

ELLA O FOWLES SUBDIVISION

PART OF THE NW 1/4 OF SECTION 14 TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE BASE & MERIDIAN

Unincorporated WEBER COUNTY, UTAH - Survey Dates: 2014-2015

OWNER'S DEDICATION

We the undersigned owners of the herein described tract of land, do hereby set apart and subdivide the same into lots and Private Right-of-Way as shown hereon and name said tract ELLA O FOWLES SUBDIVISION:

We hereby dedicate and reserve unto ourselves, our heirs, our grantees and/or assigns, an easement(s), and/or right(s)-of-way as shown hereon as Private Right-of-way (Ella Way) to be used in common with all others within said subdivision on, over and across all those portions or parts of said tract of land designated on said plat as access to the individual lots, or other property or uses granted for the ownership or use of said owner(s), heirs, grantees, and/or assigns, to be maintained by the owners, their grantees, successors, or assigns of said lots. In the event that there is not a formal association that is empowered to resolve maintenance issues related to the right of way and disputes arise from such the aggrieved lot owners may petition the Weber County Commission to resolve such disagreements and at the discretion of the County may deem a maintenance issue to be a safety hazard and choose to resolve the maintenance issue and assess a fee which will cover the costs of the County in resolving the safety concern to each lot owner on an equal basis which will be based on lot ownership and not by area of lot.

We hereby grant and dedicate a perpetual right and easement over, upon and under the lands designated as Private Right-of-way (Ella Way) shown hereon as public or private utility, storm water detention pond(s), drainage easement(s), and canal maintenance easement(s), the same to be used for the installation, maintenance and operation of public or private utility service line(s), storm drainage facilities, irrigation canal(s) or for the perpetual preservation of water channels in their natural state whichever is applicable and as may be authorized by the governing authority, with no buildings or structures being erected within such easements. In the event that there is no formal governing authority to represent the private interests of the lot owners the Weber County Commission shall be and is hereby designated as the governing authority for such utility purposes.

Corporate Acknowledgement

STATE OF UTAH)
COUNTY OF WEBER) SS

IN WITNESS WHEREOF, Ogden Arie No. 2472, Fraternal Order of Eagles on this day of _____, 20____, before me personally appeared the above named signers, personally known to me or proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged to me that they voluntarily executed the same in her corporate capacity indicated herein.

Lisa Witman, Its Worthy President Virginia McKay, Its Worthy Secretary

Aron Scrip, Its Treasurer

Witness my hand and official seal.

Notary Public Residing in:

My Commission Expires:

BOUNDARY DESCRIPTION

A subdivision being a part of the Northwest Quarter of Section 14, Township 6 North, Range 2 East, Salt Lake Base and Meridian, Weber County, Utah. This subdivision having NAD1927 basis of bearing of North 89°54'14" West between the monumented North Quarter Corner (NAD1927 coordinates of X=1947513.0788 Y=339254.9075) and the Northwest Corner (NAD1927 coordinates of X=1944816.157 Y=339259.429) of said Section 14 as published by the Weber County Surveyor's Office said subdivision being more particularly described as follows:

BEGINNING at a point in the existing east right of way fence of an easement having been first granted by Ella O Fowles to Albert G Hunt, by warranty deed Book 444 page 299, on April 29, 1954 recorded August 17, 1954; said point being located by survey 25.00 feet North 89°54'14" West and 240.83 feet South 00°15'24" East; FROM said monumented North Quarter Corner of Section 14;

RUNNING thence South 00°34'07" West 320.00 feet along said fence line and fence line extended; Thence South 77°10'16" West 117.59 feet; Thence South 79°41'42" West 131.15 feet; Thence South 66°48'03" East 110.36 feet; Thence South 30°50'00" East 46.68 feet, more or less, to the center line of the South Fork of the Ogden River; Thence in a Southwesterly direction along the center of the South Fork of the Ogden River being approximately described by survey with the following nine courses as it exists April 1, 2015, 1) South 55°53'36" West 70.76 feet, 2) South 40°22'23" West 116.02 feet, 3) South 22°06'19" West 154.36 feet, 4) South 41°14'43" West 84.75 feet, 5) South 62°33'11" West 110.66 feet, 6) South 49°42'44" West 43.70 feet, 7) South 36°48'17" West 61.10 feet, 8) South 47°02'11" West 70.10 feet, 9) South 60°57'53" West 72.88 feet;

Thence leaving said river North 30°49'55" West 32.94 feet; Thence North 10°11'08" West 207.45 feet along an old existing fence line and extension of said fence to an old existing fence corner; Thence the following Eight(8) courses along and/or near an existing fence line, 1) North 58°17'20" East 261.02 feet, 2) North 63°48'57" East 162.76 feet, 3) Thence North 47°40'30" East 73.09 feet, 4) Thence North 48°31'42" East 186.22 feet, 5) Thence North 66°48'03" East 116.03 feet, 6) Thence North 79°41'42" East 132.97 feet, 7) Thence North 77°10'16" East 93.21 feet, 8) Thence North 52°49'29" East 10.02 feet;

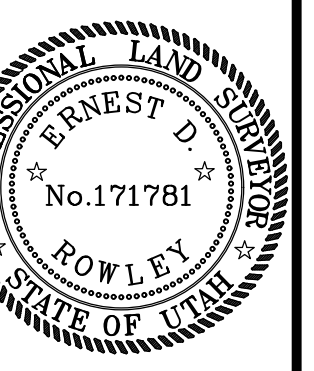
Thence North 00°34'07" East 299.95 feet parallel to and 20 feet perpendicularly distant westerly of the east boundary of the subdivision being an existing fence line; Thence South 89°25'53" East 20.00 feet to the point of beginning.

Containing 2.1778 acres, more or less.

Subject to any and all easements or encumbrances of record or which may be valid in equity and law.

SURVEYOR'S CERTIFICATE

I, Ernest D. Rowley, do hereby certify that I am a professional land surveyor in the State of Utah and hold license no. 171781-2201 in accordance with Title 58, Chapter 22 known as the Professional Engineers and Professional Land Surveyor's Licensing Act, have made a survey of the property(s) shown hereon in accordance with UCA 17-23-17, verifying measurements, and placing monuments as represented. That this plat was prepared from the field notes of this survey and from documents and records as noted hereon. I further certify that, to the best of my knowledge and belief, all lots meet the current requirements of the Land Use Ordinance of Weber County.



N 1/4 COR SEC 14, T6N, R2E, SLB&M, AS PER WCO. SURVEYOR TIE SHEET 19-60 IN GOOD CONDITION DATED 1935. WCO. NAD27 COORDINATES X=1947513.0788 Y=339254.9075

Basis of bearing = N 89°54'14" W 2697.70' (2696.93' grid)

NW COR SEC 14, T6N, R2E, SLB&M, AS PER WCO. SURVEYOR TIE SHEET 19-59 IN GOOD CONDITION DATED 1989. WCO. NAD27 COORDINATES X=1944816.157 Y=339259.429

S 00°15'24" E 240.83'
S 89°21'11" E 20.00'
N 89°54'14" W 25.00'

HISTORIC EASEMENT FENCES SEE NARRATIVE.
N 52°49'29" E 10.02'
N 77°10'16" E 93.21'

N 79°41'42" E 132.97'
N 79°41'42" E 131.15'
S 77°10'16" W 117.59'

S 66°48'03" W 110.36'
S 48°31'42" W 16.24'
S 30°50'00" E 46.68'

N 77°40'30" E 73.09'
N 48°31'42" E 186.22'
S 66°48'03" W 110.36'

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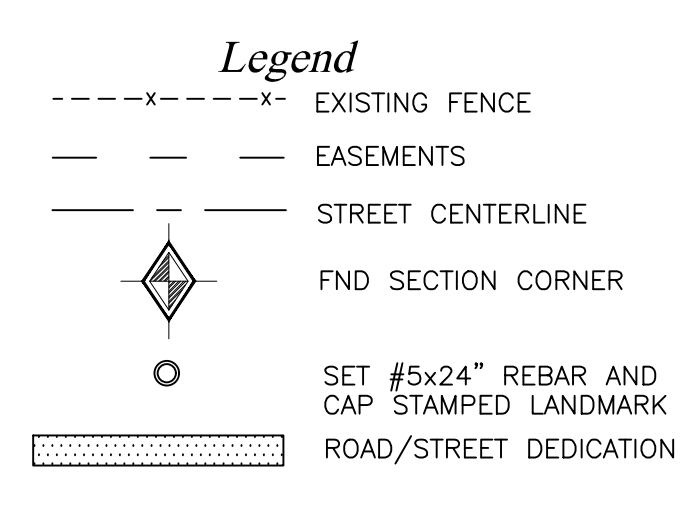
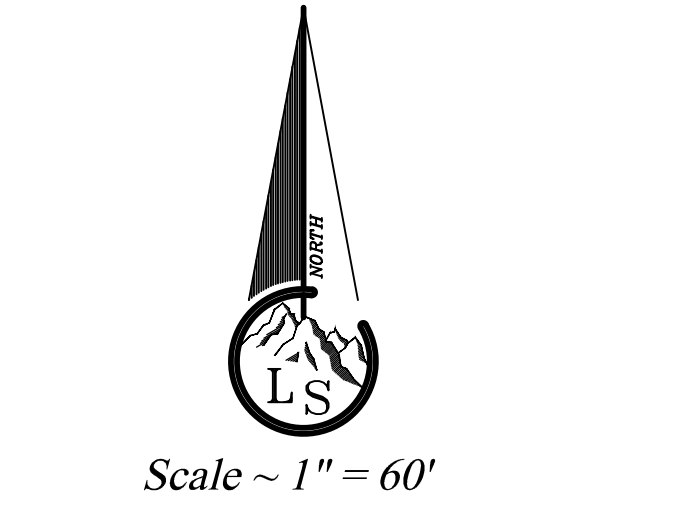
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N 77°40'30" E 73.09'
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S 66°48'03" W 110.36'

- NARRATIVE**
- The Basis of Bearing is as noted in the Boundary Description hereon. The purpose of the survey is to correct long standing deed errors for several properties identified in the Weber County Tax Record as parcel numbers, 21-019-0001, 21-019-0002, 21-019-0003, 21-019-0004, 21-019-0005, 21-019-0006, 21-019-0007, 21-019-0008. The error also affects parcel number 21-018-0015. The Parcel numbers and original document of conveyance for the respective lots are noted within each lot and are not intended to be the description of the properties. The references are included only to identify the root of title associated with each parcel.
 - The southwest boundary of Lot 1 is being modified in this subdivision in accordance with an agreement between the respective owners to match the existing fence line which has been used as the property boundary by each party and/or their successors in interest for a long period of time.
 - The description errors as originally conveyed were caused by a mis-description of the Point of Beginning of each parcel in the magnitude of about 100 feet being short of what the physically occupied locations of the property are in relation to the North Quarter Corner of Section 14, Township 6 North, Range 2 East, SLB&M. So the error has placed the deed for each parcel about 100 feet Northeastly of the historic occupation.
 - The North Quarter Corner has been in place since 1935 according to Weber County Surveyor tie sheet records. The deeds which first conveyed these parcels are noted on the plat for each lot with the grantor, grantee, and date of conveyance. The other two parcels that the Eagles own are being consolidated into the overall RV park property that they own and are not included in this subdivision.
 - The Historic Easement Fences shown at the top right of the sheet (the line running north-south) identify the location of the original 20 foot easement (granted for the use of the lot owners by Ella O Fowles as Book 444 page 299). The east fence of this line is being held as the evidence of the right of way which matches the easement description as written and the west fence is very close to being a 20 foot offset of the east fence and is being held as the subdivision boundary for some portions as noted hereon. It is at the southerly end of these fences that the granted easement no longer conformed to the existing road as it is fenced and used by the lot owners and where the modification of said easement is being made. This plat is holding the general alignment of an existing fence as the boundary of this subdivision and the right of way is set to be 20 feet southerly of this north boundary which will not coincide with some of the existing fences near the south line of the described and granted Private Right-of-way (Ella Way).
 - The West boundary is being held on an existing fence line that the Eagles and the owner of Lot 1 have agreed to hold as their boundary.
 - The southerly boundary is identified as it was conveyed in original deeds which identify the intended boundary to be the thread of the river and the courses shown are only intended to document approximate angle points in the river for the purpose of calculating an approximate area for the new lots and aid in plotting the lots in the tax record. The described line in many of the original deeds is the center of the river which "center" or "thread" would be and is still the controlling boundary location. Therefore, the bearings and distances shown hereon may be adjusted or modified if the center of the river were to be precisely located.
 - In checking the deeds for the properties on the south side of the river it is found that those parcels identify the south bank of the river as their property boundary.
 - Additionally, the Weber County surveyor's office is requiring that the river bank be shown and described by metes and bounds courses along with the 100 foot river protection zone line. This information is being included on this plat only for the purpose of complying with such request and at the protest of the surveyor. This survey or plat is not to be construed to fix or establish a legal or binding line or boundary of such river bank and 100 foot protection line data, nor should such data be construed to identify a detailed or accurate location of the bank of the river or protection zone line.
 - In regard to the river bank location and 100 foot protection zone location, the certificate of survey issued hereon by the certifying surveyor, not Will Landmark Surveying, Inc., include, accept or acknowledge any liabilities associated with the inclusion of said data. Any loss, damage, claims or rights whether real or perceived are also expressly excepted.
 - This plat is creating a Private Right of Way dedication which is granted as detailed in the owners dedication. It should be noted that access to this private right of way is currently on an unimproved gravel driveway which, according to the information provided by the affected land owners to the surveyor, may be an easement of use. The recorded and described easement for this subdivision is described in deeds from Ella O. Fowles to her grantees. A portion of that described easement from the state highway southerly and easterly to the right of way is not currently being used by the lot owners to access their property. Any dispute, disagreement, right, title, interest, use, or encumbrance associated with legal access to this subdivision is expressly excepted from this survey and plat. The granting of title to this plat by the Eagles or the deeding of current descriptions to the Eagles of parcels within this subdivision do not grant, expand, relinquish, or disavow any existing rights of access whether recorded or otherwise with one exception, the easement and right of way as granted by Ella O. Fowles for access to the individual parcels of property which may be within the bounds of this plat is intended to be released and relinquished by separate deed in exchange for rights of access along the private right of way as dedicated herein.
 - This project is located in the F-5 Zone of unincorporated Weber County and from information provided by the county planning office these parcels have been provided a "grandfathered" status as Legal Non-conforming lots. The county is well aware of the reason for the change in the location of the original conveyance and the purpose of this document in correcting those original deeded locations.
 - All lot corners and subdivision boundary points have been monumented with rebar and cap except for the points in the river or those that have been noted as having other objects marking the lot corners as noted hereon.
 - Documents used in the survey are numerous which relate to the title of the property. Almost all of the documents within the NW 1/4 of the section have been looked at in some manner which dated from the late 1800's to the present. Those that specifically reference the properties being dealt with have been examined the more detail. Additional documents used in this survey are as follows but not limited to:
 - 21-019-0006 Ella O. Fowles to Albert G Hunt 1954 Book 447 pg 103
 - 21-019-0007 Ella O. Fowles to E.H. Slide 1954 Book 447 pg 397
 - 21-019-0008 Ella O. Fowles to E.H. Slide 1954 Book 447 pg 397
 - 21-018-0015 Alden Rollo, Plaintiff Fraternal Order of Eagles, Ogden Aerie No. 2472, Defendant 1968 Book 905 pg 632
 - 21-019-0002 Ella O. Fowles to Alvin Kenneth Cross 1954 Book 453 pg 63
 - 21-019-0003 Ella O. Fowles to Albert G Hunt 1954 Book 447 pg 103
 - 21-019-0004 Ella O. Fowles to Alvin Kenneth Cross 1954 Book 453 pg 63
 - 21-019-0005 Ella O. Fowles to Albert G Hunt 1954 Book 447 pg 103
 - 21-019-0006 Ella O. Fowles to Alvin Kenneth Cross 1954 Book 453 pg 63
 - 21-019-0007 Ella O. Fowles to E.H. Slide 1954 Book 447 pg 397
 - 21-019-0008 Ella O. Fowles to E.H. Slide 1954 Book 447 pg 397
 - Record of survey plat number 3210.
 - County Tie Sheet records for the North Quarter and Northwest corners as well as the Bearing Sheet for the township were utilized.



LINE NO.	BEARING & DISTANCE	LINE NO.	BEARING & DISTANCE	LINE NO.	BEARING & DISTANCE
1	N 30°49'55" W 26'	11	N 60°20' E 22'	21	N 23°29' E 58'
2	N 79°24' E 21'	12	N 31°49' E 12'	22	N 21°20' E 40'
3	N 68°32' E 20'	13	N 60°31' E 24'	23	N 18°51' E 35'
4	N 52°31' E 30'	14	N 54°02' E 16.5'	24	N 33°29' E 95'
5	N 53°19' E 25'	15	N 60°53' E 17'	25	N 47°10' E 192'
6	N 64°23' E 9'	16	N 63°03' E 65'	26	N 63°02' E 45'
7	N 44°45' E 21'	17	N 67°10' E 25'	27	N 74°27' E 83'
8	N 00°43' E 9'	18	N 52°16' E 21'	28	N 89°41' E
9	N 25°22' E 27'	19	N 48°03' E 15'		
10	N 38°42' E 10'	20	N 38°46' E 16'		

WEBER COUNTY COMMISSION ACCEPTANCE

This is to certify that this subdivision plat, the dedication of streets and other public ways and financial guarantee of public improvements associated with this subdivision hereon are hereby approved and accepted by the Commissioners of Weber County, Utah this _____ day of _____, 20____.

Chairman, Weber County Commission Title: Weber County Clerk

WEBER-MORGAN HEALTH DEPARTMENT

I hereby certify that the soils, percolation rates, and site conditions for this subdivision have been investigated by this office and are approved for on site wastewater disposal systems. Signed this _____ day of _____, 20____.

Director, Weber-Morgan Health Department

WEBER COUNTY PLANNING COMMISSION APPROVAL

This is to certify that this subdivision plat was duly approved by the Weber County Planning Commission on the _____ day of _____, 20____.

Chairman, Weber County Planning Commission

WEBER COUNTY ATTORNEY

I have examined the financial guarantee and other documents associated with this subdivision plat and in my opinion they conform with the County Ordinance applicable thereto and now in force and effect. Signed this _____ day of _____, 20____.

Signature

WEBER COUNTY SURVEYOR

I hereby certify that the Weber County Surveyor's Office has reviewed this plat for mathematical correctness, section corner data, and for harmony with lines and monuments on record in county offices. The approval of this plat by the Weber County Surveyor does not relieve the Licensed Land Surveyor who executed this plat from the responsibilities and/or liabilities associated therewith. Signed this _____ day of _____, 20____.

Signature

WEBER COUNTY ENGINEER

I hereby certify that the required public improvement standards and drawings for this subdivision conform with County standards and the amount of the financial guarantee is sufficient for the installation of these improvements. Signed this _____ day of _____, 20____.

Signature

Landmark Surveying, Inc.
A Complete Land Surveying Service
www.LandmarkSurveyUtah.com

4646 South 3500 West - #A-3
West Haven, UT 84401
801-731-4075

Weber County Recorder

Entry no. _____

Fee paid _____

Filed for record and recorded _____ day of _____ 2017.

at _____

in book _____ of official records,

on page _____

County Recorder: Leann H Kilts

By Deputy: _____

DEVELOPER: Ronald Hanson-First American Title Insurance Company

Address: Ronald Hanson, 529 Emerald Way, Laguna Beach, CA 92651-1256
First American Title Insurance Company, 9000 E Pima Center Pkwy, Scottsdale, AZ 85258

NW 1/4 of Section 14, Township 6 North, Range 2 East, Salt Lake Base and Meridian.

Revisions _____

DRAWN BY: EDR

CHECKED BY: _____

DATE: October 20, 2017

FILE: 3414