

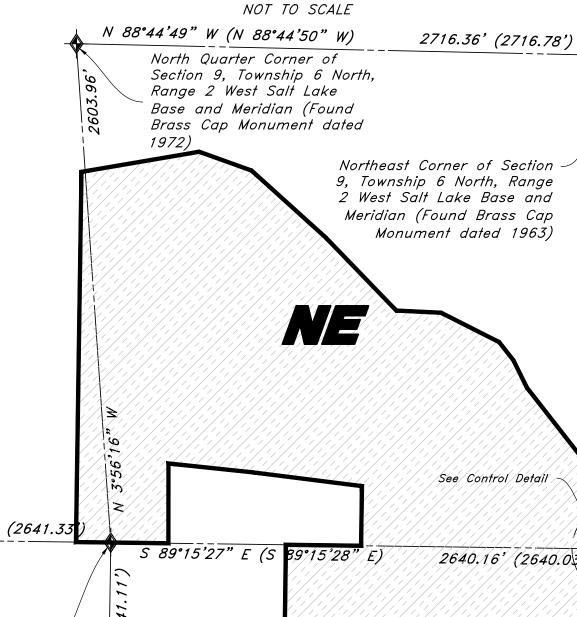
DOCUMENT TYPE NAME/GRANTOR

REFERENCE

ENTRY NO./ BOOK

NO.	DOCUMENT TYPE	NAME/GRANTOR	PAGE/ FILE NO.
R1	Court Order		2596521 WCR
R2	Corrective Warranty Deed	Richard Carisa Hipwell	3179120 WCR
R3	Quit-Claim Deed	DAVID HUTCHENS	2660452 WCR
R5	Quit-Claim Deed	Jed J Mccormick	1578753 WCR
R6	Quit-Claim Deed	TERAKEE FARMS INC	3189864 WCR
R8	Quit-Claim Deed	TERAKEE FARMS INC	3202693 WCR
R9	Warranty Deed	BARBARA B STUART	1900668 WCR
R10	Warranty Deed	BRENT A HIPWELL	2980231 WCR
R11	Warranty Deed	BRETT MOULDING	2776221 WCR
R12	Warranty Deed	D&C FARM INC	2441418 WCR
R13	Warranty Deed	DUANE L WAGSTAFF	2657014 WCR
R14	Warranty Deed	HAROLD D BLANCH	819913 WCR
R15	Warranty Deed	HAROLD EBORN ALLEN KARRAS	1719913 WCR
R16	Warranty Deed	HERITAGE LAND HOLDINGS LLC	3163456 WCR
R17	Warranty Deed	JOSEPH DERU	2845763 WCR
R18	Subdivision	RIVER SIDE ESTATES	44-005 WCR
R19	Subdivision	DOUGLAS SUBDIVISION	46-092 WCR
R20	Subdivision	MC FARLAND SUBDIVISION	50-093 WCR
R21	Subdivision	WHITES ACRE SUBDIVISION	53-059 WCR
R22	Subdivision	SHAYE ESTATES	77-032 WCR
R23	Subdivision	3600 WEST ROAD DEDICATION 2017 — 01	80-062 WCR
R24	Record of Survey	JED MCCORMICK	102 WCS
R25	Record of Survey	JED & LEX MCCORMICK	2246 WCS
R26	Record of Survey	KENNETH HIPWLL	2622 WCS
R27	Record of Survey	CLAUDE BLANCH	3743 WCS
R28	Record of Survey	WAYNE STEPHENSEN	3853 WCS
R29	Record of Survey	BRENT & JILL HIPWELL	6717 WCS
R30	Record of Survey	CARISA HIPWELL	6983 WCS
R31	Record of Survey	Jinkins Plat	PG. 5 WCS
R32	Record of Survey	Jinkins Plat	PG. 6 WCS
R33	Record of Survey	Jinkins Plat	PG. 28 WCS
R34	Tie Sheet	6N2W8E	WC S
R35	Tie Sheet	6N2W8NE	WCS
R36	Tie Sheet	6N2W9C	WCS
R37	Tie Sheet	6N2W9E	WC S
R38	Tie Sheet	6N2W9ERM1	WC S
R39	Tie Sheet	6N2W9ERM4	WC S
R40	Tie Sheet	6N2W9N	WCS
R41	Tie Sheet	6N2W9NE	WC S
R42	Tie Sheet	6N2W16NE	WC S
R43	Bearing Sheet	6N2W	WC S
R44	Warranty Deed	BENJAMIN ALLEN	2594520 WCR
R45	Annex Plat	Marriott-Slaterville City	1652953 WCR

# Section 9 Control Map (Record from NAD 27 Bearings published by Weber County)



Found Reference monument 1 to the -East Quarter Corner of Section 9, Township 6 North, Range 2 West Salt Lake Base and Meridian (See N 89°15'26" W (S 89°15'28" E) 2641.36' (2641.33 reference 37, 38, and 39, and Surveyors Narrative Paragraph "D") West Quarter Corner of Section 9, Township 6 North, Range 2 West Salt Lake Base and Meridian (Found Brass Cap Monument dated Center of Section 9, Township 6 North, Range 2 West Salt Lake Base and Meridian (Found Brass Cap Monument dated 2001) SE SW S 89°17'39" E 143.13' Found Reference monument 4 to the East Quarter Corner of Section 9, Township 6 Southwest Quarter Corner of North, Range 2 West Salt Section 9, Township 6 North, South Quarter Corner Lake Base and Meridian (See Range 2 West Salt Lake Base of Section 9. Township reference 37, 38, and 39, and Meridian (Found broken 6 North, Range 2 and Surveyors Narrative pipe, Shot the center of pipe West Salt Lake Base Paragraph "D") Monument has been replaced and Meridian (Found in 2021, and has not been Brass Cap Monument located by surveyor since its Control Detail dated 1988)

2633.62' (2633.56')

replacement)

Basis of Bearings (S 89°05'23" E)

N 89°05'25" W

Calculated Southeast Quarter Corner of Section 9, Township 6 North, Range 2 West Salt Lake Base and Meridian (Using Reference 43, See Surveyors Narrative paragraph "D")

S 89°26'21" E (Calc) (S 89°26'19" E)

### SURVEYOR'S NARRATIVE

- A. This survey was requested by Brad Blanch to retrace the property boundaries of the following parcels: 15-28-0049, 15-02-0019, 15-028-0001, 15-028-0005, 15-028-0006, 15-028-0046, and 15-028-0047 as shown here on.
- B. Basis of bearing for this survey is North 89°05'25" West measured between the Southwest Corner and the South Quarter Corner of Section 9, Township 6 North, Range 2 West, Salt Lake Base, and Meridian, U.S. Survey.
- C. The distance measurement contains a letter within parenthesis. This letter corresponds to the letters of the narrative explaining the controlling evidence that the surveyor used in the retracement of the boundary shown here on. Interior lot lines were not retraced in this survey, but are shown in their approximant location for reference of the record descriptions, and the taxing parcel numbers. Property corners were found and monumented, as shown here on.
- D. The East Quarter Corner of Section 9 was established using R37 page 6. The posted coordinates were inversed and rotated to the found reference monuments. The Southeast Corner of Section 9 was established from R43 by rotating the NAD27 bearing for the South Quarter Section lines to the measured basis of bearing.
- E. The following references were used in the retracement of this line labeled (E): R11, R3. R16. and R6. These deeds call to and use the Section line as a legal boundary between the properties. Research regarding the Weber River, whether it has been deemed navigable or non-navigable, found no evidence suggesting the Weber River is navigable. Due to the calls of the deeds and no evidence of Weber River being navigable, the current boundary has been retraced along the Section line as
- E.A. Surveyor is of the opinion that un-written rights are not present in this area due to the opinion of the court from Justice Howe in the Supreme Court of the State of Utah. Carter v. Hanrath. Said court case is clear that a landlocked parcel of land nonuse should not be attributed to acquiescence. Its nonuse is attributed to the inability to access the property and "cannot realistically be characterized as acquiescence or consent by silence." In Carter v. Hanrath, a cliff face was the barrier that deemed the property as landlocked. Surveyor is of the opinion that the Weber River would warrant the same opinion with the courts.
- F. The following references were used in retracement of the common boundary labeled as F: R6, R17, R16, and R45. When plotting R17, patient ambiguity is presented as mathematical deed gore. Surveyor is of the opinion that subject property has no rights to take possession of the gore due to R16 less and expects that property within Marriott-Slaterville City. The surveyor performed no additional research into Junior/Senior rights. R45 and R14 define the boundary along the "Main Channel." This evidence of the intent of the boundary is clear and this survey held the measurements along the probable location of the "Main Channel."
- G. Utah State Code 57-1-45-(3)(h)(ii) regarding boundary line agreements states, "if any of the property that is the subject of the agreement is located in a recorded subdivision and the agreed boundary line is different from the boundary line recorded in the plat, an acknowledgment that each party to the agreement has been advised of the requirement of a subdivision plat amendment;" R18 is clear on its intent to be following the Main Channel of the Weber River. However, due to said Utah state code, the center of the Main Channel was retraced as defined by R18, rather than its actual location is along the Main Channel of the Weber River on the
- H. Agreeing with R27 and the conveying deed was created due to said survey. Upon Surveyor's review of R14, the mathematical deed gore was located. Surveyor is of the opinion that the client has no claim to this area due to the doctrine of Boundary by Acquiescence. As defined in Q-2 LLC v. Hughes. In fact, by the doctrine of Boundary by Acquiescence, the boundary may have been altered to be along the fence line depending on the presented facts.
- I. Boundary has been retraced along the Quarter Section lines agreeing with R12 and
- J. Holding the record, finding R16 and R2 to be contiguous. To the platted location of
- K. Along R20 as platted.
- L. Agreeing with the position retracement shown in R25. This position appears to have been accepted by the landowners and other surveyors in the area rather than the Plotted location of R6 and R16.

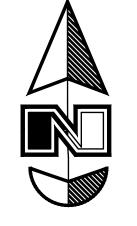
# **LEGEND**

— Boundary Line



Found Public Land Monument

Calculated Section Position Weber County Recorder Weber County Surveyor - Survey Monument Line





### SURVEYOR'S CERTIFICATE

I, Andy Hubbard do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 6242920, in accordance with Title 58, Chapter 22, of the Professional Engineers and Professional Surveyors Licensing Act, and I have made a survey of the above described property according to Section 17-23 and that the above plat correctly shows the true dimensions of the property surveyed.

12/08/2022

### BOUNDARY DESCRIPTIONS

#### Parcel 150280001

A part of the Southeast Quarter of Northeast Quarter of Section 9, Township 6 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey lying South of Weber River. Except that Portion Deeded #1719913 2085-1583 parcel 1.

#### Parcel 150280005

A part of Section 9, Township 6 North, Range 2 West, Salt Lake Meridian, U.S. Survey: Beginning at the Northeast Corner of the Southeast Quarter of Section 9: thence West 6.42 Chains: thence South 2° East 17.31 Chains; thence South 72°45' East 7.21 Chains to East Line of Section; thence North 19.4 Chains to beginning.

Together with an Easement for ingress and egress for farm purposes. Beginning on the West line of 33 foot lane 912.5 feet East of the Southwest Corner of said Quarter Section; thence North 122 Rods along lane; thence Easterly 68.48 Rods, thence South 20 feet, thence Westerly 67.27 Rods to a point 20 feet East of West side of lane; thence South 80.25 Rods; thence East to East side of 33 foot lane, thence South 41.75 Rods to road: thence West 33 feet to beginning, as described in the Quit Claim deed Dated March 7, 1936 and Recorded June 4, 1936 in Book 126 of Deeds at Page 527.

Subject to a reservation of a common use of the above described Right-of-Way and a 20 foot Right—of—Way adjoining the East Terminus of the above described Right—of—Way, running Eastward to the East Line of said Section 9 for access to Section 10, Township 6 North, Range 2 West, Salt Lake Base and Meridian.

Excepting that part lying within the corporate limits of Marriott-Slaterville

#### Parcel 150280006

A part of the Southeast Quarter of Section 9, Township 6 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey: beginning at a point 41.75 Rods North from Southeast Corner of said Quarter Section; running thence West 1228.69 feet thence North 0°56'30" East 362.32 feet to the Northeast corner of McFarland Subdivision, thence East along the South line of a 60 foot Strip (Entry # 1719913) to a point North 55°49'58' West from the point of beginning; thence North 03°08'19" East 1525.19 feet, more or less, to the North line of said South-Easterly Quarter; thence East along said North line 61.52 feet, more or less, thence South 2° West 17.31 Chains; thence South 72°45' East 7.25 Chains; thence South to the Place of Beginning. Subject to Right-of-Way (126-527).

#### Parcel 150280005

That part of the following described property lying within the corporate limits of Marriott-Slaterville City, part of Section 9, Township 6 North, Range 2 West Salt Lake Meridian, U.S. Survey: beginning at the Northeast Corner of the Southeast Quarter of Section 9, thence West 6.42 Chains, thence South 2° East 17.31 Chains; thence South 72°45' East 7.21 Chains to East Line of Section thence North 19.4 Chains to beginning.

Together with an Easement for ingress and egress for farm purposes beginning on the West Line of 33 foot lane 912.5 feet East of the Southwest Corner of said Quarter Section; thence North 122 Rods along lane: thence Easterly 68.48 Rods; thence South 20 feet, thence Westerly 67.27 Rods to a point 20 feet East of West side of lane; thence South 80.25 Rods; thence East to East side of 33 foot lane; thence South 41.75 Rods to road; thence West 33 feet to beginning, as described in the Quit Claim Deed dated March 7, 1936 and recorded June 4, 1936 in Book 126 of Deeds at Page 527.

Subject to a reservation of a common use of the above described Right of Way and a 20 foot Right of Way adjoining the East Terminus of the above described Right of Way, running Eastward to the East line of said Section 9 for access to Section 10, Township 6 North, Range 2 West, Salt Lake Base and Meridian.

A part of the Southeast Quarter of Section 9, Township 6 North, Range 2 West Salt Lake Base and Meridian, U.S. Survey, described as follows: beginning at a point that is North 00°45'04" West along the Section line 1180.41 feet and South 89°14'56" West 530.57 feet from the Southeast Corner of said Section 9; thence South 82°13'14" West 366.26 feet to a 923.75 foot Radius Curve, the center of which bears North 07 46'46" West, thence Westerly along said curve to the Right through a Central Angle of 8°43'11", a distance of 140.58 feet, thence North 89°03'35" West 664.65 feet, thence North 0°46'24" East 1526.76 feet, thence South 89°13'33" East 391.42 feet, thence North 01°01'53 East 50.71 feet, thence South 89°03'35" East 835.86 feet thence South 00°56'25" West 48.29 feet thence South 03'08'19" West 1465.19 feet to the Point of Beginning.

### Parcel 150280047

a 60 foot wide strip of ground which is part of the Southeast Quarter of Section 9, Township 6 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, the Northerly Boundary of which is described as follows: beginning at a point that is North 00°45'04" West along the Section Line 1180.41 feet and South 89°14'56" West 530.57 feet from the Southeast Corner of said Section 9; thence South 82°13'14" West 366.26 feet to a 923.75 foot radius curve, the center of which bears North 07°46'46" West, thence Westerly along said curve to the Right through a central angle of 8°43'11" a distance of 140.58 feet thence North 89°03'35" West 664.65 feet.

### Parcel 150280049

A part of the North Half of Section 9, Township 6 North, Range 2 West, Salt Lake Base & Meridian, beginning at Center of said Section 9 and running thence North 89°15'27" West 181.50 feet along the Quarter Section Line, thence North 0°51'29" East 1963.33 feet to the Channel of River, thence the following Three (3) courses along said Channel of River, (1) North 82°13'27" East 457.93 feet (2) North 89°15'23" East 233.23 feet (3) South 71°56'20" East 170.94 feet to the Old Channel of River, thence the following Seven (7) courses along the Old Channel of River, (1) South 37°10'59" East 222.20 feet, (2) South 10°23'44" West 184.63 feet, (3) South 81°34'43" West 247.99 feet, (4) South 26°40'32" West 327.20 feet, (5) South 6°35'23" East 153.19 feet, (6) South 61°30'49" East 526.19 feet, (7) North 83°59'38" East 434.06 feet to the East line of the Southwest Quarter of the Northeast Quarter of said Section 9, thence South 0°51'31" West 638.64 feet along said East line to an Existing fence, thence the following three (3) courses along said fence, (1) North 82°48'56" West 571.68 feet, (2) North 83°59'27" West 442.90 feet, (3) South 0°02'46" West 415.59 feet to the Quarter Section line thence North 89°15'27" West 300.32 feet along said Quarter Section line to the Point of Beginning.

## Parcel 150280019

A part of the North Half of Section 9, Township 6 North, Range 2 West, Salt Lake Meridian: beginning at a point which is identical with the enter of the said Northeast Quarter Section 9; running North 39°28' West 44 feet; thence North 53°30' West 214.6 feet; thence North 50°30' West 133 feet; thence North 35°30' West 232 feet; thence South 25°0' West 156 feet; thence South 72°30' West 162 feet; thence South54°0' West 107 feet; thence South 2°0' East 462.5 feet; thence South 60°30' East 180 feet; thence South 88°0' East 322.5 feet; thence North 83°44' East 251 feet: thence North 65 feet: thence North 18°22'18 East 303 feet; thence West 95.5 feet to the Place of Beginning.

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8 Dec, 2022



16N704

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Calculated East Quarter

2 West Salt Lake Base

Township 6 North, Range

reference 37, 38, and 39,

and Surveyors Narrative

Corner of Section 9,

and Meridian (See

Paragraph "D")

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