

14257480 B: 11500 P: 6876 Total Pages: 13
06/26/2024 04:42 PM By: dsalazar Fees: \$40.00
Rashelle Hobbs, Recorder, Salt Lake County, Utah
Return To: GT TITLE SERVICES
1250 E. 200 S., SUITE 3DLEHI, UT 84043

WHEN RECORDED, PLEASE RETURN TO:

David Coccimiglio
1885 E 10225 S
Sandy, UT 84092

Tax Parcel ID Nos.: Parcel 22-28-478-001
Parcel 22-28-454-008

BOUNDARY LINE AGREEMENT AND QUIT CLAIM DEED

This Boundary Line Agreement and Quit Claim Deed (“Agreement”) is made and entered into this 26th day of June, 2024, by David Coccimiglio Primary Trustee of The 1850 Forest Bend Revocable Living Trust dated the 28th day of November, 2023, as amended, (“Owner 1”); and John S. Rutter and Paula A. Rutter, Trustees of The Rutter Living Trust, u/a dated December 16, 2019, (“Owner 2”). Owner 1 and Owner 2 are sometimes collectively referenced in this Agreement as the “Parties”, or individually referenced as a “Party”.

RECITALS:

A. Owner 1 is the fee simple owner of certain real property in Salt Lake County, Utah, more particularly described in Exhibit “A” attached hereto and incorporated herein by this reference (the “Owner 1 Parcel”).

B. Owner 2 is the fee simple owner of certain real property in Salt Lake County, Utah, more particularly described in Exhibit “B” attached hereto and incorporated herein by this reference (the “Owner 2 Parcel”).

C. The Parties have agreed to enter into this Agreement to adjust the common boundary line between the Owner 1 Parcel and the Owner 2 Parcel (collectively, the “Parcels”).

D. In connection with this Agreement, that certain Record of Survey #S2023-09-0753, of the Parcels the has been prepared showing the location of the adjusted common boundary line between the Parcels, such survey attached hereto as Exhibit “C” (the “Survey”). The legal description for the exact location of the common boundary line between the Parcels and the legal descriptions for the new Owner 1 Parcel and new Owner 2 Parcels are attached hereto as Exhibit “D.”

AGREEMENT:

NOW, for other good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, the Parties agree as follows:

1. Confirmation of Parcel Boundary Lines. The Parties agree that the common boundary between the Owner 2 Parcel and the Owner 1 Parcel shall be as shown on the Survey

with the legal description of such common boundary line being as described on Exhibit “D” attached hereto (the “Boundary Line”).

2. Owner 2 Quit Claim. By execution of this Agreement, Owner 2 does hereby grant, convey, and forever quitclaim unto Owner 1, and its successors and assigns forever, all of Owner 2’s right, title, interest, equity and estate in and to the Owner 1 Parcel as shown on the Survey and as described on Exhibit “D,” to have and to hold the same unto Owner 1, and unto its heirs and assigns forever.

3. Owner 1 Quit Claim. By its execution of this Agreement, Owner 1 does hereby grant, convey, and forever quitclaim unto Owner 2, and its successors and assigns forever, all of Owner 1’s right, title, interest, equity and estate in and to the Owner 2 Parcel as depicted on the Survey and as shown on Exhibit “D,” to have and to hold the same unto Owner 2, and unto its heirs and assigns forever.

4. Further Assurances. Each Party agrees to execute such amendments or agreements as may be necessary to effectuate the purposes of this Agreement, including but not limited to, any modifications to this Agreement as required by a title company. In addition, the Parties agree to cooperate in any subdivision plat modifications, if applicable, as may be required by any governmental authority.

5. Binding Effect/Recording in the Real Estate Records. This Agreement is intended to run with the parties’ respective Parcels and bind the Parties to this Agreement, as well as their respective legal and personal representatives, heirs, assigns, successors-in-interest, executors and administrators. The parties acknowledge this Agreement shall be recorded in the official records of the office of the County Recorder for Salt Lake County, State of Utah.

6. Not a Public Dedication. Nothing contained in this Agreement shall be deemed to be a gift or a dedication of any portion of the Parcels to or for the general public or for any public purpose whatsoever, it being the intent of the parties that this Agreement be strictly limited to and for the purposes expressed herein.

7. Authority. The undersigned represent and warrant that each of them has been duly authorized authority to execute this Agreement for and on behalf of the respective Parties. The undersigned further represent and warrant that this Agreement, when fully executed, shall constitute a legal, valid, and binding agreement for each of the respective Parties, enforceable in accordance with its terms.

8. No Relationship. The Parties hereto do not, by this Agreement nor by any Parties’ acts, become principal and agent, limited or general partners, joint venturers or of any other similar relationship of each other in the conduct of their respective businesses, or otherwise.

9. Recitals. The Recitals set forth above shall be binding upon the parties to this Agreement.

10. Counterparts. This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

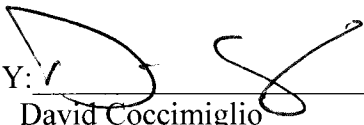
11. Applicable Law. This Agreement shall be governed by and construed in accordance with and interpreted under the laws of the State of Utah.

[Signature Page Follows.]

IN WITNESS WHEREOF, the Parties hereby execute this Agreement as of the 26th
day of June, 2024.

OWNER 1:

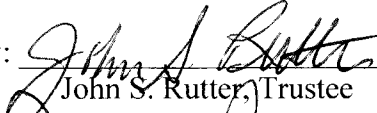
THE 1850 FOREST BEND REVOCABLE
LIVING TRUST dated the 28th day of November
2023

BY: 

David Coccimiglio
Trustee

OWNER 2:

The Rutter Living Trust, u/a dated December 16,
2019

By:  _____
John S. Rutter, Trustee

By:  _____
Paula A. Rutter, Trustee

STATE OF UTAH)
 :SS.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 26th day of July 2024, by David Coccimiglio, the Trustee of THE 1850 FOREST BEND REVOCABLE LIVING TRUST dated the 28th day of November 2023



My Commission Expires:
8.8.27

[Handwritten Signature]

NOTARY PUBLIC
Residing at: Salt Lake

STATE OF UTAH)
 :SS.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 26th day of July 2024, by John S. Rutter, Trustee of The Rutter Living Trust, u/a dated December 16, 2019



My Commission Expires:
8.8.27

[Handwritten Signature]

NOTARY PUBLIC
Residing at: Salt Lake

STATE OF UTAH)
 :SS.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 26th day of July 2024, by Paula A. Rutter, Trustee of The Rutter Living Trust, u/a dated December 16, 2019.



My Commission Expires:
8.8.27

[Handwritten Signature]

NOTARY PUBLIC
Residing at: Salt Lake

EXHIBIT "A"

Owner 1 Parcel (1850 Forest Bend Trust)

Tax Parcel ID No: 22-28-478-001

A part of the Southeast Quarter of Section 28, Township 2 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey, in Cottonwood Heights City, Salt Lake County, Utah:

Beginning at the Southwesterly corner of that certain Warranty Deed recorded as Entry No. 1865262 in Book 1956 at Page 566 of Official Records, located 469.17 feet North 0°15'06" East (North Record) and 924.48 feet North 89°44'54" West (West record) from a Brass Cap Monument found marking the Southeast Corner of said Section 28; said Southeast Corner is located 5286.84 feet South 89°33'01" East from a Brass Cap Monument found marking the Southwest Corner of said Section 28; and running thence South 49°04'02" East (North 49°19'00" West record) 8.43 feet along the Southerly line of said Warranty Deed to the Westerly line of that certain Warranty Deed recorded as Entry No. 14044886 in Book 11386 at Page 8019 of Official Records, being the same line defined in that certain Boundary Line Agreement recorded as Entry No. 13265037 in Book 10940 at Page 6245 of Official Records; thence South 33°24'06" West 12.50 feet along said Westerly line; thence South 52°43'56" East 2.05 feet to a rebar with cap stamped AWA; thence South 37°13'22" West 214.31 feet to a point of intersection with the centerline of Little Cottonwood Creek as defined by a 1974 Survey by Caldwell, Richards and Sorensen, Inc.; thence along said centerline the following three courses: North 5°09'56" West 32.33 feet to a point of curvature; Northwesterly along the arc of a 160.00 foot radius curve to the left a distance of 139.63 feet (Central Angle equals 50°00'00" and Long Chord bears North 30°09'56" West 135.24 feet) to a point of tangency; and North 55°09'56" West 32.60 feet to the East line of that certain Quit-Claim Deed recorded as Entry No. 8069254 in the Official Records of Salt Lake County; thence along said East line the following two courses: North 35°03'34" West 58.71 feet; and North 7°15'06" East 289.23 feet; thence South 82°44'54" East 181.59 feet to a rebar with aluminum cap stamped 'Schuchert' found marking a Westerly corner of said Warranty Deed Entry No. 1865262; thence along the Westerly line of said Warranty Deed Entry No. 1865262 the following two courses: South 36°30'54" East 114.60 feet; and South 7°07'06" West 201.40 feet to the point of beginning.

EXHIBIT "B"

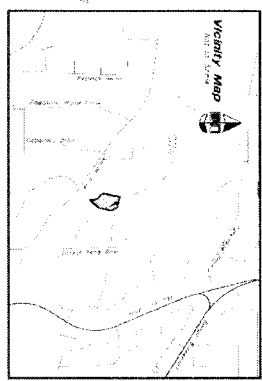
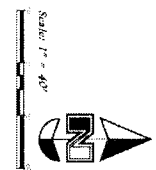
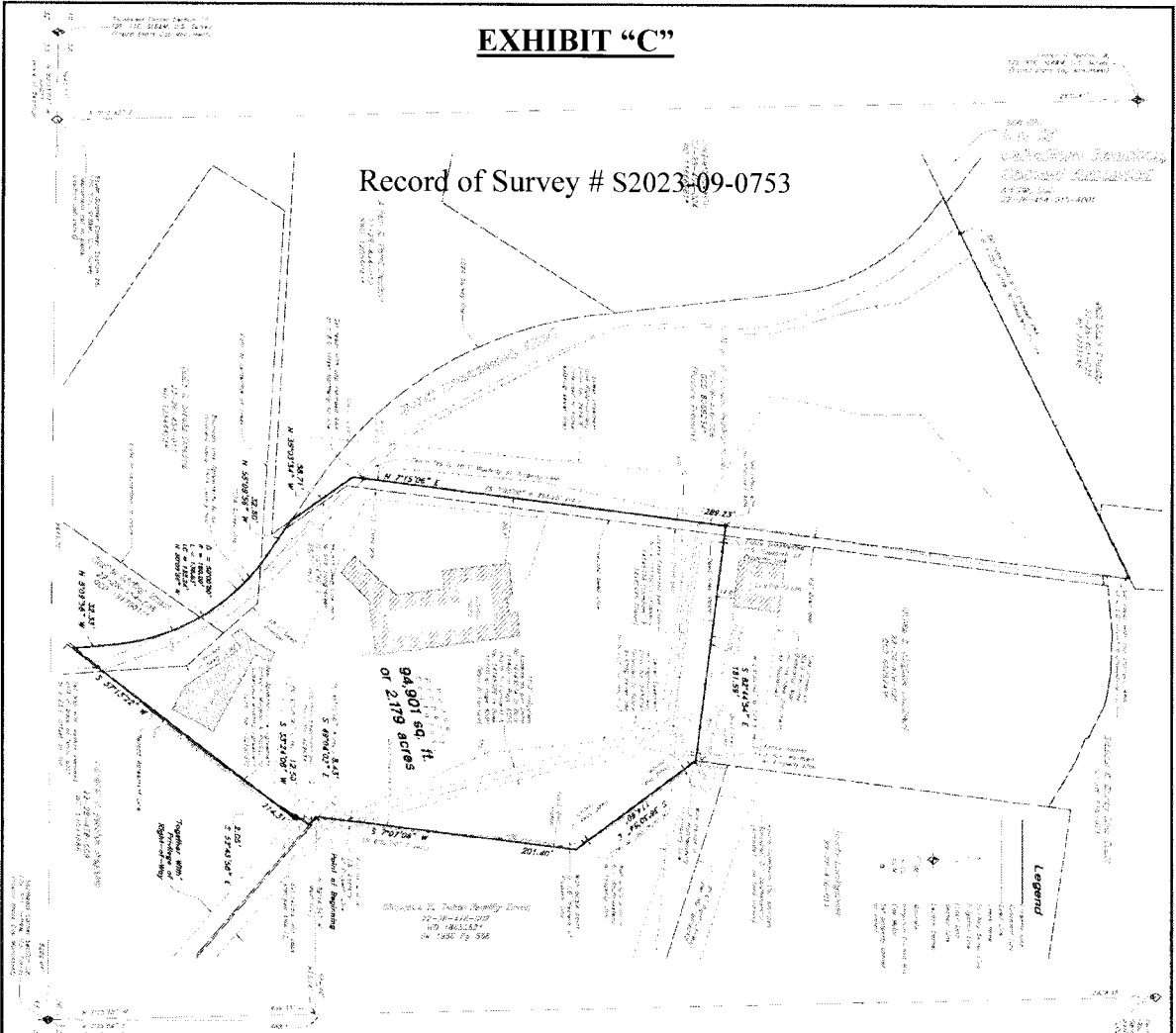
Owner 2 Parcel (Rutter)

Parcel No.: 22-28-454-008

BEG N 152.124 FT & W 885.086 FT FR SE COR SEC 28, T 2S, R 1ES L M; S 34[^] W 204.64 FT; NW[']LY ALG A CURVE TO R 107.57 FT; NW[']LY ALG A CURVE TO L 194.89 FT; N 34[^] E 212.43 FT TO CEN LITTLE COTTONWOOD CREEK; S 41[^]45' E 37.9 FT; S 4[^]14' E 177 FT; S 51[^]14' E 86.4 FT; N 79[^]13' E 75 FT TO BEG. 1 AC M OR L.

EXHIBIT "C"

Record of Survey # S2023-09-0753



Narrative

The State and Engineer by the Field Party, Revisited the existing boundary of the property...

The boundary of the property is shown on the attached map and is bounded by the following bearings and distances: N 71.024° E 200.23, S 89.007° W 201.40, N 71.024° E 111.00, S 89.007° W 111.00, N 71.024° E 200.23, S 89.007° W 201.40, N 71.024° E 111.00, S 89.007° W 111.00.

The area of the property is 94,901 square feet, or 2.179 acres.

Record Description

Subdivided into lots of 1/4 section, 1/2 section, 3/4 section, 1 section, 2 sections, 3 sections, 4 sections, 5 sections, 6 sections, 7 sections, 8 sections, 9 sections, 10 sections, 11 sections, 12 sections, 13 sections, 14 sections, 15 sections, 16 sections, 17 sections, 18 sections, 19 sections, 20 sections, 21 sections, 22 sections, 23 sections, 24 sections, 25 sections, 26 sections, 27 sections, 28 sections, 29 sections, 30 sections, 31 sections, 32 sections, 33 sections, 34 sections, 35 sections, 36 sections, 37 sections, 38 sections, 39 sections, 40 sections, 41 sections, 42 sections, 43 sections, 44 sections, 45 sections, 46 sections, 47 sections, 48 sections, 49 sections, 50 sections, 51 sections, 52 sections, 53 sections, 54 sections, 55 sections, 56 sections, 57 sections, 58 sections, 59 sections, 60 sections, 61 sections, 62 sections, 63 sections, 64 sections, 65 sections, 66 sections, 67 sections, 68 sections, 69 sections, 70 sections, 71 sections, 72 sections, 73 sections, 74 sections, 75 sections, 76 sections, 77 sections, 78 sections, 79 sections, 80 sections, 81 sections, 82 sections, 83 sections, 84 sections, 85 sections, 86 sections, 87 sections, 88 sections, 89 sections, 90 sections, 91 sections, 92 sections, 93 sections, 94 sections, 95 sections, 96 sections, 97 sections, 98 sections, 99 sections, 100 sections.

As-Surveyed Description

The boundary of the property is shown on the attached map and is bounded by the following bearings and distances: N 71.024° E 200.23, S 89.007° W 201.40, N 71.024° E 111.00, S 89.007° W 111.00, N 71.024° E 200.23, S 89.007° W 201.40, N 71.024° E 111.00, S 89.007° W 111.00.

Certification

I, the undersigned, being a duly Licensed Professional Engineer, do hereby certify that the foregoing is a true and correct copy of the original survey as shown on the attached map and is in accordance with the provisions of the Surveying Act of 1907, as amended, and the rules and regulations of the Board of Engineers, State of Utah, and the rules and regulations of the Board of Engineers, State of Utah, and the rules and regulations of the Board of Engineers, State of Utah.

S2023-09-0753
Raid J. Damman, P.L.S.
SALT LAKE COUNTY SURVEYOR



<p>DATE: 20 Sep 2023</p> <p>1</p>	<p>Boundary Survey</p> <p>Packer House</p> <p>1900 East Forest Street, Echo, Utah</p>	<p>ANA</p> <p>2010 North Redwood Road, Salt Lake City, Utah 84116</p> <p>(801) 521-8679 - www.anaeng.com</p>	<p>20 Sep 2023</p> <p>1</p>
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EXHIBIT "D"

New Common Boundary Line

An Agreement line along the centerline of Little Cottonwood Creek as defined by a 1974 Survey by Caldwell, Richards and Sorensen, Inc., located in the Southeast Quarter of Section 28, Township 2 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey, in Cottonwood Heights City, Salt Lake County, Utah:

Beginning at the most Southerly corner of that certain Quit-Claim Deed recorded as Entry No. 8069254 in the Official Records of Salt Lake County, on said 1974 centerline, located 1152.08 feet North 89°33'01" West along the South line of said Section 28; and 444.10 feet North 0°26'59" East from a Brass Cap Monument found marking the Southeast Corner of said Section 28; said Southeast Corner is located 5286.84 feet South 89°33'01" East from a Brass Cap Monument found marking the Southwest Corner of said Section 28; and running thence along said 1974 line the following three courses: South 55°09'56" East 32.60 feet to a point of curvature; Southeasterly along a 160.00 foot radius curve to the right a distance of 139.63 feet (Central Angle equals 50°00'00" and Long Chord bears South 30°09'56" East 135.24 feet) to a point of tangency; and South 5°09'56" East 32.33 feet; thence North 37°13'22" East 29.50 feet more or less to the Northeasterly line of that certain Quit-Claim Deed Entry No. 13170011 in Book 10884 at Page 7459 of Official Records and the termination of this agreement line.

New Owner 1 Parcel (Coccimiglio)

Parcel 22-28-478-001

A part of the Southeast Quarter of Section 28, Township 2 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey, in Cottonwood Heights City, Salt Lake County, Utah:

Beginning at the Southwesterly corner of that certain Warranty Deed recorded as Entry No. 1865262 in Book 1956 at Page 566 of Official Records, located 469.17 feet North 0°15'06" East (North Record) and 924.48 feet North 89°44'54" West (West record) from a Brass Cap Monument found marking the Southeast Corner of said Section 28; said Southeast Corner is located 5286.84 feet South 89°33'01" East from a Brass Cap Monument found marking the Southwest Corner of said Section 28; and running thence South 49°04'02" East (North 49°19'00" West record) 8.43 feet along the Southerly line of said Warranty Deed to the Westerly line of that certain Warranty Deed recorded as Entry No. 14044886 in Book 11386 at Page 8019 of Official Records, being the same line defined in that certain Boundary Line Agreement recorded as Entry No. 13265037 in Book 10940 at Page 6245 of Official Records; thence South 33°24'06" West 12.50 feet along said Westerly line; thence South 52°43'56" East 2.05 feet to a rebar with cap stamped AWA; thence South 37°13'22" West 214.31 feet to a point of intersection with the centerline of Little Cottonwood Creek as defined by a 1974 Survey by Caldwell, Richards and Sorensen, Inc.; thence along said centerline the following three courses: North 5°09'56" West 32.33 feet to a point of curvature; Northwesterly along the arc of a 160.00 foot radius curve to the left a distance of 139.63 feet (Central Angle equals 50°00'00" and Long Chord bears North 30°09'56" West 135.24 feet) to a point of tangency; and North 55°09'56" West 32.60 feet to the East line of that certain Quit-Claim Deed recorded as Entry No. 8069254 in the Official Records of Salt Lake County; thence along said East line the following two courses: North 35°03'34" West 58.71 feet; and North 7°15'06" East 289.23 feet; thence South 82°44'54" East 181.59 feet to a rebar with aluminum cap stamped 'Schuchert' found marking a Westerly corner of said Warranty Deed Entry No. 1865262; thence along the Westerly line of said Warranty Deed Entry No. 1865262 the following two courses: South 36°30'54" East 114.60 feet; and South 7°07'06" West 201.40 feet to the point of beginning.

Less and Except any portion lying Southerly of the following described common boundary line:

An Agreement line along the centerline of Little Cottonwood Creek as defined by a 1974 Survey by Caldwell, Richards and Sorensen, Inc., located in the Southeast Quarter of Section 28, Township 2 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey, in Cottonwood Heights City, Salt Lake County, Utah:

Beginning at the most Southerly corner of that certain Quit-Claim Deed recorded as Entry No. 8069254 in the Official Records of Salt Lake County, on said 1974 centerline, located

1152.08 feet North 89°33'01" West along the South line of said Section 28; and 444.10 feet North 0°26'59" East from a Brass Cap Monument found marking the Southeast Corner of said Section 28; said Southeast Corner is located 5286.84 feet South 89°33'01" East from a Brass Cap Monument found marking the Southwest Corner of said Section 28; and running thence along said 1974 line the following three courses: South 55°09'56" East 32.60 feet to a point of curvature; Southeasterly along a 160.00 foot radius curve to the right a distance of 139.63 feet (Central Angle equals 50°00'00" and Long Chord bears South 30°09'56" East 135.24 feet) to a point of tangency; and South 5°09'56" East 32.33 feet; thence North 37°13'22" East 29.50 feet more or less to the Northeasterly line of that certain Quit-Claim Deed Entry No. 13170011 in Book 10884 at Page 7459 of Official Records and the termination of this agreement line.

New Owner 2 Parcel (Rutter)

Parcel 22-28-454-008

BEG N 152.124 FT & W 885.086 FT FR SE COR SEC 28, T 2S, R 1ES L M; S 34[^] W 204.64 FT; NW'LY ALG A CURVE TO R 107.57 FT; NW'LY ALG A CURVE TO L 194.89 FT; N 34[^] E 212.43 FT TO CEN LITTLE COTTONWOOD CREEK; S 41[^]45' E 37.9 FT; S 4[^]14' E 177 FT; S 51[^]14' E 86.4 FT; N 79[^]13' E 75 FT TO BEG. 1 AC M OR L.

Less and except any portion lying Northerly of the following described common boundary line:

An Agreement line along the centerline of Little Cottonwood Creek as defined by a 1974 Survey by Caldwell, Richards and Sorensen, Inc., located in the Southeast Quarter of Section 28, Township 2 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey, in Cottonwood Heights City, Salt Lake County, Utah:

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