

BOUNDARY LINE AGREEMENT

AGREEMENT, made and entered into this 3rd June, 2019, by and between Robert Smart, Trustee of the 2005 Jack Braton Tomlin Trust (created by declaration of trust dated August 1st, 2005) whose address is P.O. Box 778, Tooele Utah 84074, hereinafter referred to as a party of the first part; and Tooele City Corporation aka Tooele City and City of Tooele whose address is 90 North Main Street, Tooele Utah 84074 hereinafter referred to as parties of the second part, for the purpose of fixing and determining the boundary and division line between adjoining parcels of land owned by said parties, which boundary line is now uncertain because of discrepancies between the established fence line and the record title.

WHEREAS, Robert Smart, Trustee of the 2005 Jack Braton Tomlin Trust (created by declaration of trust dated August 1st, 2005) party of the first part, is in possession of a parcel of land which has been surveyed by a registered land surveyor and described by said fence line survey as follows, to-wit:

SEE EXHIBIT "A", ATTACHED HERETO AND MADE A PART THEREOF

WHEREAS, the parties of the second part are in possession of certain parcels of land adjoining the parcel above described and lying immediately adjacent to the fence line of the same, and to the West.

WHEREAS, the hereinabove described existing fence line separates the parcels of land and constitutes a physical boundary and division line between the same that has long been recognized by the parties hereto and predecessors in title as the boundary and division lines between their said parcels of land.

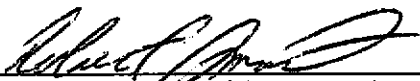
THE PARTIES AGREE THAT the established fence line as the same now exists shall constitute the boundary and division line between the parcel of land in the possession of the parties hereto. Each of the said parties hereby recognizes and agrees that the other is the legal owner up to said fence line of the respective parcel of land in such party's possession; and the parties further agree that these stipulations shall apply to and by binding upon them, their heirs, personal representatives and assigns.

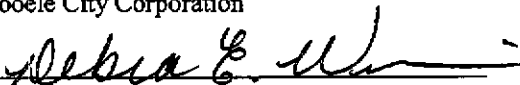
PURSUANT to the foregoing stipulations and for value received the receipt of which is acknowledged the said party of the first part, hereby remises, releases and forever quit claims to Tooele City Corporation aka Tooele City and City of Tooele y, the aforesaid parties of the second part any and all title and interest which he may have in and to all lands in the possession of each of said parties of the second part, adjoining and adjacent to said fence lines above described; and, for value received, the receipt of which is hereby acknowledged, the said parties of the second part hereby remise, release and forever quit claim to, Robert Smart, Trustee of the 2005 Jack Braton Tomlin Trust (created by declaration of trust dated August 1st, 2005) party of the first part as their interests appear herein, any and all right, title and interest which said parties of the second part may have in and to all land in the possession of the said party; of the first part, lying within the boundaries of the before described fence lines, being the parcel of land in possession of the said party of the first part, hereinabove described.

IN WITNESS WHEREOF, the parties have hereunto signed their names to this agreement the day and year first above written

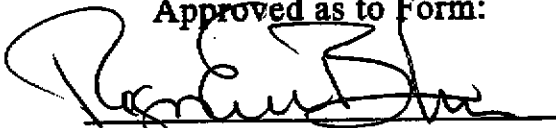
PARTY OF THE FIRST PART:

PARTY OF THE SECOND PART:


Robert Smart, Trustee of the 2005 Jack Braton
Tomlin Trust (created by declaration of trust dated
August 1st, 2005

Tooele City Corporation
By: 
Its:

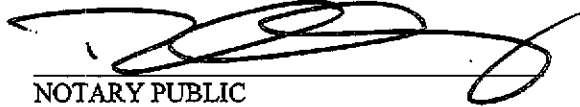
STATE OF UTAH)
ss.

Approved as to Form:

Tooele City Attorney

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COUNTY OF SALT LAKE)

ON THE 31 day of June, 2019, PERSONALLY APPEARED BEFORE ME, Robert Smart, Trustee of the 2005 Jack Braton Tomlin Trust (created by declaration of trust dated August 1st, 2005) TO ME, A NOTARY PUBLIC IN AND FOR THE STATE OF UTAH, THE SIGNERS OF THE ABOVE INSTRUMENT, WHO DULY ACKNOWLEDGED TO ME THAT THAT THEY EXECUTED THE SAME.



NOTARY PUBLIC

MY COMMISSION EXPIRES:
RESIDING IN:

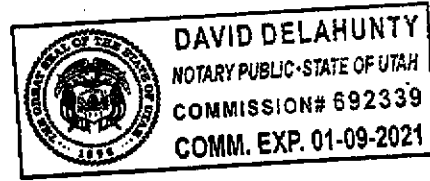


Exhibit "A"

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 20, AND A PORTION IN THE SOUTHEAST QUARTER OF SECTION 19, IN TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SR-112 (UTAH AVENUE) NORTHERLY RIGHT OF WAY LINE AND THE WESTERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD; SAID POINT BEING 733.52 FEET NORTH 89°42'11" EAST ALONG THE SOUTH SECTION LINE OF SECTION 20 AND NORTH 11.38 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 20, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID SR-112 (UTAH AVENUE) THE FOLLOWING (3) COURSES:

- 1) NORTH 45°58'53" WEST 731.69 FEET;
- 2) NORTH 48°50'38" WEST 200.25 FEET;
- 3) NORTH 45°58'53" WEST 241.20 FEET TO A POINT ON THE WENDY HOLBROOK SMITH PARCEL, DESCRIBED AS PER ENTRY NO. 240079;

THENCE NORTH 48°29'14" EAST 930.88 FEET ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL AND THE EXTENSION THEREOF TO A POINT ON THE WEST FORMER RIGHT OF WAY LINE OF THE OLD WESTERN PACIFIC RIGHT OF WAY; THENCE NORTH 0°35'34" EAST 537.57 FEET ALONG SAID FORMER RIGHT-OF-WAY LINE; THENCE NORTH 89°57'25" EAST 100.00 FEET TO A POINT ON THE EAST FORMER RIGHT OF WAY LINE OF SAID WESTERN PACIFIC RAILROAD;

THENCE NORTH 0°35'34" EAST 68.70 FEET, MORE OR LESS, TO THE CENTER LINE OF THE VACATED MCKELLAR STREET AS PER ORDINANCE 92-13; THENCE SOUTH 89°24'26" EAST 1021.27 FEET, MORE OR LESS ALONG SAID CENTER LINE TO THE WEST LINE OF THE JAY & LENORE LINT PARCEL, DESCRIBED AS PER ENTRY NO. 424082; THENCE ALONG THE LINT PARCEL THE FOLLOWING (2) COURSES:

- SOUTH 1°42'01" WEST 171.38 FEET;
- SOUTH 88°17'59" EAST 305.40 FEET

TO A POINT ON THE WEST RIGHT OF WAY LINE OF WARBURTON STREET (1000 WEST) OF TOOELE CITY, THENCE ALONG SAID RIGHT OF WAY SOUTH 0°35'34" WEST 440.85 FEET TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD;

THENCE SOUTH 43°52'55" WEST 1094.81 FEET TO A POINT ON A 5,779.58 FOOT RADIUS CURVE TO THE LEFT; THENCE AOUTHERLY ALONG THE ARC OF SAID CURVE 796.51 FEET, THROUGH A CENTRAL ANGLE OF 7°53'46" (HAVING A CHORD OF SOUTH 39°56'02" WEST 795.88 FEET) TO THE POINT OF BEGINNING.