

Record of Survey
Part of Section 2, Township 5 North, Range 2 West, Salt Lake Base and Meridian, Roy City, Utah

TITLE REPORT DESCRIPTIONS

NARRATIVE

SCHEDULE A, Exhibit A, File Number: 125464-JCP, dated March 10, 2020 at 7:30 am
PARCEL 1:
 Part of the Southwest quarter of Section 2, Township 5 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey; Beginning at a point North 00°13'00" East 1320 feet and North 89°50'00" East 128.29 feet from the Southwest corner of said quarter section, and running thence South 38°33'00" West along the West line of Midland Drive, 206.84 feet; thence South 00°13'00" West 161.22 feet; thence South 51°27'00" East 130 feet; thence South 38°33'00" West 80 feet; thence South 51°27'00" East 180 feet; thence North 38°33'00" East 70 feet; thence South 51°27'00" East 101.83 feet; thence North 89°41'59" East 46.11 feet; thence North 27°11'00" East 66.65 feet; thence Southeasterly along the arc of a 530.29 foot radius curve to the left for a distance of 232.98 feet, the chord of which bears South 76°50'00" East 250.59 feet; thence North 00°10'00" West 1 foot; thence North 89°50'00" East 22.92 feet; thence North 00°13'00" East 586 feet; thence North 89°50'00" West 47.67 feet; thence North 00°10'00" West 1 foot; thence South 44°13'00" West 82.51 feet; thence North 58°46'00" West 113.18 feet; thence South 44°13'00" West 64.57 feet; thence North 45°47'00" West 65.97 feet; thence South 89°50'00" West 237.41 feet to the point of beginning.
 Less and excepting therefrom the following:
 A parcel of land in fee for the widening of SR-108 (Midland Drive) known as Project No. S-0108(30)11, being part of an entire tract of property situated in the Southwest quarter of Section 2, Township 5 North, Range 2 West, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows:
 Beginning at the Northwest corner of said quarter section, which point is 1321.33 feet (1320.00 feet) North 00°13'00" East along the section line and 126.95 feet (128.29 feet) North 89°50'00" East from the Southwest corner of said Section 2, and running thence North 89°50'00" East 144.07 feet to a point 55.00 feet radially distant Easterly from the right of way control line of said SR-108 (Midland Drive) opposite approximate Engineers Station 554+06.70; thence Southwesterly 357.48 feet along the arc of a 7945.00 foot radius non-tangent curve to the left, concentric with said right of way control line (chord bears South 39°09'45" West 357.45 feet); thence South 37°52'25" West 75.82 feet parallel with said right of way control line to the section line of said Section 2; thence North 00°13'00" East 177.90 feet along said section line; thence North 38°47'27" East 203.60 feet (record South 38°33'00" West 206.84 feet) along the Northwesterly boundary line of said tract to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

PARCEL 2:
 Part of the Southwest quarter of Section 2, Township 5 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey; Beginning North 00°13'00" East 732 feet and North 89°50'00" East 660 feet from the Southwest corner of said quarter section, and running thence North 00°13'00" East 586 feet; thence North 89°50'00" East 1470.42 feet; thence North 00°10'00" West 1 foot; thence Southeasterly along the arc of a 222.76 foot radius curve to the right for a distance of 132.51 feet, the chord of which bears South 76°50'00" East 250.59 feet; thence North 00°10'00" West 1 foot; thence North 89°50'00" East 22.92 feet; thence North 00°13'00" East 586 feet; thence North 89°50'00" West 47.67 feet; thence North 00°10'00" West 1 foot; thence South 44°13'00" West 82.51 feet; thence North 58°46'00" West 113.18 feet; thence South 44°13'00" West 64.57 feet; thence North 45°47'00" West 65.97 feet; thence South 89°50'00" West 237.41 feet to the point of beginning.
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PARCEL 5:
 Part of the Southwest quarter of Section 2, Township 5 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey; Beginning North 00°13'00" East 1320 feet and North 89°50'00" East 128.29 feet from the Southwest corner of said quarter section, and running thence North 89°50'00" East 1912.12 feet; thence South 33°55'00" West 111.63 feet; thence North 56°05'00" West 150 feet; thence North 33°55'00" East 10.14 feet; thence South 89°50'00" West 79.68 feet; thence South 33°55'00" West 38.12 feet; thence Southwesterly along the arc of a 25 foot radius curve to the right for a distance of 39.27 feet, the chord of which bears South 78°55'00" West 35.35 feet; thence Northwesterly along the arc of a 222.76 foot radius curve to the left for a distance of 132.51 feet, the chord of which bears South 73°07'30" West 130.57 feet; thence South 00°10'00" West 1 foot; thence South 89°50'00" West 1470.42 feet; thence North 00°13'00" East 1 foot to beginning.

PARCEL 6:
 Part of the Southwest quarter of Section 2, Township 5 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey; Beginning North 00°13'00" East 1320 feet and North 89°50'00" East 128.29 feet from the Southwest corner of said quarter section, and running thence South 58°46'00" East 65.97 feet; thence North 44°13'00" East 64.57 feet; thence South 58°46'00" East 113.18 feet; thence North 44°13'00" East 82.51 feet; thence South 00°10'00" East 1 foot; thence North 89°50'00" East 47.67 feet; thence North 00°13'00" East 1 foot; thence South 89°50'00" West 294.30 feet to beginning.

1. The purpose of the survey being to provide an ALTA/NSPS Land Title Survey in regard to Commitment for Title Insurance policy issued by Fidelity National Title Insurance Company, File Number: 125464-JCP, dated March 10, 2020 at 7:30am. However, I have been informed that the ALTA/NSPS endorsement is no longer being required for this property.

2. This survey is being completed as a Boundary Survey of the property, however, no monumentation is being set in this work.

3. The basis of bearing of bearing is as noted in the Surveyed Description included hereon and all record descriptions, Highway drawings, Rail-road information and Record's of Survey have been related to coincide with the basis of bearing used in this survey. It should be noted that Weber County ordinance requires all surveys performed in the county be done in accordance with their published bearing basis and that this survey complies with the published county bearing basis.

4. Ownership of the property is currently held by MHP #12 LLC, an Arizona limited liability company. This ALTA survey will not provide information related to underground storage tanks or other underground or above ground facilities that may be considered hazardous to the environment.

5. Property Boundary Discussion:
 The project began with drafting the title report descriptions (which are duplicates from Warranty Deed recorded as Entry no. 2670674 on January 6, 2014) and comparing them to the occupation fence line as we have surveyed. The record descriptions were related to the basis of bearing along the west line of the section which causes an overlap with the Edgewater Estates Phases 1, 2, and 3 (Edgewater) subdivision.

6. This boundary, the south line of MHP#12 and the north boundary of Edgewater was agreed to in a Boundary Line Agreement (BLA) recorded Entry no. 1360670 Bk 1769 pg 1320 on August 28, 1995. This BLA established a common fence line between the two parties as the title line. This fence line has been surveyed and the held as the title line. It is also found that the north boundary of Edgewater is also the BLA line, therefore, there is no boundary conflict on the south boundary of MHP#12.

7. The north boundary of MHP#12 as described and related from the title report descriptions identifies a gap in title with the north adjoiner (Karen M Lundgreen). This gap is closed when an examination of the adjoiner's deed is made in that it identifies this common line as being one (1) foot north of an existing fence line. This fence has been surveyed and a best fit least squares adjusted line established from the surveyed locations to identify a straight line as the deed indicates it to be and the line was offset 1 foot north of the existing fence line establishing the north boundary of the property.

8. The west boundary is a short section that follows the section line. The monumented section line has been held as this boundary and closely coincides with the existing fence.

9. The northwesterly boundary is the southeasterly right of way of SR-108 (Midland Drive) as it has been expanded as shown on Sheet RW-07 of revised plan of UDOT project SR-108 from SR-37 to SR-79, Project Number: S-0108(30)11. The highway drawings were used and re-traced to identify the center line and right of way for the highway. This is a recent project and has good coordinate and measurement data which is on a modified "ground" system. These drawings closely match the ground datum used in this survey so no scaling of the UDOT data was necessary. Their coordinate location for the Southwest corner of Section 2 was held at the monumented position and their data was rotated to match the West Quarter corner monument.

10. The east boundary of the property has not been straight forward. The boundary is described to be the railroad right of way of the Denver & Rio Grande. Research was done to find railroad right of way maps. Four were found.
One, Denver & Rio Grande Railroad, Right of Way and Track map, Station 1241+78.6 to Station 1452+85, sheet no 7 of 8, herein RR Map 1.
Two, is a sheet without a title block and appears to be an endorsement in the lower-right of the sheet by an officer of the Oregon Short Line. This map shows the Evona Branch of the Oregon Short Line Railroad as being 400 feet wide, 200 feet on each side of the branch through Section 2. More will be discussed in this report which will be referred to here as the Evona Map 2.
Three, map titled Oregon Short Line Railroad, First Subdivision Alignment Map Sandy to Ogden MP 7978 to MP 8178, dated April 1910 to July 1911, portion of drawing no. 18083, herein as RR Map 3.
Four, has a title block, in the lower-left corner but the copy I have is almost illegible. It believe it reads, Oregon Short Line Evona Branch (illegible), Mile post (illegible) 159. No dates or drawing number or legible, herein as RR Map 4 and appears to be a revision of Evona Map 2.
 These maps can be found in the County Recorder's records and small cut outs are my property file.

11. This east boundary is also identified on Cloverdale Subdivision plat which is recorded as Book 3 page 107 & Book 5 page 51 dated No Date and May 23, 1890 respectively. The Cloverdale Subdivision is shown on this plat in a position that has been attached to and rotated to the D&RGRR center line. This makes the plat look like it is twisted to the properties. Much of the plat was vacated, essentially all of the plat west of the D&RGRR as therein platted, see Book 609 page 321 and Book 618 page 297. I will not be attempting to resolve the issue of an accurate subdivision lot and block location, what is the main concern is the location and width of the railroad.

12. The Cloverdale plat is drafted so that there is a strip excluded from the lotting for both the D&RGRR and the Utah Central. The width of the railroad right of way being excluded is approximately 100 foot width, 50 feet on each side of the center line but not perpendicular to the tracks, instead this dimension is parallel with the south section line making the width of the Exclusion 41.66 feet each side of center line at a perpendicular distance to the center line.

13. The county Ownership plat (tax map) 08-022 shows the railroad right of way to be 50 feet each side of center line, however, I believe this is a mis-reading of the Cloverdale plat.

14. RR Map 1 identifies the D&RGRR right of way to be 33 feet each side of center line. The discrepancy between the tax map and railroad map is resolved by a document recorded as an Indenture between George W Loshus and the Denver and Rio Grande Western Railway Company in Book R page 39 of deeds on May 29, 1883. This document conveyed only a 66 foot wide, 33 feet on each side of center line being a strip to the railroad in the Southwest Quarter of Section 2. The Rights of the railroad are only the 33 foot width which has been held in this survey as the east boundary. Further discussion is needed to help with why this line is being held as the boundary.

15. So, there are two additional issues to discuss with respect to the east boundary.
First, is the location of the Excluded area shown on the Cloverdale Subdivision plat. Book 5 page 51 contains the following dedication:
 "Ogden, Weber County, Utah, Territory, May 12th 1890. Know all men by these presents that I George W. Loshus of Ogden Weber County Utah, do hereby quit claim, dedicate and set apart the Avenues, Streets, and Alleys as shown on and by the accompanying plat of Cloverdale addition to the City of Ogden Weber County, Utah, which is hereto attached and marked Exhibit A and made a part hereof. The Avenues and Streets to be used as public thoroughfares for ever. The Alleys to be used in common by whom ever shall own any lot or part of any lot fronting thereon. The right to the use of the Alleys being appurtenant to any and all lots fronting thereon. A correct description of the Land in said Cloverdale addition is as follows All of the South one half of the South West one quarter of Sec 2 (2) Town: (5) Five North of Range (2) Two West and Containing 80 acres of Land. Situate in Weber County, Utah Territory. In Witness whereof I have hereto affixed my hand and seal on this, the 22nd day of May 1890," signed G.W. Loshus.

16. The railroad rights of way are not discussed in this document nor is there any discussion as to what the additional ground beyond the 33 foot deeded half width was to be done with. The 66 foot wide right of way was deeded to the D&RGRR by George W. Loshus by Indenture Book R page 39 recorded May 29, 1883. It is my opinion that the title to the land between the D&RGRR 33 foot right of way line and the block boundaries remained with Loshus even though Loshus may not have believed he had any remaining title in this strip.

17. It is my professional opinion, though not a legal opinion, that the title to this gap, with respect to the property now owned by MHP#12, has been lost as to any claim by Loshus through unwritten title rights which may include but may not be limited to, Adverse Possession, Estoppel, or the Utah Marketable Record Title Act.

18. The **second issue** is that of the Evona Branch of the railroad which on the Evona Map 2 shows a 400 foot wide right of way corridor, 200 feet on each side of the centerline. This right of way is identified to have been acquired through congressional action being an Act of Congress dated May 15, 1870 (16 Stat. 395).

19. RR Map 4 contains the Schedule of Property in which the following notations appear:
 19.1. #4 United States, UCRRCo, Act of Congress Dec. 15, 1870
 19.2. #5 U.P.R.R.Co, Wm Wells, Deed, Apr. 9, 1877, May 15, 1882, N-437, Reserves 200 R/W for U.C.R.R. (No.5 - 200 R/W claimed under reservation not enforceable. See letter Geo H. Smith Sept 11, 1929 File 67032 Also See No. 5a #5a Possession
 19.3. #6 United States, UCRRCo, Act of Congress Dec 15, 1870, Claim to 400 R/W across NE 1/4 Sec 2 in error account prior land entry See letter Geo H. Smith, Sept 11, 1929, F21e6703c2 Also See No 6a
 19.4. #6a George R. Hill, UCRRCo, Warranty, May 31, 1876 June 11, 1870, E-174, 2369 2119

19.6. Numbers 4 thru 6a have the following notation attached: "W O 949-1935, retire strip of R/W, reducing R/W to 50 each side of Track. See Letters E M Sawyer to H C Mann 12 19 34 & H C to B H P 12 29 34 & B H P to H C N 2 ? 3"

19.7. This information indicates that there was some discussion related to the efficacy of the 1870 Railroad Act within the railroad which led to a modification of their claimed right of way effectively eliminating the 400 foot wide right of way and replacing it with a 100 foot wide right of way. This being the case R is now questioning the title to where the title reverts to the State R/W vendor.

20. These notations will require a much longer discussion related to the congressional grant and it's possible effect on the portion of the property shown hereon as the hatch sliver in the northeast of the subject property.

21. My involvement with this type of railroad right of way began in 1997 when Martin B. Moore, Jr. (Weber County Surveyor) and I (Weber County Chief Deputy Surveyor) discovered a similar map to the Evona Map 2 (possibly even this same map) in doing a plot review for the Schupe's. The difference in that situation and this property is that the Schupe property was in Section 36, 16N, R1W and this property is in Section 2, 15N, R2W, both "School Sections".

22. School Sections are lands that were granted to the States or Territories of the United States by congress as Trust Lands to be used for School purposes. The Utah office of State Institutional Trust Lands Administration is the office that, today, administers such lands. The title difference has to do with when congress granted the trust lands to the State.

23. Sections 16 and 36 were granted to the State prior to statehood by an Act of Congress dated February 21, 1855. Section 2 was not part of that 1855 grant, however, the Utah Enabling Act passed July 16, 1894 included Sections 2 and 32 were added as School Trust lands completing a grant of four sections to the State. The state would need to apply for those grants to obtain a patent confirming the grant, however, this Section 2 had already been patented to the private sector by the United States under the following documents listed by quarter section:
 23.1. NE 1/4: Patent deed Book 1 page 45, recorded March 14, 1889
 23.2. N 1/2 of the NW 1/4: Patent deed Book N page 613, recorded Nov 20, 1882
 23.3. S 1/2 of the NW 1/4: Patent deed Book 21 page 603, recorded Jul 13, 1895
 23.4. N 1/2 of the SW 1/4: Patent deed Book Y page 70, recorded Oct. 8, 1888
 23.5. S 1/2 of the SW 1/4: Patent deed Book 1 page 105, recorded May 8, 1889
 23.6. SE 1/4: Patent deed Book 1 page 105, recorded May 8, 1889.

24. These conveyances pre-date the 1934 Enabling Act making it impossible for the State to obtain title to this particular section.

25. The Congressional Act Dec. 15, 1870 granted the Oregon Short Line Railroad a 400 foot wide right of way across lands that were at the time in the public domain. Further discussion related to the railroad that caused the title to determine that the grant was "not enforceable" is unknown at this time. In an effort to determine if there were already title claims on the section research of the county abstract was made.

26. The first abstracted deed records in the Weber County Recorder's Office for Section 2 was found to be a deed Book E page 174 executed March 31, 1889 (a few months prior to the Dec. 15, 1870 Railroad Act) and recorded June 11, 1870 in which George R. Hill sold to the Utah Central Railroad Company a strip of land for the rail road being 100 feet in width, 50 feet on each side of the tracks. This road is shown on RR Map 4 as #5a, it being along the Evona Branch.

27. The next transaction is Book R page 53 executed June 15, 1883 recorded June 18, 1883 in which George R Hill sells to the Denver & Rio Grande Western Railway Company another strip being 66 feet wide which is the railroad that borders the east boundary of the subject property.

28. Both of the Hill transactions were in the Northeast Quarter of the section which is what he received by Patent issued March 1, 1873 but not recorded until March 14, 1889. What this illustrates is that the 1870 Railroad Act pre-dated the conveyance record of the County for this section. However, George Hill had some claim to the land for the railroad to recognize him as the owner in 1873 to purchase their right of way. At present I have not found an entry that would confirm how Hill received the ownership.

29. As noted herein above, the property in question was patented to George Loshus for the South half of the Southwest Quarter and the Southeast Quarter being executed May of 1888 recorded May 8, 1889. This is again after the 1870 Railroad Act granting the right of way to the OSRR.

30. RR Map 3 contains the following notations:
 30.1. "Belated Tax, removed MP. 2.621 Evona Br. to M.L. Connection at MP 3.779, May '42, W.O. 89"

31. This would indicate that the Evona branch through this section was fully retired at least by 1942. Again, the map notations indicate that the change or abandonment took place in the 1930's.

32. The 1870 Railroad Act provided, in part, the following:
 32.1. "Said way is granted to said railroad to the extent of two hundred feet in width on each side of said railroad where it may pass through the public domain. ... Provided, That within three months from the passage of this act the said Utah Central Railroad Company shall file with the Secretary of the Interior a map to be approved by him, exhibiting the line of the railroad of said company, as the same has been located and constructed."

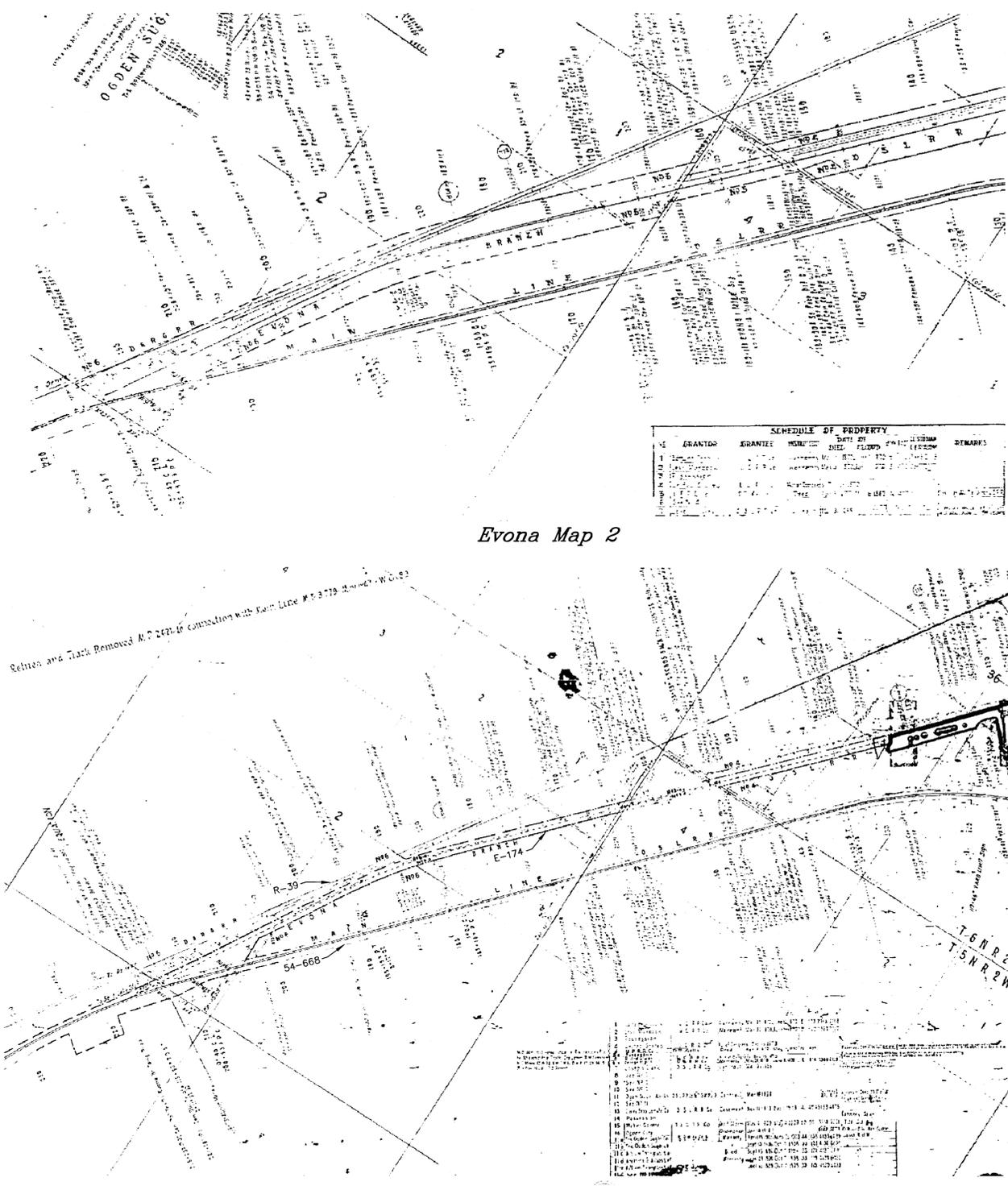
33. While there is anecdotal evidence that Section 2 appears to have some type of private claim at the time of the 1870 Railroad Act grant, therefore, the width of 400 feet was determined by the railroad through this section and "not enforceable". The question of abandonment now comes into question with regard to the notation on RR Map 3.

34. An Act to provide for the disposition of abandoned portions of rights of way granted to railroad companies. Approved March 8, 1922 provided:
 34.1. "That whenever public lands of the United States have been or may be granted to any railroad company for use as a right of way for its railroad ... and use and occupancy of said lands for such purposes has ceased or shall hereafter cease, whether by forfeiture or by abandonment by said railroad company declared or decreed by a court of competent jurisdiction or by Act of Congress then and thereupon all right, title, interest, and estate of the United States in said lands shall, except such part thereof as may be embraced in a public highway legally established within one year after the date of said decree or forfeiture or abandonment be transferred to and vested in any person, firm, or corporation, assigns, or successors in title and interest to whom or to which title of the United States may have been or may be granted, conveying or purporting to convey the whole of the legal subdivision or subdivisions traversed or occupied by such railroad ... except lands within a municipality or city, and this by virtue of the patent thereto and without the necessity of any other or further conveyance or assurance of any kind or nature whatsoever."

36. Did abandonment take place as a result of the letter of Geo H. Smith, Sept 11, 1929? If so, the title to the land had already been Patented to George Loshus in 1888.

37. The 1922 Act related to Abandonment indicates that the road ceased to be used and perhaps abandoned in the 1930's. The section of Evona Branch in question experienced a map change from the 400 foot right of way, see Evona Map 2, to a 100 foot right of way, see Schedule of Property on RR Map 4.

38. Considering the above discussion related to possible private claim prior to 1870 and the railroads abandonment actions for Section 2, it is my professional opinion that title would be vested in the Patentee's of the respective quarter sections.



SCHEDULE OF PROPERTY

NO.	GRANTOR	GRANTEE	MON.	DIRE.	FILE NO.	RECORD	REMARKS
1	Geo. R. Hill	Utah Central R.R. Co.			Book E page 174	March 31, 1889	
2	Geo. R. Hill	Denver & Rio Grande W. Ry. Co.			Book R page 53	June 15, 1883	
3	Geo. R. Hill	Denver & Rio Grande W. Ry. Co.			Book R page 53	June 15, 1883	
4	Geo. R. Hill	Denver & Rio Grande W. Ry. Co.			Book R page 53	June 15, 1883	
5	Geo. R. Hill	Denver & Rio Grande W. Ry. Co.			Book R page 53	June 15, 1883	

Evona Map 2

RR MAP 4

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

SURVEYOR'S CERTIFICATE

I, Ernest D. Rowley, do hereby certify that I am a professional land surveyor in the State of Utah and hold license no. 171781-2201 in accordance with Title 58, Chapter 22 known as the Professional Engineers and Professional Land Surveyor's Licensing Act, have made a survey of the property(s) shown hereon in accordance with UCA 17-23-17, verifying measurements, and placing monuments as represented. That this plat was prepared from the field notes of this survey and from documents and records as may be noted hereon.

RECORD OF SURVEY for
Client: MHP #12 LLC
 Part of the SW 1/4 of Sec 2, T 5 N, R 2 W, SLB&M

Sheet 1 of 1

DRAWN BY: EDR
 CHECKED BY: ...
 DATE: May 15, 2020
 FILE: 4038

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Record of Survey
Part of Section 2, Township 5 North, Range 2 West, Salt Lake Base and Meridian, Roy City, Utah

W 1/4 cor. Sec. 2, T 5 N, R 2 W, SLB&M, find 2004 WCoS brass cap in ring and lid, good condition per county record. NAD83 Utah North Zone State Plane coordinates N=3596295.7 E=1490402.7 U.S.R.



Curve ID= SR108-5
 PI Sta= 554+89.13 r
 PI Coord= N=3595126.8539
 E=1490650.2879 r
 Δ= 06°19'49" r
 R= 8000.00' r
 T= 442.38' r
 L= 883.87' r
 Ch B+D= N 474°06' E 357.20' md

Center line SR-108 by plans of plan of UDOT project SR-108 from SR-37 to SR-79, Project Number S-0108(30)11

SURVEYED DESCRIPTION

A tract of land being that same property as described in a Warranty Deed (corporate form) recorded as Entry number 2670674 on January 6, 2014, being located in the Southwest Quarter of Section 2, Township 5 North, Range 2 West, Salt Lake Base and Meridian, having a basis of bearing of North 00°51'32" East between the monumented locations of the Southwest corner (having NAD83 Utah North Zone State Plane coordinates of N=3593647.9 E=1490363.0 U.S.R.) and the West Quarter corner (having NAD83 Utah North Zone State Plane coordinates of N=3596295.7 E=1490402.7 U.S.R.) of said Section 2, begin described by survey as follows:

COMMENCING at a point located 725.68 feet North 00°51'32" East, having NAD83 Utah North Zone State Plane coordinates of N=3594373.3132 E=1490373.8765, along said monumented section line, to an existing fence post being the subject of a Boundary Line Agreement (BLA) recorded as Entry number 1369670 BK 1769 pg 1320 on August 28, 1995 (725.37 feet North 0°51'36" East along section line by said BLA), FROM said Southwest corner of Section 2;

RUNNING thence North 00°51'32" East 259.41 feet, along said section line, to the southeasterly right of way of Midland Drive, a Utah State Highway number SR-108, said point being 55 feet perpendicularly distant southeasterly from the ROW Control Line at Station 549+70.88 (Sta 549+70.92 as shown on Sheet RW-07 of revised plan of UDOT project SR-108 from SR-37 to SR-79, Project Number S-0108(30)11 herein after SR-108); Thence North 38°31'11" East 75.86 feet (North 38°08'23" East by SR-108 drawings), along said southeasterly right of way of SR-108, being a line 55 feet perpendicularly distant southeasterly of the said ROW Control Line, to PC Station 550+46.74 of SR-108;

Thence along the arc of a curve to the Right 357.24 feet, having a radius of 7945.00 feet with a chord bearing and distance of North 39°48'29" East 357.20 feet, along said southeasterly right of way line of SR-108 to a point being one (1) foot northerly of an existing fence line;

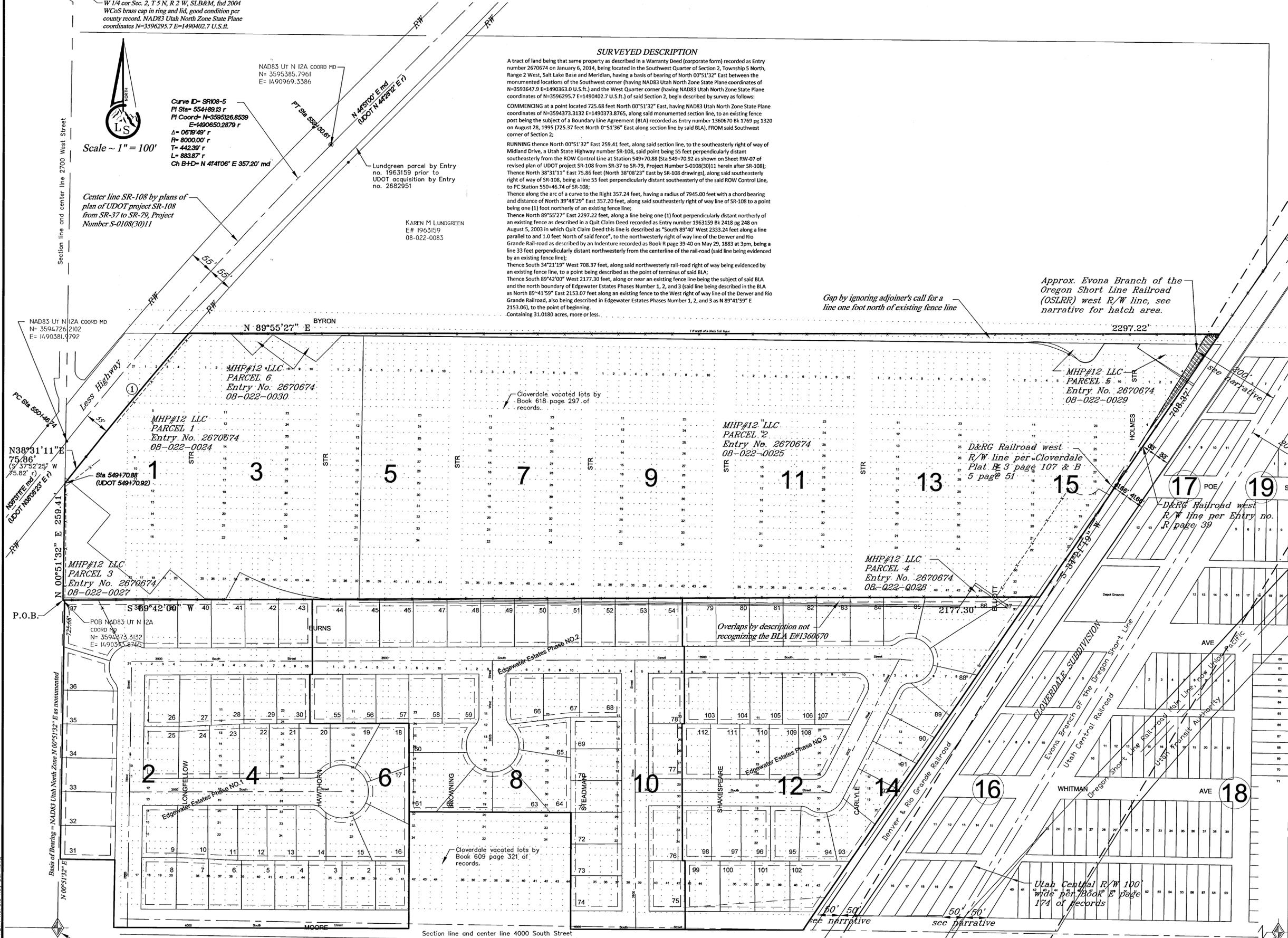
Thence North 89°55'27" East 2297.22 feet, along a line being one (1) foot perpendicularly distant northerly of an existing fence as described in a Quit Claim Deed recorded as Entry number 1363159 BK 2418 pg 248 on August 5, 2003 in which Quit Claim Deed this line is described as "South 89°40' West 2333.24 feet along a line parallel to and 1.0 feet North of said fence", to the northwesterly right of way line of the Denver and Rio Grande Railroad as described by an Indenture recorded as Book R page 39-40 on May 29, 1883 at 3pm, being a line 33 feet perpendicularly distant northwesterly from the centerline of the rail-road (said line being evidenced by an existing fence line);

Thence South 34°21'19" West 708.37 feet, along said northwesterly rail-road right of way being evidenced by an existing fence line, to a point being described as the point of terminus of said BLA;

Thence South 89°42'00" West 2177.30 feet, along or near an existing fence line being the subject of said BLA and the north boundary of Edgewater Estates Phases Number 1, 2, and 3 (said line being described in the BLA as North 89°41'59" East 2153.07 feet along an existing fence to the West right of way line of the Denver and Rio Grande Railroad, also being described in Edgewater Estates Phases Number 1, 2, and 3 as N 89°41'59" E 2153.06), to the point of beginning.

Containing 31.0180 acres, more or less.

- Legend**
- x---x--- EXISTING FENCE
 - EASEMENTS
 - STREET CENTERLINE
 - G GAS LINE AS LABELED
 - POWER LINE AS LABELED
 - S SEWER LINE AS LABELED
 - TELEPHONE LINE AS LABELED
 - OHP OVERHEAD POWER LINE
 - ◆ FND SECTION CORNER
 - ▲ FND STREET MONUMENT
 - FND REBAR AND CAP
 - ⊗ EXCEPTION NUMBER
 - ⊠ ELECTRIC BOX
 - ⊞ COMMUNICATION BOX
 - ⊞ AIR CONDITIONING UNIT
 - ⊞ GAS METER
 - ⊞ POWER METER
 - ⊞ TELEPHONE PEDESTAL BOX
 - CC CURB CUT
 - EOA EDGE OF OIL
 - ▨ PUBLIC ROAD
 - ▨ PRIVATE ROAD
 - r RECORD DATA
 - md MEASURED DATA



CURVE DATA

CURVE	DELTA	RADIUS	TANGENT	LENGTH	CH BRG & DIST
1	02°34'34"	7945.00'	178.64'	357.24'	N 39°48'29" E 357.20'
1r	-	7945.00'	-	357.48'	S 39°09'45" W 357.45'

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 4646 South 3500 West - #A-3
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