

PROPERTY SURVEY

FOR

ROBERT LEE SATHER

LOCATED IN THE SOUTHWEST QUARTER
OF SECTION 16, TOWNSHIP 2 SOUTH,
RANGE 1 WEST,
UINTAH SPECIAL MERIDIAN

LEGAL DESCRIPTION:

SEC 16 T2S R1W USM, BEG 427.4 FT N FR SE COR SW4SW4, N 550 FT M/L W 870 FT M/S S 550 FT M/L E 870 FT M/L TO BEG. 11 AC. ROOSEVLET CITY SURVEY. (As recited in the Supplemental Warranty Deed, Book A-351, Page 568, Duchesne County Recorder).

SURVEYOR'S NARRATIVE:

I was contacted by Bobby Sather to assist him in subdividing his property, this property survey was performed in preparation for this task.

This parcel of land is the remainder of that portion sold to James W. Lewis in 1951, as the lower illustration to the left shows. The first conveyance to the Lewis property was the Lewis Subdivision in 1953. In 1959 Robert R. Sather purchased the remaining land from Mr. Lewis and several of the unsold lots in the Lewis Subdivision. In 1960, Sathers subdivided the West portion of their property, and included with it a re-subdivision in the Northwest corner of the Lewis Subdivision, which included lot 6 (which they held title to), also the Northerly portion of Tenth West Street, and the West portion of Third North Street. This parcel of land being surveyed, as mentioned, is now the remaining portion, with the Lewis Subdivision to the South being in the first senior position, and the Sathers Sunrise Subdivision to the West being in the second senior position.

The boundaries on the North and East, adjoining the Golf Course Subdivision were determined as follows: As the upper illustration to the left shows, the entire Southwest quarter (save two unrelated properties) of Section 16 had been conveyed from the State of Utah to Marion Rasmussen in 1950. Then on May 2, 1951, the two properties as shown in the lower illustration were sold, creating the boundaries that now exist between the Golf Course Subdivision and Sathers property. As noted in the lower illustration, the portion sold to John Hamill (which currently contains the Golf Course Subdivision) was recorded 12 days before the Lewis property. According to Utah's Race-Record statute this would give Mr. Hamill superior title in the event the two properties overlapped. The manor in which the Golf Course Subdivision was surveyed in 1973 has this priority in reverse, holding fast to the distances called for in the Lewis Description. Both descriptions were written by metes and bounds, using cardinal directions and distances in units of rods. The number of rods called for were in even portions for ten acre and 40 acre tracts. The deeds to Mr. Hamill and Mr. Lewis each contained the same phrase stating "according to U. S. Land Surveys" at the end of their respective descriptions. According to the text "Boundary Control and Legal Principle, Third Edition" (a standard text in the survey industry), as taught on page 170, and page 325, when a deed reads "according to federal government survey methods", or "according to the government measure" the interpretation resorts back to the original General Land Office plat and survey, "and the conveyance is to be a proportional part of the original measure". Therefore, to determine these boundaries I performed a survey using the nearest available controlling corners, and as indicated on the General Land Office survey map of 1875, the 3-mile method for Section breakdown was used, and aliquot parts were calculated to determine these boundaries.

Another question arises regarding the longstanding location of the Golf Course Subdivision and its record overlap onto the Sathers property. As also stated in the text Boundary Control and Legal Principles, Third Edition, page 120, "A subdivider who subdivides another's property cannot convey title to the land improperly monumented. After a period of time, however, a person may acquire title to an improperly monumented strip of land through unwritten methods of title transfer". The law most applicable here would likely be by the adverse possession statute. The primary element of actual possession though, is not fulfilled. The physical occupation of each lot line of the Golf Course Subdivision to the East and North of Sathers property does not cross over onto the Sather property, except for a few very short locations where the old wire fence bounding the Sather property meanders into the Sather property about 12 inches. Also, a search was conducted to recover any rear lot corners along the Golf Course Subdivision to consider for lines of possession, but none were found. In this survey, I have therefore determined that the East boundary of the Sather property is common to the East line of the Southwest quarter of the Southwest quarter of Section 16. Also that the North boundary of the Sather property is common to the South line of the North half of the North half of the Southwest quarter of the Southwest quarter of the said Section 16. I have not set any property markers in this preliminary survey, anticipating that we will run the North and East subdivision lines in harmony with the data given on the Golf Course Subdivision Plat. Though this would place the Sathers exterior subdivision line inside the Sather property, from as much as 0.82' at the Northwest property corner, to as little as 0.40' at the Southeast property corner, it will help to avoid the appearance of an overlapping conflict in title with the lot owners in the Golf Course Subdivision.

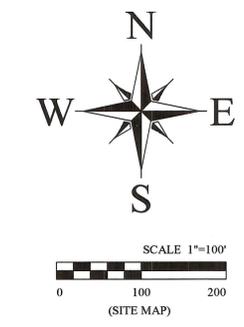
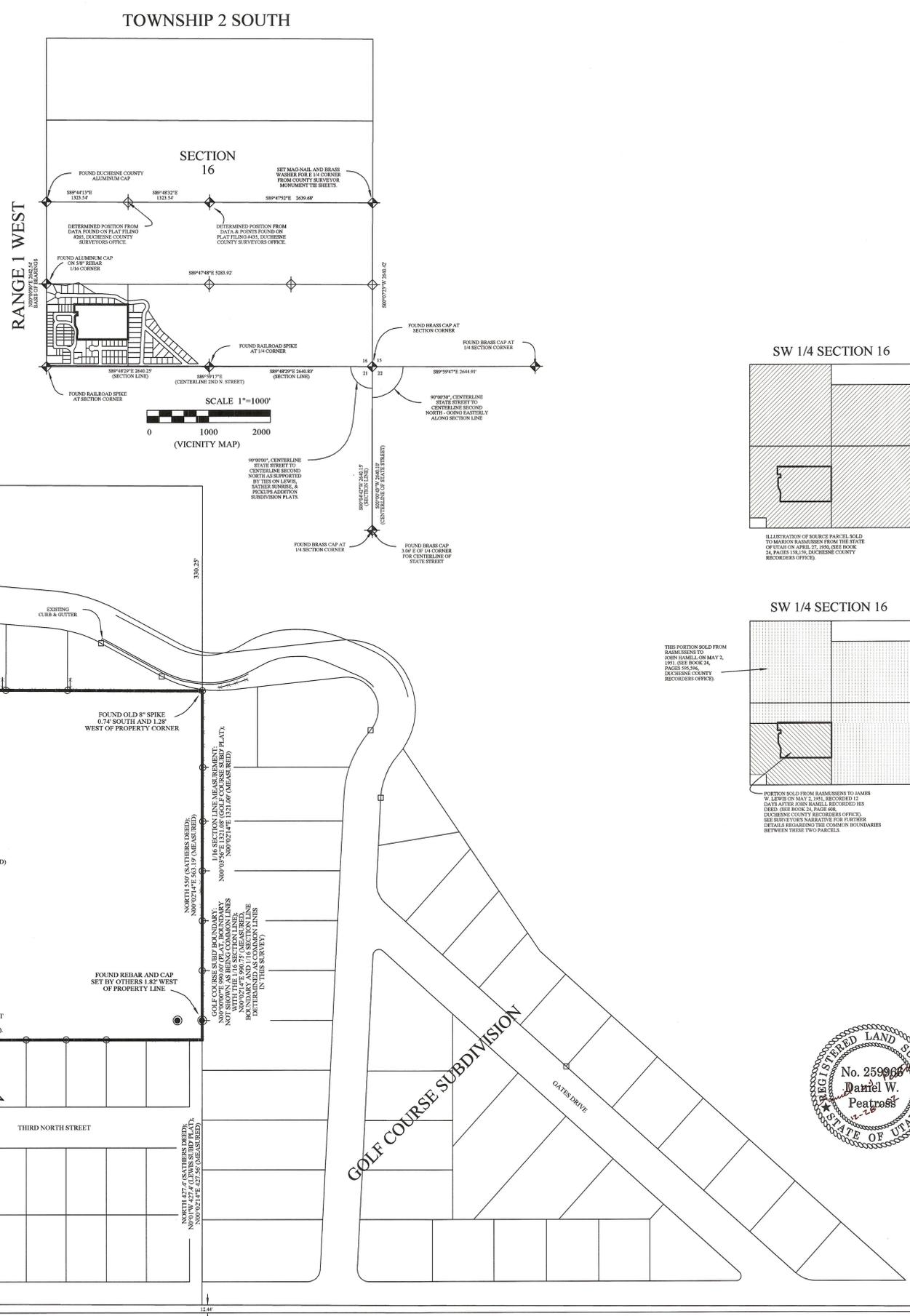
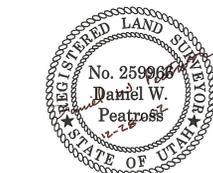
The North boundary of the Lewis Subdivision was determined by defining the centerline of Second North Street at right angles to the centerline monuments in State Street. This gave comparable offset ties to the South quarter corner, and to the Southwest corner of Section 16 as that given on the Lewis Subdivision plat, and the Sathers Sunrise Subdivision plat. The East boundary of the Sathers Sunrise Subdivision was determined by calculating the curves of the road using a three-point method, in conjunction with data given on the plat along the East lot lines. Also, the East-West lines in that subdivision were determined to be parallel to monuments found in the street on the South loop. The North-South lines were held parallel to the West line of Section 16.

The basis of bearings for this survey is assumed North along the West Section line.

SURVEYOR'S CERTIFICATE:

I, Daniel W. Peatross, do hereby certify that I am a Registered Land Surveyor, and that I hold certificate no. 259966, as prescribed by the laws of the State of Utah. I further certify that I have made a survey of the tract of land shown on this plat and described above, and that the same is correct and true to the best of my knowledge and belief.

#1262
COUNTY Surveyor's File



- NOTES:
- ◆ = SECTION CORNERS & STREET MONUMENTS LOCATED.
 - ◇ = SECTION CORNERS SEARCHED FOR, NOTHING FOUND.
 - = LOT CORNERS SEARCHED FOR, NOTHING FOUND.
 - = FOUND STEEL POST OR ROTTED STAKES AT, OR NEAR LOT CORNER. ORIGINAL EVIDENCE NOT CLEARLY IDENTIFIABLE.
 - = REBAR SET BY OTHERS.

SECTION LINE

1/16 SECTION LINE MEASUREMENT: S89°48'30"E 1322.01' (GOLF COURSE SUBD'Y PLAT), S89°47'20"E 1320.98' (MEASURED).

1/16 SECTION LINE MEASUREMENT: S89°49'E 1322.4' (LEWIS SUBD'Y & SATHERS SUNRISE SUBD'Y PLATS), S89°49'E 1320.50' (GOLF COURSE SUBD'Y PLAT), S89°48'30"E 1320.12' (MEASURED).

CENTERLINE OF SECOND NORTH STREET N89°59'17"W, DETERMINED AT RIGHT ANGLES TO STATE STREET MONUMENT LINE, USED TO LOCATE THE BOUNDARY OF LEWIS SUBDIVISION.

NOTE: THE SURVEY DATA ALONG THE WEST BOUNDARY OF THIS PROPERTY WERE DETERMINED WHOLLY BY APPLICATING THE POINT METHOD USING DATA ON THE SATHERS SUNRISE SUBDIVISION PLAT, AND BY SCALING.

NOTE: THIS PORTION SOLD FROM RASMUSSEN TO JOHN HAMILL ON MAY 2, 1951, RECORDED 12 DAYS BEFORE JOHN HAMILL RECORDED HIS DEED. SEE BOOK 24, PAGE 608, DUCHESNE COUNTY RECORDERS OFFICE. SEE SURVEYOR'S NARRATIVE FOR FURTHER DETAILS REGARDING THE COMMON BOUNDARIES BETWEEN THESE TWO PARCELS.

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