

Parcel Survey - Eccles to Union Pacific Coal Company - 1902

Narrative

Eric Houghton, with Professional Title Services located in Price, Utah, was hired to search the County records and determine the chain of title to the above referenced land parcel. Erik executed the research and provided us with the description of this parcel along with the adjoining parcel to the west. Both parcel descriptions match along the common line. The parcel shown on this plat was conveyed by a Warranty Deed (Auditor's Number 16862) from John H. Eccles and Mary Eccles, husband and wife, of Scofield, Carbon County, Utah as grantors, to The Union Pacific Coal Company, a corporation, the grantee. It was recorded on January 8, 1902 in Book 5 on Page 637. This description places the parcel in the very southeast corner of the NE1/4 SE1/4 of Section 32, T12S R7E, SLM, Carbon County, Utah.

Paraphrasing Mr. Houghton report, he says "... this is the first (1902 conveyance from Eccles to UPRR) and only time that this particular description is set forth in any document found in the county records..." He goes on to say that "... thenceforth it is referred to by some variation of the 1902 description ..." such as an Carbon County Auditor's Tax Deed, Entry # 31407 deed dated January 12, 1937 for unpaid taxes owed by the Union Pacific Coal Company; a Quit Claim Deed recorded on January 16, 1978, in Book 175 on Pages 27 through 30 of the Carbon County Records granting the Telonis family (current owners) as Grantees from Angelo and Effie Geogedegs together with Steve and Dorothy Diamanti as Grantors; and a Carbon County Plat of Section 32, T12S, R7E (no date) showing the subject parcel in the far southeast corner of the NW1/4 SE1/4 of Section 32. The Telonis family have been the owners of record of this parcel since 1978.

The full report of Houghton is filed in the records of Intermountain Aerial Surveys.

Following is the parcel description as written in late 1901 and recorded on January 8, 1902.

"Part of the northeast quarter of the southeast quarter of Section Thirty-two (32), Township Twelve (12) South, Range Seven (7) East, Salt Lake Meridian. Commencing at the Southeast corner of said Northeast quarter of the Southeast quarter of said Section Thirty-two (32), running thence North along the Section line Twenty (20) rods (330 feet), more or less to a point Fifty (50) feet north of the center of the railway track of the grantee running across said land, thence in a Southwesterly direction parallel with and fifty (50) feet distant from the center line of said track, Twenty-five (25) rods (412.5 feet), more or less, to the South line of said Northeast quarter of Southeast quarter, thence East Eight (8) rods (132 feet) more or less to place of beginning, being that portion of grantors homestead occupied by said railway, the portion lying east thereof, and a strip fifty wide west thereof."

As a result of our survey and research we found the following evidence, which in our professional opinion, manifests the true location of this parcel.

1. While the 1902 description attempts to position this parcel, the courses distances as written and labeled "... more or less ...", falls exceedingly short to match the old railway track, the bed of which is still in existence. We therefore render the 1902 deed distances ambiguous but hold the railway bed as primary evidence of the true position of this parcel.
2. Using the Scofield Townsite map, dated 1896, (noted below) one is able to see a rail spur commencing at the UPRR mainline in the south part of Scofield and running northeasterly to the north line of Scofield. Just east of this rail, also on said north town line, one can see a second spur running southerly. Separately, and using aerial imagery, we can see the above rail spur from Scofield continuing to the northeast into the NE1/4 SE1/4 of Section 32, T12S R7E as described in the 1902 description and the switchback spur running southerly. The spur line from Scofield and the south running spur from the switchback point, in our professional opinion, defines the westerly line of the subject parcel.
- The steel rails for the rail bed have been removed, making the true centerline location and the switch-back point (Frog) difficult to accurately place. We did find coal tailings along the old bed which were used, along with the Scofield map and aerial photography, to assist in the relocation of the bed centerline.
3. As further evidence to the placement of the subject parcel we visited the Utah Geological office in Salt Lake City and were given copies of maps showing the locations of the spurs discussed above. On our plat we use the spur running southerly from the point of switch-back to define this portion of the westerly parcel boundary. The parcel descriptions states "... being that portion of grantors homestead occupied by said railway, the portion lying east thereof ..." to us means the far east rail bed.
4. Our parcel survey finds the southeast corner of the NE1/4 SE1/4 of Section 32, as called in the 1902 deed, 11.32 feet northerly along the line between Sections 32 and 33 and easterly 13.54 feet along the north Town Line of Scofield from the true S 1/16 corner. We held the Forrester & Young north line of the Scofield Townsite as fixed and synonymous with the south line of the 1902 deed.

Comments -

Our surveys and subdivisions of Sections 33 T 12S R7E, SLM and Section 5 T13S 7E, SLM found some differences between our placements of the exterior lines and corners as to what R. Forrester and O.R. Young did in 1896. Examining their survey plat we conclude that their task was to survey the townsite boundary of Scofield. In so doing, and while it appears they followed GLO standard survey procedures of the time, we could find no evidence that they subdivided Sections 32 and 5, which is necessary to correctly place section quarter-quarter lines and corners. We have no argument with and accept the Forrester and Young boundary survey of Scofield as found today and evidenced by corners set to define the three (3) "forties" of this townsite, portions of which adjoins our parcel survey. For the purpose of this survey we consider these differences insignificant.

We dealt with Union Pacific Railway in Omaha Nebraska and Utah Department of Transportation for rail and highway transportation maps in the Scofield area. According to UPRR folks the old rail beds, not now in use in this area are deemed "Retired".

Following is our re-description of the 1902 parcel now owned by the Telonis Family.

A parcel of land which is part of the NE1/4 SE1/4 Section 32, T12S R7E, SLM, Carbon County Utah, described by:

Commencing at the S 1/16th corner between Sections 32 and 33 of the above designated Township and Range; thence N 0° 13' 43" W along the section line 11.32 feet to a point on the North Town Line of Scofield, Utah as surveyed in 1896 by R Forrester and O.R. Young and recorded in the Carbon County Records, this point being true point of beginning. From this point the northeast corner of said North Town Line lies N 89° 34' 45" E 13.54 feet:

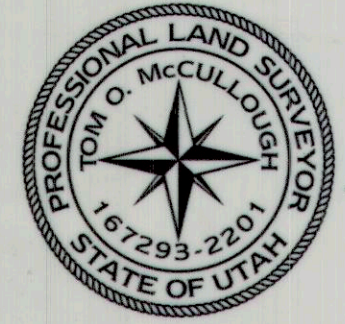
Thence continuing from said true point of beginning N 0° 13' 43" W along said section line 653.81 feet to the centerline of an old railroad bed; thence continuing N 0° 13' 43" W along said section line 126.18 feet to the center of an aspen tree, which is referenced by an iron rod lying southwesterly 2 feet. The aspen tree is the far northeast corner of said parcel and lies 50 feet northwest along a radial line from the centerline of said railroad bed located within Section 33, of said township and range;

Thence in a southwesterly direction, from said aspen, parallel with and 50 feet distance from the centerline of said railroad bed, along the following curves and distances:

- A curve left the radius of which is 937.78 feet 60.29 feet;
- A curve left the radius of which is 654.05 feet 143.39 feet;
- A curve right the radius of which is 553.21 feet 256.36 feet;
- A curve left the radius of which is 360.98 feet 228.08 feet

Thence S 03° 08' 04" E 146.09 feet to the intersection of the north Town Line of Scofield;
 Thence N 89° 34' 45" E along said Town Line 237.73 feet to the true point of beginning.

Containing 2.7 acres.



Tom O. McCullough, PLS

March 2009

FIELD SURVEY BY JOHN RIDDLE, PLS
 RIDGELINE LAND SURVEYING
 TOOELE, UTAH

SURVEY PERFORMED BY
Intermountain Aerial Surveys
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 1111 Station Loop Road / Park City / Utah 84302
 Telephone (435) 645-4467 / www.iasmp.com

Drawn: D.D.	Date: 03/09/09
Designed: T.M.	
Checked: T.M.	
Approved: T.M.	
Scale: 1" = 40'	
Job No.: 071011	

2.7 ACRE PARCEL PLAT
CANYON FUEL COMPANY, LLC
 SKYLINE MINE

SHEET	1
OF	1
SHEETS	1