



Staff Report to the Weber County Board of Adjustment

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for a variance for a series of lots whose deeds do not match the occupied land and fences. The variance includes lot areas, widths and setbacks to structures.

Agenda Date: Thursday, March 26, 2015

Applicant: Ron Hansen

File Number: BOA 2015-01

Property Information

Approximate Address: 148 N 10630 East; Huntsville, UT

Project Area: 2.93 acres

Zoning: Forest Zone (F-5)

Existing Land Use: Residential

Proposed Land Use: Remain as existing

Parcel ID: 20-047-0014

Township, Range, Section: T6N, R2E, Section 14

Adjacent Land Use

North:	Eagles Campground	South:	Residential
East:	Residential	West:	Residential

Staff Information

Report Presenter: Ben Hatfield
bhatfield@co.weber.ut.us
801-399-8766

Report Reviewer: JG

Applicable Codes

- Weber County Land Use Code Title 102 (Administration) Chapter 3 (Board of Adjustment)
- Weber County Land Use Code Title 104 (Zones) Chapter 9 (Forest F-5 Zone)

Background

The applicant is requesting a variance for a reduction to the lot width requirements of the Forest F-5 Zone and any other lot width, lot area, or setback requirements which may result in a shift of property lines.

The application (Exhibit A) and an explanation of the request (Exhibit B) have been prepared by the applicant's surveyor. Exhibits C through G explain that through a series of deeds, occurring prior to the 1966 zoning regulations in the area, properties were created by deeds which do not match up with the fences or areas occupied by the owners. The effect of a missed call in the deeds placed the property lines not quite far enough west to an old rock wall, which always was understood to be the property line.

The request would result in a shift of those deeded properties further west to the wall. By doing this, it is suggested that the shift be reflected as a subdivision plat which can best illustrate the properties and improvements. As the rock wall does not have the same directional bearing as the deeds, which will result in Mr. Hansen's lot having a width of approximately 66.03 feet at the front lot line. Mr. Hansen's lot, however, will then be wider than the deeded 100 feet in the rear. The difference in area is approximately equal. As new lot lines are established next to existing homes which were built prior to zoning requirements, setbacks may not exactly meet current requirements. Staff suggests that the variance request allow flexibility for the owners to place lot lines so that reasonable and traditional setbacks are maintained. No new building lots will be created in this process.

Summary of Board of Adjustment Considerations

Title 102 Chapter 3 of the Weber County Land Use Code states that one of the duties and powers of the Board of Adjustment is to hear and decide variances from the requirements of the Weber County Land Use Code. In order for a variance to be granted it must be shown that all of the following criteria have been met:

- a. *Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Land Use Code.*
 1. *In determining whether or not literal enforcement of the land use code would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought, and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.*
 2. *In determining whether or not literal enforcement of the land use code would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.*
- b. *There are special circumstances attached to the property that do not generally apply to other properties in the same zone.*
 1. *In determining whether or not there are special circumstances attached to the property, the appeal authority may find that special circumstances exist only if the special circumstances relate to the hardship complained of, and deprive the property of privileges granted to other properties in the same zone.*
- c. *Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.*
- d. *The variance will not substantially affect the general plan and will not be contrary to the public interest.*
- e. *The spirit of the land use ordinance is observed and substantial justice done.*

Staff's analysis and findings are discussed below:

- a. This scenario is reflective of why zoning regulations need to be in place and prevent discrepancies in properties. Literal enforcement of the Land Use Code would require removal of some homes. As these structures were built prior to zoning regulations and cause no issues to surrounding properties, they should be allowed to continue as varied or by nonconformity. This request is not self-imposed but rather a correction to an error made 61 years ago.
- b. The special circumstances attached to this property are based on the fact that the deeds created prior to the requirements contained an error which misplaced them in relation to historic markers.
- c. Zoning gives the property owner rights to construct a dwelling unit. Based on the current situation homes would need to be removed as they are not fully on the property described by deed.
- d. The General Plan indicates this area should allow and be preserved for single-family dwellings, no changes are proposed.
- e. This variance request is not an attempt to avoid or circumvent the requirements of the County Land Use Code, but to correct a mistake that occurred many years ago, and render any lot width, lot area, or setback requirements legal. Granting the request would serve as substantial justice to allow the current owners enjoyment of their property as has been done for 61 years.

Conformance to the General Plan

Single-family dwellings are allowed as a permitted use in the F-5 Zone and granting this request will not increase the number of dwelling units in the area. If the requested variance is granted, it will not have a negative impact on the goals and policies of the Ogden Valley General Plan.

Conditions of Approval

- Meet all other applicable review agency requirements.
- Record a subdivision plat which reflects changes which have been proposed and addressed in the variance request.
- That no new building lots are created other than the 5 not associated with the Eagle's Campground.
- That the reconfigured lot lines follow within reason the traditionally occupied area of each lot.
- That these lots be allowed to continue to have access by the private right of way since 1954.

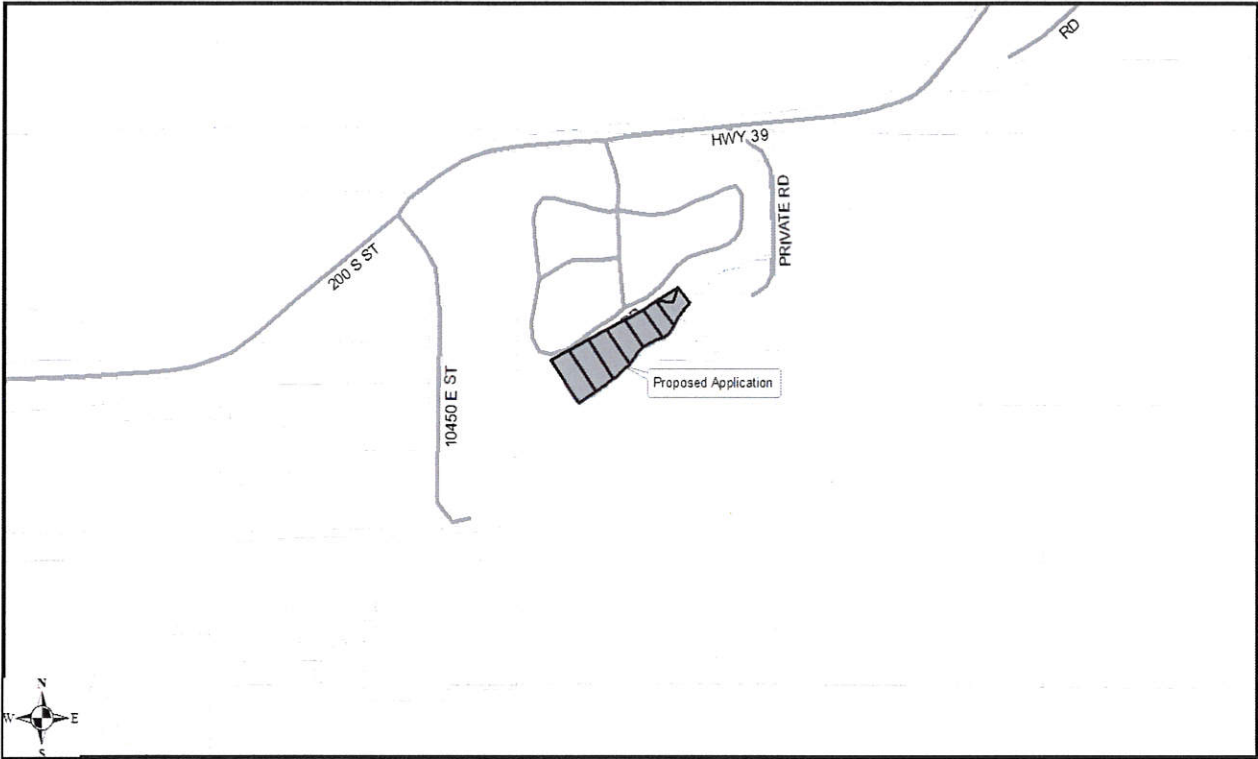
Staff Recommendation

Staff recommends *approval* of the variance for this series of lots of differences which may occur when subdividing regarding a reduction to the lot width, area, or setbacks so that traditional locations are honored. This recommendation is based on its compliance with the applicable variance criteria discussed in this staff report.

Exhibits

- A. Applicant's Narrative
- B. Surveyor's Explanation
- C. Ownerships of the affected parcels
- D. 1966 Ownership plat
- E. Agreement between owners
- F. 1954-1956 deeds creating the lots of record
- G. Maps showing the difference between deeds verses occupation

Location Map



Weber County Board of Adjustment Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted / Completed	Fees (Office Use) \$225.00	Receipt Number (Office Use)	File Number (Office Use)
----------------------------	-------------------------------	-----------------------------	--------------------------

Property Owner Contact Information

Name of Property Owner(s) Hanson Family Revocable Trust	Mailing Address of Property Owner(s) 529 Emerald Bay Laguna Beach, CA 92651
Phone (949) 395-1367	Fax (949) 644-1142
Email Address rondell.hanson@gmail.com	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) Rondell B. Hanson	Mailing Address of Authorized Person 529 Emerald Bay Laguna Beach, CA 92651
Phone (949) 395-1367	Fax (949) 644-1142
Email Address rondell.hanson@gmail.com	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

Appeal Request

☒ A variance request:

☐ Lot area ☐ Yard setback ☒ Frontage width ☐ Other: _____

☐ An Interpretation of the Zoning Ordinance

☐ An Interpretation of the Zoning Map

☐ A hearing to decide appeal where it is alleged by appellant that there is an error in any order, requirement, decision or refusal in enforcing of the Zoning Ordinance

☐ Other: _____

Property Information

Approximate Address 148 N 10630 E Huntsville UT 84317		Land Serial Number(s) 21-019-0007	
Current Zoning R-1			
Existing Measurements		Required Measurements (Office Use)	
Lot Area 20,608 sq feet	Lot Frontage/Width 66.03'	Lot Size (Office Use)	Lot Frontage/Width (Office Use)
Front Yard Setback	Rear Yard Setback	Front Yard Setback (Office Use)	Rear Yard Setback (Office Use)
Side Yard Setback	Side Yard Setback	Side Yard Setback (Office Use)	Side Yard Setback (Office Use)

Exhibit A-1

Applicant Narrative

Please explain your request.

This lot adjoins the Fraternal Order of Eagles campground. An existing fence has been in place since at least 1958. A copy of the record of survey showing the fence line is attached. The Eagles and the Hanson family have reached an agreement to modify the lot line to follow the fence. A copy of the letter agreement is also attached. The Eagles have constructed facilities and utilities that border the fence that will be very difficult to move. The lot has been occupied over the years with the assumption that the fence line is the property boundary. The Applicant will quitclaim a portion of the lot to the Eagles and the Eagles, in turn, will convey a part of their property so that the fence line will become the new westerly lot line. The lot does not actually front on a public right-of-way. The private road ends at the northeasterly corner of the lot. A variance is requested because the northerly lot line of the lot when modified is only 66.03 feet. This is a condition peculiar to this property and has no application to any of the surrounding areas. There will be an unreasonable hardship to both the Eagles and the Applicant if the long-standing fence has to be removed and the existing infrastructure destroyed to create a legally conforming lot.

Variance Request

The Board of Adjustment may grant a variance only if the following five criteria are met. Please explain how this variance request meets the following five criteria:

1. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance.
 - a. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought, and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
 - b. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.

Variance Request (continued...)

2. There are special circumstances attached to the property that do not generally apply to the other properties in the same zone.

a. In determining whether there are special circumstances attached to the property, the appeal authority may find that special circumstances exist only if the special circumstances relate to the hardship complained of, and deprive the property of privileges granted to other properties in the same zone.

Please describe the special circumstances attached to the property that do not generally apply to the other properties in the same zone:

3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.

Variance Request (continued...)

4. The variance will not substantially affect the general plan and will not be contrary to the public interest.

5. The spirit of the land use ordinance is observed and substantial justice done.

Property Owner Affidavit

I (We), Hanson Family Revocable Trust, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

[Signature] Trustee
(Property Owner)
Randall B. Hanson

(Property Owner)

Subscribed and sworn to me this _____ day of _____, 20____

See Attached Form

(Notary)

Authorized Representative Affidavit

I (We), Randall B. Hanson, Trustee, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Randall B. Hanson, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Hanson Family Revocable Trust
by Randall B. Hanson, Trustee
(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20____, personally appeared before me _____, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

See Attached Form

(Notary)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

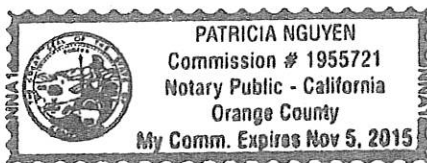
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
 County of Orange)
 On 3/21/15 before me, Patricia Nguyen, Notary Public
 Date Here Insert Name and Title of the Officer
 personally appeared Rondell B. Hanson
 Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Patricia Nguyen
 Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

- ☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

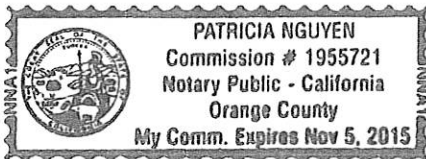
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
 County of Orange)
 On 3/2/15 before me, Patricia Nguyen, Notary Public
 Date Here Insert Name and Title of the Officer
 personally appeared Randell B. Hanson
 Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Patricia Nguyen
 Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

- ☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

A-6

1.1 1.2 1.3 1.4 1.5 1.6 1.7 1.8 1.9 2.0 2.1 2.2 2.3 2.4 2.5 2.6 2.7 2.8 2.9 3.0 3.1 3.2 3.3 3.4 3.5 3.6 3.7 3.8 3.9 4.0 4.1 4.2 4.3 4.4 4.5 4.6 4.7 4.8 4.9 5.0 5.1 5.2 5.3 5.4 5.5 5.6 5.7 5.8 5.9 6.0 6.1 6.2 6.3 6.4 6.5 6.6 6.7 6.8 6.9 7.0 7.1 7.2 7.3 7.4 7.5 7.6 7.7 7.8 7.9 8.0 8.1 8.2 8.3 8.4 8.5 8.6 8.7 8.8 8.9 9.0 9.1 9.2 9.3 9.4 9.5 9.6 9.7 9.8 9.9 10.0 10.1 10.2 10.3 10.4 10.5 10.6 10.7 10.8 10.9 11.0 11.1 11.2 11.3 11.4 11.5 11.6 11.7 11.8 11.9 12.0 12.1 12.2 12.3 12.4 12.5 12.6 12.7 12.8 12.9 13.0 13.1 13.2 13.3 13.4 13.5 13.6 13.7 13.8 13.9 14.0 14.1 14.2 14.3 14.4 14.5 14.6 14.7 14.8 14.9 15.0 15.1 15.2 15.3 15.4 15.5 15.6 15.7 15.8 15.9 16.0 16.1 16.2 16.3 16.4 16.5 16.6 16.7 16.8 16.9 17.0 17.1 17.2 17.3 17.4 17.5 17.6 17.7 17.8 17.9 18.0 18.1 18.2 18.3 18.4 18.5 18.6 18.7 18.8 18.9 19.0 19.1 19.2 19.3 19.4 19.5 19.6 19.7 19.8 19.9 20.0 20.1 20.2 20.3 20.4 20.5 20.6 20.7 20.8 20.9 21.0 21.1 21.2 21.3 21.4 21.5 21.6 21.7 21.8 21.9 22.0 22.1 22.2 22.3 22.4 22.5 22.6 22.7 22.8 22.9 23.0 23.1 23.2 23.3 23.4 23.5 23.6 23.7 23.8 23.9 24.0 24.1 24.2 24.3 24.4 24.5 24.6 24.7 24.8 24.9 25.0 25.1 25.2 25.3 25.4 25.5 25.6 25.7 25.8 25.9 26.0 26.1 26.2 26.3 26.4 26.5 26.6 26.7 26.8 26.9 27.0 27.1 27.2 27.3 27.4 27.5 27.6 27.7 27.8 27.9 28.0 28.1 28.2 28.3 28.4 28.5 28.6 28.7 28.8 28.9 29.0 29.1 29.2 29.3 29.4 29.5 29.6 29.7 29.8 29.9 30.0 30.1 30.2 30.3 30.4 30.5 30.6 30.7 30.8 30.9 31.0 31.1 31.2 31.3 31.4 31.5 31.6 31.7 31.8 31.9 32.0 32.1 32.2 32.3 32.4 32.5 32.6 32.7 32.8 32.9 33.0 33.1 33.2 33.3 33.4 33.5 33.6 33.7 33.8 33.9 34.0 34.1 34.2 34.3 34.4 34.5 34.6 34.7 34.8 34.9 35.0 35.1 35.2 35.3 35.4 35.5 35.6 35.7 35.8 35.9 36.0 36.1 36.2 36.3 36.4 36.5 36.6 36.7 36.8 36.9 37.0 37.1 37.2 37.3 37.4 37.5 37.6 37.7 37.8 37.9 38.0 38.1 38.2 38.3 38.4 38.5 38.6 38.7 38.8 38.9 39.0 39.1 39.2 39.3 39.4 39.5 39.6 39.7 39.8 39.9 40.0 40.1 40.2 40.3 40.4 40.5 40.6 40.7 40.8 40.9 41.0 41.1 41.2 41.3 41.4 41.5 41.6 41.7 41.8 41.9 42.0 42.1 42.2 42.3 42.4 42.5 42.6 42.7 42.8 42.9 43.0 43.1 43.2 43.3 43.4 43.5 43.6 43.7 43.8 43.9 44.0 44.1 44.2 44.3 44.4 44.5 44.6 44.7 44.8 44.9 45.0 45.1 45.2 45.3 45.4 45.5 45.6 45.7 45.8 45.9 46.0 46.1 46.2 46.3 46.4 46.5 46.6 46.7 46.8 46.9 47.0 47.1 47.2 47.3 47.4 47.5 47.6 47.7 47.8 47.9 48.0 48.1 48.2 48.3 48.4 48.5 48.6 48.7 48.8 48.9 49.0 49.1 49.2 49.3 49.4 49.5 49.6 49.7 49.8 49.9 50.0 50.1 50.2 50.3 50.4 50.5 50.6 50.7 50.8 50.9 51.0 51.1 51.2 51.3 51.4 51.5 51.6 51.7 51.8 51.9 52.0 52.1 52.2 52.3 52.4 52.5 52.6 52.7 52.8 52.9 53.0 53.1 53.2 53.3 53.4 53.5 53.6 53.7 53.8 53.9 54.0 54.1 54.2 54.3 54.4 54.5 54.6 54.7 54.8 54.9 55.0 55.1 55.2 55.3 55.4 55.5 55.6 55.7 55.8 55.9 56.0 56.1 56.2 56.3 56.4 56.5 56.6 56.7 56.8 56.9 57.0 57.1 57.2 57.3 57.4 57.5 57.6 57.7 57.8 57.9 58.0 58.1 58.2 58.3 58.4 58.5 58.6 58.7 58.8 58.9 59.0 59.1 59.2 59.3 59.4 59.5 59.6 59.7 59.8 59.9 60.0 60.1 60.2 60.3 60.4 60.5 60.6 60.7 60.8 60.9 61.0 61.1 61.2 61.3 61.4 61.5 61.6 61.7 61.8 61.9 62.0 62.1 62.2 62.3 62.4 62.5 62.6 62.7 62.8 62.9 63.0 63.1 63.2 63.3 63.4 63.5 63.6 63.7 63.8 63.9 64.0 64.1 64.2 64.3 64.4 64.5 64.6 64.7 64.8 64.9 65.0 65.1 65.2 65.3 65.4 65.5 65.6 65.7 65.8 65.9 66.0 66.1 66.2 66.3 66.4 66.5 66.6 66.7 66.8 66.9 67.0 67.1 67.2 67.3 67.4 67.5 67.6 67.7 67.8 67.9 68.0 68.1 68.2 68.3 68.4 68.5 68.6 68.7 68.8 68.9 69.0 69.1 69.2 69.3 69.4 69.5 69.6 69.7 69.8 69.9 70.0 70.1 70.2 70.3 70.4 70.5 70.6 70.7 70.8 70.9 71.0 71.1 71.2 71.3 71.4 71.5 71.6 71.7 71.8 71.9 72.0 72.1 72.2 72.3 72.4 72.5 72.6 72.7 72.8 72.9 73.0 73.1 73.2 73.3 73.4 73.5 73.6 73.7 73.8 73.9 74.0 74.1 74.2 74.3 74.4 74.5 74.6 74.7 74.8 74.9 75.0 75.1 75.2 75.3 75.4 75.5 75.6 75.7 75.8 75.9 76.0 76.1 76.2 76.3 76.4 76.5 76.6 76.7 76.8 76.9 77.0 77.1 77.2 77.3 77.4 77.5 77.6 77.7 77.8 77.9 78.0 78.1 78.2 78.3 78.4 78.5 78.6 78.7 78.8 78.9 79.0 79.1 79.2 79.3 79.4 79.5 79.6 79.7 79.8 79.9 80.0 80.1 80.2 80.3 80.4 80.5 80.6 80.7 80.8 80.9 81.0 81.1 81.2 81.3 81.4 81.5 81.6 81.7 81.8 81.9 82.0 82.1 82.2 82.3 82.4 82.5 82.6 82.7 82.8 82.9 83.0 83.1 83.2 83.3 83.4 83.5 83.6 83.7 83.8 83.9 84.0 84.1 84.2 84.3 84.4 84.5 84.6 84.7 84.8 84.9 85.0 85.1 85.2 85.3 85.4 85.5 85.6 85.7 85.8 85.9 86.0 86.1 86.2 86.3 86.4 86.5 86.6 86.7 86.8 86.9 87.0 87.1 87.2 87.3 87.4 87.5 87.6 87.7 87.8 87.9 88.0 88.1 88.2 88.3 88.4 88.5 88.6 88.7 88.8 88.9 89.0 89.1 89.2 89.3 89.4 89.5 89.6 89.7 89.8 89.9 90.0 90.1 90.2 90.3 90.4 90.5 90.6 90.7 90.8 90.9 91.0 91.1 91.2 91.3 91.4 91.5 91.6 91.7 91.8 91.9 92.0 92.1 92.2 92.3 92.4 92.5 92.6 92.7 92.8 92.9 93.0 93.1 93.2 93.3 93.4 93.5 93.6 93.7 93.8 93.9 94.0 94.1 94.2 94.3 94.4 94.5 94.6 94.7 94.8 94.9 95.0 95.1 95.2 95.3 95.4 95.5 95.6 95.7 95.8 95.9 96.0 96.1 96.2 96.3 96.4 96.5 96.6 96.7 96.8 96.9 97.0 97.1 97.2 97.3 97.4 97.5 97.6 97.7 97.8 97.9 98.0 98.1 98.2 98.3 98.4 98.5 98.6 98.7 98.8 98.9 99.0 99.1 99.2 99.3 99.4 99.5 99.6 99.7 99.8 99.9 100.0 100.1 100.2 100.3 100.4 100.5 100.6 100.7 100.8 100.9 101.0 101.1 101.2 101.3 101.4 101.5 101.6 101.7 101.8 101.9 102.0 102.1 102.2 102.3 102.4 102.5 102.6 102.7 102.8 102.9 103.0 103.1 103.2 103.3 103.4 103.5 103.6 103.7 103.8 103.9 104.0 104.1 104.2 104.3 104.4 104.5 104.6 104.7 104.8 104.9 105.0 105.1 105.2 105.3 105.4 105.5 105.6 105.7 105.8 105.9 106.0 106.1 106.2 106.3 106.4 106.5 106.6 106.7 106.8 106.9 107.0 107.1 107.2 107.3 107.4 107.5 107.6 107.7 107.8 107.9 108.0 108.1 108.2 108.3 108.4 108.5 108.6 108.7 108.8 108.9 109.0 109.1 109.2 109.3 109.4 109.5 109.6 109.7 109.8 109.9 110.0 110.1 110.2 110.3 110.4 110.5 110.6 110.7 110.8 110.9 111.0 111.1 111.2 111.3 111.4 111.5 111.6 111.7 111.8 111.9 112.0 112.1 112.2 112.3 112.4 112.5 112.6 112.7 112.8 112.9 113.0 113.1 113.2 113.3 113.4 113.5 113.6 113.7 113.8 113.9 114.0 114.1 114.2 114.3 114.4 114.5 114.6 114.7 114.8 114.9 115.0 115.1 115.2 115.3 115.4 115.5 115.6 115.7 115.8 115.9 116.0 116.1 116.2 116.3 116.4 116.5 116.6 116.7 116.8 116.9 117.0 117.1 117.2 117.3 117.4 117.5 117.6 117.7 117.8 117.9 118.0 118.1 118.2 118.3 118.4 118.5 118.6 118.7 118.8 118.9 119.0 119.1 119.2 119.3 119.4 119.5 119.6 119.7 119.8 119.9 120.0 120.1 120.2 120.3 120.4 120.5 120.6 120.7 120.8 120.9 121.0 121.1 121.2 121.3 121.4 121.5 121.6 121.7 121.8 121.9 122.0 122.1 122.2 122.3 122.4 122.5 122.6 122.7 122.8 122.9 123.0 123.1 123.2 123.3 123.4 123.5 123.6 123.7 123.8 123.9 124.0 124.1 124.2 124.3 124.4 124.5 124.6 124.7 124.8 124.9 125.0 125.1 125.2 125.3 125.4 125.5 125.6 125.7 125.8 125.9 126.0 126.1 126.2 126.3 126.4 126.5 126.6 126.7 126.8 126.9 127.0 127.1 127.2 127.3 127.4 127.5 127.6 127.7 127.8 127.9 128.0 128.1 128.2 128.3 128.4 128.5 128.6 128.7 128.8 128.9 129.0 129.1 129.2 129.3 129.4 129.5 129.6 129.7 129.8 129.9 130.0 130.1 130.2 130.3 130.4 130.5 130.6 130.7 130.8 130.9 131.0 131.1 131.2 131.3 131.4 131.5 131.6 131.7 131.8 131.9 132.0 132.1 132.2 132.3 132.4 132.5 132.6 132.7 132.8 132.9 133.0 133.1 133.2 133.3 133.4 133.5 133.6 133.7 133.8 133.9 134.0 134.1 134.2 134.3 134.4 134.5 134.6 134.7 134.8 134.9 135.0 135.1 135.2 	
--	--



Landmark Surveying, Inc.

A Complete Land Surveying Service
www.landmarksurveyutah.com

4646 South 3500 West - #A-3
West Haven, Utah 84401
(801) 731-4075 Office

March 10, 2015

Weber County Planning
Attn: Sean or Ben
2380 Washington Blvd. Ste 240
Ogden, Utah 84401

Weber County Planning
Attn: Sean or Ben
2380 Washington Blvd. Ste 240
Ogden, Utah 84401

RE: Variance Request Letter (3414 ~ UT-1409006281)

To whom it may concern:

I have been retained as the surveyor to work toward correcting some long standing title concerns which have recently been identified respecting the properties listed herein. This letter is to be included as part of a variance package that is to be submitted by Mr. Ron Hanson. This package should contain the following documents;

1. a print of the Ownership screen for parcels, 21-018-0015, 21-019-0001 thru 21-019-0008 (21-018-0015 Ownership screen.pdf, etc.),
2. a copy of the 1966 Ownership plat (62214-4_Plat 1966.tif),
3. a copy of the letter of intent of the Eagles and Hanson to hold an existing fence line (the Hanson/Eagles fence) as their true and correct property line (there is an unsigned copy of this document attached hereto because the signed one I do not have a very legible copy, Ogden Aerie No Letter 1.pdf, Eagles.pdf),
4. deeds of some of the properties listed as "E_" followed by the book and page number of the deed of record (E_517-437.pdf, E_534-430.pdf, E_571-438.pdf, E_581-206.pdf, E_581-207.pdf, E_581-208.pdf), and
5. two maps showing the property lines overlaid on aerial photography identifying the location of the property descriptions as presently deeded and the second showing where the deeds should be to coincide with the occupation of the property (3414_First American_Eagles Deeded.pdf, 3414_First American_Eagles Occupied.pdf)

Mr. Hanson owns property identified in the county tax records as 21-019-0006 under the name of Hanson Family Revocable Trust dated June 6, 1991 (hereinafter Hanson Property). I have included two drawings that illustrate the conditions of the title and that of the physical occupation of the property. Mr. Hanson and I have meet with Weber County Planning staff, Sean Wilkinson and Ben Hatfield) on February 17, 2015 to discuss the concerns of the circumstances outlined hereafter and from that meeting it was decided that a re-plating of the area as a subdivision and apply for a variance to retain the grandfather status of the parcel zoning may be appropriate.

Because of the title circumstances associated with the Hanson Property it is necessary to include the following properties to resolve the entire area; 21-019-0001, 21-019-0002, 21-019-0003, 21-019-0004, 21-019-0005, 21-019-0006, 21-019-0007, 21-019-0008, and 21-018-0015. Meetings are and have been held with the owners of these other parcels to discuss the title concern and gain their consent to the subdivision process.

During the course of the survey work done by Landmark, it has been found that the deeds of these parcels do not describe the property that they and their predecessors have been occupying for decades and which occupation is evidently the intent of the Grantor, Ella O. Fowles, to sell. It is this circumstance that can be seen from the two plat maps (number 5 above) that have been prepared. The map titled Deed Location at the top of the drawing shows an overlay on 2012 Aerial Photography with the current deed lines. Please note that the Home of the Hanson's is shown to be on parcel number 0007 but the deed description of Mr. Hanson's actually describes the property shown as parcel 0006. In this circumstance the Hanson Property as occupied does not coincide with the deed description of the property. This issue is actually true for all of the properties noted above. **A description error of each parcel places the properties essentially one lot east of where they are and have been occupied since the 1950's.**

The plat map titled Occupied Location shows the location of the properties with the deed descriptions shifted to coincide with the occupation. Please note that by making this adjustment most of the lines of occupation (fences) match the deeded descriptions quite closely with the exception of a fence line that exists between the Hanson property and the Eagles property (this will be discussed herein as **the Hanson/Eagles Fence**). The Occupied Location map better represents the correct location of the deeds and boundaries of the properties.

The intent of this survey is to provide the required deed documents, subdivision plat, and variance requirements to correct the title issue which has existed since the properties have been first deeded. I have researched the documents associated with the title of these properties and found that they **originated** by the following documents and dates (copies of some of these document are included an identified in number 4 above);

1. Parcel No. 21-018-0015 ~ Everett L Vanderpool, deeds to Ogden Aerie No. 2472, Fraternal Order of Eagles, by warranty deed Book 581 page 206 on **1-10-1958** recorded 6-2-1958. This property was formerly owned by Clyde R and Ella O. Fowles.
2. Parcel No. 21-019-0001 ~ Ella O. Fowles deeds to Delwin Hutchins and Elizabeth F Hutchins, by warranty deed Book 534 page 430, on **10-17-1956** recorded 12-29-1956.
3. Parcel No. 21-019-0002 ~ Ella O. Fowles deeds to James F Rice and Estella W Rice, by warranty deed Book 571 page 438, on **10-17-1956** recorded 2-19-1958.
4. Parcel No. 21-019-0003 ~ Ella O. Fowles deeds to Mary Ann Bingham, by warranty deed Book 517 page 437, on **6-25-1956** recorded 6-26-1956.
5. Parcel No. 21-019-0004 ~ Ella O Fowles deeds to Alwyn Kenneth Cross, by warranty deed Book 453 page 63, on **8-12-1954** recorded 8-19-1954.
6. Parcel No. 21-019-0005 ~ Ella O Fowles deeds to Albert G Hunt, by warranty deed Book 444 page 299, on **4-29-1954** recorded 8-17-1954.
7. Parcel No. 21-019-0006 ~ Ella O Fowles deeds to Albert G Hunt, by warranty deed Book 453 page 103, on **8-17-1954** recorded 8-19-1954.
8. Parcel No. 21-019-0007 ~ Ella O Fowles deeds to E. H. Slade and wife Noma W Slade, by warranty deed Book 447 page 397, on **6-17-1954** recorded 6-22-1954.
9. Parcel No. 21-019-0008 ~ Ella O Fowles deeds to E. H. Slade and wife Noma W Slade, by warranty deed Book 447 page 397, on **6-17-1954** recorded 6-22-1954.

From the document research we know that the parcels listed began to be divided in 1954 ending in 1956. After these parcels had been sold Ella then disposes of the remainder parcel and in 1958 the Eagles purchases the remainder.

In discussing the age of the fences in this area it has been found that they predate any of the current owners memory. The following is a listing of the current owners as evidenced by documents as attached and noted in number 1 above, the first number 1.

1. Parcel No. 21-018-0015 ~ Purchased by Ogden Aerie No 2472 Fraternal Order of Eagles by warranty deed Book 581 page 206 on **1-10-1958** recorded 6-2-1958.
2. Parcel No. 21-019-0001 ~ Purchased by Robert L Hansen by quit claim deed Book 1809 page 1446 on **5-31-1996** recorded 5-31-1996.
3. Parcel No. 21-019-0002 ~ Purchased by John L Robins and wife Dorothy T. Robbins by warranty deed Book 2148 page 2941 on **08-28-1978** recorded 6-26-2001.
4. Parcel No. 21-019-0003 ~ Purchased by J. Frank Nielson and Dorothy H. Nielson by quit claim deed Book 2026 page 1738 on **7-28-1999** recorded 8-2-1999.
5. Parcel No. 21-019-0004 ~ Purchased by Frederick Bjerke and wife Karen Bjerke by warranty deed Entry number 2673028 on **1-21-1914** recorded 1-27-2014.
6. Parcel No. 21-019-0005 ~ Purchased by Frederick Bjerke and wife Karen Bjerke by warranty deed Entry number 2673030 on **1-27-2014** recorded 1-27-2014.
7. Parcel No. 21-019-0006 ~ Purchased by the Hanson Family Revocable Trust by warranty deed Entry number 2676307 on **2-12-2014** recorded 2-25-2014.
8. Parcel No. 21-019-0007 ~ Purchased by Ogden Aerie No 2472, Fraternal Order of Eagles by warranty deed Book 581 page 208 on **5-31-1958** recorded 6-2-1958.
9. Parcel No. 21-019-0008 ~ Purchased by Ogden Aerie No 2472, Fraternal Order of Eagles by warranty deed Book 581 page 208 on **5-31-1958** recorded 6-2-1958.

Mr. Robins (21-019-0002) has been there for 37 years and in a conversation with him he indicated that the fences were there when he purchased the property. Members of the Eagles Board have also indicated that the fences were there when they purchased the property 57 years ago. Many if not all of the fences would have originated at the time of sale with perhaps an exception of the Hanson/Eagles fence line. This particular fence may have been there even before Ella O Fowles began to sell off the lots and was simply considered the property line by the then owners and left in place. I get this impression from some of the Eagles Board members that have stated the fence was there when they purchased.

The Hanson/Eagles fence line in particular will need to have some accommodation made by the variance so that it can remain in place and continue to be recognized as the property line. It is the desire of the Eagle's and the Hanson's that the fence NOT be moved. This fence line has been quietly recognized as the property line and the property on each side has been quietly enjoyed up to this line by both the Eagles (the original owners of parcels 21-019-0007 and 21-019-0008) and, as it has been represented to me, by the Hanson's predecessors in title. There is no desire on the part of either the Eagles or the Hansons to move this fence line which is evidenced by the letter which both have signed and which is part of the attachments to this letter (number 3 above, the first 3).

The Hanson/Eagles fence has been in existence essentially since the property was first occupied. Unfortunately, the physical location of the fence does not coincide with the deeded lines of the respective lots. Looking at the map titled Occupied Location the fence shows the fence in relationship to the lot lines. By holding the fence line as the property line the frontage width of the Hanson's property will become more narrow than the deeded 100 feet and

increase in width at the back line of the property on the river's edge. This configuration, while not being totally equal area exchanged for equal area, will be relatively close to such.

It is my professional opinion that this fence line would meet the requirements of a Boundary by Acquiescence for the following reasons. The Utah Supreme Court in a 1996 case of *Carter v. Hanrath*, 925 P.2d 960 (1996) has stated that "[o]ur case law makes it clear that there are four requirements which must be met before boundary by acquiescence can be established. They are: (1) occupation up to a visible line marked definitely by monuments, fences, or buildings and (2) mutual acquiescence in the line as a boundary, (3) for a long period of time, (4) by adjoining land owners."

To the requirements; (1) occupation up to a visible line marked definitely by monuments, fences, or buildings, this condition is met in that the existing fence has had use and occupation up to it by the Owners and their invited guests. In fact, the Eagles have built trailer/RV pads up to the fence line. The Hanson's and their predecessors have also occupied the land and used up to the fence which is a definite and visible line to all.

(2) mutual acquiescence in the line as a boundary can be demonstrated in the desire of the parties to consummate the occupation as the boundary at the same time that the errors in the property descriptions are being corrected. The owners have also expressed that they and their predecessors have quietly used and enjoyed the property to the fence line believing that it was the property line.

(3) for a long period of time is demonstrated, again, by the length of the time that the fence has been in place. This time period is in possibly in excess of 57 years. The Utah Supreme Court in *Jacobs v. Hafen*, 917 P.2d 1078 (Utah 1996) has clarified this time period stating "[w]e therefore hold that establishment of boundary by acquiescence requires (i) occupation up to a visible line marked by monuments, fences, or buildings, (ii) mutual acquiescence in a line as a boundary, (ii) for a period of at least 20 years, (iv) by adjoining landowners." (Emphasis added.) In this case the required time period of 20 years has been exceeded.

(4) by adjoining land owners is demonstrated by the title record in that the properties are described as having a common boundary line with no gap being owned by a third party. Furthermore, that the property owners have to recognized any third party to have a title between their respective land and have fully occupied such land up to the fence line.

With these circumstances in mind I believe that the fence has been the boundary of the property for decades by acquiescence and would pose no change in the legal status of the property by correcting the descriptions of the properties to reflect such. Therefore, the frontage width as occupied by the fences for the Hanson property, in my opinion, should be varied to allow the fence to remain the property line as it has been for many years of historic use.

With respect to the zoning, it is evident that these parcel were established well before the zoning laws by the date of the original deeds and were in existence in 1966 as evidenced by the attached plat of that date (number 2 above, the first 2). In my opinion, this would indicate that the grandfathered status of the properties respecting their size should also be recognized as legal non-conforming. And is based on historic use and occupation.

The properties are also serviced by an **historic easement**. The easement also has description issues in that the used path of the access road does not entirely follow the deed location of the easement. These parcels were initially granted access by way of an easement in the original deeds and have been accessed by this easement since that time. The land owners maintain the traveled way indicating that this was intended to be, what we call today, a

private road. The easement has not been open to the public and to my knowledge, not used by the public. Therefore, the road would retain its original status and may justify the use of private road to describe the access road. It is the desire of the owners to correct the description of this easement so that it coincides with the traveled and used way in this subdivision process.

The easement description does follow a portion of the used and traveled road way which is a north-south portion of the road which is fenced on both the east and west sides. It is not the intent of this project to change the location of this section of the easement. There is also a portion of the easement at the north end of the road where it connects to Highway 39 that does not follow the deeded location and would involve the consent of another land owner to correct. This section of road is in dispute and will not be included in this project.

It is the apparent intent of the original deeding that the easements south boundary is to coincide with the lots north boundaries. The subdivision plat will be prepared to continue this intent.

Summary:

The requested variance for the reasons stated herein and would be to grant approval for a subdivision plat to be prepared and recorded that will;

1. correct the location of the property descriptions of parcels 21-019-0001 thru 21-019-0008, and
2. identify a remaining parcel which is currently being identified as 21-018-0015 and owned by the Eagles,
3. utilize the existing fence lines as the actual property lines of the lots where appropriate,
4. grant variance to the size and frontage requirements,
5. allow the easement access to these properties to be corrected from a point that is approximately South 557 feet from the north section line of the section thence westerly along the frontage of the lots, and
6. to identify that portion of the easement as a private street on the subdivision plat.

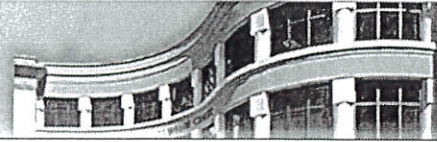
Respectfully,

Ernest D. Rowley, PLS, CFedS
Principle Owner - Landmark Surveying, Inc.
ernest@LandmarkSurveyUtah.com

3414 Hanson Variance letter.docx



Weber County Government Property Information System



Ownership and Current References

[Print Page](#)
[Close Window](#)

Parcel # Township/Range/Section:

21-019-0001 6N/2E/14

Change Dates:	Owner:	ROBERT L HANSEN JOINT MUTUAL	Property Address:	Prior Parcels:
Name: 15-DEC-2014	Second:	TRUST AGREEMENT ETAL	178 N 10630 E	
Tax Unit: 12-APR-1996	Care of:			
	Street:	4194 S 2400 W	HUNTSVILLE 84317	
Tax Unit: 318	City/State/Zip:	ROY UT 84067		
Additional Names:	LARRY S SHULSEN & MARILYN H SHULSEN AS TRUSTEES OF THE LARRY S SHULSEN & MARILYN H SHULSEN FAMILY TRUST DATED FEBRUARY 17, 2010 2459494			
	THE FRANK J & DOROTHY H NIELSON FAMILY TRUST AGREEMENT DATED 4 MAY 1995 J FRANK NIELSEN & DOROTHY H NIELSON AS TRUSTEES 2482577			
	W REID HANSEN AND DALENE B HANSEN AS TRUSTEES OF THE HANSEN FAMILY TRUST DATED AUG 30 1993 2540731			
	ELAINE B HANSEN & PEGGY H BARFUSS TRUSTEES OF THE ROBERT L HANSEN & ELAINE B HANSEN JOINT MUTUAL TRUST AGREEMENT DATED APRIL 23, 1991 2714371			

Current References:	Seq	Entry Nbr	Book/Page	Kind of Instr	Deed Date	Record Date
	1	1409887	1809 1446	QUIT CLAIM DEED CT	05-31-1996	31-MAY-1996
	2	2459494		QUIT CLAIM DEED	02-17-2010	22-FEB-2010
	3	2482577		QUIT CLAIM DEED	07-02-2010	20-JUL-2010

Comments:

Legal Description:

PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT SOUTH 504 FEET AND SOUTH 59D10' WEST 640 FEET FROM THE NORTHEAST CORNER OF SAID QUARTER SECTION, AND RUNNING THENCE NORTH 79D23' EAST 71.75 FEET, THENCE NORTH 48D25' EAST 57.12 FEET, THENCE SOUTH 30D50' EAST 65.00 FEET TO CENTER OF RIVER CHANNEL, THENCE SOUTH 24D10' WEST 122.08 FEET, THENCE SOUTH 53D28' WEST 25.00 FEET, THENCE NORTH 30D50' WEST 137 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING. ALSO CENTER LINE DESCRIPTION OF RIGHT-OF-WAY 20 FEET WIDE: PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT WEST 115.00 FEET FROM THE NORTHEAST CORNER OF SAID QUARTER SECTION, AND RUNNING THENCE SOUTH 170 FEET, THENCE EAST 80 FEET, THENCE SOUTH 387.54 FEET, THENCE SOUTH 79D40' WEST 223.55 FEET, THENCE SOUTH 50D00' WEST 250.15 FEET, THENCE SOUTH 59D10' WEST 700 FEET.

Run Date: February 5, 2015, 11:08 am

© 2015 Weber County

Exhibit C-1



Weber County Government Property Information System



Ownership and Current References

[Print Page](#)
[Close Window](#)

Parcel # Township/Range/Section:

21-019-0002 6N/2E/14

Change Dates:	Owner:	ROBBINS, JOHN L & WF	Property Address:	Prior Parcels:
Name: 26-JUN-2001	Second:	DOROTHY T ROBBINS	172 N 10630 E	
Tax Unit: 12-APR-1996	Care of:			
	Street:	10630 E HIGHWAY 39	HUNTSVILLE 84317	
Tax Unit: 318	City/State/Zip:	HUNTSVILLE UT 843179206		

Additional Names:

Current References:	Seq	Entry Nbr	Book/Page	Kind of Instr	Deed Date	Record Date
	1	1778890	2148 2941	WARRANTY DEED JT	08-28-1978	26-JUN-2001

Comments:

Legal Description:

PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT SOUTH 504.00 FEET AND SOUTH 59D10' WEST 640 FEET FROM THE NORTHEAST CORNER OF SAID QUARTER SECTION, RUNNING THENCE SOUTH 30D50' EAST 137 FEET TO CENTER OF RIVER CHANNEL, THENCE SOUTH 53D28' WEST 75.50 FEET, THENCE NORTH 30D50' WEST 145.00 FEET; THENCE NORTH 59D10' EAST 75.00 FEET TO THE PLACE OF BEGINNING. ALSO CENTER LINE DESCRIPTION OF RIGHT OF WAY 20 FEET WIDE, A PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 6 NORTH, RANGE 2 EAST OF THE SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT WEST 115.00 FEET FROM THE NORTHEAST CORNER OF SAID QUARTER SECTION AND RUNNING THENCE SOUTH 170 FEET, THENCE EAST 80 FEET, THENCE SOUTH 387.54 FEET, THENCE SOUTH 79D40' WEST 223.55 FEET, THENCE SOUTH 50D WEST 250.15 FEET, THENCE SOUTH 59D10' WEST 700 FEET.

Run Date: February 5, 2015, 11:05 am

© 2015 Weber County

62

**Weber County Government
Property Information System****Ownership and Current References**[Print Page](#)[Close Window](#)**Parcel # Township/Range/Section:****21-019-0003 6N/2E/14**

Change Dates: Owner: NIELSON, J FRANK & Property Address: Prior Parcels:
Name: 03-SEP-2009 Second: DOROTHY H NIELSON TRUSTEES
Tax Unit: 12-APR-1996 Care of:
Tax Unit: 318 Street: 824 E LOST RIDGE DR
City/State/Zip: WASHINGTON UT 84780
Additional Names: J FRANK NIELSON AND DOROTHY H NIELSON AS TRUSTEES
THE J FRANK AND DOROTHY H NIELSON FAMILY TRUST AGREEMENT,

Current References:	Seq	Entry Nbr	Book/Page	Kind of Instr	Deed Date	Record Date
	1	1653561	2026 1738	QUIT CLAIM DEED	07-28-1999	02-AUG-1999

Comments:**Legal Description:**

PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE MERIDIAN, U.S. SURVEY. BEGINNING ON THE SOUTH LINE OF 20 FOOT RIGHT OF WAY, 504 FEET SOUTH AND SOUTH 59D10' WEST 515 FEET FROM THE NORTHEAST CORNER OF SAID QUARTER SECTION, RUNNING THENCE NORTH 50D EAST ALONG SAID RIGHT OF WAY, 200 FEET, THENCE SOUTH 30D50' EAST TO THE CENTER OF RIVER CHANNEL; THENCE SOUTHWESTERLY ALONG CENTER OF RIVER CHANNEL TO A POINT SOUTH 30D50' EAST OF BEGINNING; THENCE NORTH 30D50' WEST 65 FEET TO BEGINNING.

Run Date: February 5, 2015, 11:06 am

© 2015 Weber County

6-3



Weber County Government Property Information System



Ownership and Current References

[Print Page](#)
[Close Window](#)

Parcel # Township/Range/Section:

21-019-0004 6N/2E/14

Change Dates:	Owner:	BJERKE, FREDERICK & WF	Property Address:	Prior Parcels:
Name: 27-JAN-2014	Second:	KAREN BJERKE ETAL	166 N 10630 E	
Tax Unit: 12-APR-1996	Care of:		HUNTSVILLE 84317	
Tax Unit: 318	Street:	1252 E 2650 N		
	City/State/Zip:	NORTH OGDEN UT 844143432		
Additional Names:	FREDERICK BJERKE & WF KAREN BJERKE & AMY L BECKSTEAD			

Current References:	Seq	Entry Nbr	Book/Page	Kind of Instr	Deed Date	Record Date
	1	2673028		WARRANTY DEED JT	01-21-2014	27-JAN-2014

Comments:

Legal Description:

PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. BEGINNING AT A POINT SOUTH 504.00 FEET AND SOUTH 59D10' WEST 715.00 FEET FROM THE NORTHEAST CORNER OF SAID QUARTER SECTION, RUNNING THENCE SOUTH 30D50' EAST 145.00 FEET TO CHANNEL OF RIVER, THENCE SOUTH 62D23' WEST 100.13 FEET, THENCE NORTH 30D50' WEST 140.00 FEET, THENCE NORTH 59D10' EAST 100 FEET TO PLACE OF BEGINNING. ALSO CENTERLINE DESCRIPTION OF RIGHT OF WAY 20 FEET WIDE. A PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. BEGINNING AT A POINT WEST 115.00 FEET FROM THE NORTHEAST CORNER OF SAID QUARTER SECTION, RUNNING THENCE SOUTH 170.00 FEET THENCE EAST 80 FEET, THENCE SOUTH 387.54 FEET, THENCE SOUTH 79D40' WEST 223.55 FEET, THENCE SOUTH 50D00' WEST 250.15 FEET, THENCE SOUTH 59D10' WEST 700.00 FEET.

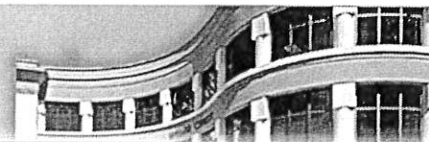
Run Date: February 5, 2015, 11:04 am

© 2015 Weber County

C-4



Weber County Government Property Information System



Ownership and Current References

[Print Page](#)
[Close Window](#)

Parcel # Township/Range/Section:

21-019-0005 6N/2E/14

Change Dates:	Owner:	BJERKE, FREDERICK & WF		Property Address:	Prior Parcels:
Name: 27-JAN-2014	Second:	KAREN BJERKE ETAL		158 N 10630 E	
Tax Unit: 12-APR-1996	Care of:			HUNTSVILLE 84317	
Tax Unit: 318	Street:	1252 E 2650 N			
	City/State/Zip:	NORTH OGDEN 844143432			
Additional Names:	FREDERICK BJERKE & WF KAREN BJERKE & AMY L BECKSTEAD				

Current References:	Seq	Entry Nbr	Book/Page	Kind of Instr	Deed Date	Record Date
	1	2673030		WARRANTY DEED JT	01-27-2014	27-JAN-2014

Comments:

Legal Description:

PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. BEGINNING AT A POINT SOUTH 504.00 FEET AND SOUTH 59D10' WEST 815.00 FEET FROM THE NORTHEAST CORNER OF SAID QUARTER SECTION; RUNNING THENCE SOUTH 30D50' EAST 140 FEET TO CENTER OF RIVER CHANNEL; THENCE SOUTH 37D22' WEST 107.70 FEET; THENCE NORTH 30D50' WEST 180 FEET; THENCE NORTH 59D10' EAST 100 FEET, TO THE PLACE OF BEGINNING. ALSO CENTERLINE DESCRIPTION OF RIGHT OF WAY 20 FEET WIDE. A PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. BEGINNING AT A POINT WEST 115 FEET FROM THE NORTHEAST CORNER OF SAID QUARTER SECTION, RUNNING THENCE SOUTH 170 FEET, THENCE EAST 80 FEET, THENCE SOUTH 387.54 FEET; THENCE SOUTH 79D40' WEST 223.55 FEET, THENCE SOUTH 50D00' WEST 250.15 FEET, THENCE SOUTH 59D10' WEST 700.00 FEET. SUBJECT TO EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY APPEARING OF RECORD OR ENFORCABLE IN LAW AND EQUITY AND GENERAL PROPERTY TAXES FOR THE YEAR 2012 AND THEREAFTER.

Run Date: February 5, 2015, 11:03 am

© 2015 Weber County

C-5



Weber County Government Property Information System



Ownership and Current References

[Print Page](#)
[Close Window](#)

Parcel # Township/Range/Section:

21-019-0006 6N/2E/14

Change Dates:	Owner:	HANSON FAMILY REVOCABLE TRUST	Property Address:	Prior Parcels:
Name: 25-FEB-2014	Second:		148 N 10630 E	
Tax Unit: 12-APR-1996	Care of:		HUNTSVILLE 84317	
Tax Unit: 318	Street:	529 EMERALD WAY		
	City/State/Zip:	LAGUNA BEACH CA 926511256		
Additional Names:	RONDELL B HANSON & JOYCE P HANSON AS TRUSTEES OF THE HANSON FAMILY REVOCABLE TRUST DATED JUNE 6 1991			

Current References:	Seq	Entry Nbr	Book/Page	Kind of Instr	Deed Date	Record Date
	1	2676307		WARRANTY DEED	02-12-2014	25-FEB-2014

Comments:

Legal Description:

PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. BEGINNING AT A POINT SOUTH 504.00 FEET AND SOUTH 59D10' WEST 915.00 FEET FROM THE NORTHEAST CORNER OF SAID QUARTER SECTION, RUNNING THENCE SOUTH 30D50' EAST 180.00 FEET TO CENTER OF RIVER CHANNEL; THENCE SOUTH 46D13' WEST 102.61 FEET; THENCE NORTH 30D50' WEST 203.00 FEET; THENCE NORTH 59D10' EAST 100 FEET TO BEGINNING. ALSO CENTERLINE DESCRIPTION OF RIGHT OF WAY 20 FEET WIDE. A PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN. U.S. SURVEY. BEGINNING AT A POINT WEST 115.00 FEET FROM THE NORTHEAST CORNER OF SAID QUARTER SECTION, RUNNING THENCE SOUTH 170.00 FEET THENCE EAST 80.00 FEET; THENCE SOUTH 387.54 FEET; THENCE SOUTH 79D40' WEST 223.55 FEET, THENCE SOUTH 50D00' WEST 250.15 FEET, THENCE SOUTH 59D10' WEST 700.00 FEET.

Run Date: February 5, 2015, 11:00 am

© 2015 Weber County

C-6



Weber County Government Property Information System



Ownership and Current References

[Print Page](#)
[Close Window](#)

Parcel # Township/Range/Section:

21-019-0007 6N/2E/14

Change Dates:	Owner:	OGDEN AERIE NO 2472, FRATERNAL	Property Address:	Prior Parcels:
Name: 30-OCT-1989	Second:	ORDER OF EAGLES		
Tax Unit: 12-APR-1996	Care of:	% OGEN AIRIE #2472		
	Street:	PO BOX 13567		
Tax Unit: 318	City/State/Zip:	OGDEN UT 84412		

Additional Names:

Current References:	Seq	Entry Nbr	Book/Page	Kind of Instr	Deed Date	Record Date
	1		0581 0208	WARRANTY DEED	05-31-1958	02-JUN-1958

Comments:

Legal Description:

PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. BEGINNING AT A POINT SOUTH 504.00 FEET, AND SOUTH 59D10' WEST 1015.00 FEET FROM THE NORTHEAST CORNER OF SAID QUARTER SECTION, RUNNING THENCE SOUTH 30D50' EAST 203.00 FEET TO CENTER OF RIVER CHANNEL, THENCE SOUTH 49D31' WEST 101.43 FEET, THENCE NORTH 30D50' WEST 220.00 FEET; THENCE NORTH 59D10' EAST 100 FEET TO THE PLACE OF BEGINNING. ALSO CENTERLINE DESCRIPTION OF RIGHT OF WAY 20 FEET WIDE. A PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. BEGINNING AT A POINT WEST 115.00 FEET FROM THE NORTHEAST CORNER OF SAID QUARTER SECTION, RUNNING THENCE SOUTH 170.00 FEET; THENCE EAST 80.00 FEET; THENCE SOUTH 387.54 FEET; THENCE SOUTH 79D40' WEST 223.55 FEET, THENCE SOUTH 50D00' WEST 250.15 FEET, THENCE SOUTH 59D10' WEST 700 FEET.

Run Date: February 5, 2015, 10:59 am

© 2015 Weber County

6-7



Weber County Government Property Information System



Ownership and Current References

[Print Page](#)
[Close Window](#)

Parcel # Township/Range/Section:

21-019-0008 6N/2E/14

Change Dates:	Owner:	OGDEN AERIE NO. 2472,	Property Address:	Prior Parcels:
Name: 30-OCT-1989	Second:	FRATERNAL ORDER OF EAGLES		
Tax Unit: 12-APR-1996	Care of:	% OGDEN AEIRE #2472		
	Street:	PO BOX 13567		
Tax Unit: 318	City/State/Zip:	OGDEN UT 84412		

Additional Names:

Current References:	Seq	Entry Nbr	Book/Page	Kind of Instr	Deed Date	Record Date
	1		0581 0208	WARRANTY DEED	05-31-1958	02-JUN-1958

Comments:

Legal Description:

PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT SOUTH 504.00 FEET AND SOUTH 59D10' WEST 1115.00 FEET FROM THE NORTHEAST CORNER OF SAID QUARTER SECTION; RUNNING THENCE SOUTH 30D50' EAST 220.00 FEET TO CENTER OF RIVER CHANNEL; THENCE SOUTH 56D18' WEST 100.13 FEET; THENCE NORTH 30D50' WEST 225.00 FEET; THENCE NORTH 59D10' EAST 100 FEET TO THE PLACE OF BEGINNING. ALSO CENTER LINE DESCRIPTION OF RIGHT-OF-WAY 20 FEET WIDE: PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT WEST 115.00 FEET FROM THE NORTHEAST CORNER OF SAID QUARTER SECTION; RUNNING THENCE SOUTH 170.00 FEET; THENCE EAST 80.00 FEET; THENCE SOUTH 387.54 FEET; THENCE SOUTH 79D40' WEST 223.55 FEET; THENCE SOUTH 50D00' WEST 250.15 FEET; THENCE SOUTH 59D10' WEST 700 FEET.

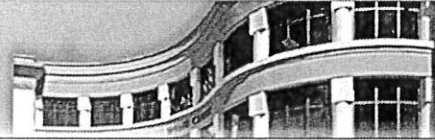
Run Date: February 5, 2015, 10:56 am

© 2015 Weber County

68



Weber County Government Property Information System



Ownership and Current References

[Print Page](#)
[Close Window](#)

Parcel # Township/Range/Section:

21-018-0015 6N/2E/11

Change Dates:	Owner:	OGDEN AERIE NO. 2472, FRATERNAL	Property Address:	Prior Parcels:
Name: 30-OCT-1998	Second:	ORDER OF EAGLES		
Tax Unit: 12-APR-1996	Care of:	% OGDEN AIRE #2472		
	Street:	PO BOX 13567		
Tax Unit: 318	City/State/Zip:	OGDEN UT 84412		

Additional Names:

Current References:	Seq	Entry Nbr	Book/Page	Kind of Instr	Deed Date	Record Date
	1		0581 0206	WARRANTY DEED	01-10-1958	02-JUN-1958
	2		0905 0632	DECREE	12-02-1968	09-DEC-1968

Comments:

Legal Description:

PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. BEGINNING AT A POINT 1457.0 FEET EAST OF THE SOUTHWEST CORNER OF SAID QUARTER SECTION AND RUNNING THENCE NORTH 0D27' EAST 2600 FEET, MORE OR LESS, TO THE NORTH LINE OF SAID SECTION 14, THENCE EAST ALONG THE SECTION LINE 1144.0 FEET, MORE OR LESS, TO A POINT 105 FEET, WEST OF THE NORTHEAST CORNER OF SAID QUARTER SECTION, THENCE SOUTH 140 FEET, THENCE EAST 80 FEET THENCE SOUTH 514.85 FEET, THENCE NORTH 87D22' WEST 152 FEET, THENCE SOUTH 76D35' WEST 75 FEET, THENCE SOUTH 51D52' WEST 166 FEET, THENCE SOUTH 33D50' WEST 60 FEET, MORE OR LESS, TO A POINT SOUTH 504 FEET SOUTH 59D10' WEST 615 FEET, NORTH 79D23' EAST 46.76 FEET NORTH 48D25' EAST 57.12 FEET AND SOUTH 30D50' EAST 54 FEET, MORE OR LESS, TO THE NORTHWESTERLY LINE OF THE MILLIE GARFF PROPERTY FROM THE NORTHEAST CORNER OF SAID QUARTER SECTION, THENCE NORTHEASTERLY ALONG THE CENTERLINE OF RIVER TO A POINT SOUTH 504 FEET, SOUTH 59D10' WEST 515 FEET, NORTH 50D EAST 200 FEET, AND SOUTH 30D50' EAST 40 FEET, MORE OR LESS, FROM THE NORTHEAST CORNER OF SAID QUARTER SECTION, THENCE NORTH 30D50' WEST 40 FEET, MORE OR LESS, THENCE SOUTH 50D WEST 200 FEET, THENCE SOUTH 48D25' WEST 57.12 FEET, THENCE SOUTH 79D23' WEST 71.75 FEET, THENCE SOUTH 59D10' WEST 575 FEET, THENCE SOUTH 30D50' EAST 225 FEET THENCE NORTH 56D18' EAST 100.13 FEET THENCE NORTH 49D31' EAST 101.43 FEET, THENCE NORTH 46D14' EAST 102.61 FEET, THENCE NORTH 37D22' EAST 107.7 FEET, THENCE NORTH 62D23' EAST 100.13 FEET, THENCE NORTH 53D28' EAST 5 FEET, MORE OR LESS, TO THE WESTERLY LINE OF THE HOLBROOK PROPERTY THENCE SOUTH 33D50' WEST 45 FEET, MORE OR LESS, TO A POINT 564.72 FEET WEST AND 1041 FEET SOUTH FROM THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 50 FEET; THENCE EAST 260 FEET; THENCE NORTH 50 FEET, THENCE EAST 304.72 FEET THENCE SOUTH TO THE SOUTHEAST CORNER OF SAID QUARTER SECTION, THENCE WEST 1249 FEET, MORE OR LESS, TO POINT OF BEGINNING. SUBJECT TO RIGHT OF WAY, 20 FEET WIDE, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WEST 115 FEET FROM THE NORTHEAST CORNER OF SAID QUARTER RUNNING THENCE SOUTH 170 FEET, THENCE EAST 80 FEET THENCE SOUTH 387.54 FEET THENCE SOUTH 79D40' WEST 223.55 FEET, THENCE SOUTH 50D60' WEST 250.15 FEET THENCE SOUTH 59D10' WEST 700 FEET. EXCEPT 1.10 ACRES, MORE OR LESS, IN STATE ROAD (121-556). CONTAINING 67.15 ACRES, M/L.

Run Date: February 5, 2015, 11:12 am

© 2015 Weber County

C-9

PART OF NW 1/4 OF
SECTION 14, T.6N., R.2E., S.1.B.&M.

HUNTSVILLE DISTRICT

SCALE 1" = 100'

18-A

1966

Exhibit D

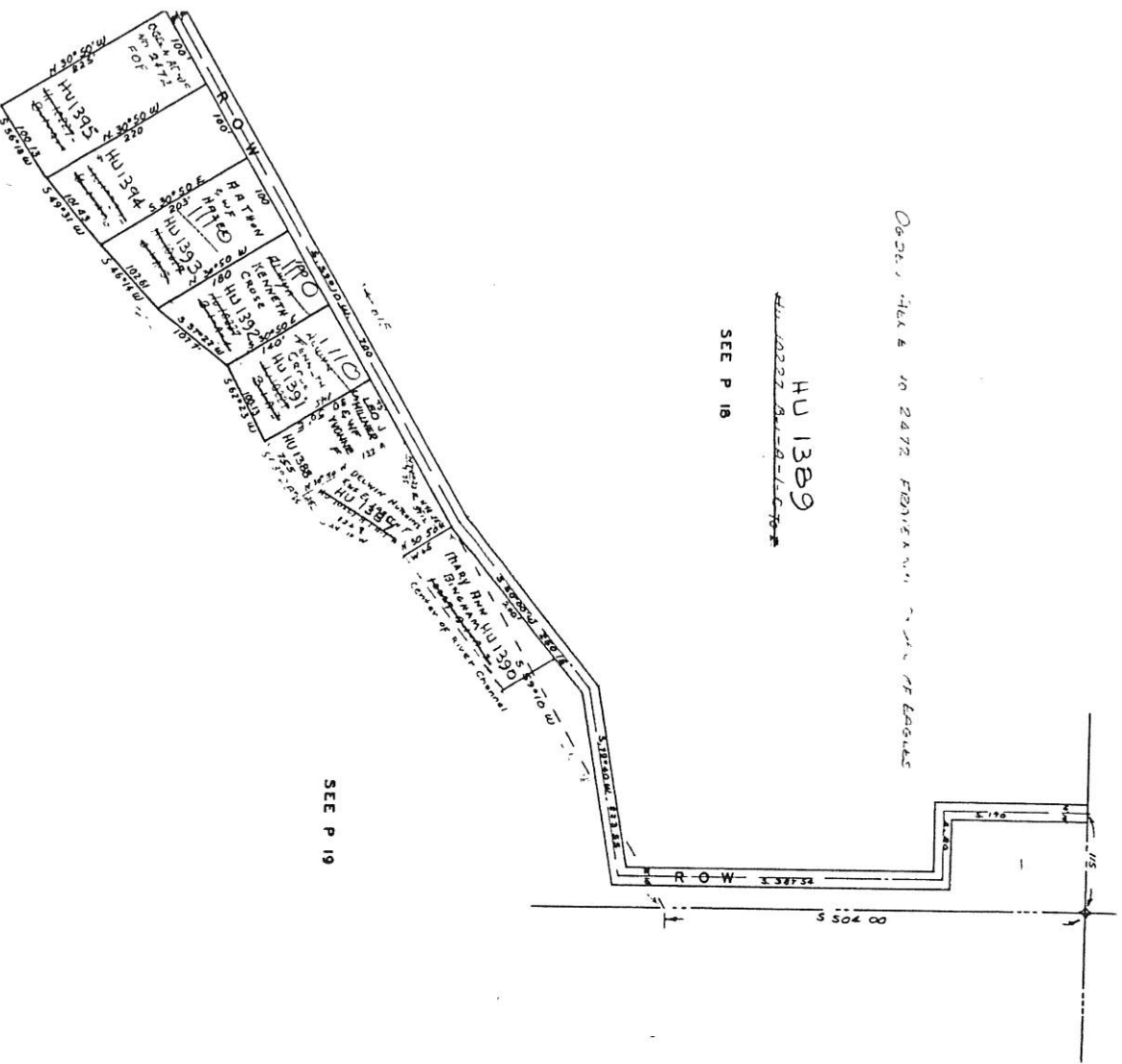
Doc. 1464 10 24 72 FIDELITY & S. W. L. & S.

HU 1389

HU 10222 B. & S. L. & S.

SEE P 18

SEE P 19



85 5-64

LETTER OF AGREEMENT

February 17, 2015

RE: Long standing fence.

To whom it may concern:

We the undersigned representatives of the Ogden Aerie No. 2472 Fraternal Order of the Eagles (Eagles) hereby represent and state that the common fence line between our property, known as Weber County Serial Number 21-019-0007, and our neighbor to the east, known as Weber county Serial Number 21-019-0006 owned by the Hanson Family Revocable Trust Dated June 6, 1991 (Hanson), is and has been the dividing line and boundary between our respective properties for a long period of time. That time is for as long as the Eagles have owned the property dating to May 31, 1958 by a Warranty Deed from E.H. Slade recorded as Book 581 Page 208 recorded on June 2, 1958.

Because this fence line does not identify the deeded location of the boundary and because of the long standing nature of the fence and the fact that the Eagles and Hanson have used, improved, and occupied to this fence for as long as we have owned the property, it is our intent and desire to follow through with the necessary and proper documents to fix and secure this fence line as the property line in the public deed records.

The Eagles:

Name:

Title:

Rondell Hanson

Exhibit E-2

LETTER OF AGREEMENT

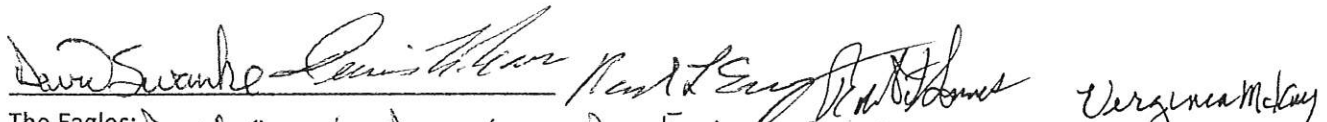
February 17, 2015

RE: Long standing fence.

To whom it may concern:

We the undersigned representatives of the Ogden Aerie No. 2472 Fraternal Order of the Eagles (Eagles) hereby represent and state that the common fence line between our property, known as Weber County Serial Number 21-019-0007, and our neighbor to the east, known as Weber county Serial Number 21-019-0006 owned by the Hanson Family Revocable Trust Dated June 6, 1991 (Hanson), is and has been the dividing line and boundary between our respective properties for a long period of time. That time is for as long as the Eagles have owned the property dating to May 31, 1958 by a Warranty Deed from E.H. Slade recorded as Book 581 Page 208 recorded on June 2, 1958.

Because this fence line does not identify the deeded location of the boundary and because of the long standing nature of the fence and the fact that the Eagles and Hanson have used, improved, and occupied to this fence for as long as we have owned the property, it is our intent and desire to follow through with the necessary and proper documents to fix and secure this fence line as the property line in the public deed records.


The Eagles: David Sivankke, Dennis Casper, Ron Ewing, Bob Sommers, Virginia McKay
Name: Board of Trustees Worthy President Worthy Secretary
Title:



Rondell Hanson

Exhibit E-3

GRANTOR

GRANTEE
State of Utah, for the sum of
DOLLARS
County, State of Utah.

Quarter of Section 14; Township 6 North;
United States Survey. Beginning
at the southeast corner of said Section
thence along said R. of W. 200 ft. thence
thence of River Channel thence Southwesterly
a point South 30° 50' East of begin-
ning 55 feet to beginning.

WITNESS the hand of said Grantor, this 25th day of June A. D. 19 56

Signed in the presence of

Ella O. Fowles

STATE OF UTAH } ss. On the 25th day of June A. D. 19 56
County of Weber

Personally appeared before me Ella O. Fowles

the Grantor of the within instrument who duly acknowledged to me that s he executed the

Recording Data

Fee \$ 1.00
Serial No. 10227-8-19-2-Z

Platted ☒ Indexed ☐
Recorded ☒ Abstracted ☐
Compared ☐ Paged ☐

STATE OF UTAH } ss.
COUNTY OF WEBER

Subscribed and Recorded for

Benjamin

June 25 3 55 PM '56

CLERK OF RECORDS

NOTARY PUBLIC

NOTARY ACCREDITED

517-437

Exhibit F-1

Mail Dead to Address

Ogden, Utah

WARRANTY DEED

ELLA O. FOWLES, a woman

of Ogden County of Weber State of Utah hereby CONVEY and WARRANT to

DELMIN HUTCHINS and ELIZABETH F. HUTCHINS, Husband & Wife, as tenants by the entirety with full rights vested in the survivor and not as tenants in common

GRANTOR
of Ogden County of Weber State of Utah, for the sum of
TEN AND NO/100 ----- DOLLARS
the following described tract of land in Weber County, State of Utah.

A part of the northwest quarter of Section 14, Township 6 North, Range 2 East of the Salt Lake Base and Meridian, United States Survey:-

Beginning at a point south 504 feet and south 59° 10' west 640 feet from the northeast corner of said quarter section, running thence North 79° 23' East 71.75 feet; thence north 48° 25' East 57.12 feet; thence south 30° 50' east 65.00 feet to center of River channel, thence south 24° 10' west 122.08 feet, thence south 53° 28' west 25.00; thence north 30° 50' west 137 feet, more or less to the place of beginning.

Also center line description of Right of Way 20 feet wide.
A part of the Northwest Quarter of Section 14, Township 6 North, Range 2 East of the Salt Lake Base and Meridian, United States Survey:
Beginning at a point west 115.00 feet from the Northeast corner of said quarter section and running thence south 170 feet, thence East 80 feet thence south 387.54 feet, thence south 79° 40' West 223.55 feet, thence south 50° 00' west 250.15 feet, thence S 59° 10' West 700 feet.

WITNESS the hand of said Grantor, this 17th day of October A. D. 19 56

Signed in the presence of

J. A. Simpson

ELLA O. FOWLES

STATE OF UTAH } ss. On the 17th day of October A. D. 19 56
County of Weber }
Personally appeared before me ELLA O. FOWLES, a woman

the signer of the within instrument, who duly acknowledged to me that she executed the same.

Thomas W. Fowles
(Notary Public)
Residing at Ogden Utah
My Commission Expires 2-15-57
(Notary Seal)



(Use black typewriter ribbon only)

Adopted by Ogden Board of Realtors

Recording Data

Fees \$ 1.50 Serial No. 40-18227-B-1-A-1-A
Entry No.

267800

Platted	<input checked="" type="checkbox"/>	Indexed	<input type="checkbox"/>
Recorded	<input type="checkbox"/>	Abstracted	<input type="checkbox"/>
Compared	<input type="checkbox"/>	Paged	<input type="checkbox"/>

STATE OF UTAH } ss
COUNTY OF WEBER }
FILED AND RECORDED FOR
D. Hutchins
DEC 29 10 57 AM '56

IN BOOK 534 OF RECORDS
PAGE 430

DOROTHY B. CAMPBELL
COUNTY RECORDER

Lillian & Peterson

20487

534-430

Exhibit F-2

Mail Tax Notice
Address

Ogden, Utah

BOOK 571 PAGE 438

Mail Deed to
Address

Ogden, Utah

WARRANTY DEED

ELLA G. FOWLES, a woman

of Ogden County of Weber State of Utah hereby GRANTOR
WARRANTS to CONVEY S and

JAMES F. RICE AND ESTELLA W. RICE, husband & wife, as tenants
by the entirety with full rights vested in the survivor and not as tenants in common.

of Ogden County of Weber State of Utah, for the sum of
TEN AND NO/100 ----- DOLLARS
the following described tract of land in Weber County, State of Utah.

A part of the Northwest quarter of Section 14, Township 6 North, Range 2 East
of the Salt Lake base and Meridian, United States Survey:-

Beginning at a point south 504.00 feet and South 59° 10' west 640 feet from
the northeast corner of said quarter section, running thence south 30° 50'
east 137 feet to center of river channel, thence south 53° 28' west 75.50
feet thence North 30° 50' west 145.00 feet; thence north 59° 10' east 75.00
feet to the place of beginning.

Also center line description of Right of Way 20 feet wide.

A part of the Northwest quarter of Section 14, Township 6 North, Range 2
East of the Salt Lake base and Meridian, United States Survey:

Beginning at a point west 115.00 feet from the Northeast corner of said
quarter section and running thence south 170 feet, thence east to feet,
thence south 327.54 feet, thence south 79° 40' west 225.54 feet, thence
south 50° 00' west 250.15 feet, thence south 59° 10' west 75.00 feet.

WITNESS the hand of said Grantor, this 17th day of October, A. D. 1950.

Signed in the presence of

STATE OF UTAH } ss. On the 17th day of October, A. D. 1950
County of Weber }
Personally appeared before me Ella G. Fowles, a woman.

the signer of the within instrument, who duly acknowledged to me that s/he executed the
same.

Thomas W. Fowles
(Notary Public)
Residing at Ogden, Utah

My Commission Expires 2-15-59
(Notary Seal)



(Use black typewriter ribbon only)
Adopted by Ogden Board of Realtors

Recording Data

Fees \$1.80
Entry No.

Serial No.

Platted	<input checked="" type="checkbox"/>	Indexed	<input type="checkbox"/>
Recorded	<input type="checkbox"/>	Abstracted	<input type="checkbox"/>
Compared	<input type="checkbox"/>	Paged	<input type="checkbox"/>

289179

STATE OF UTAH } ss
COUNTY OF WEBER }
FILED AND RECORDED FOR
Estella W. Rice
FEB 19 3 07 PM '50

IN BOOK 571 OF RECORDS
PAGE 438

RUTH EAMES OLSEN
COUNTY RECORDER

Virginia M. Seawright

F-3

20-18A

WARRANTY DEED

EVERETT L. VANDERPOOL, CLIFFORD K. KEETER, HOWARD M. MACFARLANE, WILLARD M. MACFARLANE, VAL F. BERKLEY, LISLE L. HADLOCK, WILLIAM D. WOOD, as trustees for the use and benefit of Ogden Aerie No. 2472, Fraternal Order of Eagles, GRANTORS, of Ogden, County of Weber, State of Utah, hereby CONVEY AND WARRANT to -

OGDEN AERIE No. 2472, FRATERNAL ORDER OF EAGLES, a Utah non-profit corporation, GRANTEE, of Ogden, Weber County, State of Utah, for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATIONS, the following described tract of land in Weber County, State of Utah:

A part of the Northwest Quarter of Section 14, Township 6 North, Range 2 East, Salt Lake Base and Meridian, United States Survey:

Beginning at a point 1457.0 feet East of the Southwest corner of said quarter section and running thence North 0° 27' East 2600 feet, more or less to the North line of said Section 14; thence East along the Section line 1144.0 feet, more or less to a point 105 feet West of the Northeast corner of said quarter Section; thence South 140 feet; thence East 80 feet; thence South 514.85 feet; thence North 87° 22' West 152 feet; thence South 76° 25' West 75 feet; thence South 51° 52' West 166 feet; thence South 33° 50' West 60 feet more or less to a point South 504 feet; South 59° 19' West 615 feet, North 79° 23' East 46.76 feet, North 48° 25' East 57.12 feet and South 30° 50' East 54 feet, more or less to the North Westerly line of the Millie Garff property, from the Northeast corner of said Quarter Section; then North 30° 50' West 54 feet, more or less to a point 65 feet North 60° 50' West from the center of River; thence South 48° 25' West 57.12 feet; thence South 79° 23' West 46.76 feet; thence South 59° 10' West 600 feet; thence South 30° 50' East 225 feet; thence North 56° 18' East 100.13 feet; thence North 49° 31' East 101.43 feet; thence North 46° 14' East 102.61 feet; thence North 37° 22' East 107.7 feet; thence North 62° 23' East 100.13 feet; thence North 53° 28' East 5 feet more or less to the Westerly line of the Holbrook property; thence South 33° 50' West 45 feet more or less to a point 564.72 feet West of the East line of said quarter section; thence south 50 feet; thence East 260 feet; thence North 50 feet; thence East 304.72 feet; thence South to Southeast corner of said quarter section; thence West 1249 feet, more or less to point of beginning.

SUBJECT TO RIGHT OF WAY: 20 feet wide, the center line of which is described as follows: Beginning at a point West 115 feet from the Northeast corner of said quarter section, running thence South 170 feet; thence East 80 feet; thence South 387.54 feet; thence South 79° 40' West 223.55 feet; thence South 50° 60' West 250.15 feet, thence South 59° 10' West 700 feet.

Excepting therefrom the following property: Part of the Northwest Quarter of Section 14, Township 6 North, Range 2 East, Salt Lake Meridian, United States Survey: Beginning on the South line of a 20 foot Right of way 504 feet South and South 59° 10' West 515 feet from the Northeast corner of said Quarter Section running thence North 50° East along said right of way 200 feet, thence South 30° 50' East to the center of River Channel thence Southwesterly along center of River channel to a point South 30° 50' East of beginning, thence North 30° 50' West 65 feet to beginning.

Together with the right to use of all water heretofore used upon or in connection with the property hereby warranted and conveyed, including the right to the use of one sixth of the water of the Rollo, Johnson and Downs Ditch Company, as tabulated in the water rights on the Ogden River and its tributaries in that certain decree in the District Court of the Second Judicial District of Utah, in and for Weber County, in that certain cause entitled "Plain City Irrigation Company vs Hooper Irrigation Company, et al" being No. 7487 in said Court, and being Right No. D A 306, and including the right to the use of all the water of the Bingham Spring as tabulated in the water rights on the Ogden River District of Utah, in and for Weber County, in that certain cause entitled "Plain City Irrigation Company vs Hooper Irrigation Company, et al" being No. 7487 in said Court, and being Right No. A. 304.

Page 2.

WITNESS THE HAND OF SAID GRANTORS, this 10 day of January, A.D 1958.

Signed in the presence of

STATE OF UTAH)
COUNTY OF WEBER) ss

On the 10 day of January, A.D. 1958, personally appeared before me Everett L. Vanderpool, Clifford K. Keeter, Howard M. Macfarlane, Willard M. Macfarlane, Val F. Berkley, Lisle L. Hadlock, ~~William O. Wood~~, the signers of the within instrument, who duly acknowledged to me that they executed the same.

NOTARY PUBLIC
Residing at Ogden, Weber County, Utah

My Comm. Expires: ~~Nov 13~~
Dec. 28, 1959 1960

STATE OF UTAH)
COUNTY OF WEBER)

On the 29th day of May, A.D. 1958, personally appeared before me William D. Wood, the signer of the within instrument, who duly acknowledged to me that he executed the same.

294557 4.90

STATE OF UTAH
COUNTY OF KANE
FILED FOR
Richard W. Brann
JUN 2 1 08 PM '58

IN BOOK 581 OF RECORD
PAGE 206
RUTH EAKES OLSEN
COUNTY RECORDER

Richard W. Brann
Richard W. Brann, NOTARY PUBLIC
Residing at Ogden, Weber County, Utah
My Comm. Expires: Jan. 20, 1961

49 19277 - 3-1-2- - 2 = 2

Plotted	<input checked="" type="checkbox"/>	Indexed	<input type="checkbox"/>	<input type="checkbox"/>
Recorded	<input type="checkbox"/>	Abstracted	<input type="checkbox"/>	
Compared	<input type="checkbox"/>	Page	<input type="checkbox"/>	

F-5

BOOK 581 PAGE 208

294558

2.00

Matted ☐ Indexed ☐
 Recorded ☐ Abstracted ☐
 Compared ☐ Page ☐

STATE OF UTAH }
 COUNTY OF WEBER } SS
 FILED AND RECORDED FOR
 Richard W. Brann
 JUN 2 1 10 PM '58

IN BOOK 581 OF RECORD
 PAGE 208
 RUTH EAMES OLSEN
 COUNTY RECORDER

Collected by W. L. Luter

Mail tax notice to Name

Address

WARRANTY DEED

E. H. SLADE and NONA W. SLADE, Husband and Wife, Grantors,
 of Ogden City, County of Weber, State of Utah, hereby CONVEY and
 WARRANT to OGDEN AERIE NO. 2472, FRATERNAL ORDER OF EAGLES, a Utah non-
 profit corporation,

Grantee,

of Ogden City, County of Weber, State of Utah, for the sum of
 TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATIONS - - - - - DOLLARS,
 the following described tract s of land in Weber County, State of Utah:

PARCEL 1:

A part of the Northwest quarter of Section 14, Township 6 North, Range 2 East
 of the Salt Lake Base and Meridian, United States Survey: Beginning at a point
 South 504.00 feet, and South 59°10' West 1015.00 feet from the Northeast corner
 of said quarter section, running thence South 30°50' East 203.00 feet to center
 of River Channel, thence South 49°31' West 101.43 feet, thence North 30°50'
 West 220.00 feet, thence North 59°10' East 100 feet to the place of beginning.

PARCEL 2:

A part of the Northwest quarter of Section 14, Township 6 North, Range 2
 East of the Salt Lake Base and Meridian, United States Survey: Beginning at a
 point South 504.00 feet, and South 59°10' West 1115.00 feet from the Northeast
 corner of said quarter section, running thence South 30°50' East 220 feet to
 center of River Channel, thence South 56°18' West 100.13 feet, thence North
 30°50' West 225.00 feet, thence North 59°10' East 100 feet to the place of
 beginning.

Together with a right - of - way to the above described parcels of real
 property with a center line description 20 feet wide more particularly described
 as follows: A part of the Northwest quarter of Section 14, Township 6 North,
 Range 2 East of the Salt Lake Base and Meridian, U. S. Survey: Beginning at a
 point West 115.00 feet from the Northeast corner of said Quarter section, running
 thence South 170.00 feet thence East 80.00 feet, thence South 387.54 feet, thence
 South 79°40' W. 223.55 ft., thence S. 50°00' W. 250.15 ft., th. S. 59°10' W. 700 ft.
 WITNESS the hand s of said Grantor, this 31st day of May A. D. 1958.

Signed in the presence of

Richard W. Brann

E. H. Slade
 Nona W. Slade

STATE OF UTAH }
 County of Weber } ss.

On the 31st day of May, A. D. 1958, Personally
 appeared before me E. H. Slade and Nona W. Slade

the signer s of the within instrument, who duly acknowledged to me that
 the y executed the same.



Richard W. Brann, Jr.
 Notary Public

Residing at: Ogden, Utah

My Commission expires: Jan. 20, 1961

J. D. WOODS PRINTING CO., OGDEN, UTAH

(Use black typewriter ribbon only)

20-18A

F-6

Deed Location



Exhibit
G-1

Landmark Surveying, Inc. <small>A Complete Land Surveying Service</small> <small>www.LandmarkSurveying.com</small>		<small>8048 South 5500 West - #111</small> <small>Blue Haven, UT 84001</small> <small>801-731-4073</small>
Client: First American Title Company <small>Address:</small>		
<small>NW 1/4 of Section 14,</small> <small>Township 5 North, Range 2 East, Salt Lake Base and Meridian.</small>		
<small>Revisions</small>	<small>DRAWN BY: EDR</small> <small>CHECKED BY: --</small> <small>DATE: 25/2018</small>	

Deed Location



Scale - 1" = 60'



G-2

 Landmark Surveying, Inc. A Complete Land Surveying Service www.LandmarkSurveying.com		2648 South 1900 West - 4th Fl. West Haven, CT 06457 860-731-4075
Client: First American Title Company Address:		
NW 1/4 of Section 14, Township 6 North, Range 2 East, Salt Lake Base and Meridian.		
Revisions:	DRAWN BY: EDR	
	CHECKED BY:	
	DATE: 2-5-2015	

Occupied Location



G-3

Landmark Surveying, Inc. A Complete Land Surveying Service www.LandmarkSurveying.com		4646 South 2500 West, Box 3 West Haven, UT 84401 801-731-4975
Client: First American Title Company Address:		
NW 1/4 of Section 14, Township 6 North, Range 2 East, Salt Lake Base and Meridian.		
Revisions:	DRAWN BY: EDR	
	CHECKED BY:	
	DATE: 2-5-2013	

Occupied Location



Scale - 1" = 60'



2012 Aerial Photo with overlay of County Tax plot showing the discrepancy in title and occupation

5-4

Landmark Surveying, Inc. A Computerized Surveying Service www.LandmarkSurveying.com		4040 South 100th West, Suite 100 Tulsa, Oklahoma 74133 (918) 231-4075
Client: First American Title Company Address:		
NW 1/4 of Section 14, Township 8 North, Range 2 East, Salt Lake Base and Meridian		
Drawn by:	TDR	
Checked by:	TDR	
Date:	2/5/2015	