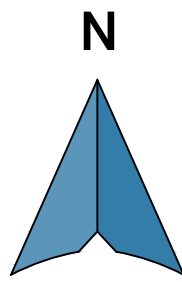
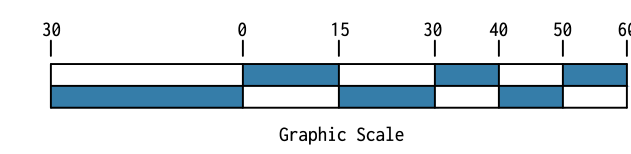


PROPOSED LEGAL DESCRIPTION

Parcel 1
A parcel of land being apart of Section 16, Township 5 North, Range 1 West, Salt Lake Base and Meridian, basis of bearing being North 89°00'24" East measured between a Found rebar and cap and the North Quarter corner of Section 16, T5N, R1W, SLB&M and being more particularly described as follows:
Beginning at a point on the South Right-of-Way of Edgewood Drive, said point being 1138.21 feet South 89°53'58" East along the Section Line from the Northwest Corner of Section 16, Township 5 North, Range 1 West, Salt Lake Base and Meridian, and running thence South 59°36'12" East 284.40 feet along said South Right-of-Way line; thence South 29°16'27" West 127.73 feet; thence North 75°08'51" West 78.47 feet; thence South 29°16'27" West 93.48 feet to the East bounds of Kiwana Subdivision NO. 2, being the center of Birch Creek; thence along the subdivision and the centerline of Birch Creek the following 10 courses: (1) North 70°57'21" West 75.21 feet, (2) North 21°48'10" West 31.51 feet, (3) North 50°35'19" West 45.90 feet, (4) North 2°32'52" East, 41.46 feet, (5) North 22°34'30" East 76.64 feet, (6) North 57°29'18" West 46.91 feet, (7) South 57°11'57" West 47.55 feet to a point on a 20.89 radius arc to the right, (8) along said arc 63.29 feet (long chord North 56°24'41" West 41.71 feet delta equals 173°36'50"), (9) North 9°47'08" East 77.68 feet and (10) North 39°21'19" West 29.48 feet to the North Section line of said Section 16, thence along the Section line South 89°53'58" East 145.46 feet to the point of beginning. Containing 65617 Sq Ft or 1.506 acres.

SCALE: 1" = 30'



LEGEND

Measurements Between Monuments	Reference Table Line	Found Section Corner	Found Monument
Certified Macro Boundary Line	Fence Line	Calculated Section Corner	Calculated Monument
Certified Micro Boundary Line	Center Line	Set Nail	Found Rebar
Easement Line	Edge of Concrete	Set Rebar and Cap	Found Nail
Edge of Asphalt	Storm Drain	Water Valve	Found Inlet
Water Line	Telecommunication Line	Light Pole	Fire hydrant
Gas Line	Sewer Line	Irrigation Box	Water Manhole
Under Ground Power	Building Line	Sign	Sewer Manhole
Pressurized Irrigation	Under Ground Cable	Water Meter	Telephone box
Over Head Power	Fiber Line	Storm Drain Manhole	Post
Over Head Cable	Contour Line Major	POB	
	Contour Line Minor		

DATA REFERENCE TABLE

Reference No	Document Type	Name/Grantee	Entry No/ Book Page/ File No.
R1	Bearing Sheet	5N1W	Weber County
R2	Tie Sheet	5N1W16N	Weber County
R3	Tie Sheet	5N1W17NE	Weber County
R4	Warranty Deed	Roger Howell Mifflin	3368802
R5	Warranty Deed	R.C. Hunter Enterprises	1675912
R6	Warranty Deed	Melvin Edcalson and Diana Edcalson	831615
R7	Warranty Deed	John F Malan	1867455
R8	Warranty Deed	Benjamin Davis	3373980
R9	Quit Claim Deed	South Ogden City	2404250
R10	Title Report	American Land Title Association	2021 v. 01.00 (07-01-2021)
R11	Subdivision Plat	Burch Creek Heights Subdivision Phase 3	50-053
R12	Subdivision Plat	Burch Creek Heights Subdivision Phase 4	58-008
R13	Record of Survey	PCA Survey	25-102
R14	Record of Survey	Sam Chelemes	678
R15	Subdivision	South Heights Addition NO 5	18-084
R16	Subdivision Plat	Kiwana Subdivision NO 2	11-061
R17	Plat Amendment	Amended Plat of Ben Lomond Heights	09-049
R18	Easement	United States of America	262-220
R19	Easement	Weber Water Basin	516-283
R20	Easement	Weber Water Basin	524-432
R21	Easement	Mountain State Telephone and Telegraph Company	931-642
R22	Easement	Weber Water Basin	531-486
R23	Easement	Utah Power & Light Company	531-485
R24	Easement	Weber Water Basin	511-158
R25	Easement	Weber Water Basin	507-550
R26	Easement	Weber Water Basin	505-366
R27	Easement	Weber Water Basin	505-364
R28	Easement	United States America	258-479
R29	Quit Claim Deed	Benjamin Davis	3397996

RECORD LEGAL DISCRIPTION

Parcel 1 (R8)
THAT PORTION OF THE FOLLOWING DESCRIBED PROPERTY LYING SOUTH-SOUTHWESTERLY OF EDGEWOOD DRIVE; PART OF THE NORTH 1/2 OF SECTION 16, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, U S SURVEY:

BEGINNING AT THE SOUTHWESTERLY CORNER OF LOT 88, BURCH CREEK HEIGHTS PHASE 3, SUBDIVISION, RUNNING THENCE NORTH 29°14'59" EAST 299.47 FEET, MORE OR LESS, TO THE SECTION LINE, THENCE WEST ALONG THE SECTION LINE TO KIWANA SUBDIVISION NO. 2, THENCE SOUTH 52°52' EAST 38.33 FEET, THENCE SOUTH 17°46' WEST 80.00 FEET, THENCE SOUTH 67°25' EAST 99.70 FEET, THENCE SOUTH 17°07' WEST 85.90 FEET, THENCE SOUTH 44°38' EAST 119.50 FEET, THENCE SOUTH 64°24' EAST 79.20 FEET, THENCE SOUTH 42°44' EAST 75.40 FEET TO THE NORTHWEST OF LOT 89R, BURCH CREEK SUBDIVISION PHASE 4 THENCE NORTH 29°14'59" EAST 153.14 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PORTION WITHIN EDGEWOOD DRIVE.

ALSO LESS AND EXCEPTING THE FOLLOWING: ALL OF LOT 89R, BURCH CREEK HEIGHTS SUBDIVISION PHASE 4, SOUTH OGDEN CITY, WEBER COUNTY, UTAH AND A PART OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, U S SURVEY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWESTERLY CORNER OF LOT 88, BURCH CREEK HEIGHTS SUBDIVISION PHASE 3, SOUTH OGDEN CITY, WEBER COUNTY, UTAH, WHICH IS 1344.74 FEET SOUTH 89°53'57" EAST ALONG THE SECTION LINE AND 261.55 FEET SOUTH FROM THE NORTHWEST CORNER OF SAID SECTION 16, AND RUNNING THENCE SOUTH 75°10'19" EAST 103.19 FEET ALONG THE WESTERLY LINE OF SAID LOT 88 TO THE WESTERLY RIGHT-OF-WAY LINE OF BURCH CREEK HOLLOW; THENCE SOUTHWESTERLY ALONG THE ARC OF A 177.50 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 77.31 FEET (CENTRAL ANGLE EQUALS 24°59'15") AND LONG CHORD BEARS SOUTH 0°26'54" WEST 76.70 FEET TO THE WESTERLY RIGHT OF WAY LINE TO THE NORTHEAST CORNER OF LOT 90R OF SAID BURCH CREEK HEIGHTS SUBDIVISION PHASE 4, THENCE SOUTH 80°03'05" WEST 176.64 FEET ALONG THE NORTHERLY LINE OF SAID LOT 90R TO THE NORTHWEST CORNER OF SAID LOT 90R AND THE EASTERLY BOUNDARY LINE OF KIWANA SUBDIVISION NO. 2, SOUTH OGDEN CITY, WEBER COUNTY, UTAH; THENCE NORTHWESTERLY TWO (2) COURSES ALONG SAID EASTERLY BOUNDARY LINE AS FOLLOWS: NORTH 42°23'57" WEST 75.40 FEET AND NORTH 64°02'57" WEST 28.49 FEET; THENCE NORTH 29°14'59" EAST 105.31 FEET, THENCE SOUTH 75°10'19" EAST 103.25 FEET TO THE POINT OF BEGINNING. ALSO LESS ANY PORTION LYING WITHIN BURCH CREEK WASTEWAY, AND SOUTH OGDEN HIGHLINE CANAL.

ALSO LESS AND EXCEPTING: Beginning at the most Northerly corner of Lot 89R, Burch Creek Heights Subdivision Phase 4 recorded as Entry No. 1949738, located 1344.74 feet South 89°53'57" East along the Section Line and 261.55 feet South from the Northwest corner of said Section 16, said point also located 127.80 feet North 59°37'39" West along the centerline of Edgewood Drive as it exists at 33.00 foot half-width, 33.00 feet South 30°22'21" West to the Southerly line of said Edgewood Drive and the Northwest corner of said Lot 88, and 127.73 feet South 29°14'59" West along the Westerly line of said Lot 88 to the Southwest corner thereof from a centerline monument at the intersection of said Edgewood Drive and Jefferson Avenue; and running thence North 75°10'19" West 24.78 feet along the Northerly line of the parcel described in Quit Claim Deed recorded as Entry No. 2840783; thence North 29°14'59" East 127.73 feet to said Southerly line of Edgewood Drive; thence South 59°37'39" East 120.67 feet along said Southerly line to the Westerly line of Jefferson Avenue as it exists at 30.00 foot half-width; thence along said Westerly line the following two (2) courses: (1) South 32°22'21" West 38.91 feet to a point of curvature; and (2) Southwesterly along the arc of a 180.00 foot radius curve to the left a distance of 55.12 feet (Central Angle equals 17°32'40" and Long Chord bears South 23°36'01" West 54.90 feet to the Northeast corner of said Lot 89R; thence North 75°10'19" West 103.19 feet along the Northerly line of said Lot 89R to the point of beginning.

SURVEYORS NARRATIVE

- This survey was requested by Benjamin Davis in preparation for development. The Surveyor's scope was to gather topographic data for engineering and design purposes, and to retrace the property boundaries for subdivision into additional residential lots.
- The Surveyor acquired topographic data using LIDAR technology. LIDAR was chosen over photogrammetry to penetrate the existing foliage on the subject property. The Surveyor did not use state LIDAR data, but rather established control and physically flew the site with a LIDAR setup. Roadway data was collected using a robotic total station. The benchmark for this survey is the most Westerly rebar and cap (reference monument to the Northwest Corner of Section 16), held at an elevation of 4680.70 feet. Orthometric height measurements were computed based on GEOID18 CONUS.
- The bearing basis for this survey is N89°00'24"E measured between the most Westerly rebar and cap (reference monument to the Northwest Corner of Section 16) and the North Quarter Corner of said Section 16, Township 5 North, Range 1 West, Salt Lake Base and Meridian. The Surveyor located the Northwest Corner and North Quarter Corner of Section 16 as monumented with Weber County brass caps. Due to GPS signal obstruction at the Northwest Corner, The Surveyor established the reference monument by setting up a robotic total station and measuring from the Section control. The Surveyor held record interior angles between the calculated positions of the reference monuments and the Section line as noted in (R3).
- Line segments, as labeled, contain quotations with a letter such as "A." The lettering corresponds to this narrative. This designation is intended to aid in expounding on the retracement principles and facts The Surveyor used to retrace the corresponding property line. Data contained within parentheses denotes data found of record. For instance, (100.0' R45) references the record measurement as 100.0 feet according to the corresponding document in the Data Reference Table. If no record data is given, this indicates that the Surveyor is of the opinion that the measurement is not the same line as the deed, or it is a new boundary. The Data Reference Table has naming conventions that refer to the Grantee in a conveying document, the client of the Record of Survey, the document's name, and the sources from which the data has been obtained.
- The Surveyor notes that the subject property, as described in (R8), constitutes "misfit land" in that portions of the original parcel were conveyed for various developments without survey work having been completed to establish the property in its actual legal location. For this reason, The Surveyor is showing record measurements when the subject parcel abuts published subdivisions, accepting those aspects from the survey parcel.
- The Surveyor found that the subject property never acquired title under the Section line. For this reason, the Section line was held as the North boundary between the subject parcel and land owned by John F. Malan (R7).
- The Surveyor retraced Edgewood Drive as established in Birch Creek Heights Subdivision Phase 3 (R11) and Birch Creek Heights Subdivision Phase 4 (R12). This retracement was accomplished by locating centerline monuments set in accordance with the subdivision plats, and by locating monumentation throughout the subdivisions consisting of nails in concrete and occasional rebar and caps. Knowing that the subject property carries junior rights to these subdivisions, The Surveyor held their retracement without applying error to the subject parcel.
- The same principle of senior rights was applied along land conveyed to Roger Howell Mifflin (R4), which is a senior lien over the subject parcel. The boundary was then traced along land currently owned, as noted in (R8), as "less and excepting" to the intersection with the centerline of Birch Creek.
- The Surveyor held the West boundary of the subject parcel along the centerline of Birch Creek. This determination is based upon The Surveyor's professional opinion applying common riparian law principles to the facts and evidence found.
- The Surveyor examined the Amended Plat of Ben Lomond Heights (R17) and Kiwana Subdivision No. 2 (R16). The legal description for

SURVEYORS NARRATIVE CONTINUED

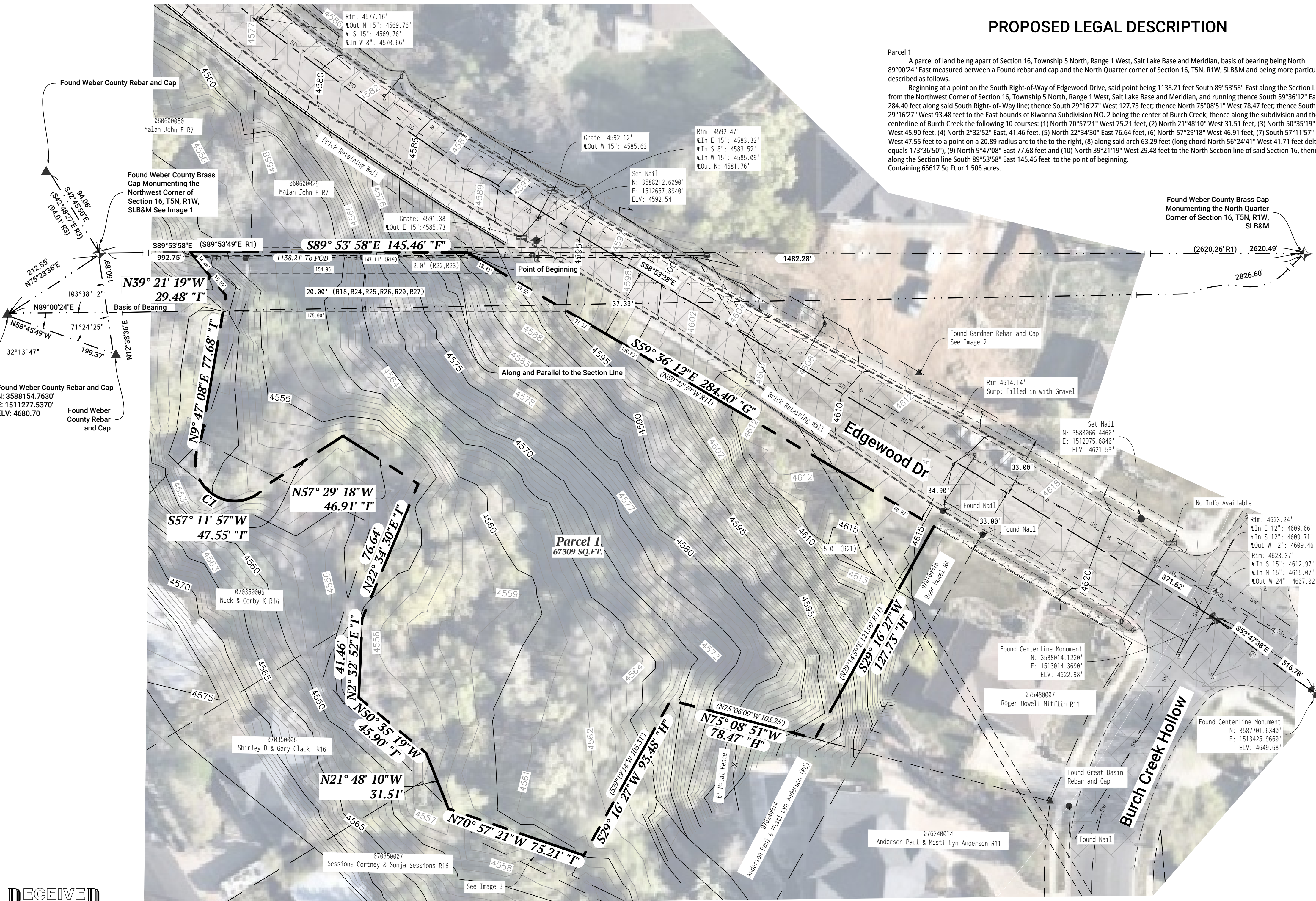
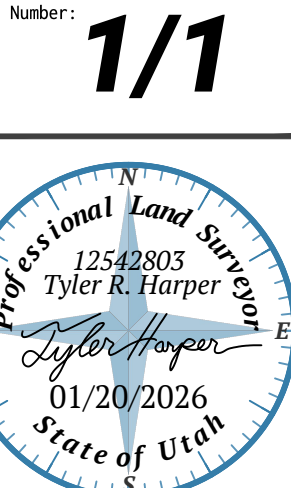
- The Amended Plat of Ben Lomond Heights calls to "the centerline of Birch Creek," and the subdivision plat then provides bearing and distance for what appears to be the centerline of Birch Creek at the time of platting.
- Further inspection of the plat reveals that the boundary deviates from Birch Creek as it continues South through Lots 85, 86, 81, and the Northern area of Lot 80 through Ben Lomond Heights. The plat contains notes specifically naming "Birch Creek," which provides additional evidence that the intent of the plat was to run along the centerline of Birch Creek as the boundary. The deviation of the platted lots from the current location of Birch Creek is consistent with natural stream migration over time.
- The Surveyor's opinion is supported by established boundary law principles. Brown's Boundary Control and Legal Principles, 7th Edition, Chapter 9, Principle 9 states: "Submerged lands under non-publicly owned waters are customarily owned by the adjoiners, with the ownership extending to the center of the stream." Brown's further defines the "thread of the stream" as "the geographic center of the stream at ordinary or medium stage of the water, disregarding slight and exceptional irregularities in the banks."
- The Utah Supreme Court in Conatser v. Johnson, 2008 UT 48, recognized that for non-navigable waters, the adjoining landowners typically own to the center of the stream. Birch Creek, being a non-navigable stream, falls under this principle. The boundary is therefore ambulatory in nature and subject to gradual and imperceptible changes due to erosion and accretion over time.
- Brown's Boundary Control and Legal Principles, 7th Edition, Chapter 11, addresses the interpretation of deeds where courses and distances follow a water feature. The principle states that "the element most effectually expressing the intent of the parties is to be adopted." When a plat or deed calls to a creek and then provides bearing and distance that trace the course of that creek, the natural monument (the creek) more clearly shows the intent than the informational terms of bearing and distance. The Surveyor's research did not locate deeds from Reliance Realty Co. (the signers of the Amended Plat of Ben Lomond Heights) confirming title along Birch Creek; however, the evidence present on the plat supports the conclusion that the intent was to convey to the centerline of Birch Creek.
- Monuments were not set in accordance with this survey but will be set with the pending subdivision plat as noted therein.
- This narrative represents The Surveyor's professional opinion based on the facts and evidence gathered during the course of this survey. The Surveyor's role, as defined in Utah Code 58-2-102, is to protect the public through the proper application of boundary law principles. The boundary determinations contained herein are based upon The Surveyor's understanding of those principles as applied to the specific facts of this survey survey.

SURVEYOR CERTIFICATE

I, Tyler R. Harper do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 12542803, 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 17-23-17 and that the above plat correctly shows the true dimensions of the property surveyed.

Project Participants	
Research by:	Harper
Site Investigation:	Harper/Messias
Plat Report Draft:	SLC
Reviewed by:	Harper
September:	2025

Sheet Number: 1/1



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Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	63.29	20.89	173°36'50"	N56° 24' 41" W	41.71

SURVEY IMAGES

