

THE PURPOSE OF THE SURVEY WAS TO IDENTIFY THE COMMON PROPERTY LINE BETWEEN THE HOLMES PARCEL ON THE NORTH AND THE HENSLEY PARCEL ON THE SOUTH. THE BASIS OF BEARING WAS ESTABLISHED BETWEEN THE SECTION CORNER MONUMENTS, AS SHOWN. THESE PARCELS ARE IN TWO ADJACENT SUBDIVISIONS, EDGEWOOD HILLS ADDITION NO. 2 (EHA2, 1954; ENTRY # 231099, WEBER COUNTY RECORDER [W.C.R.]) AND EDGEWOOD HILLS ADDITION NO. 3 (EHA3, 1964; ENTRY #435019, W.C.R.). BOTH OF THESE PLATS INCLUDE PORTIONS OF THE AMENDED PLAT OF BEN LOMOND HEIGHTS (A.B.L.; ENTRY #107483, W.C.R.). AS SUCH, THE SECTION LINE BEARING WAS ROTATED TO MATCH THE RECORD BEARINGS ON THE A.B.L. PLAT. THESE SECTION MONUMENTS FALL IN A RELATIVELY STRAIGHT LINE ON THE GROUND, WELL WITHIN MEASURING TOLERANCES, SO THESE MONUMENTS ARE SHOWN HEREON TO REFLECT THE A.B.L. PLAT.

THE A.B.L PLAT SUFFERS FROM MULTIPLE MATHEMATICAL MISCLOSURES, TEXT THAT IS SMUDGED OR HARD TO READ, AND OTHER ERRORS WHICH MAKES IT DIFFICULT TO RETRACE ANY SINGLE LOT INSIDE THE SUBDIVISION. I WAS ABLE TO IDENTIFY CLOSURE ERRORS UP TO AND AROUND FOUR (4) FEET. TO RETRACE THE A.B.L. PLAT WE MEASURED ROAD IMPROVEMENTS AT SEVERAL LOCATIONS AROUND THE PLAT, PARTICULARLY IN THE AREA OF THE SUBJECT PARCELS. WE FOUND THAT USING THE BASIS OF BEARING IDENTIFIED ON THE PLAT, THE ROADWAYS MATCHED THE RECORD BEARINGS VERY WELL ALTHOUGH DISTANCES OFTEN SUFFERED DUE TO THE MATHEMATICAL ERRORS. THERE WAS NO REASON TO APPLY ANY

WE RETRACED THE EHA2 PLAT, THEREFORE, BASED ON GROUND IMPROVEMENTS. THE EHA2 PLAT IS TIED TO A CORNER OF LOT 82, A.B.L. MATHEMATICALLY, THE LOCATION OF OAK DRIVE ON BOTH PLATS IS IDENTICAL. THE EHA2 PLAT, HOWEVER, EXPANDED THE RIGHT-OF-WAY WIDTH OF BOTH OAK DRIVE AND OF THE A.B.L. "ALLEY", THE LATTER BECOMING 785 EAST STREET, A 60-FOOT RIGHT-OF-WAY. THE CENTER LINE FOR THE "ALLEY" BECAME OFFSET FROM THE CENTER OF THE NEW RIGHT-OF-WAY. IT APPEARS THAT IMPROVEMENTS ON THE GROUND MATCH BETTER IN AN EAST-WEST DIRECTION WHEN THE CENTER OF IMPROVEMENTS IS PLACED ALONG THE EAST LINE OF THE ALLEY, 25 FEET FROM THE EAST LINE OF THE STREET, AND NOT ALONG THE CENTER LINE OF THE 60-FOOT RIGHT-OF-WAY. CURRENT COUNTY TAX MAPS ALSO SHOW THE EAST ALLEY LINE AS

WE PROCEEDED TO RETRACE THE EHA3 PLAT, WHICH IS TIED DIRECTLY TO THE EHA2 PLAT AND WAS DEDICATED 10 YEARS LATER. MATHEMATICALLY, THE SOUTH LINE OF EHA3 AND THE NORTH LINE OF EHA2 ARE IDENTICAL. ON THE GROUND, HOWEVER, IT APPEARS THAT 785 EAST STREET IS ALMOST 15 FEET LONGER THAN WHAT IS SHOWING ON THESE PLATS. ALSO, IT APPEARS THAT EAST-WEST OCCUPATION LINES CONFORM BETTER TO THE RECORD DIMENSIONS ON THE PLAT WHEN THE CENTER OF IMPROVEMENTS ARE SET AT THE CENTER LINE OF 785 EAST STREET INSTEAD OF THE EAST LINE OF THE "ALLEY". THIS DISCREPANCY CREATES BOTH A 5-FOOT SHIFT IN AN EAST-WEST DIRECTION, AND AN APPROXIMATE 14.5 FOOT SHIFT IN A NORTH-SOUTH DIRECTION.

THIS APPARENT DISCREPANCY IS IDENTIFIED IN THREE SURVEYS PREPARED BY PINNACLE ENGINEERING & LAND SURVEYING, SURVEYS #5691 (2015) #5800 (2017), AND #5801 (2017). SURVEY #5691 IDENTIFIES THE WEST LINE OF THE HENSLEY PARCEL, BUT IT DOES NOT IDENTIFY THE LOCATION OF THE HENSLEY'S SHED, WHICH IS JUST OUTSIDE THE PROPERTY SURVEYED BY PINNACLE. WE LOCATED SEVERAL OF THE MARKERS SET OR IDENTIFIED BY PINNACLE IN THESE THREE SURVEYS. IT IS NOTABLE THAT PINNACLE DOES NOT ROTATE THE IMPROVEMENTS TO THE RECORD BASIS OF BEARING. RATHER, THE RECORD MEASUREMENTS AND THE SECTION MONUMENT BEARINGS WERE ROTATED TO MATCH A RANDOM BEARING ALONG STREET IMPROVEMENTS. THE LATTER TWO SURVEYS, #5800 AND #5801, TIES TO THE SECTION LINE AND IDENTIFY THE GAP AND THE SHIFT BETWEEN THE EHA2 AND EHA3 PLATS, BUT THESE SURVEYS DO NOT QUANTIFY THAT GAP. IT IS ALSO NOTABLE THAT THE SURVEYS IDENTIFY OWNERSHIP OF THE GAP BELONGING TO THE PROPERTY OWNERS IN EHA3.

WE ALSO REVIEWED AN UNFILED SURVEY PREPARED BY MATT STONES ON THE HOLMES PARCEL.THIS SURVEY ALSO TIES TO STREET IMPROVEMENTS, AND THE BEARINGS AROUND THE PARCEL CONFORM TO THE RECORD BEARINGS FROM THE PLAT AND DEED. THE MEASURED BEARING ALONG THE SECTION LINE, HOWEVER, DOES NOT MATCH THE A.B.L. BEARINGS OR THE PINNACLE SURVEYS BY OVER 30 FEET. IN OTHER WORDS, OCCUPATION AND IMPROVEMENT LINES COULD NOT MATCH BOTH SURVEYS WHEN BASED ON THE MEASUREMENTS BETWEEN SECTION MONUMENTS. ALTHOUGH THE STONES SURVEY BEARING ALONG THE SECTION LINE IS IN SIGNIFICANT ERROR, WE STILL FOUND THAT STREET MONUMENTS FIT OCCUPATION BETTER USING THE RECORD A.B.L. PLAT BEARING RATHER THAN THE RANDOM PINNACLE BEARING.

NOTWITHSTANDING THE SECTION LINE BEARING, THE STONES SURVEY DOES IDENTIFY TWO ITEMS THAT WE WERE ABLE TO VERIFY. FIRST, WE LOCATED REBAR WITH A BLANK CAP NEAR THE RECORD LOCATION OF THE SOUTHWEST CORNER OF THE HOLMES PROPERTY. SECOND, WE IDENTIFIED AN EXISTING SHED THAT APPEARED TO CROSS THE RECORD LOCATION OF THE PROPERTY LINE, CONSISTENT WITH THE STONES SURVEY AERIAL IMAGERY OVER THIS AREA CONFIRMS THAT THIS SHED APPEARS TO HAVE BEEN BUILT SOMETIME BETWEEN 2013 AND 2015, AND IT HAS NOT BEEN IN PLACE FOR A LONG PERIOD OF TIME. THE STONES SURVEY DOES NOT APPEAR TO IDENTIFY OR ANALYZE THE DISCREPANCY BETWEEN THE TWO SUBDIVISIONS THAT IS SHOWN ON THE PINNACLE SURVEYS.

WE DETERMINED TO IDENTIFY WHETHER THIS DISCREPANCY, THE SHIFT AND GAP, WAS CONSISTENT WITH DEVELOPMENT AROUND THESE TWO SUBDIVISIONS. TO ACCOMPLISH THIS, WE MEASURED STREET MONUMENTS AND/OR IMPROVEMENTS IN THE KIWANA SUBDIVISION (ENTRY #188173, W.C.R.), THE MOUNTAIN CREEK ESTATES SUBDIVISION (ENTRY #1084265, W.C.R.), THE CEDAR KNOLLS SUBDIVISION PHASE NO. 3 (ENTRY #1327840, W.C.R.), THE BURCH CREEK HEIGHTS, PHASE 3, SUBDIVISION (ENTRY #1662493, W.C.R.), THE BURCH CREEK HEIGHTS, PHASE 4, SUBDIVISION (ENTRY #1949738, W.C.R.), AND THE BURCH CREEK COVE SUBDIVISION (ENTRY #2197426, W.C.R.). WE ALSO REVIEWED A SURVEY FROM GARDNER ENGINEERING, #5880 (2017), WHICH LOCATED SEVERAL PARCELS FROM THE EDGEWOOD HILLS SUBDIVISION ALONG BEN LOMOND AVENUE TO THE SOUTH. THESE SUBDIVISIONS AND SURVEY GENERALLY MATCH THE MEASURED LOCATION OF THE EHA2 AND EHA3 PLATS. ALSO, WHERE THESE DID NOT ALWAYS MATCH THE EHA2 AND EHA3 PLATS, NONE OF THEM ADJUSTED EITHER OF THESE PLATS SO AS TO REDUCE OR ELIMINATE THE SHIFT

HAVING ESTABLISHED THE DISCREPANCY BETWEEN THE EHA2 AND EHA3 SUBDIVISIONS, WE ANALYZED IF THERE WAS SUFFICIENT EVIDENCE TO DETERMINE WHETHER A FUNCTION OF LAW HAD ESTABLISHED THE COMMON LINE IN A DIFFERENT PLACE THAN WHAT WAS DEDICATED, FIRST, IT DOES NOT APPEAR THAT THERE IS A CASE FOR ADVERSE POSSESSION OF EITHER PARTY TO A LINE. CURRENT AND HISTORIC TAX MAPS IDENTIFY THE TAXABLE PARCELS IN EACH SUBDIVISION SEPARATELY. THAT MEANS THE DISCREPANCY IN QUESTION WOULD NOT BE IDENTIFIED. ADDITIONALLY, THE TAX MAPS USE THE RECORD DIMENSIONS FOR BOTH PARCELS. THIS SUGGESTS THAT NEITHER PARTY HAS BEEN PAYING TAXES

SECOND, BOUNDARY BY ACQUIESCENCE DOES NOT APPEAR TO DETERMINE THE LOCATION OF THE COMMON BOUNDARY LINE BECAUSE IT DOES NOT APPEAR THAT THESE PARTIES HAVE ACQUIESCED TO A VISIBLE LINE ON THE GROUND. THERE IS A CREEK AND OTHER SMALL WATERWAYS THAT RUN BETWEEN THESE TWO SUBDIVISIONS. THE LINE IN QUESTION APPEARS TO BE HIGHLY IRREGULAR, WHICH SUGGESTS THAT IT COULD FOLLOW A DRAINAGE WAY, BUT NEITHER OF THE DESCRIPTIONS CALL TO A SPECIFIC CREEK OR WATERWAY. THERE IS CURRENTLY A WIRE FENCE ALONG THE NORTH BANK ONE OF THESE WATERWAYS, SHOWN HERE ON, BUT IT IS A FENCE THAT HAS CLEARLY NOT BEEN IN PLACE FOR A LONG PERIOD OF TIME. IT IS CLEAR THAT THE HENSLEY'S HAVE PLACED THE SHED AND LANDSCAPING UP TO ONE OF THESE WATERWAYS, BUT THAT ALONE CANNOT

THIRD, SENIOR RIGHTS LIKELY RESOLVE THIS DISCREPANCY. BOTH OF THESE SUBDIVISIONS TIE TO LOTS IN THE A.B.L. PLAT. EHA2 IS TIED DIRECTLY TO THE SOUTHEAST CORNER, AND TO THE EAST AND WEST LINES OF LOT 82, A.B.L., AND IT INCLUDES PORTIONS OF LOTS 81 AND 86, A.B.L.. THERE IS NO MENTION OF THE NORTH LINE OF LOT 82. EHA3 WOULD ACQUIRE ANY EXCESS OR DEFICIENCY IN THE A.B.L. LOTS THAT HAD NOT ALREADY BEEN DEDICATED BY EHA2. EHA3 INCLUDES PART OF SAID LOTS 80, 81, AND 86. IT SPECIFICALLY CALLS TO THE NORTHWEST CORNER OF LOT 8, BLOCK 1, EHA2 AS THE POINT OF BEGINNING AND TO THE NORTHEASTERLY CORNER OF LOT 1, BLOCK 1, EHA2 BEFORE ITS CLOSING CALLS. MATHEMATICALLY, THE CLOSING CALLS ARE IDENTICAL TO THE DIMENSIONS ON THE EHA2 PLAT. CONSIDERING THAT THE EHA3 PLAT CALLS TO AND A LONG THE NORTHLINE OF EHA2, I BELIEVE THAT THIS IS THE CORRECT SOLUTION.

I AM UNABLE TO ANALYZE OTHER LAND BOUNDARY PRINCIPLES AS THERE IS LITTLE TO NO EVIDENCE TO EVALUATE THEM.

I BELIEVE THAT THE LANDOWNERS IN EHA3 HAVE THE OWNERSHIP RIGHT OF THE GAP. THERE IS NO EVIDENCE THAT WOULD REDUCE OR RESOLVE THE GAP BASED OFF OF OCCUPATION LINES IN ANY DIRECTION. A.B.L. WAS DEVELOPED FIRST, AND ESTABLISHED OAK DRIVE AND THE ALLEY (785 EAST STREET). EHA2 CONFIRMED THE LOCATION OF THOSE STREETS AND EXPANDED THEM. EHA3 WAS NOT DEDICATED OR DEVELOPED UNTIL A DECADE LATER, SO THE LOCATION OF IMPROVEMENTS IN EHA2 WOULD ALREADY HAVE BEEN FIXED ON THE GROUND. THERE IS NOTHING TO EXPLAIN WHY THE SHIFT AND GAP OCCURRED, BUT EHA3 CLEARLY CALLS TO AND RUNS ALONG THE NORTH LINE EHA2. THE PINNACLE SURVEYS IDENTIFY OWNERSHIP IN THIS SAME WAY. THE RIGHTS IN THE SHIFTED LOCATION OF EHA3 HAVE BEEN ESTABLISHED AND RESPECTED BY THE NEW SUBDIVISIONS AND DEVELOPMENTS SURROUNDING EHA3 AND CONFIRM THIS SOLUTION.

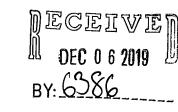
HOLMES PARCEL (TAX PARCELS #07-030-0003 & #07-030-0021) FROM A WARRANTY DEED RECORDED AS ENTRY #2728658, WEBER COUNTY

OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE WEBER COUNTY

PARCEL 2: PART OF LOT 21, EDGEWOOD HILLS ADDITION NO. 3, SOUTH OGDEN CITY, WEBER COUNTY, UTAH: BEGINNING AT THE SOUTHWEST CORNER OF LOT 3, EDGEWOOD HILLS ADDITION NO. 3, AND RUNNING THENCE SOUTH 85°30' EAST 90.09 FEET, THENCE SOUTH 2° WEST 138.72 FEET, THENCE NORTH 51°58' WEST 95.36 FEET, THENCE NORTH 43°54' WEST 17.95

FROM A WARRANTY DEED RECORDED AS ENTRY #2646510, WEBER COUNTY

LOT 4, BLOCK 1, EDGEWOOD HILLS ADDITION NO. 2, SOUTH OGDEN CITY,



	LEGEND
	PROPERTY LINE ————————————————————————————————————
	ADJACENT PROPERTY ————————————————————————————————————
	ROAD CENTERLINE
Ε	SECTION LINE — — — — —
	TIE TO MONUMENT
	CURB, GUTTER, SIDEWALK
	CHAIN LINK FENCE LINE
	WIRE FENCE LINE
	RETAINING WALL .
	RECORD CALLS ()
	SET 5/8" REBAR WITH ●

"ENTELLUS" CAP, AT CORNER

(UNLESS OTHERWISE NOTED)

FOUND PROPERTY MARKER

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(AS NOTED)

DRAWN: CWF 12/04/2019 APVD: JRC 12/04/2019 PROJECT #: BOUNDARY 1050021.dwg

BOUNDARY SURVEY

