

WHEN RECORDED RETURN TO:
Salt Lake County Real Estate
2001 South State Street, Suite S3-110
Salt Lake City, Utah 84114-3300

Space above for County Recorder's use

Tax Serial No's: 15-10-377-004, 15-10-351-004, 15-10-351-003, 15-10-351-002

*County Project: Surplus Canal
Surveyor W.O.: SU20160226*

*Real Estate No.: 3751.101,
3751.102, 3751.103, 3751.104*

BOUNDARY LINE AGREEMENT

This Boundary Line Agreement (this "Agreement") is between Salt Lake County, a body politic and corporate of the State of Utah (the "County"), and Thatcher Company, Inc., a Utah corporation (the "Thatcher").

RECITALS

A. County is the recorded owner of certain real property located at approximately 1942 West Fortune Road, Salt Lake City, Utah, being part of the Jordan River and Surplus Canal, and more fully described in Exhibit A ("County Parcel"); and

B. Thatcher is the recorded owner of four adjacent parcels of real property located at 2040 West Fortune Road (Parcel No. 15-10-351-002), 1942 West Fortune Road (Parcel No. 15-10-351-003), and 1900 West Fortune Road (Parcel Nos. 15-10-351-004) and 1905 West Fortune Road (15-1-0-377-004), Salt Lake City, Utah and more fully described in Exhibit B ("Thatcher Parcels"); and

C. Whereas the above-named parties desire to eliminate any discrepancy in title as pertaining to the boundary and division line between the County Parcel and the Thatcher Parcels and to mutually agree upon and establish the common boundary as shown on that Record of Survey plat filed as S2019-06-0337 and described in Exhibit C ("Common Boundary Line").

AGREEMENT

Now therefore, the above-named parties mutually agree that the boundary line as described shall constitute the boundary and division line between the respective parcels of land, and

Furthermore, in consideration of the mutual benefits brought by this agreement, the parties hereby claim title to their respective parcels of land only up to the above described boundary line and do hereby quit-claim each to the other any right, title and interest the respective parties have in and to lands extending beyond the above described boundary line.

This instrument constitutes an exchange of title in accordance with Section 57-1-45 of the Utah Code.

The legal descriptions of the parcels following modification by this proposed boundary line agreement are described in Exhibit E ("New Descriptions").

Tax Serial No's: 15-10-377-004, 15-10-351-004, 15-10-351-003, 15-10-351-002
County Project: Surplus Canal
Surveyor W.O.: SU20160226
Real Estate No.: 3751.101, 3751.102, 3751.103, 3751.104

OWNER'S AFFIDAVIT

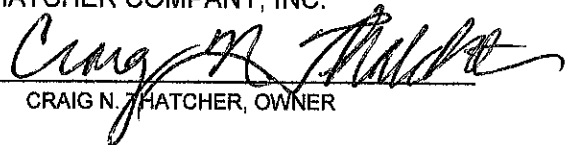
This document is made and executed this _____ day of _____, 2019.

Salt Lake County, the owner(s) of record of the Jordan River and Surplus Canal and Thatcher Company, Inc., the owner(s) of record of Parcel Number 15-10-351-002, 15-10-351-003, 15-10-351-004 and 15-1-0-377-004, do hereby acknowledge and consent to the boundary line agreement.

SALT LAKE COUNTY

THATCHER COMPANY, INC.

Mayor or Designee


CRAIG N. THATCHER, OWNER

Clerk or Designee

[Acknowledgements on following page]

APPROVED AS TO FORM
District Attorney's Office

By: 
Attorney

R. CHRISTOPHER PRESTON

Date: 8/30/2019

Tax Serial No's: 15-10-377-004, 15-10-351-004, 15-10-351-003, 15-10-351-002
County Project: Surplus Canal
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Real Estate No.: 3751.101, 3751.102, 3751.103, 3751.104

STATE OF UTAH)
)ss
County of Salt Lake)

On this _____ day of _____, 2019, personally appeared before me _____, who being duly sworn did say that (s)he is the _____ of Salt Lake County, Office of Mayor, and that the foregoing instrument was signed on behalf of Salt Lake County, by authority of law.

NOTARY PUBLIC
Residing in Salt Lake County

[SEAL]

STATE OF UTAH)
) ss
County of Salt Lake)

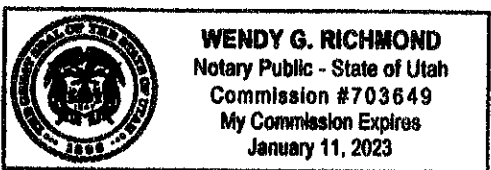
On this ____ day of _____, 20____, personally appeared before me _____ who being duly sworn, did say that __he is the CLERK of Salt Lake County and that the foregoing instrument was signed by him/her on behalf of Salt Lake County, by authority of a resolution of the SALT LAKE COUNTY COUNCIL

NOTARY PUBLIC
Residing in Salt Lake County

[SEAL]

STATE OF UTAH)
) ss
County of Salt Lake)

On this 23rd day of August, 2019, personally appeared before me Craig N. Thatcher, who, being by me duly sworn said that he is the President of Thatcher Company, Inc., a Utah corporation, and that the within and foregoing instrument was signed on behalf of said corporation by authority of a resolution of its Board of Directors or by authority of its Articles of Incorporation and the said Craig N. Thatcher acknowledged to me that said corporation executed the same.



Wendy G. Richmond
Wendy G. Richmond, NOTARY PUBLIC
Residing in Salt Lake County

EXHIBIT A
"County Parcel"

An entire tract of land described in that Quitclaim Deed recorded March 23, 1959 as Entry No. 1643335 in Book 1597, at Page 168 in the Office of the Salt Lake County Recorder. Said entire tract is located in the Southwest Quarter of Section 10, Township 1 South, Range 1 West, Salt Lake Base and Meridian and is described as follows:

Beginning at a point in the north property line of the Industrial Center; said point being 241.18 feet N 0° 03' 08" W and 266.74 feet West from a Salt Lake City Monument at the intersection of Redwood Road and California Avenue, said monument being 13.86 feet N 89° 55' 56" E from the South $\frac{1}{4}$ corner of Section 10, T. 1 S., R. 1 W., S. L. B. & M.; and running thence S 0° 03' 08" E 195.29 feet; thence N 30° 13' 19" W 259.0 feet; thence northwesterly along the arc of a curve to the left (radius 775.0 feet, bearing S 59° 46' 41" W) 325.90 feet; thence N 54° 18' 58" W 1309.59 feet; thence northwesterly along the arc of a curve to the right (radius 2125.0 feet, bearing N 35° 41' 02" E) 196.80 feet; thence N 49° 00' 35" W 1210.07 feet; thence northwesterly along the arc of a curve to the right (radius 2625.0 feet, bearing N 40° 59' 25" E) 448.68 feet; thence N 50° 47' 01" E 25.0 feet; thence N 39° 12' 59" W 846.22 feet; thence S 50° 47' 01" W 20.0 feet; thence N 39° 12' 59" W 212.22 feet to the said north property line of the Industrial Center; thence N 89° 47' E 93.41 feet; thence S 38° 59' 18" E 550.07 feet; thence S 41° 37' 08" E 639.18 feet; thence S 48° 51' 32" E 997.23 feet; thence S 49° 21' 33" E 754.33 feet; thence S 54° 27' 08" E 1308.15 feet; thence S 42° 09' 32" E 115.32 feet; thence S 39° 52' 51" E 157.20 feet; thence S 19° 50' 28" E 78.05 feet to the point of beginning.

EXHIBIT B
"Thatcher Parcels"

Parcel No. 1 (15-10-377-004) 1905 West Fortune Road

An entire tract of land described in that Warranty Deed recorded September 6, 1991 as Entry No. 5122480 in Book 6353, at Page 1990 in the Office of the Salt Lake County Recorder. Said entire tract is located in the Southwest Quarter of Section 10, Township 1 South, Range 1 West, Salt Lake Base and Meridian and is described as follows:

Beginning at a point which is on the Westerly right-of-way fence of the surplus canal, said point being North, 201.42 feet and West, 962.74 feet and North 37°01'10" East, 463.54 feet and North 54°55'53" West, 510.60 feet from the South quarter corner of section 10, Township 1 South, Range 1 West, Salt Lake Base and Meridian; and running thence South 41°52'12" West, 210.36 feet; thence North 48°07'48" West, 25.00 feet; thence South 41°52'12" West, 25.00 feet; thence South 48°07'48" East, 25.00 feet to a point on an extended line of an existing chain link fence; thence South 41°52'12" West, 14.99 feet along said extended line; thence North 48°06'08" West, 175.46 feet; thence North 41°53'52" East, 229.35 feet to a point on the line of existing chain link fence line, said fence being on the Westerly right-of-way line of the surplus canal; thence along said existing fence line, South 54°55'53" East, 176.59 feet to the point of beginning.

Contains 0.951 acres or 41,444 square feet.

Parcel No. 2 (15-10-351-004) 1900 West Fortune Road

An entire tract of land described in that Quitclaim Deed recorded January 14, 2013 as Entry No. 11555714 in Book 10097, at Page 5728 in the Office of the Salt Lake County Recorder. Said entire tract is located in the Southwest Quarter of Section 10, Township 1 South, Range 1 West, Salt Lake Base and Meridian and is described as follows:

BEG N 510.19 FT & W 1413.52 FT FR N 1/4 COR SEC 15, T 1S, R 1W, S L M; N 48-06'08" W 564.56 FT; N 41-53'52" E 406.78 FT, M OR L; S 54-18'58" E 387.5 FT, M OR L; S 41-53'52" W 232.16 FT, M OR L; S 48-06'08" E 180 FT; S 41-53'52" W 222 FT TO BEG. 4.72 AC.

Parcel No. 3 (15-10-351-003) 1942 West Fortune Road

An entire tract of land described in that Quitclaim Deed recorded January 14, 2013 as Entry No. 11555713 in Book 10097, at Page 5727 in the Office of the Salt Lake County Recorder. Said entire tract is located in the Southwest Quarter of Section 10, Township 1 South, Range 1 West, Salt Lake Base and Meridian and is described as follows:

BEG ON N LINE OF FORTUNE ROAD, 887.2 FT N & 1833.75 FT W FR N 1/4 COR SEC 15, T1S, R1W, SL MER, N 48-06'08" W 480 FT; N 41-53'52" E 400 FT M OR L TO SW'LY LINE OF SURPLUS CANAL ROFW; S 49-13'45" E 143.05 FT M OR L; SE'LY ALG CURVE TO LEFT 196.8 FT; S 54-32'08" E 130.77 FT; S 41-53'52" W 406.78 FT TO BEG. 4.31 AC M OR L. 4194-343, 4664-1401

Tax Serial No's: 15-10-377-004, 15-10-351-004, 15-10-351-003, 15-10-351-002
County Project: Surplus Canal
Surveyor W.O.: SU20160226
Real Estate No.: 3751.101, 3751.102, 3751.103, 3751.104

Parcel No. 4 (15-10-351-002) 2040 West Fortune Road

An entire tract of land described in that Quitclaim Deed recorded January 14, 2013 as Entry No. 11555717 in Book 10097, at Page 5731 in the Office of the Salt Lake County Recorder. Said entire tract is located in the Southwest Quarter of Section 10, Township 1 South, Range 1 West, Salt Lake Base and Meridian and is described as follows:

BEG 1170.53 FT N & 2224.42 FT W & S 41-53'52" W 187.39 FT FR
N 1/4 COR SEC 15, T 1S, R 1W, S L M; N 41-53'52" E 187.39 FT
N 48-06'08" W 310.72 FT; N 41-53'52" E 50 FT; S 48-06'0 " E
310.72 FT; N 41-53'52" E 400 FT M OR L TO SURPLUS CANAL R OF
W; N 49-00'35" W 820 FT M OR L TO E LINE OF STATE ROAD COMM;
S'LY ALG SD E LINE 998.22 FT M OR L; E 266.94 FT M OR L TO
BEG LESS TRACT DEEDED TO UDOT. 9.29 AC 4194-343 4700-1418
5720-1058, 1060

EXHIBIT C
"Common Boundary Line"

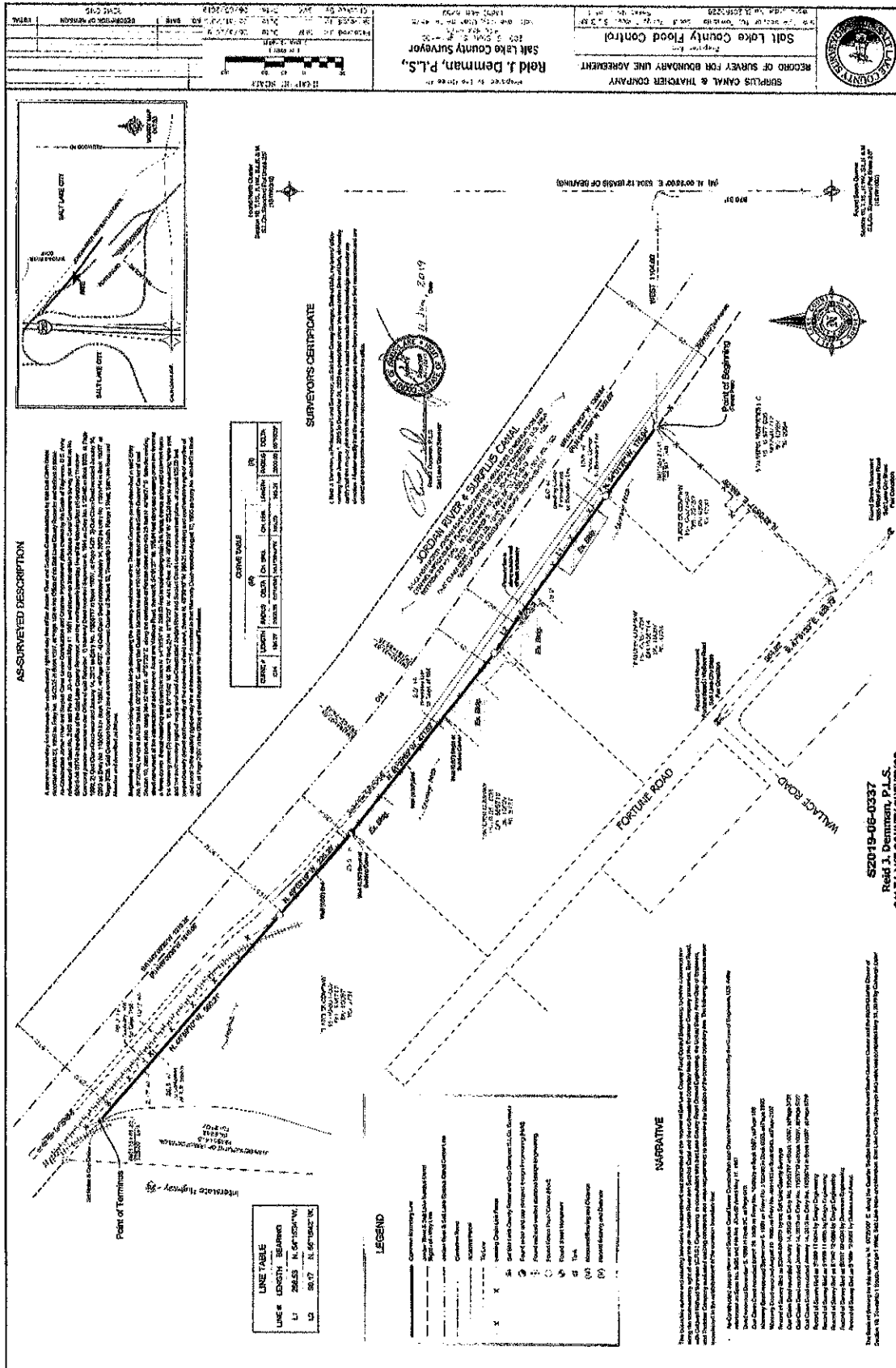
A common boundary line between the southwesterly right-of-way line of the Jordan River and Surplus Canal described by that Quitclaim Deed recorded March 23, 1959 as Entry No. 1643335 in Book 1597, at Page 168 in the Office of the Salt Lake County Recorder and defined in those As-Constructed Jordan River and Surplus Canal Levee Construction and Channel Improvement plans created by the Corps of Engineers, U.S. Army referenced as Spec No. 2493 and File No. JO-4-52 dated May 11, 1961 and as shown on that certain Surplus Canal Centerline Survey plat filed as No. S2018-08-0579 in the office of the Salt Lake County Surveyor, and the northeasterly boundary line of the following four (4) described Thatcher Company parcels recorded in the Office of said Recorder: 1) Warranty Deed recorded September 6, 1991 as Entry No. 5122480 in Book 6353, at Page 1990; 2) Quitclaim Deed recorded January 14, 2013 as Entry No. 11555717 in Book 10097, at Page 5731; 3) Quitclaim Deed recorded January 14, 2013 as Entry No. 11555713 in Book 10097, at Page 5727; 4) Quitclaim Deed recorded January 14, 2013 as Entry No. 11555714 in Book 10097, at Page 5728. Said Common boundary line is located in the Southwest Quarter of Section 10, Township 1 South, Range 1 West, Salt Lake Base and Meridian as shown on that Record of Survey Plat filed as S2019-06-0337 in the Office of said Surveyor and is described as follows:

Beginning at a corner of an existing chain link fence delineating the easterly most corner of the Thatcher Company parcel described in said Entry No. 5122480, which is 870.61 feet N. 00°25'00" E. along the Quarter Section line and 1104.60 feet West from the South Quarter Corner of said Section 10. Said point also, being 364.82 feet S. 47°51'33" E. along the centerline of Fortune Street and 498.28 feet N. 42°08'27" E. from the existing street monument at the intersection of said Fortune Road and Wallace Road; thence N. 54°01'27" W. 176.94 feet along said existing chain link fence to a fence corner; thence departing said chain link fence N. 54°15'34" W. 298.53 feet to said existing chain link fence; thence along said chain link fence the following three (3) courses: 1) N. 56°15'42" W. 98.17 feet; 2) N. 51°32'03" W. 471.52 feet; 3) N. 49°03'19" W. 225.26 feet to an existing fence post and the southwesterly right-of-way line of said As-Constructed Jordan River and Surplus Canal Levee improvement plans, at a point 125.00 feet perpendicularly distant southwesterly of the centerline of said canal; thence N. 48°59'10" W. 560.21 feet along said southwesterly right-of-way line of said canal to the easterly right-of-way line of Interstate 215 described in that Warranty Deed recorded August 10, 1990 as Entry No. 4951413 at Book 6243, at Page 2107 in the Office of said Recorder and the **Point of Terminus.**

EXHIBIT "D": By this reference, made a part hereof.

BASIS OF BEARING: N. 00°25'00" E. along the Quarter Section Line between the South Quarter Corner and the North Quarter Corner of said Section 10.

EXHIBIT D



ATTACHMENT E
"New Descriptions"

NEW Parcel No. 1 (15-10-377-004) 1905 West Fortune Road

Record Owner(s): Thatcher Company

Described as:

An entire tract of land described in that Warranty Deed recorded September 6, 1991 as Entry No. 5122480 in Book 6353, at Page 1990 in the Office of the Salt Lake County Recorder. Said parcel of land is located in the Southwest Quarter of Section 10, Township 1 South, Range 1 West, Salt Lake Base and Meridian and is described as follows:

Beginning at a corner of an existing chain link fence, said point being North, 201.42 feet and West, 962.74 feet and N. 37°01'10" E., 463.54 feet and N. 54°55'53" W., 510.60 feet from the South quarter corner of section 10, Township 1 South, Range 1 West, Salt Lake Base and Meridian; and running thence S. 41°52'12" W., 210.36 feet; thence N. 48°07'48" W., 25.00 feet; thence S. 41°52'12" W., 25.00 feet; thence S. 48°07'48" E., 25.00 feet to a point on an extended line of an existing chain link fence; thence S. 41°52'12" W., 14.99 feet along said extended line; thence N. 48°06'08" W., 175.46 feet; thence N. 41°53'52" E., 232.16 feet to said existing chain link fence and common boundary line with the Jordan River and Surplus Canal; thence S. 54°01'27" E. 176.28 feet, along said existing chain link fence and common boundary line, to the point of beginning.

Containing 41,692 square feet in area or 0.957 acre more or less

AND,

NEW Parcel No. 2 (15-10-351-004) 1900 West Fortune Road

Record Owner(s): Thatcher Company

Described as:

An entire tract of land described in that Quitclaim Deed recorded January 14, 2013 as Entry No. 11555714 in Book 10097, at Page 5728 in the Office of the Salt Lake County Recorder. Said entire tract is located in the Southwest Quarter of Section 10, Township 1 South, Range 1 West, Salt Lake Base and Meridian and is described as follows:

Beginning North 510.19 feet & West 1413.52 FT from the North ¼ Corner of Section 15, Township 1 South, Range 1 West, Salt Lake Meridian; thence N. 48°06'08" W. 564.56 feet; thence N. 41°53'52" E. 410.58 feet to an existing chain link fence, more or less and a common boundary line with the Jordan River and Surplus Canal as shown on that Record of Survey Plat filed as S2019-06-0337 in the Office of the Salt Lake County Surveyor; thence along said common boundary line the following two (2) courses: 1) S. 56°15'42" E. 90.29 feet, more or less; 2) thence departing said chain link fence S. 54°15'34" E. 297.56 feet to an existing chain link fence corner, more or less; thence S. 41°53'52" W. 238.76 feet, more or less; thence S. 48°06'08" E. 180 feet; thence S. 41°53'52" W. 222 feet to the point of beginning.

Containing 207,715 square feet in area or 4.769 acres more or less

NEW Parcel No. 3 (15-10-351-003) 1942 West Fortune Road

Record Owner(s): Thatcher Company

Described as:

An entire tract of land described in that Quitclaim Deed recorded January 14, 2013 as Entry No. 11555713 in Book 10097, at Page 5727 in the Office of the Salt Lake County Recorder. Said entire tract is located in the Southwest Quarter of Section 10, Township 1 South, Range 1 West, Salt Lake Base and Meridian and is described as follows:

Beginning on the North line of Fortune Road, 887.2 feet North & 1833.75 feet West from the North ¼ Corner of Section 15, Township 1 South, Range 1 West, Salt Lake Meridian; thence N. 48°06'08" W. 480 feet; thence N. 41°53'52" E. 379.56 feet to an existing chain link fence, more or less and a common boundary line with the Jordan River and Surplus Canal as shown on that Record of Survey Plat filed as S2019-06-0337 in the Office of the Salt Lake County Surveyor; thence along said existing chain link fence and common boundary line the following three (3) courses: 1) S. 49°03'19" E. 2.44 FT; 2) S. 51°32'03" E. 471.52 FT; 3) S. 56°15'42" E. 6.96 FT; thence S 41°53'52" W 408.82 feet to the beginning.

Containing 189,051 square feet in area or 4.340 acres more or less.

AND,

NEW Parcel No. 4 (15-10-351-002) 2040 West Fortune Road

Record Owner(s): Thatcher Company

Described as:

A parcel of land being a part of an entire tract described in that Quitclaim Deed recorded January 14, 2013 as Entry No. 11555717 in Book 10097, at Page 5731 in the Office of the Salt Lake County Recorder. Said parcel is located in the Southwest Quarter of Section 10, Township 1 South, Range 1 West, Salt Lake Base and Meridian and is described as follows:

Beginning 1170.53 feet North & 2224.42 feet West & S. 41°43'52" W. 187.39 feet from the North ¼ Cor Sec 15, T1S, R1W, SLM; thence N. 41°53'52" E. 187.39 feet; thence N. 48°06'08" W. 310.72 feet; thence N. 41°53'52" E. 50 feet; thence S. 48°06'00" E. 310.72 feet; thence N. 41°53'52" E. 377.54 feet to an existing chain link fence and a common boundary line with the Jordan River and Surplus Canal as shown on that Record of Survey Plat filed as S2019-06-0337 in the Office of the Salt Lake County Surveyor; thence N. 49°03'19" W. 222.82 feet along said existing chain link fence and common boundary line, to an existing fence post and the southwesterly right-of-way line of the Jordan River and Surplus Canal per those As-Constructed Jordan River and Surplus Canal Levee improvement plans created by the Corps of Engineers, U.S. Army referenced as Spec No. 2493 and File No. JO-4-52 dated May 11, 1961, at a point 125.00 feet perpendicularly distant southwesterly of the centerline of said canal; thence N. 48°59'10" W. 580.05 feet along said southwesterly right-of-way line of said canal to the East line of State Road Commission; thence Southeasterly along said East line 986.99 feet more or less; thence East 266.94 feet more or less to the Beginning.

Containing 378,129 square feet in area or 8.681 acres more or less

AND,

Record Owner(s): Salt Lake County, a body corporate and politic of the State of Utah

Described as:

An entire tract of land described in that Quitclaim Deed recorded March 23, 1959 as Entry No. 1643335 in Book 1597, at Page 168 in the Office of the Salt Lake County Recorder. Said entire tract is located in the Southwest Quarter of Section 10, Township 1 South, Range 1 West, Salt Lake Base and Meridian and is described as follows:

Beginning at a point on the southwesterly right-of-way line of the Jordan River and Surplus Canal described by that Quit Claim Deed recorded March 23, 1959 as Entry No. 1643335 in Book 1597, at Page 168 in the Office of the Salt Lake County Recorder and defined in those As-Constructed Jordan River and Surplus Canal Levee Construction and Channel Improvement plans created by the Corps of Engineers, U.S. Army referenced as Spec No. 2493 and File No. JO-4-52 dated May 11, 1961 and shown on that certain Surplus Canal Centerline Survey plat filed as No. S2018-08-0579 in the office of the Salt Lake County Surveyor, which is 48.38 feet N 0°25'00" E and 253.06 feet West from the South Quarter corner of said Section 10; thence N. 30°13'19" W. 259.0 feet to a point of tangency with a 775.00-foot radius curve to the left (Bearing = S. 59°46'41" W.); thence Northwesterly 325.90 feet along the arc of said curve, through a central angle of 24°05'39"; thence N. 54°18'58" W. 614.39 feet; thence N. 35°41'03" E. 2.53 feet to an existing chain link fence delineating the easterly most corner of the Thatcher Company parcel described in that Warranty Deed recorded September 6, 1991 as Entry No. 5122480 in Book 6353, at Page 1990 in the Office of said Recorder and the common boundary line with Thatcher Company as shown on that Record of Survey Plat filed as S2019-06-0337 in the Office of said County Surveyor; thence N. 54°01'27" W. 176.94 feet along said common boundary line and existing chain link fence to a fence corner; thence departing said chain link fence N. 54°15'34" W. 298.53 feet, along said common boundary line, to said existing chain link fence; thence along said common boundary line and chain link fence the following three (3) courses: 1) N. 56°15'42" W. 98.17 feet; 2) N. 51°32'03" W. 471.52 feet; 3) N. 49°03'19" W. 225.26 feet to an existing fence post and the southwesterly right-of-way line of said As-Constructed Jordan River and Surplus Canal Levee improvement plans, at a point 125.00 feet perpendicularly distant southwesterly of the centerline of said canal; thence Northwesterly along said southwesterly right-of-way line the following six (6) courses: 1) N. 48°59'10" W. (Record = N. 49°00'35" W.) 831.33 feet to a point of tangency with a 2625.0 foot radius curve to the right (Bearing = N. 40°59'25" E.); 2) Northwesterly 448.68 feet along the arc of said curve, through a central angle of 09°47'36"; 3) N. 50°47'01" E. 25.0 feet; 4) N. 39°12'59" W. 846.22 feet; 5) S. 50°47'01" W. 20.0 feet; 6) N. 39°12'59" W. 212.22 feet; thence N. 89°47' E. 93.41 feet; thence S. 38°59'18" E. 550.07 feet; thence S. 41°37'08" E. 639.18 feet; thence S. 48°51'32" E. 997.23 feet; thence S. 49°21'33" E. 754.33 feet; thence S. 54°27'08" E. 1308.15 feet; thence S. 42°09'32" E. 115.32 feet; thence S. 39°52'51" E. 157.20 feet; thence S. 19°50'28" E. 77.36 feet; thence S. 00°03'08" E. 196.15 feet to the point of beginning.

Containing 420,430 square feet in area or 9.652 acres more or less

