

**NARRATIVE:**

Boundary Consultants was retained by Stuart Gibby to survey the subject parcels, verify that construction on the adjoining property is impacting the Subject Parcels and map any encroachments.

This survey was carried out using a Trimble R8S GPS System, with ground distances being determined by GEOID Model CONUS 12B @ height 4392.00 feet and no calibration. Basis of Bearing for this survey is GEODETIC NORTH as determined by GPS or North 00°57'01" West 2785.96 feet (measured) between the West Quarter Corner of Section 30, Township 7 North, Range 1 West, Salt Lake Base and Meridian and Weber County Reference Monument #4 to the Northwest corner of said Section 30, depicted on that certain Weber County Section Tie Sheet #7N2W25NE.

A new subdivision, the proposed Lindee's Loft Subdivision, is being constructed on the adjoining parcel to the south of the subject parcels and shares a common boundary line which is the center line of the North Ogden Canal. The North Ogden Canal exists as a prescriptive right (See Record of Survey #4676 filed with the Weber County Surveyor's Office). The aforesaid record of survey purports to define and describe the centerline of that canal, with Description "E" covering the area separating the subject parcels from said Lindee's Loft. Boundary Consultants does not agree with that definition. When the northerly and southerly banks of the canal were located, prior to a portion of the canal being piped, we found discrepancies with the aforesaid survey. The method we used to define the centerline of the canal was to locate both banks and split those locations to fix that center line. The description derived by the aforesaid survey seems to be somewhat arbitrary and does not follow the as-built centerline of the canal. (This can be confirmed in areas where the canal has not been covered). As stated on the canal survey it's a prescriptive right of way which includes a 7.00 foot wide strip on the north side of the canal which we have depicted hereon. The Subject Parcels are or have been encompassed by ancient fence lines. Which based upon Parol Evidence, obtained from Don F. Wells, whose family has owned the properties for over 50 years, stated that the ancient fence lines have been used up to and treated as the boundary by both his family and the adjoining owners throughout that period of time, in concert with the Utah State Supreme Court's ruling in Q2 L.L.C. v. Hughes, 368 P.3d (2016). Boundary Consultants has recognized and held those ancient fence lines as the acquiesced boundary and written as surveyed descriptions of the subject parcels to reflect that.

Two sewer manholes, a storm-drain manhole and a fire hydrant with a valve, which serves as a water line blow-off entrance onto the subject parcel. While those encroachments lie within the bounds of the North Ogden Canal's prescriptive right of way, we note them as encroachments as the use of canal's prescriptive right cannot be expanded upon without the property owner's permission which, as has been purported to us, has not been given.

**SURVEYED DESCRIPTIONS:**

**SUBJECT PARCEL 1:**

A parcel of land lying and situate in the Northwest Quarter of Section 30, Township 7 North, Range 1 West, Salt Lake Base and Meridian. Comprising 0.75 acres contained in the occupied area of that particular parcel of land described in that certain Warranty Deed recorded as Entry #3105896 of the Weber County Records. Basis of Bearing for this survey is GEODETIC NORTH as determined by GPS or North 00°57'01" West 2785.96 feet (measured) between the West Quarter Corner of Section 30, Township 7 North, Range 1 West, Salt Lake Base and Meridian and Weber County Reference Monument #4 to the Northwest corner of said Section 30, depicted on that certain Weber County Section Tie Sheet #7N2W25NE. Subject Parcel being more particularly described as follows:

Commencing at the West Quarter Corner of said Section 30 thence North 00°21'19" East 2247.82 feet coincident with the calculated west line of said Northwest Quarter Section; Thence South 89°38'11" East 259.59 feet to a point on the center line of the North Ogden Canal a number five rebar and cap stamped "PLS 356548" and the True Point of Beginning.

Thence coincident with the location of an ancient fence and acquiesced boundary line, located August 13, 2020, the following two (2) courses 1) North 22°59'50" East 103.92 feet to a number five rebar and cap stamped "PLS 356548"; 2) North 76°54'12" East 156.44 feet to a number five rebar and cap stamped "PLS 356548"; Thence South 01°25'27" West 274.06 feet to a number five rebar and cap stamped "PLS 356548" and the center line of the North Ogden Canal, said center line being determined in March of 2021 by locating the banks of said canal and splitting them to determine said centerline, prior to a portion of it being covered and piped; Thence the following five (5) courses coincident with said centerline 1) North 59°53'25" West 26.30 feet to a number five rebar and cap stamped "PLS 356548"; 2) North 45°57'38" West 51.15 feet to a number five rebar and cap stamped "PLS 356548"; 3) North 58°21'52" West 27.25 feet to a number five rebar and cap stamped "PLS 356548"; 4) North 52°34'50" West 118.21 feet to a number five rebar and cap stamped "PLS 356548"; 5) North 50°06'36" West 12.47 feet to the point of beginning.

**SUBJECT PARCEL 2:**

A parcel of land lying and situate in the Northwest Quarter of Section 30, Township 7 North, Range 1 West, Salt Lake Base and Meridian. Comprising 0.90 acres contained in the occupied area of that particular parcel of land described in that certain Warranty Deed recorded as Entry #3105896 of the Weber County Records. Basis of Bearing for this survey is GEODETIC NORTH as determined by GPS or North 00°57'01" West 2785.96 feet (measured) between the West Quarter Corner of Section 30, Township 7 North, Range 1 West, Salt Lake Base and Meridian and Weber County Reference Monument #4 to the Northwest corner of said Section 30, depicted on that certain Weber County Section Tie Sheet #7N2W25NE. Subject Parcel being more particularly described as follows:

Commencing at the West Quarter Corner of said Section 30 thence North 00°21'19" East 2247.82 feet coincident with the calculated west line of said Northwest Quarter Section; Thence South 89°38'11" East 259.59 feet to a point on the center line of the North Ogden Canal a number five rebar and cap stamped "PLS 356548"; Thence the following two (2) courses coincident with the location of an ancient fence and acquiesced boundary line, located August 13, 2020, 1) North 22°59'50" East 103.92 feet to a number five rebar and cap stamped "PLS 356548"; 2) North 76°54'12" East 156.44 feet to a number five rebar and cap stamped "PLS 356548" and the True Point of Beginning. Thence continuing coincident with said ancient fence line North 77°09'28" East 130.47 feet to a number five rebar and cap stamped "PLS 356548"; Thence South 02°42'51" West 127.86 feet to and ancient fence corner marking the northwest corner of the Conrad O. Ferrin, et ux property described in that certain deed recorded in Book 1054, at Page 815 of the Weber County Records; Thence South 02°54'13" West 147.42 feet coincident with an ancient fence and acquiesced boundary line to the center line said North Ogden Canal; Thence the following two (2) courses coincident with said centerline, said center line being determined in March of 2021 by locating the banks of said canal and splitting them to determine said centerline, 1) North 63°49'17" West 31.47 feet to a number five rebar and cap stamped "PLS 356548"; 2) North 59°53'25" West 101.21 feet to a number five rebar and cap stamped "PLS 356548"; Thence departing said canal North 01°25'27" East 274.06 feet to the point of beginning.

**RECORD DESCRIPTIONS:**

**WARRANTY DEED: ENTRY #3105896: Subject Parcel 1:**

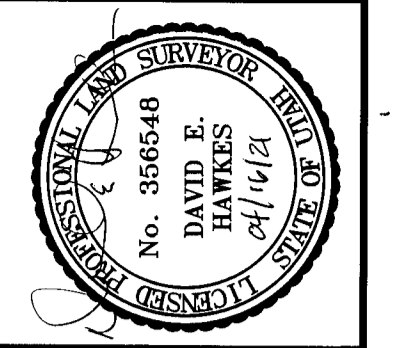
A part of the Northwest Quarter of Section 30, Township 7 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey; Beginning at a point in the center of North Ogden Canal South 00°09' West along section line 834.2 feet and North 22°15' East 82 feet and South 66°30' East 87.5 feet and North 24°20' East 394 feet to center of canal from the Northwest corner of said Section 30, running thence North 22°25' East 109 feet; thence North 75°55' East 142 feet; thence [thence] South 01°13' West 250 feet, more or less to the centerline of North Ogden Canal; thence Northwest along the centerline of said canal to the point of beginning.

Subject to easements, restrictions and rights of way appearing of record or enforceable in law and equity.

**WARRANTY DEED: ENTRY #3095805: Subject Parcel 2:**

A part of the Northwest Quarter of Section 30, Township 7 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey; Beginning at a point South 00°09' West along Section line 834.2 feet and North 22°15' East 82 feet and South 66°30' East 87.5 feet and North 24°20' East 394 feet to the center of North Ogden Canal and North 22°25' East 109 feet and North 75°55' East 142 feet from the Northwest corner of said Section 30 and running thence North 75°55' East 130 feet, more or less, to a point North 01°13' East of property conveyed to Conrad O. Ferrin, et ux in Book 1054, page 815, of the Official Records; thence South 01°13' West 360 feet, more or less, to the centerline of North Ogden Canal; thence Northwest along centerline of said canal to a point South 01°13' West of beginning; thence North 01°13' East to the point of beginning.

Subject to easements, restrictions and rights of way appearing of record or enforceable in law and equity.



DATE: 04-05-21  
SCALE: 1"=30'  
PROJECT NUMBER: 2110001

RECORD OF SURVEY OF  
TAX PARCELS 17-062-0044, -0099  
STUART GIBBY  
LYING AND SITUATE IN THE NORTHWEST QUARTER OF SECTION 30,  
TOWNSHIP 7 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN

**Boundary Consultants**  
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DESKED: DEH  
DRAFTED: DEH  
CHECKED: DEH

SHEET 1  
OF 1

RECEIVED  
APR 16 2021  
BY: 6830