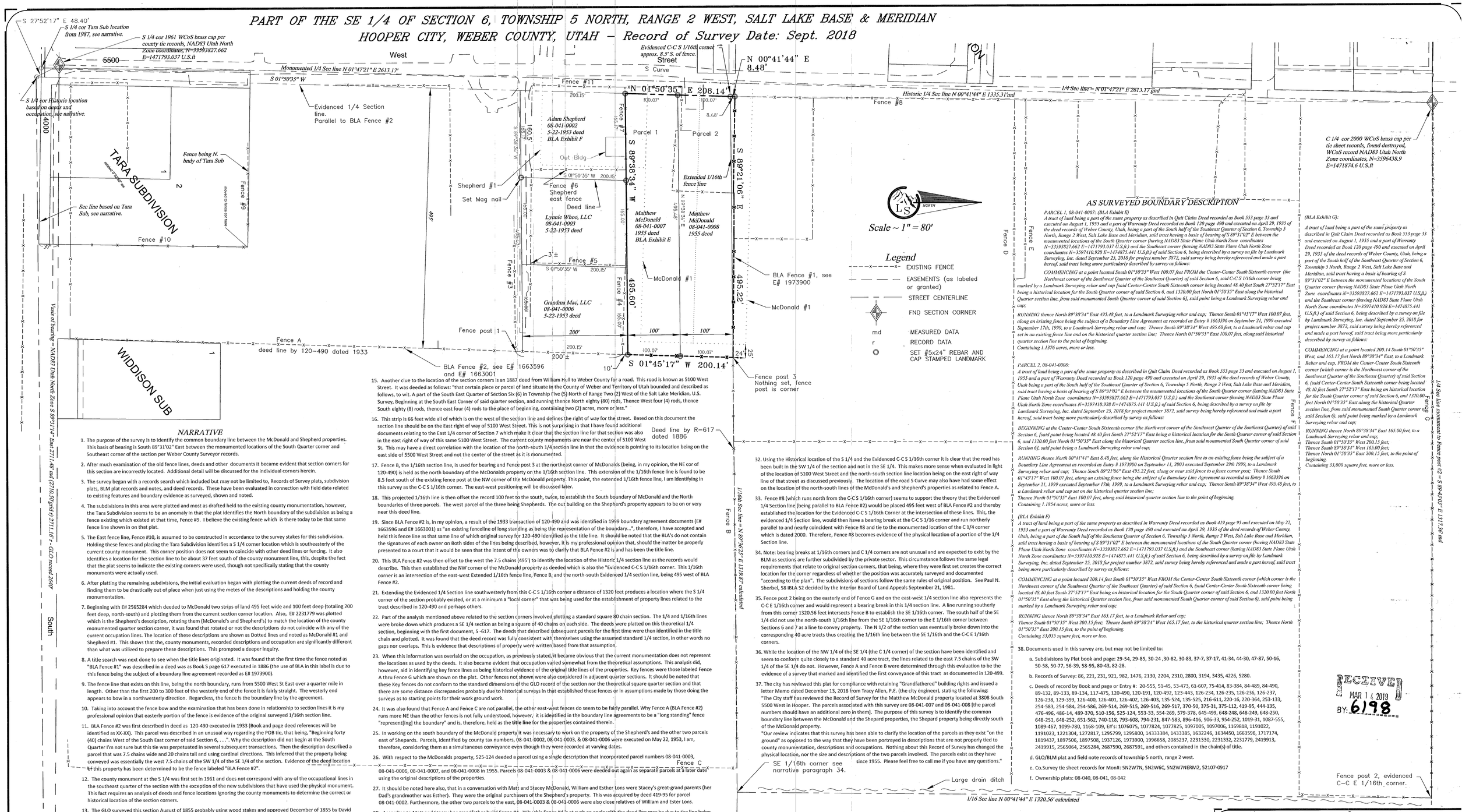
PART OF THE SE 1/4 OF SECTION 6, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN
HOOPER CITY, WEBER COUNTY, UTAH – Record of Survey Date: Sept. 2018



NARRATIVE

1. The purpose of the survey is to identify the common boundary line between the McDonald and Shepherd properties. This basis of bearing is South 89°31'02" East between the monumented locations of the South Quarter corner and Southeast corner of the section per Weber County Surveyor records.

2. After much examination of the old fence lines, deeds and other documents it became evident that section corners for this section are incorrectly located. Additional detail will be discussed for the individual corners herein.

3. The survey began with a records search which included but may not be limited to, Records of Survey plats, subdivision plats, BLM plat records and notes, and deed records. These have been evaluated in connection with field data related to existing features and boundary evidence as surveyed, shown and noted.

4. The subdivisions in this area were platted and most as drafted held to the existing county monumentation, however, the Tara Subdivision seems to be an anomaly in that the plat identifies the North boundary of the subdivision as being a fence existing which existed at that time, Fence #9. I believe the existing fence which is there today to be that same fence line shown in on that plat.

5. The East fence line, Fence #10, is assumed to be constructed in accordance to the survey stakes for this subdivision. Holding these fences and placing the Tara Subdivision identifies a S 1/4 corner location which is southeasterly of the current county monument. This corner position does not seem to coincide with other deed lines or fencing. It also identifies a location for the section line to be about 37 feet south of the county monument line, this, despite the fact that the plat seems to indicate the existing corners were used, though not specifically stating that the county monuments were actually used.

6. After platting the remaining subdivisions, the initial evaluation began with plotting the current deeds of record and finding them to be drastically out of place when just using the metes of the descriptions and holding the county monumentation.

7. Beginning with E# 2565284 which deeded to McDonald two strips of land 495 feet wide and 100 feet deep (totaling 200 feet deep, north-south) and plotting them from the current section corner location. Also, E# 2231779 was plotted which is the Shepherd's description, rotating them (McDonald's and Shepherd's) to match the location of the county monumented quarter section corner, it was found that rotated or not the descriptions do not coincide with any of the current occupation lines. The location of these descriptions are shown as Dotted lines and noted as McDonald #1 and Shepherd #1. This shows that the, county monuments, recorded descriptions and occupation are significantly different than what was utilized to prepare these descriptions. This prompted a deeper inquiry.

8. A title search was next done to see when the title lines originated. It was found that the first time the fence noted as "BLA Fence #1" was described in a deed was as Book S page 617 executed in 1886 (the use of BLA in this label is due to this fence being the subject of a boundary line agreement recorded as E# 1973900).

9. The fence line that exists on this line, being the north boundary, runs from 5500 West St East over a quarter mile in length. Other than the first 200 to 300 feet of the westerly end of the fence it is fairly straight. The westerly end appears to bow in a northwesterly direction. Regardless, the fence is the boundary line by the agreement.

10. Taking into account the fence bow and the examination that has been done in relationship to section lines it is my professional opinion that easterly portion of the fence is evidence of the original surveyed 1/16th section line.

11. BLA Fence #2 was first described in deed as 120-490 executed in 1933 (Book and page deed references will be identified as XX-XX). This parcel was described in an unusual way regarding the POB tie, that being, "Beginning forty (40) chains West of the South East corner of said Section 6, . . .". Why the description did not begin at the South Quarter I'm not sure but this tie was perpetuated in several subsequent transactions. Then the description described a parcel that was 7.5 chains wide and 20 chains tall and using cardinal directions. This inferred that the property being conveyed was essentially the west 7.5 chains of the SW 1/4 of the SE 1/4 of the section. Evidence of the deed location of this property has been determined to be the fence labeled "BLA Fence #2".

12. The county monument at the S 1/4 was first set in 1961 and does not correspond with any of the occupational lines in the southeast quarter of the section with the exception of the new subdivisions that have used the physical monument. This fact requires an analysis of deeds and fence locations ignoring the county monuments to determine the correct or historical location of the section corners.

13. The GLO surveyed this section August of 1855 probably using wood stakes and approved December of 1855 by David H. Burr. The original GLO monument for the section has long since disappeared and the best remaining evidence of that work and subsequent subdivisions of the section are existing old fences. It is also likely that the ground measurements of the section are longer than reported in the GLO record which was short of 80 chains except for the west boundary of the section.

14. The ground measurement between the county monuments identifies the line as being 2711.16 feet and the GLO record notes 79.62 chains, 5254.92 feet, for the mile and because this is section 6 the east half of the south line would be a record 40 chains, 2640 feet making the county length 71.16 feet long when compared to the BLM record.

15. Another clue to the location of the section corners is an 1887 deed from William Hull to Weber County for a road. This road is known as 5100 West Street. It was deeded as follows: "that certain piece or parcel of land situate in the County of Weber and Territory of Utah bounded and described as follows, to wit. A part of the South East Quarter of Section Six (6) in Township Five (5) North of Range Two (2) West of the Salt Lake Meridian, U.S. Survey, Beginning at the South East Corner of said quarter section, and running thence North eighty (80) rods, Thence West four (4) rods, thence South eighty (8) rods, thence east four (4) rods to the place of beginning, containing two (2) acres, more or less."

16. This strip is 66 feet wide all of which is on the west of the section line and defines the right of way for the street. Based on this document the section line should be on the East right of way of 5100 West Street. This is not surprising in that I have found additional documents relating to the East 1/4 corner of Section 7 which make it clear that the section line for that section was also in the east right of way of this same 5100 West Street. The current county monuments are near the center of 5100 West St. This may have a direct correlation with the location of the north-south 1/4 section line in that the evidence is pointing to its location being on the east side of 5500 West Street and not the center of the street as it is monumented.

17. Fence B, the 1/16th section line, is used for bearing and Fence post 3 at the northeast corner of McDonalds (being, in my opinion, the NE cor of 120-490) is held as the north boundary of the McDonalds property on the 1/16th section line. This extension of the 1/16th fence line is found to be 8.5 feet south of the existing fence post at the NW corner of the McDonald property. This point, the extended 1/16th fence line, I am identifying in this survey as the C-C S 1/16th corner. The east-west positioning will be discussed later.

18. This projected 1/16th line is then offset the record 100 feet to the south, twice, to establish the South boundary of McDonald and the North boundaries of three parcels. The west parcel of the three being Shepherds. The out building on the Shepherd's property appears to be on or very near this deed line.

19. Since BLA Fence #2 is, in my opinion, a result of the 1933 transaction of 120-490 and was identified in 1999 boundary agreement documents (E# 1663596 and E# 1663001) as "an existing fenceline of long standing as being the representation of the boundary...", therefore, I have accepted and held this fence line as that same line of which original survey for 120-490 identified as the title line. It should be noted that the BLA's do not contain the signatures of each owner on Both sides of the lines being described, however, it is my professional opinion that, should the matter be properly presented to a court that it would be seen that the intent of the owners was to clarify that BLA Fence #2 is and has been the title line.

20. This BLA Fence #2 was then offset to the west the 7.5 chains (495') to identify the location of the Historic 1/4 section line as the records would describe. This then established the NW corner of the McDonald property as deeded which is also the "Evidenced C-C S 1/16th corner. This 1/16th corner is an intersection of the east-west Extended 1/16th fence line, Fence B, and the north-south Evidenced 1/4 section line, being 495 west of BLA Fence #2.

21. Extending the Evidenced 1/4 Section line southwesterly from this C-C S 1/16th corner a distance of 1320 feet produces a location where the S 1/4 corner of the section probably existed, or at a minimum a "local corner" that was being used for the establishment of property lines related to the tract described in 120-490 and perhaps others.

22. Part of the analysis mentioned above related to the section corners involved plotting a standard square 80 chain section. The 1/4 and 1/16th lines were broke down which produces a SE 1/4 section as being a square of 40 chains on each side. The deeds were platted on this theoretical 1/4 section, beginning with the first document, S -617. The deeds that described subsequent parcels for the first time were then identified in the title chain and plotted. It was found that the deed record was fully consistent with themselves using the assumed standard 1/4 section, in other words no gaps nor overlaps. This is evidence that descriptions of property were written based from that assumption.

23. When this information was overlaid on the occupation, as previously stated, it became obvious that the current monumentation does not represent the locations as used by the deeds. It also became evident that occupation varied somewhat from the theoretical assumptions. This analysis did, however, aid in identifying key fence lines as being historical evidence of the original title lines of the properties. Key fences were those labeled Fence A thru Fence G which are shown on the plat. Other fences not shown were also considered in adjacent quarter sections. It should be noted that these Key fences do not conform to the standard dimensions of the GLO record of the section nor the theoretical square quarter section and that there are some distance discrepancies probably due to historical surveys in that established these fences or in assumptions made by those doing the surveys as to starting points for their work ground work.

24. It was also found that Fence A and Fence C are not parallel, the other east-west fences do seem to be fairly parallel. Why Fence A (BLA Fence #2) runs more NE than the other fences is not fully understood, however, it is identified in the boundary line agreements to be a "long standing" fence "represent[ing] the boundary" and is, therefore, held as the **title line** for the properties contained therein.

25. In working on the south boundary of the McDonald property it was necessary to work on the property of the Shepherd's and the other two parcels east of Shepards. Parcels, identified by county tax numbers, 08-041-0002, 08-041-0003, & 08-041-0006 were executed on May 22, 1953, I am, therefore, considering them as a simultaneous conveyance even though they were recorded at varying dates.

26. With respect to the McDonalds property, 525-124 deeded a parcel using a single description that incorporated parcel numbers 08-041-0003, 08-041-0006, 08-041-0007, and 08-041-0008 in 1955. Parcels 08-041-0003 & 08-041-0006 were deeded out again as separate parcels at a later date using the original descriptions of the properties.

27. It should be noted here also, that in a conversation with Matt and Stacey McDonald, William and Esther Lons were Stacey's great-grand parents (her Dad's grandmother was Esther). They were the original purchasers of the Shepherd's property. This was acquired by deed 419-95 for parcel 08-041-0002. Furthermore, the other two parcels to the east, 08-041-0003 & 08-041-0006 were also close relatives of William and Ester Lons.

28. According to Matt and Stacey her grandfather build Fence #4. Why this Fence #4 is at such an angle with the deed line may be due to the line being laid out perpendicular to Fence A and measured from Fence post 1 (near the SE corner of Grandma Mac's) a distance of 200 feet northerly along Fence A. The origin of Fence #3 is unknown but appears to have been in place when Fence #4 was built. Fence #5 seems to have been built parallel to BLA Fence #2 but is a little over 3 feet west of the deed line evidenced by Fence A. Neither Matt nor Stacey knew the history of Fence #5, Fence #6 or Fence #7.

29. I have no definite information related to Fence #3 thru Fence #7 as to when they were established. It does appear that they were not built in a simultaneous manner as it appears that they were deeded. Fence #6 appears to have been built using a fence that is near the east right of way of 5500 West St. and almost parallel to the street at this frontage, see Fence #11.

30. Because Fence #4 and Fence #7 are not parallel and because Fence #5 and Fence #6 are not parallel it appears that the occupations were "surveyed" (whether by owner or otherwise) using different points and assumptions. These fences may be boundaries by acquiescence or even by estoppel. However, since this survey is not for these properties specifically I am not making any statement nor providing any opinion as to their legal status or relevance in separating the three parcels, 08-041-0002, 08-041-0003 and 08-041-0006.

31. While my field crew was collecting survey data an older farmer (as my field person referred to him) told him that the S Curve in the road was a result of one of the property owners, years ago, that would not allow the road to be built on his property. So the road has a jog to avoid his property. It is not known who refused the construction of the road or which parcel that was at this time. It is, however, evident that the road has a jog and may not represent any lines of the original section.

32. Using the Historical location of the S 1/4 and the Evidenced C-C S 1/16th corner it is clear that the road has been built in the SW 1/4 of the section and not in the SE 1/4. This makes more sense when evaluated in light of the location of 5100 West Street and the north-south section line location being on the east right of way line of that street as discussed previously. The location of the road S Curve may also have had some effect on the location of the north-south lines of the McDonald's and Shepherd's properties as related to Fence A.

33. Fence #8 (which runs north from the C-C S 1/16th corner) seems to support the theory that the Evidenced 1/4 Section line (being parallel to BLA Fence #2) would be placed 495 feet west of BLA Fence #2 and thereby established the location for the Evidenced C-C S 1/16th Corner at the intersection of these lines. This, the evidenced 1/4 Section line, would then have a bearing break at the C-C S 1/16 corner and run northerly parallel to and nearly coincident with Fence #8 and tie to the monumented location of the C 1/4 corner which is dated 2000. Therefore, Fence #8 becomes evidence of the physical location of a portion of the 1/4 Section line.

34. Note: bearing breaks at 1/16th corners and C 1/4 corners are not unusual and are expected to exist by the BLM as sections are further subdivided by the private sector. This circumstance follows the same legal requirements that relate to original section corners, that being, where they were first set creates the correct location for the corner regardless of whether the position was accurately surveyed and documented "according to the plan". The subdivisions of sections follow the same rules of original position. See Paul N. Sherbel, SB IBLA 52 decided by the Interior Board of Land Appeals September 21, 1981.

35. Fence post 2 being on the easterly end of Fence G and on the east-west 1/4 section line also represents the C-C E 1/16th corner and would represent a bearing break in this 1/4 section line. A line running southerly from this corner 1320.56 feet intersects Fence B to establish the SE 1/16th corner. The south half of the SE 1/4 did not use the north-south 1/16th line from the SE 1/16th corner to the E 1/16th corner between Sections 6 and 7 as a line to convey property. The N 1/2 of the section was eventually broke down into the corresponding 40 acre tracts thus creating the 1/16th line between the SE 1/16th and the C-C E 1/16th corners.

36. While the location of the NW 1/4 of the SE 1/4 (the C 1/4 corner) of the section have been identified and seem to conform quite closely to a standard 40 acre tract, the lines related to the east 7.5 chains of the SW 1/4 of the SE 1/4 do not. However, Fence A and Fence B were determined through this evaluation to be the evidence of a survey that marked and identified the first conveyance of this tract as documented in 120-499.

37. The city has reviewed this plat for compliance with retaining "Grandfathered" building rights and issued a letter Memo dated December 13, 2018 from Tracy Allen, P.E. (the city engineer), stating the following: "The City staff has reviewed the Record of Survey for the Matthew McDonald property located at 3808 South 5500 West in Hooper. The parcels associated with this survey are 08-041-007 and 08-041-008 [the parcel numbers should have an additional zero in them]. The purpose of this survey is to identify the common boundary line between the McDonald and the Shepard properties, the Shepard property being directly south of the McDonald property.
"Our review indicates that this survey has been able to clarify the location of the parcels as they exist "on the ground" as opposed to the way that they have been portrayed in descriptions that are not properly tied to county monumentation, descriptions and occupations. Nothing about this Record of Survey has changed the physical location, nor the size and descriptions of the two parcels involved. The parcels exist as they have since 1955. Please feel free to call me if you have any questions."

AS SURVEYED BOUNDARY DESCRIPTION

PARCEL 1, 08-041-0007: (BLA Exhibit E)
A tract of land being a part of the same property as described in Quit Claim Deed recorded as Book 553 page 33 and executed on August 1, 1955 and a part of Warranty Deed recorded as Book 120 page 490 and executed on April 29, 1935 of the deed records of Weber County, Utah, being a part of the South half of the Southeast Quarter of Section 6, Township 5 North, Range 2 West, Salt Lake Base and Meridian, said tract having a basis of bearing of S 89°31'02" E between the monumented locations of the South Quarter corner (having NAD83 State Plane Utah North Zone coordinates N=3359827.662 E=1471793.037 U.S.ft.) and the Southeast corner (having NAD83 State Plane Utah North Zone coordinates N=3597410.928 E=1474875.441 U.S.ft.) of said Section 6, being described by a survey on file by Landmark Surveying, Inc. dated September 25, 2018 for project number 3872, said survey being hereby referenced and made a part hereof, said tract being more particularly described by survey as follows:

COMMENCING at a point located South 01°50'35" West 100.07 feet FROM the Center-Center South Sixteenth corner (the Northwest corner of the Southwest Quarter of the Southeast Quarter) of said Section 6, said C-C S 1/16th corner being marked by a Landmark Surveying rebar and cap [said Center-Center South Sixteenth corner being located 48.40 feet South 27°52'17" East being a historical location for the South Quarter corner of said Section 6, and 1320.00 feet North 01°50'35" East along the historical Quarter section line, from said monumented South Quarter corner of said Section 6], said point being a Landmark Surveying rebar and cap;

RUNNING thence North 89°38'34" East 495.48 feet, to a Landmark Surveying rebar and cap; Thence South 01°45'17" West 100.07 feet, along an existing fence being the subject of a Boundary Line Agreement as recorded as Entry # 1663596 on September 21, 1999 executed September 17th, 1999, to a Landmark Surveying rebar and cap; Thence South 89°38'34" West 495.60 feet, to a Landmark rebar and cap set in an existing fence line and on the historical quarter section line; Thence North 01°50'35" East 100.07 feet, along said historical quarter section line to the point of beginning.
Containing 1.1376 acres, more or less.

PARCEL 2, 08-041-0008:
A tract of land being a part of the same property as described in Quit Claim Deed recorded as Book 553 page 33 and executed on August 1, 1955 and a part of Warranty Deed recorded as Book 120 page 490 and executed on April 29, 1935 of the deed records of Weber County, Utah being a part of the South half of the Southeast Quarter of Section 6, Township 5 North, Range 2 West, Salt Lake Base and Meridian, said tract having a basis of bearing of S 89°31'02" E between the monumented locations of the South Quarter corner (having NAD83 State Plane Utah North Zone coordinates N=3359827.662 E=1471793.037 U.S.ft.) and the Southeast corner (having NAD83 State Plane Utah North Zone coordinates N=3597410.928 E=1474875.441 U.S.ft.) of said Section 6, being described by a survey on file by Landmark Surveying, Inc. dated September 25, 2018 for project number 3872, said survey being hereby referenced and made a part hereof, said tract being more particularly described by survey as follows:

BEGINNING at the Center-Center South Sixteenth corner (the Northwest corner of the Southwest Quarter of the Southeast Quarter) of said Section 6, [said point being located 48.40 feet South 27°52'17" East being a historical location for the South Quarter corner of said Section 6, and 1320.00 feet North 01°50'35" East along the historical Quarter section line, from said monumented South Quarter corner of said Section 6], said point being a Landmark Surveying rebar and cap;

RUNNING thence North 00°41'44" East 8.48 feet, along the Historical Quarter section line to an existing fence being the subject of a Boundary Line Agreement as recorded as Entry # 1973900 on September 11, 2003 executed September 29th 1999, to a Landmark Surveying rebar and cap; Thence South 89°21'06" East 495.22 feet, along or near said fence to a fence corner post; Thence South 01°45'17" West 100.07 feet, along an existing fence being the subject of a Boundary Line Agreement as recorded as Entry # 1663596 on September 21, 1999 executed September 17th, 1999, to a Landmark Surveying rebar and cap; Thence South 89°38'34" West 495.48 feet, to a Landmark rebar and cap set on the historical quarter section line;
Thence North 01°50'35" East 100.07 feet, along said historical quarter section line to the point of beginning.
Containing 1.1834 acres, more or less.

(BLA Exhibit F)
A tract of land being a part of the same property as described in Warranty Deed recorded as Book 419 page 95 and executed on May 22, 1953 and a part of Warranty Deed recorded as Book 120 page 490 and executed on April 29, 1935 of the deed records of Weber County, Utah, being a part of the South half of the Southeast Quarter of Section 6, Township 5 North, Range 2 West, Salt Lake Base and Meridian, said tract having a basis of bearing of S 89°31'02" E between the monumented locations of the South Quarter corner (having NAD83 State Plane Utah North Zone coordinates N=3359827.662 E=1471793.037 U.S.ft.) and the Southeast corner (having NAD83 State Plane Utah North Zone coordinates N=3597410.928 E=1474875.441 U.S.ft.) of said Section 6, being described by a survey on file by Landmark Surveying, Inc. dated September 25, 2018 for project number 3872, said survey being hereby referenced and made a part hereof, said tract being more particularly described by survey as follows:

COMMENCING at a point located 200.14 feet South 01°50'35" West, and 163.17 feet North 89°38'34" East, to a Landmark Rebar and cap, FROM the Center-Center South Sixteenth corner (which corner is the Northwest corner of the Southwest Quarter of the Southeast Quarter) of said Section 6, (said Center-Center South Sixteenth corner being located 48.40 feet South 27°52'17" East being an historical location for the South Quarter corner of said Section 6, and 1320.00 feet North 01°50'35" East along the historical Quarter section line, from said monumented South Quarter corner of said Section 6), said point being marked by a Landmark Surveying rebar and cap;

RUNNING thence North 89°38'34" East 165.00 feet, to a Landmark Surveying rebar and cap;
Thence South 01°50'35" West 200.15 feet;
Thence South 89°38'34" West 165.00 feet;
Thence North 01°50'35" East 200.15 feet, to the point of beginning.
Containing 33,000 square feet, more or less.

38. Documents used in this survey are, but may not be limited to:

a. Subdivisions by Plat book and page: 29-54, 29-85, 30-24 ,30-82, 30-83, 37-7, 37-17, 41-34, 44-30, 47-87, 50-16, 50-58, 50-77, 56-39, 58-95, 80-43, 82-28.

b. Records of Survey: 86, 221, 231, 921, 982, 1476, 2130, 2204, 2310, 2800, 3194, 3435, 4226, 5280.

c. Deeds of record by Book and page or Entry #: 20-555, 51-45, 53-473, 61-607, 75-414, 83-384, 84-489, 84-490, 89-132, 89-133, 89-134, 117-475, 120-490, 120-191, 120-492, 123-443, 126-234, 126-235, 126-236, 126-237, 126-238, 129-399, 126-400, 126-401, 126-402, 126-403, 135-524, 135-525, 216-611, 220-16, 220-364, 253-133, 254-583, 254-584, 254-586, 269-514, 269-515, 269-516, 269-517, 370-50, 375-31, 375-112, 419-95, 444-135, 476-496, 486-14, 489-370, 510-156, 525-124, 553-33, 554-269, 579-378, 645-499, 648-248, 648-249, 648-250, 648-251, 648-252, 651-562, 740-118, 793-608, 794-231, 847-583, 896-416, 906-33, 954-252, 1019-31, 1087-555, 1089-467, 1099-780, 1168-109, E#'s: 1076075, 1077824, 1077825, 1097005, 1097006, 1169818, 1191022, 1191023, 1221304, 1272817, 1295799, 1295800, 1433384, 1433385, 1632246, 1634450, 1663596, 1717174, 1819437, 1897506, 1897508, 1937126, 1973900, 1996658, 2085237, 2231330, 2231332, 2231779, 2419913, 2419915, 2565064, 2565284, 2687590, 2687591, and others contained in the chain(s) of title.

d. GLO/BLM plat and field note records of township 5 north, range 2 west.

e. Co.Survey tie sheet records for Mon#: 5N2W7N, 5N2W6C, 5N2W7NERM2, 52107-0917

f. Ownership plats: 08-040, 08-041, 08-042

RECEIVED MAR 1 4 2019 BY: 6198

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.

PROFESSIONAL LAND SURVEYOR ERNEST D. ROWLEY 171781 03-01-2019 STATE OF UTAH

Lower Valley Coordinate system is NAD1927 U.S.ft expanded to ground using a combined factor of 1.0002520877833. The initial coordinates are based on the published values of the Weber County Surveyor's Office.

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: Matthew McDonald
Address: 3808 S 5500 W, Hooper, UT 84315

1 of 1

SE 1/4 of Section 6, Township 5 North, Range 2 West, Salt Lake Base and Meridian.

Record of Survey

Revisions: 01-02-2019, corrections and additions to narrative.	DRAWN BY: EDR
Revisions: 03-01-2019, typo corrections to desc. and addition of desc's.	CHECKED BY: ...
	DATE: September 25, 2018
	FILE: 3872

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3872 Matt McDonald RDS.dwg