

PART OF THE NE 1/4 OF SECTION 21, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN
OGDEN CITY, WEBER COUNTY, UTAH - Record of Survey Date: July 2018

AS SURVEYED DESCRIPTIONS

Palmer parcel:
 A tract of land being that same parcel described as Book 1171 page 99 recorded on April 7, 1977, being described by survey, having a basis of bearing of South 02°54'32" West between the Ogden City monumented location of 15th Street & Canyon road (having NAD83 UT North Zone coordinates of N=3611333.700 E=1514566.754 u.s.ft.) and the Ogden City monumented location of Gramercy Avenue & Canyon road (having NAD83 UT North Zone coordinates of N=3610766.456 E=1514537.956 u.s.ft.) being described by survey as follows:
 COMMENCING at a point located North 55°54'10" East 516.12 feet, along the centerline of Canyon road, and South 86°25'50" East 234.18 feet, along said centerline of Canyon road, and North 02°27'16" East 33.00 feet, to the North right-of-way line of said Canyon road;
 FROM the Ogden City monument at the intersection of 15th Street and Canyon Road, (said point being located North 86°44'57" East 712.36 feet from the Center Quarter corner as identified on Ogden City Bible Sheet #2640 (OCBS) which Center Quarter corner is located North 03°03'26" West 598.95 feet from said Ogden City monumented location of 15th Street and Canyon road);
 RUNNING thence North 02°27'16" East 157.28 feet, more or less to the southerly bank of Mill Creek, said point being identified by an existing fence post;
 Thence Northeasterly, along said southerly bank of Mill Creek to a point that is located North 44°12'42" East 280.71 feet from the point of beginning;
 Thence South 03°34'10" West 91.00 feet, to a point in an existing fence line being the northeast corner of property deeded as Book 1627 page 1994 recorded May 26, 1992;
 Thence North 86°25'50" West 85.00 feet, along the deed line of said Book 1627 page 1994;
 Thence South 03°34'10" West 122.00 feet, along the deed line of said Book 1627 page 1994, to said north right-of-way of Canyon road;
 Thence North 86°25'50" West 97.84 feet, along said north right-of-way of Canyon road to the point of beginning.
 Containing 24,085 sq. ft., more or less.

Ellis parcel:
 A tract of land being that same parcel described as Book 1844 page 1834 recorded on January 22, 1997, being described by survey, having a basis of bearing of South 02°54'32" West between the Ogden City monumented location of 15th Street & Canyon road (having NAD83 UT North Zone coordinates of N=3611333.700 E=1514566.754 u.s.ft.) and the Ogden City monumented location of Gramercy Avenue & Canyon road (having NAD83 UT North Zone coordinates of N=3610766.456 E=1514537.956 u.s.ft.) being described by survey as follows:
 COMMENCING at a point located North 55°54'10" East 516.12 feet, along the centerline of Canyon road, and South 86°25'50" East 234.18 feet, along said centerline of Canyon road, and North 02°27'16" East 33.00 feet, to the North right-of-way line of said Canyon road;
 FROM the Ogden City monument at the intersection of 15th Street and Canyon Road, (said point being located North 86°44'57" East 712.36 feet from the Center Quarter corner as identified on Ogden City Bible Sheet #2640 (OCBS) which Center Quarter corner is located North 03°03'26" West 598.95 feet from said Ogden City monumented location of 15th Street and Canyon road);
 RUNNING thence North 02°27'16" East 157.28 feet, more or less to the southerly bank of Mill Creek, said point being identified by an existing fence post;
 Thence Westerly, along said southerly bank of Mill Creek to a point that is located North 29°54'29" West 183.33 feet from the point of beginning;
 Thence South 01°06'10" West 153.06 feet, more or less, along the deed line of property deeded Book 114 page 396 recorded April 1, 1931, to said north right-of-way line of Canyon road;
 Thence South 86°25'50" East 94.54 feet to the point of beginning.
 Containing 14,945 sq. ft., more or less.

C 1/4 Cor location #1 OCBS coordinates, 185407.89 N 133169.29 E, NAD83 UT N Zone coordinates, N=3611933.17 E=1514529.93 U.S.R.

C 1/4 Cor location #3 by occupational evidence, approx. 12' south and 4' east of location #1 OCBS. See ROS #6114 for details.

C 1/4 Cor location #2 by 248-168 and other deeds, see ROS #6114 for details.

OCS St Mon. Canyon road NAD83 coordinates N=3611664.376 E=1514533.488 u.s.ft.

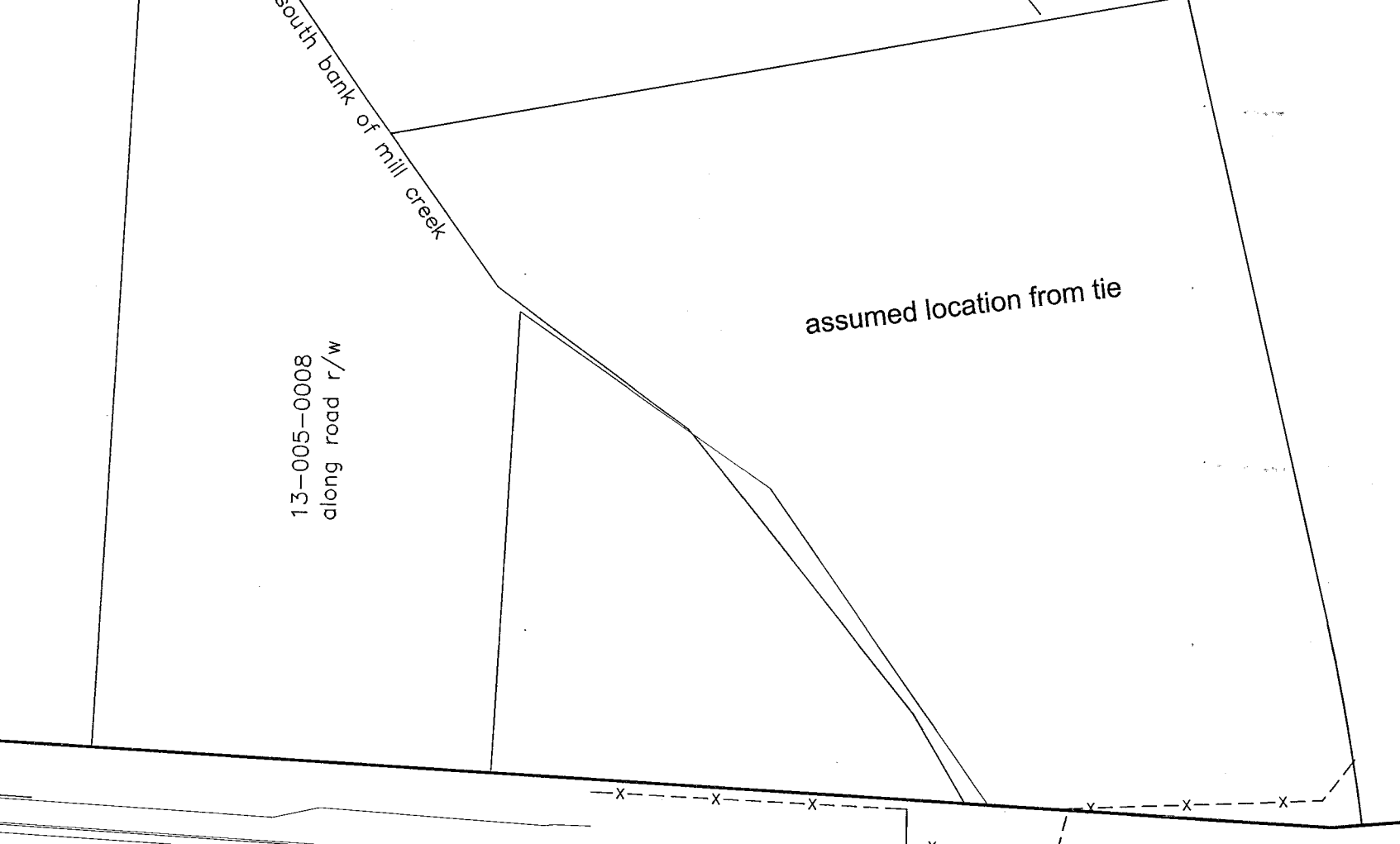
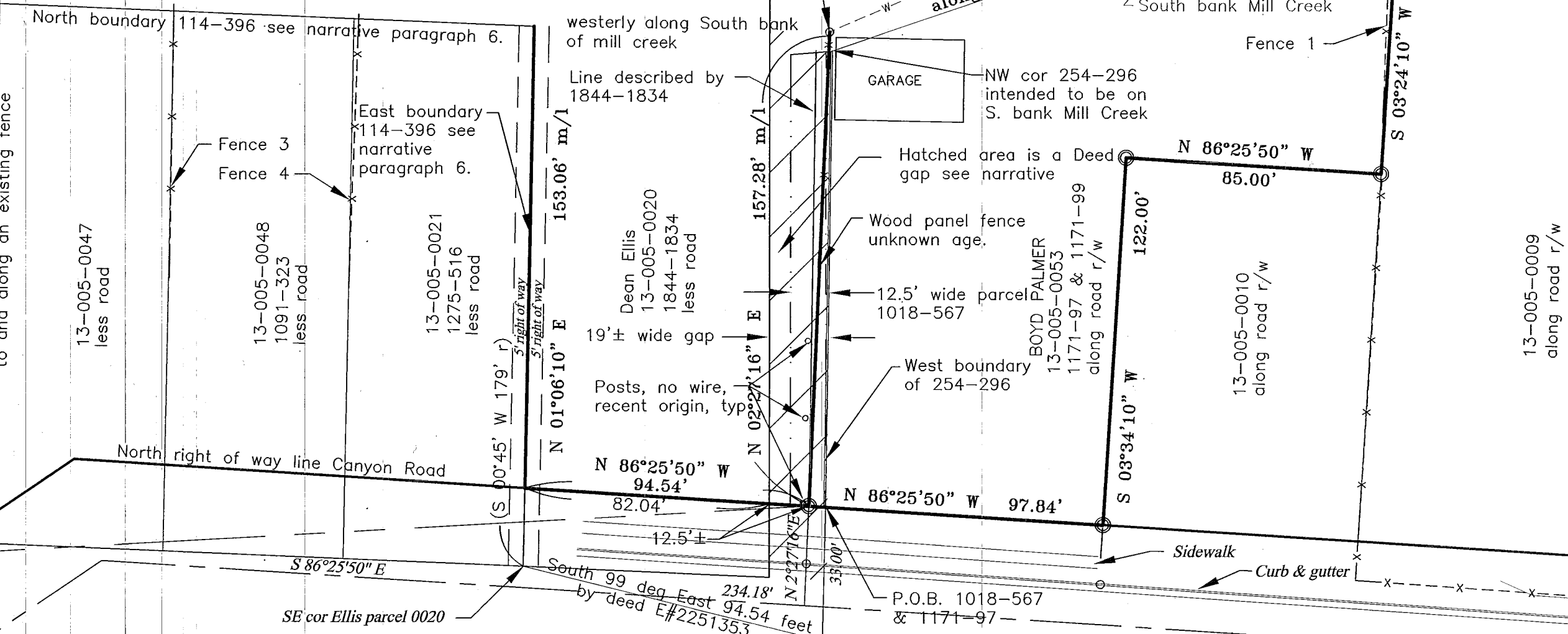
OCS St Mon. Canyon road and 15th Street, NAD83 coordinates N=3611333.700 E=1514566.754 u.s.ft.

US Dep. of Interior elev bench mark, 178-FMK, NAD83 N=3614615.8 E=1517966.9 u.s.ft.

OCS St Mon. Canyon road and Gramercy Ave. NAD83 coordinates N=3610766.456 E=1514537.956 u.s.ft.

BLM SE Sec 21, T 6 N, R 1 W, SLB&M, WCO record coordinates N=3609279.96 E=1517115.11 u.s.ft.

Fence 2
 Fence 3
 Fence 4

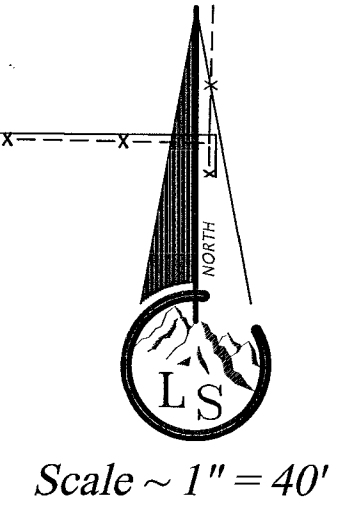


NARRATIVE

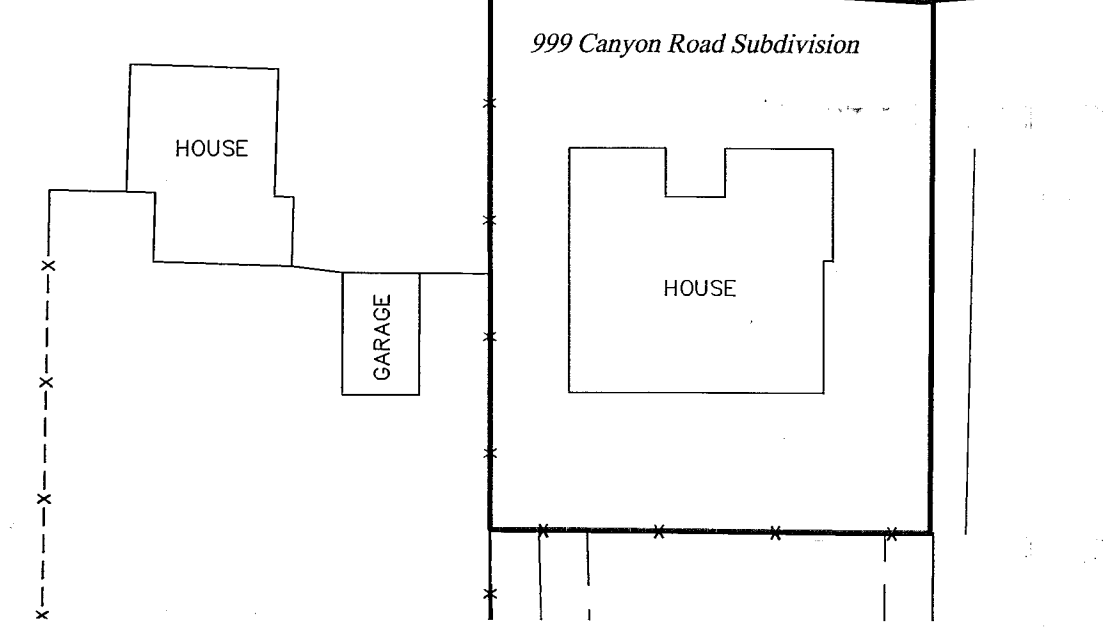
- The purpose of this survey is to identify the common boundary between the Palmer and Ellis properties.
- The basis of bearing for this project is as noted on the plat.
- After collecting field information on fence lines, posts, curb & gutter, street monuments and portions of Mill Creek the field data was reduced and plotted to begin an evaluation of the boundary. The boundary evaluation began with examining the current descriptions and how they compared to the data collected. This revealed some description problems with both the Palmer and Ellis properties which prompted a more detailed research of the record title. A brief outline of the record follows.
- One of the more difficult issues is that these properties are described from the Center Quarter (C 1/4) corner of the section which is not monumented nor is there a single location for this corner. See record of survey #6114 in which I identified two positions for the corner but based on the evaluation in this survey there may be even more locations that have been assumed to be the corner depending on what properties were being described.
- Beginning in 1910 A deed 66-699 (this references Book 66 page 699 and will be the convention used for further deed references, and all dates will be the date of execution, not recording, unless otherwise noted), conveyed a large parcel to Hugh A. Freeland a parcel of land that includes the Palmer and Ellis properties.
- In 1929 Hugh by 114-396 conveys to his wife Mary a parcel that creates the boundary between two parcels that are currently owned by the Ellis and identified by county tax ID numbers 13-005-0021 and 13-005-0020. This parcel was later subdivided into three parcels and when comparing the descriptions of these parcels with the existing fences (Fence 2, Fence 3 and Fence 4) it was found that the fences and descriptions coincide with one another fairly well as long as the point of beginning ties are ignored and they are translated and rotated as the parent parcel has been. This provides a firm location for the west boundary of the Ellis parcel 0020. The north boundary of this parcel has not been researched to determine if Mill Creek was intended to be the title line or if the described line as shown is the boundary. No representation as to the boundary of these parcels are made by this survey.
- Two documents, a 1926 deed 115-326 and a 1934 deed 120-542, conveyed to S.A. MacFarlane a parcel of land that split the Freeland tract. The north-south division line is shown and noted as "B120 p542 S.A. MacFarlane 1934". Because of the monument tie issues this description has also been translated and rotated as the other parcels have been.
- It is interesting to note at this point that after making the adjustments to the parcels to coincide with the Fence 2, 3, and 4 that the location of the Center quarter corner identified in both 114-396 and 120-542 are within about a half a foot of the C 1/4 #1 OCBS location which was identified in ROS #6114.
- After a series of tax sales took place in which the Hugh Freeland property was essentially sold to Reuben Ellis because he "redeemed" the tax bill a 1928 deed 131-123 was recorded in which Hugh Freeland officially conveyed to Reuben A. Ellis a large parcel which is now owned by the school district and included parcel 13-005-0020 west of the S.A. MacFarlane division line.
- In 1946 and 1948 by deeds 254-296 and 283-543 respectively, S.A. MacFarlane deeded to William W. Terry a parcel that encompasses four parcels, 13-005-0053, 13-005-0010, 13-005-0009 and 13-005-0008.
- Parcel 0053 being Palmer's. The two descriptions are identical. The description for this parcel is bounded by the north line of Canyon Road and the South Bank of Mill Creek. The west boundary of the description approximates the location of an existing fence near the NW corner of Palmer's and runs on a line that deviates easterly of the T-posts that have been placed between the properties. These posts are

- recent and most likely have no relevance to the location of the boundary being identified by these two deeds, 254-296 and 283-543. The location was also determined by the same translation and rotation that was applied to 114-396 and closely matches Fence 1.
- In 1958 document 583-53 was executed from S.A. MacFarlane to Reuben A. Ellis for the remainder of the land that MacFarlane owned on the north side of Mill Creek. However, there is a strip of ground between the B120 p542 original division line and the west boundary of the William Terry property that was not conveyed (see Hatched area deed gap). This conveyance left off a strip along the entire west line of the MacFarlane property but was later conveyed north of the south boundary of Mill Creek by 1233-783.
- Again in 1958 the gap was perpetuated in 905-424. Then in 1972 William Terry Quit Claimed by 1018-567 a 12.5 foot wide parcel. The beginning of the parcel is located as noted along the written description line for 13-005-0053 as identified by 254-296. I have not yet seen where Terry had title to this parcel to convey unless it was obtained through acquiescence, however, there is no indication that Terry ever occupied this strip which, based on the information I have, in my opinion, would show that S.A. MacFarlane would have a claim to the gap except that the gap has been occupied by the owners of 0020, currently by Dean Ellis, for more than 40 years and would be Ellis property either by Acquiescence or by Adverse Possession.
- Looking at the county 1962 Ownership plat it shows that Reuben Ellis and William Terry had a common boundary line. The plat is in error with this depiction but would have given the owners the false impression that there was no gap in title to be concerned about.
- Why William Terry conveyed a 12.5 foot wide strip to Ellis is not known from the records though some knowledge of the gap was the likely reason for the conveyance. Also, because of the amount of time that has transpired since S.A. MacFarlane conveyed his interest in the properties in this area, it is my opinion that the intent of Ellis and Terry was to hold to a line that was a distance of 94.54 feet along the north right of way line of Canyon Road and to a point on the south bank of Mill Creek that coincides with the Terry/Palmer descriptions (254-296 / 1171-99).
- In 1997 Dean Ellis, the current owner of 12-005-0020, received the property with the description as it now exists on the current deed, E82251353, which contains an erroneous bearing of "South 99 deg East". The distance for this call, 94.54 feet, is a combination of the original 82.04 foot distance that was granted to Reuben Ellis by Warranty Deed 131-123 and the 12.5 feet that William Terry disclaimed interest in to Reuben Ellis by Quit Claim Deed 1018-567. Where the evidence tells me that Terry did not have title to convey the quit claim has no title effect on the property other than that which Ellis has acted upon by including that 12.5 feet of ground in a deed and occupying the property.
- The problem is that the Terry conveyance of the 12.5 feet and the original conveyance to Reuben Ellis of the 82.04 feet do not coincide with each other. In fact there is about a 6.5 foot gap between the two of them.
- Mr. Palmer has indicated that the SE corner of Ellis existed at one time somewhere near the line established by the Posts. These posts are shown and noted. The marker that was at this SE location no longer exists and I have had to rebuild the location based on that which has been detailed herein.
- The two key locations (SE corner of Ellis and NW corner of Palmer) have apparently been used by the property owners for a long enough time to warrant holding them as the best evidence of the boundary line. Due to the title gap and the attempt of Terry to convey this gap to Ellis the distance of 12.5 feet would be added to the original description distance of 82.04 feet. Holding the combination of these distances from the East boundary of 12-005-0021 at the Southwest corner point the Southeast corner of 12-005-0020 is set along the north line of Canyon Road at 94.54 feet.

- The other location is evidenced by the location of a Garage near the Northwest corner of 12-005-00053. The existing fence near this location has been in place and used for the property line and the Northwest corner. This location closely matches the written description location for this Northwest corner as evidenced from 254-296.
- The description for 13-005-0020 (Ellis) and the description for 13-005-0053 (Palmer) contain several scrivener errors that have crept in to them over time. In this survey, I have attempted to identify those errors and hold what is, in my professional opinion, the intent of the Grantor(s) as the parcels originated, taking into account the use of the properties.
- The As Surveyed Descriptions herein are a result of this work and represent a more correct description of the Ellis and Palmer properties.



- Legend**
- - - - - EXISTING FENCE
 - - - - - EASEMENTS (as labeled or granted)
 - - - - - STREET CENTERLINE
 - ◆ FND SECTION CORNER
 - ▲ FND STREET MONUMENT
 - SET #5x24" REBAR AND CAP STAMPED LANDMARK
 - ◇ MONUMENT NOT FOUND
 - BENCH MARK
 - SET CURB NAIL



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 BY: 6199

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 herein 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 herein.

Landmark Surveying, Inc.
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 4646 South 3500 West - #A-3 West Haven, UT 84401
 801-731-4075

CLIENT: Boyd Palmer
 Address: 924 Canyon Road, Ogden, UT 84404

Record of Survey

1 of

Revisions

DRAWN BY: EDR
 CHECKED BY: ...
 DATE: December 21, 20...
 FILE: 3838