



Landmark Surveying, Inc.

A Complete Land Surveying Service
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(801) 731-4075 Office

May 27, 2020

Weber County Surveying
Weber Center
2380 Washington Blvd
Ogden, Ut 84401

RE: Survey comments shown on redline plat for Cazier Subdivision, First review

To Whom It May Concern:

The attached is a written response to each of the comment items noted on the reviewed plat. If you have further questions please feel free to contact me.

Thank you.

Respectfully,

Ernest D. Rowley, PLS, CFedS

Principle Owner - Landmark Surveying, Inc.

ernest@LandmarkSurveyUtah.com

4031 Survey response_05-27-2020.docx

REVIEW RESPONSE for 1st Survey review comments,
as shown on returned plat.

TO: Weber County Survey

FROM: Ernest Rowley, PLS, CfedS

1. Names of person/s signing needs to be printed on plat.
RESPONSE: The printing of names can either be done by the drafter of the plat or by the person signing the plat. I have looked at the ownership record for the property and included the name of the owner as contained in recorded documents.
2. The individual or company names and addresses of applicant of the subdivision. WCO 106-1-5(a)(3); UCA 17-23-17(3)(j).
RESPONSE: The developer's information has been added. However, your quote of UCA 17-23-17(3)(j) has nothing to do with the developer as noted and all business information for Landmark Surveying is on the plat.
3. A legend shall be included which clearly identifies the lines, symbols, and other markings used to create the survey map, or plat. WCO 106-1-5(a)(2); WCO 106-1-8(c)(1)c, UCA 17-23-17(3)(c), WCO 45-3-3(d)
RESPONSE: UCA 17-23-17(3)(c) has nothing to do with a legend. The plat already has a scale and north arrow. As to the legend, line types that have not been labeled are identified in the legend.
4. The plat shall have a detailed description of all monuments found and each one shall be referenced on the plat including the type, size, condition, and location in reference to the surface of the ground as well as a description or graphic depiction if the markings, date, agency, entity, or surveyor as inscribed on the monument. WCO 45-3-3(b).
RESPONSE: This is complied with. See notations indicating that the monuments shown were found as per county records.
5. All measured bearings, angles, and distances separately indicated from those of record. UCA 17-23-17(3)(e).
RESPONSE: Please see note 2 and legend.
6. The existing location, widths, and other dimensions of all existing or platted streets or railroad lines within and immediately adjacent (within 30') to the tract of land to be subdivided.
RESPONSE: Such are already shown and noted. As to 4100 West Street there is no information on the street width. It is a prescriptive use road and the fence on the east of the property conforms to the deed location of the property and has been held as the right of way of use.
7. The existing location, widths, and other dimensions of all existing or platted buildings and structures within and immediately adjacent (within 30') to the tract of land to be subdivided. WCO 106-1-5(a)(6).
RESPONSE: As you know the purpose of this requirement is to provide planning information related to required set backs of structures that may be involved in the subdivision of this property. However, the structures on Bonnett's property are not relevant to that question related to this subdivision. The property boundaries between these properties are not being modified, created, nor adjusted. Any issues related to the structures on the Bonnett's property are already existing and of no concern to this development.

Additionally, the information being requested on adjacent uninvolved properties would require trespassing on my part and a larger invasion of their privacy than a simple collection of boundary information.

8. Parcels that are split by a taxing district shall have the entire parcel annexed into that taxing district prior to the recording of the subdivision. Exceptions will be made for bond obligations by the taxing district. WCO 106-2-4(I).

RESPONSE: What taxing district issue are you referring to? As I have looked at the Ownership Plat regarding taxing units all of this subdivision is fully within TU 516 and there would be no issue with this item.

9. All easements observed, recorded in the Recorder's Office or included in a preliminary title report unless legally vacated by all easement holders. WCO 106-1-8(c)(1)m.

RESPONSE: Items of the title report which I have been provided and those which are specifically addressed in this survey are shown or noted on the plat. A listing of the report Schedule B Part II exceptions are individually addressed hereinafter. This is not an ALTA/NSPS Land Title Survey and no representation of such is made herein. No research of the title record has been done outside of this report by myself.

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I - Requirements are met.

RESPONSE: Not addressed in this survey.

2. Water rights, claims to water or water rights, whether or not shown in the public records.

RESPONSE: Not addressed in this survey.

3. Taxes or assessments which are not now payable or which are not shown as existing liens by the records of any taxing authority that levies taxes or assessment on real property or by the public records.

RESPONSE: Not addressed in this survey.

4. Any facts, rights, interest, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession, or claiming to be in possession, thereof.

RESPONSE: There are no adverse conflicts with possession of consequence to be noted or disclosed. No such inquiry has been made as part of this survey and is not addressed by this survey.

5. Easements, liens encumbrances, or claims of easements, liens or encumbrances which are not shown by the public records.

RESPONSE: None of the listed items were observed at the time of survey with respect to the property.

6. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.

RESPONSE: Such items, if any pertain, have been shown or noted.

7. Any lien or right to a lien for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

RESPONSE: Not addressed in this survey.

8. PARCEL 1:

Taxes for the year 2019 have been paid in the amount of \$877.13. Taxes for the year 2020 are accruing as a lien but are not yet due or payable.

SERIAL NUMBER: 15-059-0049

PARCE 2:

Taxes for the year 2019 have been paid in the amount of \$916.89. Taxes for the year 2020 are accruing as a lien but are not yet due or payable.

SERIAL NUMBER: 15-059-0050

Lien arising as of 12 o'clock noon of January 1 for any unpaid personal property taxes which may be listed against the property described herein.

RESPONSE: Not addressed in this survey.

9. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed in Schedule B. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.

RESPONSE: Not addressed in this survey.

10. Said property is included within the boundaries of Weber County Taxing District number 516 and is subject to any charges and assessments levied by them as a result of services provided. Charges are current.

RESPONSE: See survey response 8 above regarding TU 516.

11. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed in Schedule B. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.

RESPONSE: Not addressed in this survey.

12. RESOLUTION NO. 27-2012

Dated: December 11, 2012

Purpose: A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF WEBER COUNTY, UTAH, CONFIRMING THE TAX TO BE LEVIED FOR MUNICIPAL SERVICES PROVIDED TO THE UNINCORPORATED AREA OF WEBER COUNTY AND DESCRIBING THE SERVICES TO BE PROVIDED THEREIN.

Recorded: December 13, 2012

Entry Number: 2610456

RESPONSE: Not addressed in this survey.

13. CERTIFICATE OF CREATION OF THE NORTHERN UTAH ENVIRONMENTAL RESOURCE
AGENCY Dated: December 1, 2014
Recorded: January 20, 2015
Entry Number: 2718461
RESPONSE: Not addressed in this survey.
14. CERTIFICATE OF CREATION
Dated: July 26, 2017
Recorded: August 1, 2017
Entry Number; 2870841
RESPONSE: Not addressed in this survey.
15. Subject to all existing roads, streets, alleys, ditches, reservoirs, utilities, canals, pipe lines, power, telephone, sewer, gas or water lines, and right of way and easements thereof.
RESPONSE: The right of way of streets of record or prescriptive use have been shown. No other items have been addressed.
16. EASEMENT AN CONDITIONS CONTAINED THEREIN
Grantee: AMERICAN TELEPHONE AND TELEGRAPH COMPANY
Recorded: June 28, 1929
Book: / Page: 3P / 506
RESPONSE: A copy of this easement has not been provided nor addressed in this survey.
17. PERPETUAL EASEMENT
Grantor: LAVAR AND ELSIE HIPWELL
Grantee: CENTRAL WEBER SEWER IMPROVEMENT DISTRICT
Location: SEE DEED FOR EXACT LOCATION
Purpose: GRANTEE REQUIRES A PERMANENT EASEMENT AND RIGHT OF WAY ACROSS GRANTOR'S LAND FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF SEWER LINES AND APPURTENANT STRUCTURES ACROSS SAID GRANTORS LAND
Recorded: February 9, 2001
Entry Number: 1751010
Book: / Page: 2115 / 1720
RESPONSE: Does not affect this property but is shown on the plat.
18. PERPETUAL EASEMENT
Grantor: PHIL S. AND JELENE HANCOCK
Grantee: CENTRAL WEBER SEWER IMPROVEMENT DISTRICT
Location: SEE DEED FOR EXACT LOCATION
Purpose: GRANTEE REQUIRES A PERMANENT EASEMENT AND RIGHT OF WAY ACROSS GRANTOR'S LAND FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF SEWER LINES AND APPURTENANT STRUCTURES ACROSS SAID GRANTORS LAND
Dated: December 19, 2001

Recorded: December 19, 2001
Entry Number: 171010
Book: / Page: 2115 / 1720
RESPONSE: Same document as 17 above.

19. PERPETUAL EASEMENT

Grantor: LEROY AND ADA HERRICK
Grantee: CENTRAL WEBER SEWER IMPROVEMENT DISTRICT
Location: SEE DEED FOR EXACT LOCATION
Purpose: GRANTEE REQUIRES A PERMANENT EASEMENT AND RIGHT OF WAY ACROSS GRANTOR'S LAND FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF SEWER LINES AND APPURTENANT STRUCTURES ACROSS SAID GRANTORS LAND
Dated: November 9, 2000
Recorded: February 9, 2001
Entry Number: 171015
Book: / Page: 2115 / 1745
RESPONSE: Similar document as 17 above.

20. TEMPORARY EASEMENT

Grantor: JUNIOR BLAINE CHARLTON
Grantee: CENTRAL WEBER SEWER IMPROVEMENT DISTRICT
Location: SEE DEED FOR EXACT LOCATION
Purpose: GRANTEE REQUIRES A PERMANENT EASEMENT AND RIGHT OF WAY ACROSS GRANTOR'S LAND FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF SEWER LINES AND APPURTENANT STRUCTURES ACROSS SAID GRANTORS LAND
Dated: February 8, 2001
Recorded: February 13, 2001
Entry Number: 1751568
Book: / Page: 2116 / 375
RESPONSE: Similar document as 17 above.

21. PERPETUAL EASEMENT

Grantor: SHERON B. MUSGRAVE, DEANNE B. PHILLIPS, AND BRADLEY DEE BITTON, TRUSTEES, OR THEIR SUCCESSORS IN TRUST, UNDER THE DEE F. BITTON FAMILY TRUST AGREEMENT DATED DECEMBER 31, 1979; AND AN UNDIVIDED ONE HALF INTREST IN SHERON B. MUSGRAVE, DEANNE B. PHILLIPS, AND BRADLEY DEE BITTON, TRUSTEES, OR THEIR SUCCESSORS IN TRUST, UNDER THE LEONE B. BITTON FAMILY TRUST AGREEMENT DATED DECEMBER 31, 1979
Grantee: CENTRAL WEBER SEWER IMPROVEMENT DISTRICT
Location: SEE DEED FOR EXACT LOCATION
Purpose: GRANTEE REQUIRES A PERMANENT EASEMENT AND RIGHT OF WAY ACROSS GRANTOR'S LAND FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF SEWER LINES AND APPURTENANT STRUCTURES ACROSS SAID GRANTORS LAND
Dated: March 9, 2001

Recorded: March 13, 2001
Entry Number: 1757395
Book / Page: 2122 / 2412
RESPONSE: Similar document as 17 above.

22. PERPETUAL EASEMENT

Grantor: RICHARD B. ALVORD AND WIFE JEANNE L. ALVORD
Grantee: CENTRAL WEBER SEWER IMPROVEMENT DISTRICT
Location: SEE DEED FOR EXACT LOCATION
Purpose: GRANTEE REQUIRES A PERMANENT EASEMENT AND RIGHT OF WAY ACROSS GRANTOR'S LAND FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF SEWER LINES AND APPURTENANT STRUCTURES ACROSS SAID GRANTORS LAND
Dated: March 20, 2001
Recorded: April 2, 2001
Entry Number: 1761411
Book / Page: 2127 / 2665
RESPONSE: Similar document as 17 above.

23. PERPETUAL EASEMENT

Grantor: VIRGINIA B. HIPWELL
Grantee: CENTRAL WEBER SEWER IMPROVEMENT DISTRICT
Location: SEE DEED FOR EXACT LOCATION
Purpose: GRANTEE REQUIRES A PERMANENT EASEMENT AND RIGHT OF WAY ACROSS GRANTOR'S LAND FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF SEWER LINES AND APPURTENANT STRUCTURES ACROSS SAID GRANTORS LAND
Dated: April 16, 2001
Recorded: April 18, 2001
Entry Number: 1764840
Book: / Page: 2131 / 2453
RESPONSE: Similar document as 17 above.

24. FIRE PROTECTION COVENANT TO RUN WITH THE LAND

Dated: March 18, 1981
Purpose: FOR THE ESTABLISHMENT OF COUNTY SERVICE DISTRICT FOR FIRE PROTECTION INCLUDING PARAMEDIC SERVICE AS PROVIDED FOR IN TITLE 17, CHAPTER 34 UCA 1953, AS AMENDED
Recorded: March 19, 1981
Entry Number: 832167
Book: / Page: 1378 / 868
RESPONSE: Not a survey issue and not addressed in this survey.

25. FIRE PROTECTION COVENANT TO RUN WITH THE LAND

Dated: March 18, 1981

Purpose: FOR THE ESTABLISHMENT OF COUNTY SERVICE DISTRICT FOR FIRE PROTECTION INCLUDING PARAMEDIC SERVICE AS PROVIDED FOR IN TITLE 17, CHAPTER 34 UCA 1953, AS AMENDED

Recorded: March 19, 1981

Entry Number: 832168

Book: / Page: 1378 / 868

RESPONSE: Not a survey issue and not addressed in this survey.

26. NOTICE OF NON BUILDABLE PARCEL

Dated: April 16, 2018

Recorded: April 16, 2018

Entry Number; 2915316

RESPONSE: Not a survey issue and not addressed in this survey.

27. NOTICE OF NON BUILDABLE PARCEL

Dated: April 16, 2018

Recorded: April 16, 2018

Entry Number; 2915317

RESPONSE: Not a survey issue and not addressed in this survey.

28. TRUST DEED

Dated: July 20, 2019

Amount: \$136,657.00

Trustor: DANIEL C. ELMER

Beneficiary: MERS AS NOMINEE FOR PRIMELENDING, A PLAINSCAPITAL COMPANY

Trustee: TITLE GUARANTEE A TITLE INSURANCE AGENCY

Recorded: July 22, 2019

Entry Number: 2992298

RESPONSE: Not a survey issue and not addressed in this survey.

29. Any matters disclosed by an accurate survey of said property.

RESPONSE: This is a title matter which, while the boundaries of the property have been identified and addressed in this survey, this is not specifically commented on.

30. RIGHTS OF PARTIES IN POSSESSION OF THE LAND UNDER UNRECORDED LEASES, RENTAL OR OCCUPANCY AGREEMENTS AND ANY CLAIMS OR INTEREST ARISING THEREUNDER.

RESPONSE: Not addressed in this survey.

31. THE COMPANY SPECIFICALLY EXCEPTS ANY AND ALL MATTERS PENDING AGAINST ANY LESSEE OR TENANT, BEING ON OR OFF RECORD, INCLUDING BUT NOT LIMITED TO, BANKRUPTCIES, JUDGMENT LIENS, FEDERAL AND STATE TAX LIENS, ETC., AND MAKES NO CERTIFICATIONS AS TO THE CHECKING OF JUDGMENTS, TAX LIENS, OR OTHER ENCUMBRANCES CREATED BY ANY LESSEE OR TENANT.

RESPONSE: Not addressed in this survey.

32. JUDGMENTS WERE CHECKED AGAINST THE FOLLOWING NAMES AND NONE WERE FOUND TO BE OF RECORD:

STANLEY EARL BROWN GLENDA ANN BROWN DANIEL C. ELMER

FARR BUILT HOMES, INC.

RESPONSE: Not addressed in this survey.

33. A 24 MONTH VESTING CHAIN OF TITLE HAS BEEN DONE AND THE FOLLOWING ITEMS WERE FOUND TO BE OF RECORD.

WARRANTY DEED DATED JULY 19, 2019 BY AND BETWEEN STANLEY EARL BROWN AND GLENDA ANN BROWN HUSBAND AND WIFE AS JOINT TENANTS AS TO PARCEL 1, STANLEY EARL BROWN AND GLENDA ANN BROWN AS TO PARCEL 2 AND 3 TO DANIEL C. ELMER, AN UNMARRIED MAN, RECORDED AS ENTRY NUMBER: 2992297

RESPONSE: This has been examined as part of this survey, however, no representation by the surveyor is made as to legal ownership. The boundaries of the property have been identified as certified on the subdivision plat.