

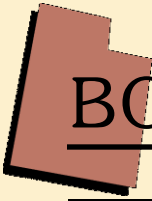
# Five Forks Meadowlark Subdivision

Dylan Geerlings + Elena Hughes

Town Council May 2, 2024

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**APPLICATION FOR SUBDIVISIONS**

**APPLICANT INFORMATION**

Date: **October 27, 2022**

Name: **Dylan Rose Geerlings & Elena Hughes**

Address: **POB 1432**

City: **Boulder**

State: **Utah**

Zip: **84716**

Phone: **908-334-0065**

Fax:

Cell Phone: **530-588-3129**

Email: **dylanrosegeerlings@gmail.com; ehughes614@gmail.com**

Contact Person:

**PRELIMINARY SUBDIVISION APPLICATION**

Fee Amount: \$

Proposed Number of Lots: **two in total, an increase of one**

Location/Address of Proposed Application: **S 2150 Meadowlark Lane previously Goldman Circle**

Current Zoning District: **GMU - greenbelt multi use**

Proposed Total of Area for Subdivision (in acres): **10.03 acres in total - two lots of 5.015 acres each**

Name of Property Owners: **Dylan Rose Geerlings**

**Elena Hughes**

Signature of Applicant(s):

**Boulder Town Office Use Only**

Date Received:

Date Determined Complete:

Fees Paid:

**PROPERTY OWNER AFFIDAVIT**

STATE OF UTAH     }  
                                  }ss  
COUNTY OF GARFIELD}

I (we), Dylan Rose Geerlings and Elena Hughes, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

\_\_\_\_\_  
*Elena Hughes*  
\_\_\_\_\_  
*Dylan Rose Geerlings*  
(Property Owner)  
(Property Owner)

Subscribed and sworn to me this 27 day of October, 2022.

\_\_\_\_\_  
*Judith Davis*



My commission expires: 07-29-2023

**AGENT AUTHORIZATION AFFIDAVIT**

I (we), \_\_\_\_\_, the owner(s) of the real property described in the attached application, do authorized as my (our) agent(s), \_\_\_\_\_, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the Town considering this application and to act in all respects as our agent in matters pertaining to the attached application.

\_\_\_\_\_  
(Property Owner)  
\_\_\_\_\_  
(Property Owner)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me \_\_\_\_\_, the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

\_\_\_\_\_  
(Notary)

My commission expires: \_\_\_\_\_



## Preliminary Subdivision Application Requirements and Review Procedures

- 1. **Application Form.** A Preliminary Subdivision Application form, provided by Town Clerk, completed and signed by the owner(s) as identified on the property assessment rolls of Garfield County, or authorized agent of the owner(s), of the lands proposed to be subdivided. The Preliminary Subdivision Application shall be accompanied by the Preliminary Subdivision Application fee, including a non-refundable administrative processing fee, as established by Resolution of the Town Council.
- 2. **Preliminary Subdivision Plat.** A Preliminary Subdivision Plat, prepared by a licensed land surveyor, shall be provided. The Preliminary Subdivision Plat shall be prepared in pen and all sheets shall be numbered. A minimum of twelve (12) paper copies shall be presented to the Town Clerk, as part of the Preliminary Subdivision Application. The Planning Commission may request additional copies if required.

The Preliminary Subdivision Plat shall show the following:

- a. A layout plan of the proposed subdivision, at a scale of no more than 1" = 100', or as recommended by the Zoning Administrator.
  - b. Located at the top and center of the preliminary plat, the proposed name of the subdivision and the section, township, range, principal median, and County of its location.
  - c. A title block, placed on the lower right-hand corner of the plat showing:
    - i. Name and address of owner of record and the name and address of the licensed land surveyor responsible for preparing the preliminary plat.
    - ii. Date of preparation of the preliminary subdivision plat, and all revision dates.
    - iii. Signature blocks for the dated signatures of the Mayor and Planning Commission Chair.
  - d. North arrow, graphic and written scale, and basis of bearings used.
  - e. All proposed lots, rights-of-way, and easements created by the subdivision and their bearings, lengths, widths, name, number, or purpose shall be given. The area of all lots created, with their addresses shall be shown.
  - f. A vicinity map of the site at a minimum scale of 1" = 1000'.
  - g. Surveyed boundaries of the proposed subdivision; accurate in scale, dimension and bearing, and giving the location of and ties to the nearest survey monument. The location of the property with respect to surrounding property and roads, and the names of all adjoining property owners of record shall be shown.
  - h. The legal description of the entire subdivision site boundary.
  - i. The location of any common space or open space areas including the location of all property proposed to be set aside for public or private reservation, with the designation of the purpose of those set asides, and conditions, if any, of the dedication or reservation.
- 3. **Required Subdivision Site Information.** On separate sheets, at the same scale as the preliminary subdivision plat information, the following subdivision site information is required:
- a. The identification of known natural features including, but not limited to, jurisdictional wetlands as identified by the U.S. Army Corps of Engineers, areas of slope exceeding 30% grade, flood channels as identified by a Federal or State Agency, all water bodies and drainage ways, and any other natural features as required by the Planning Commission, or Town Council, for the entire subdivision site, including the total acres in each.
  - b. Existing site contours, at intervals of no greater than two (2) feet, unless otherwise approved by the Planning Commission, overlaid with the proposed subdivision layout plan.
  - c. The location of any known man-made features on, or contiguous to the subdivision site, including existing platted lots, all utility easements, railroads, power lines and power poles, bridges, culverts, drainage channels, road rights-of-way and easements, field drains, irrigation canals and ditches.

- d. The location and dimensions of all existing buildings, fence lines and property lines, overlaid with the proposed subdivision layout plan.
  - e. The layout of proposed power lines including the source and connection to the existing power supply.
  - f. All existing and proposed roadway locations and dimensions, with cross sections of all new roads, proposed to be dedicated to the Town, showing the grades of all proposed streets and roads and all proposed cuts and fills exceeding three (3) feet. The proposed radius of all centerline curves shall be shown.
  - g. The location and size of existing and proposed culinary water and sewer lines and/or, the location of all wells and springs, and the location of all proposed absorption and drain fields, as required by the South West Utah Public Health Department, or the Utah Department of Environmental Quality, as applicable, overlaid with the proposed subdivision layout plan.
- 4. **Proposed Storm Drainage System.** The location of all existing and proposed fire hydrants, including the sizes of all existing and proposed water lines serving fire hydrants.
  - 5. **Title Report.** A Title Report for the property proposed to be subdivided, provided by a Title Company directly to the Town and including all Abstract Pages within 30 days of the date of the Preliminary Subdivision Application.
  - 6. **Tax Clearance.** A tax clearance from the Garfield County Treasurer indicating that all taxes, interest, and penalties owing for the subject property have been paid.
  - 7. **Property Owner Addresses.** Addresses of all owners of record of real property within 300 feet of the site proposed to be subdivided.
  - 8. **Evidence of Availability of Necessary Services.** The following information is required to be presented as part of the Preliminary Subdivision Application, necessary to establish the availability of basic services to the proposed subdivision.
    - a. **Culinary Water Requirements.** The South West Utah Public Health Department, or the Utah Department of Environmental Quality, as applicable, identified herein as the “Culinary Water Authority,” shall review and approve the feasibility of the culinary water system and sources for the subject property. It shall be the responsibility of the applicant to provide information and materials as required by South West Utah Public Health Department, or the Utah Department of Environmental Quality, necessary to review and approve the feasibility of the culinary water system.
    - b. **Wastewater Requirements.** The South West Utah Public Health Department, or the Utah Department of Environmental Quality, as applicable, identified herein as the “Sanitary Sewer Authority,” shall review and approve the feasibility of sanitary sewer services or onsite wastewater systems. for the subject property. It shall be the responsibility of the applicant to provide information and materials as required by the South West Utah Public Health Department, or the Utah Department of Environmental Quality, necessary to review and approve the feasibility of the sanitary sewer services or onsite wastewater systems.
    - c. **Fire Protection and Suppression Requirements.** The Boulder Town Fire Authority shall review and make necessary recommendations, as determined necessary by the Fire Authority for necessary fire protection and suppression services for the subject property. It shall be the responsibility of the

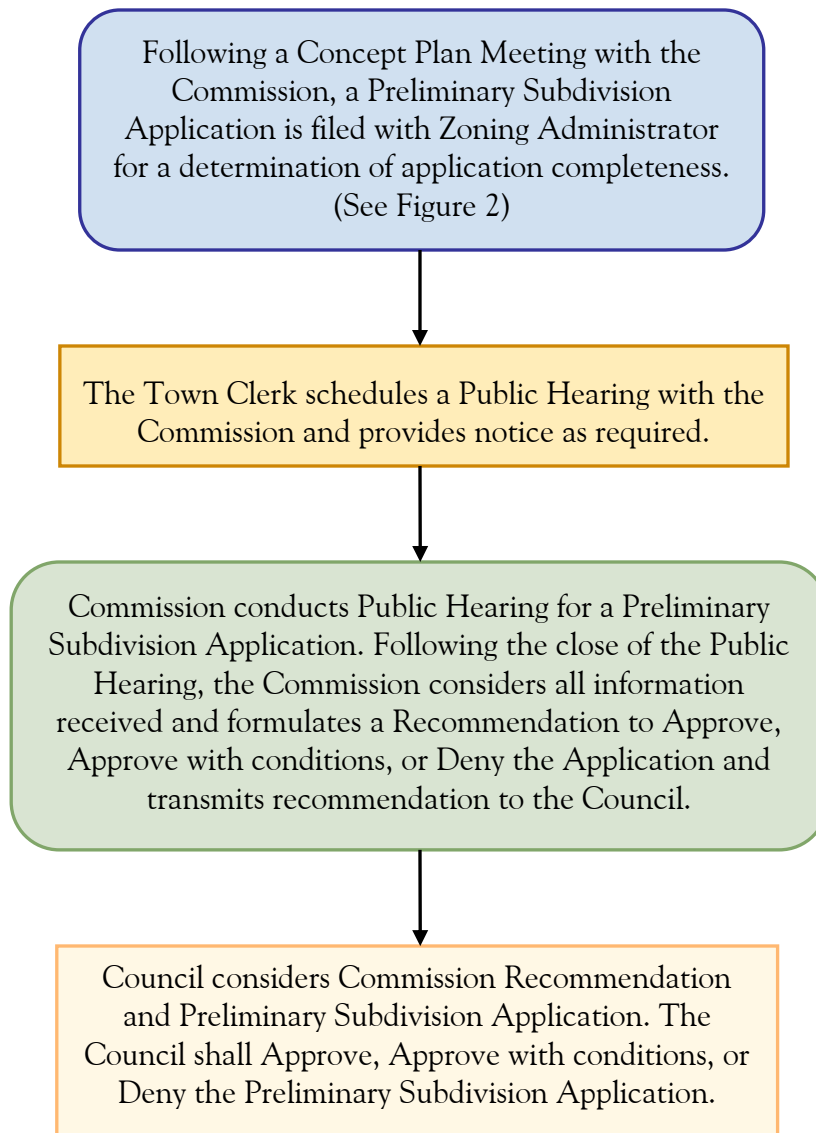
applicant to provide information and materials as required by the Boulder Town Fire Authority, necessary to review and make recommendations of the fire protection and suppression facilities and services.

- d. **Storm Drainage System.** As required by Item 4, all preliminary subdivision applications shall identify plans for storm water drainage. No ditch or canal shall be proposed for the use of storm water runoff without the written approval of the applicable irrigation company, with a note on the preliminary plat identifying a proposed and recordable drainage easement.
- e. **Subdivision Roads and Streets.** The preliminary subdivision plat, and other application materials, shall identify the proposed road and street layout. Proposed subdivision streets shall make provision for the continuation of existing streets, as required by the Town Council. The Town Engineer shall review the proposed street and road design for compliance with the requirements of the Town. The proposed street and road layout shall provide adequate and safe access to all proposed lots and proposed and existing roads and streets. Minimum lot sizes as required by the Town's Zoning Ordinance shall be exclusive of road easements and rights-of-way. If the subdivision will be accessed from a State Highway an appropriate access permit, as required by the State of Utah Department of Transportation shall be provided with the application materials.

- 9. **Special Service District or Special Service Area.** If the proposed subdivision is located within the boundaries of a Special Service District or a Special Service Area, a letter shall be provided, with the preliminary subdivision application materials, from the governing board acknowledging the proposed subdivision, which letter may identify any potential impacts resulting from the proposed subdivision.
- 10. **Irrigation Company.** If the proposed subdivision is located within the boundaries of an Irrigation Company a letter shall be provided, with the preliminary subdivision application materials, from the governing board acknowledging the proposed subdivision, which letter may identify any potential impacts resulting from the proposed subdivision.
- 11. **Additional Information and Materials when Necessary.** When the Planning Commission, or Town Council deem necessary, the applicant may be required to provide other information or letters of feasibility, conduct studies, and provide evidence indicating the suitability of the area for the proposed subdivision, including, but not limited to, adequacy of public safety and fire protection, ground water protection, plant cover maintenance, geologic or flood hazard, erosion control, wildlife habitat, and any other physical or environmental matters.

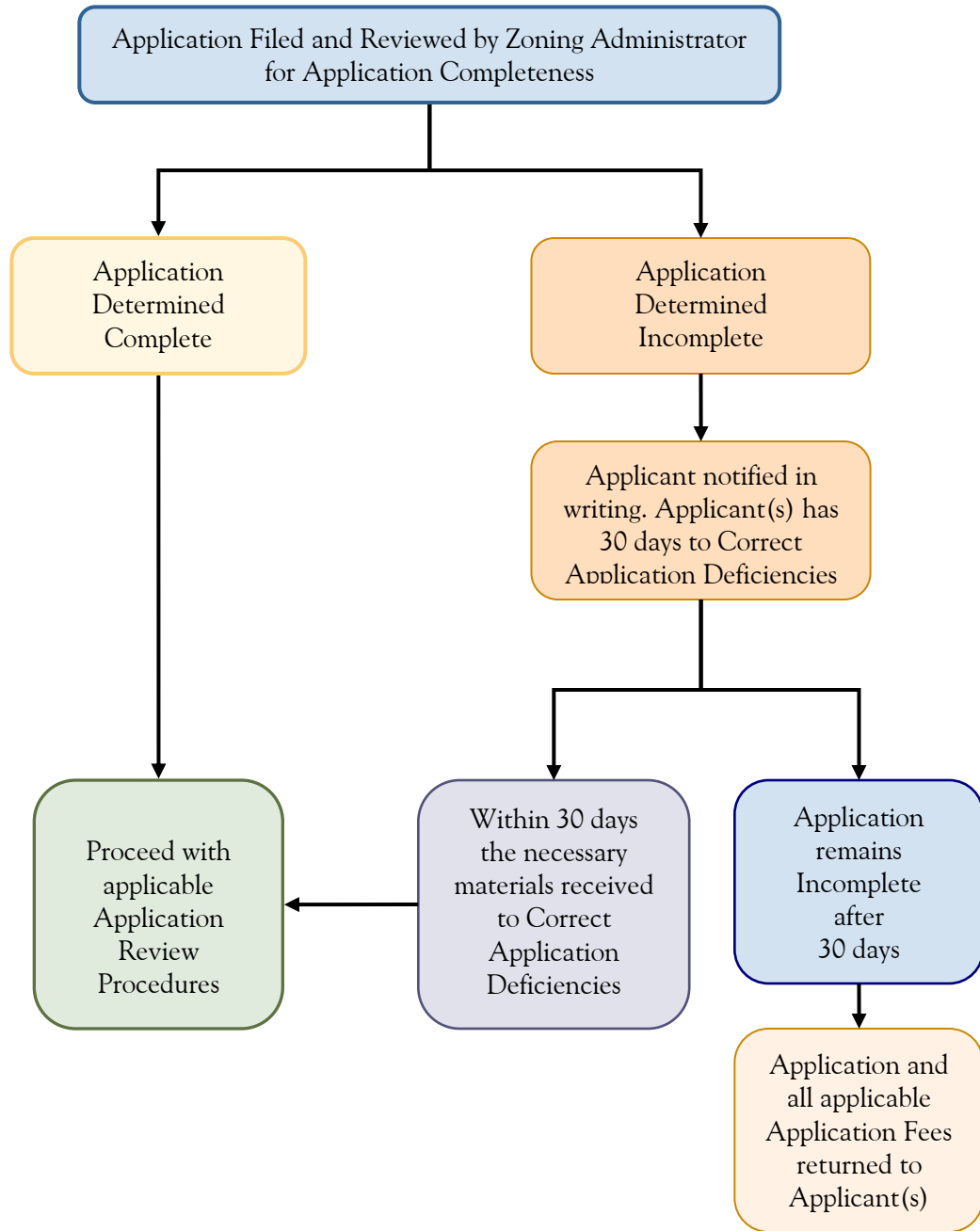
**FIGURE 1**

**PRELIMINARY SUBDIVISION APPLICATION  
REVIEW PROCEDURES**



**FIGURE 2**

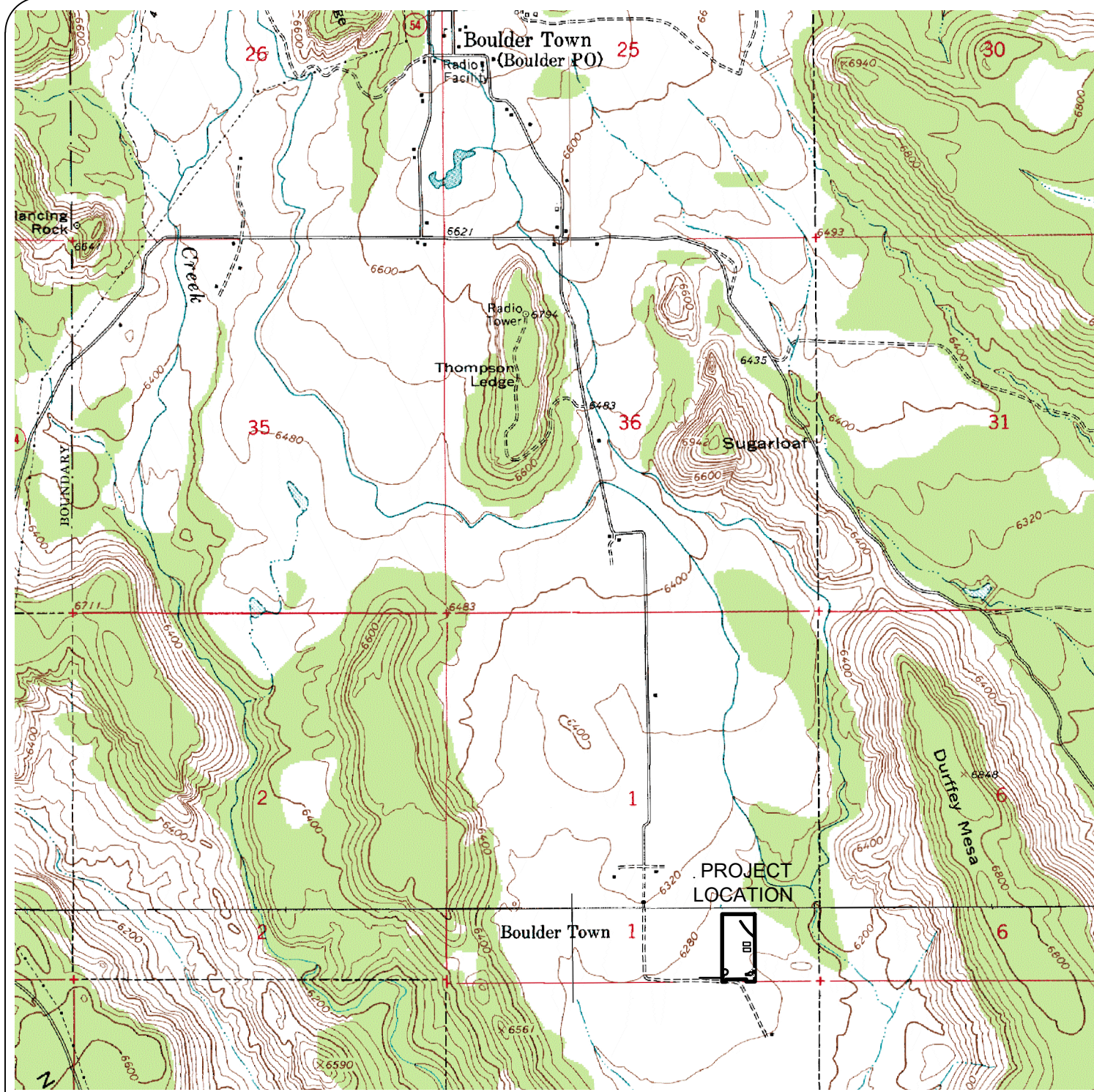
**DETERMINATION OF APPLICATION COMPLETENESS PROCEDURES**





# FIVE FORKS MEADOWLARK SUBDIVISION

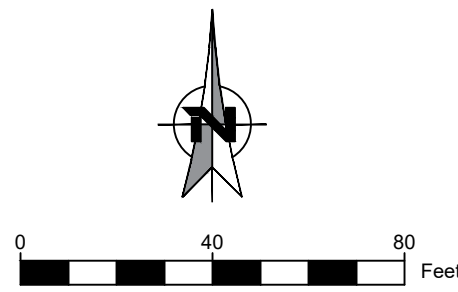
AN AMENDMENT OF LOT 3 OF MEADOWLARK SUBDIVISION  
 LOCATED IN THE SE 1/4 OF SECTION 1, TOWNSHIP 34 SOUTH, RANGE 4 EAST, S.L.B.&M.  
 BOULDER TOWN, GARFIELD COUNTY, UTAH



VICINITY MAP  
 SCALE: 1"=2000'

Line #	Direction	Length
L1	N 0°02'34" W	33.00'
L2	S 0°02'34" E	33.00'

- NOTES:
- THE PURPOSE OF THIS SUBDIVISION PLAT IS TO SUBDIVIDE LOT 3 OF MEADOWLARK SUBDIVISION PLAT.
  - ROADS SHOWN ARE PRIVATE DRIVEWAYS TO ACCESS THE LOTS.
  - STORM WATER IN EXCESS OF HISTORICAL VALUES SHALL BE RETAINED ON SITE FOR EACH LOT.
  - LOWER BOULDER ROAD (ROBISON LANE) IS A PUBLIC ROAD RIGHT-OF-WAY AS EVIDENCED ON THE CLASS C MILEAGE MAP BY JONES & DEMILLE ENGINEERING, AND CLAIMED BY BOULDER TOWN AS SUCH.

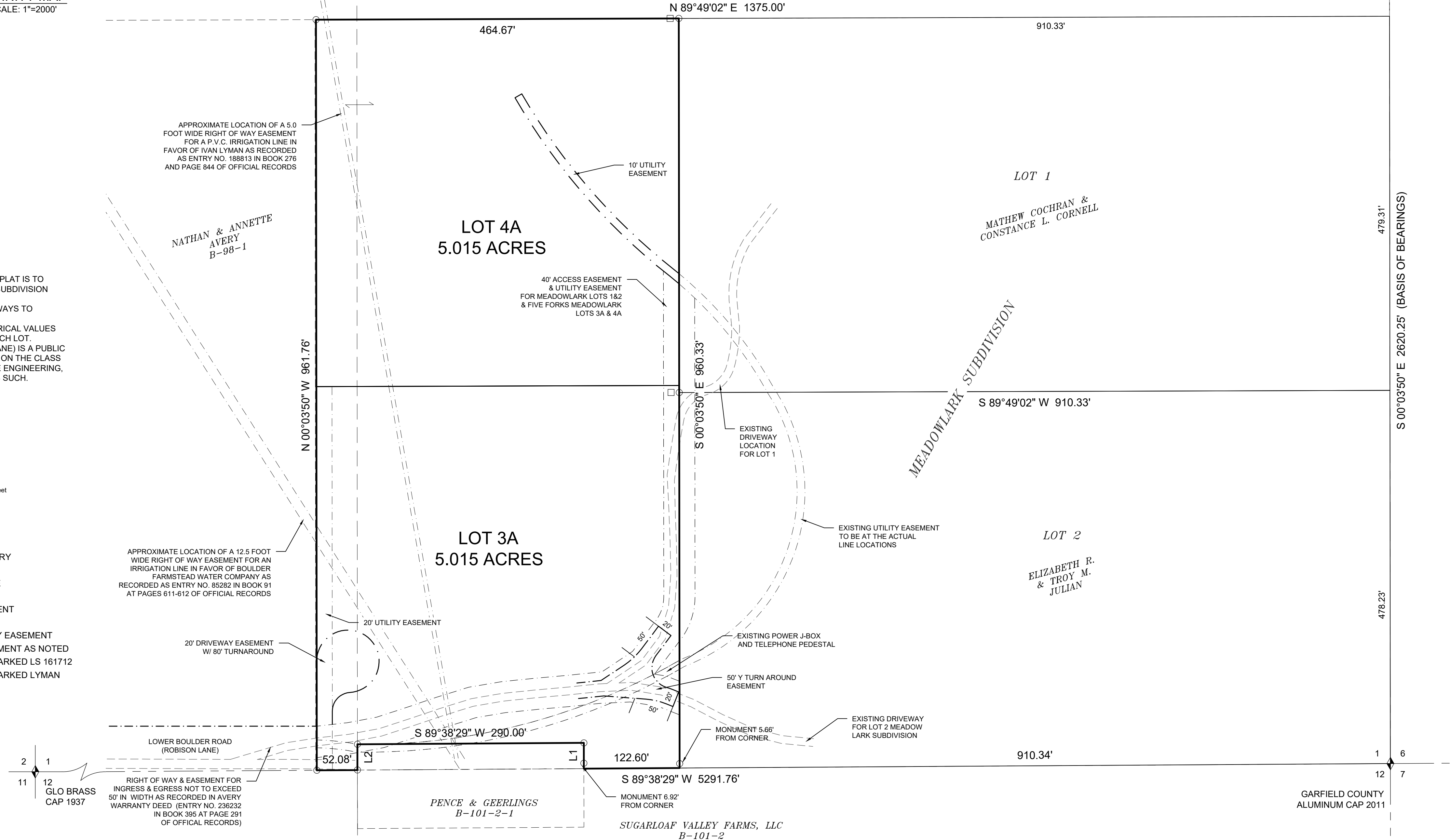


## LEGEND

- SURVEY BOUNDARY
- SECTION LINE
- 1/16 SECTION LINE
- DEED LINE
- EXISTING EASEMENT
- DIRT ROAD
- ACCESS & UTILITY EASEMENT
- FOUND SECTION MONUMENT AS NOTED
- FOUND REBAR & CAP MARKED LS 161712
- FOUND REBAR & CAP MARKED LYMAN

APPROXIMATE LOCATION OF A 12.5 FOOT WIDE RIGHT OF WAY EASEMENT FOR AN IRRIGATION LINE IN FAVOR OF BOULDER FARMSTEAD WATER COMPANY AS RECORDED AS ENTRY NO. 85282 IN BOOK 91 AT PAGES 611-612 OF OFFICIAL RECORDS

RIGHT OF WAY & EASEMENT FOR INGRESS & EGRESS NOT TO EXCEED 50' IN WIDTH AS RECORDED IN AVERY WARRANTY DEED (ENTRY NO. 236232 IN BOOK 395 AT PAGE 291 OF OFFICIAL RECORDS)



1 6  
 GARFIELD COUNTY ALUMINUM CAP 2011

RANGE 4 EAST  
 RANGE 5 EAST

SECTION LINE

1662.71'

478.31'

S 00°03'50" E 2620.25' (BASIS OF BEARINGS)

478.23'

1 6  
 12 7  
 GARFIELD COUNTY ALUMINUM CAP 2011

## BOUNDARY DESCRIPTION

LOT 3, MEADOWLARK SUBDIVISION RECORDED AS ENTRY #283455 ON SEPTEMBER 07, 2022 IN GARFIELD COUNTY RECORDERS OFFICE.

BASIS OF BEARINGS IS SOUTH 00°03'50" EAST FROM THE EAST QUARTER CORNER TO THE SOUTHEAST CORNER OF SECTION 1, TOWNSHIP 34 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

## SURVEYOR'S CERTIFICATE

I, RODNEY K. TORGERSEN, CERTIFY THAT I AM A LICENSED LAND SURVEYOR, LICENSE NUMBER 161712, IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNER I HAVE DIRECTED A SURVEY OF THE REAL PROPERTY SHOWN ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17, HAVE VERIFIED ALL MEASUREMENTS AND PLACED MONUMENTS AS REPRESENTED ON THIS PLAT.

## OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON AND SHOWN ON THIS PLAT, HAVE CAUSED THE MEADOWLARK SUBDIVISION PLAT "A" TO BE AMENDED AND TO BE SUBDIVIDED INTO LOTS AND EASEMENTS AS SHOWN AND DO HEREBY DEDICATE THE EASEMENTS AS PUBLIC UTILITY EASEMENTS.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS  
 DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_.

\_\_\_\_\_  
 DYLAN R. GEERLING                      ELENA HUGHES

## ACKNOWLEDGEMENT

STATE OF \_\_\_\_\_  
 COUNTY OF \_\_\_\_\_  
 ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_, PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING DEDICATION WHO DULY ACKNOWLEDGED TO ME THAT THEY DID EXECUTE THE SAME.

MY COMMISSION EXPIRES \_\_\_\_\_, NOTARY PUBLIC

## PLANNING COMMISSION APPROVAL

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_  
 BY THE BOULDER TOWN PLANNING COMMISSION.

\_\_\_\_\_  
 CHAIR, PLANNING COMMISSION

## ACCEPTANCE BY LEGISLATIVE BODY

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_  
 BY THE TOWN COUNCIL OF BOULDER, UTAH.

\_\_\_\_\_  
 MAYOR  
 TOWN OF BOULDER  
 ATTEST  
 \_\_\_\_\_  
 CLERK-RECORDER

DYLAN ROSE GEERLINGS                      ELENA HUGHES  
 P.O. BOX 1432                                      P.O. BOX 1532  
 BOULDER, UT 84716                              BOULDER, UT 84716

**TORGERSEN ENGINEERING**  
 265 NORTH 600 EAST                      OFFICE (435) 893-0081  
 RICHFIELD, UTAH 84701                      WWW.TORGENG.COM

22313      DRAWN BY: RJBIRKT      DATE: 04/12/2024      CHECKED BY: RKT      DATE: 04/12/2024

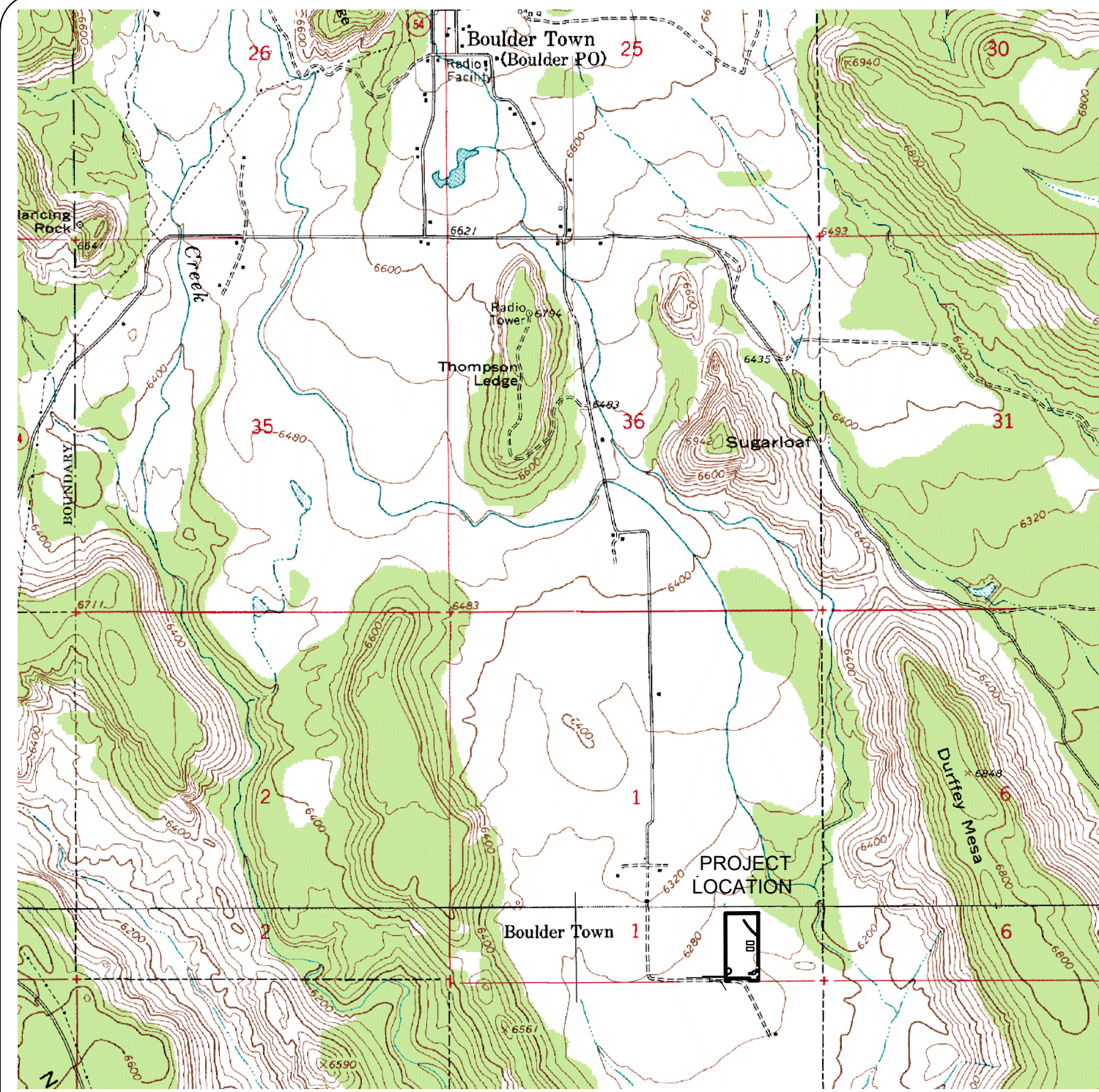
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AN AMENDMENT OF LOT 3 OF MEADOWLARK SUBDIVISION  
 BOULDER TOWN, GARFIELD COUNTY, UTAH  
 LOCATED IN THE SE 1/4 OF SECTION 1, TOWNSHIP 34 SOUTH, RANGE 4 EAST, S.L.B.&M.  
 SCALE: 1"=80'



# FIVE FORKS MEADOWLARK SUBDIVISION SITE MAP

AN AMENDMENT OF LOT 3 OF MEADOWLARK SUBDIVISION  
LOCATED IN THE SE 1/4 OF SECTION 1, TOWNSHIP 34 SOUTH, RANGE 4 EAST, S.L.B.&M.  
BOULDER TOWN, GARFIELD COUNTY, UTAH



VICINITY MAP  
SCALE: 1"=2000'

Line #	Direction	Length
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APPROXIMATE LOCATION OF A 5.0 FOOT WIDE RIGHT OF WAY EASEMENT FOR A P.V.C. IRRIGATION LINE IN FAVOR OF IVAN LYMAN AS RECORDED AS ENTRY NO. 188813 IN BOOK 276 AND PAGE 844 OF OFFICIAL RECORDS

NATHAN & ANNETTE AVERY  
B-98-1

APPROXIMATE LOCATION OF A 12.5 FOOT WIDE RIGHT OF WAY EASEMENT FOR AN IRRIGATION LINE IN FAVOR OF BOULDER FARMSTEAD WATER COMPANY AS RECORDED AS ENTRY NO. 85282 IN BOOK 91 AT PAGES 811-812 OF OFFICIAL RECORDS

JOHN P. & SUSANN KELLY  
B-98-1-2-2

MATHEW COCHRAN & CONSTANCE L. CORNELL

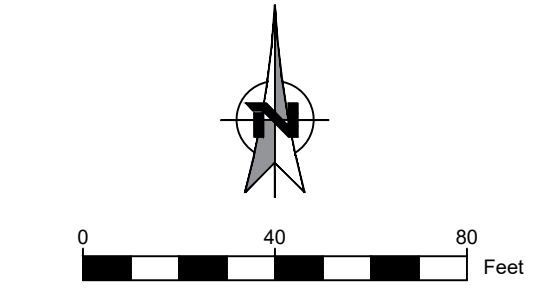
ELIZABETH R. & TROY M. JULIAN

LOT 4A  
5.015 ACRES

LOT 3A  
5.015 ACRES

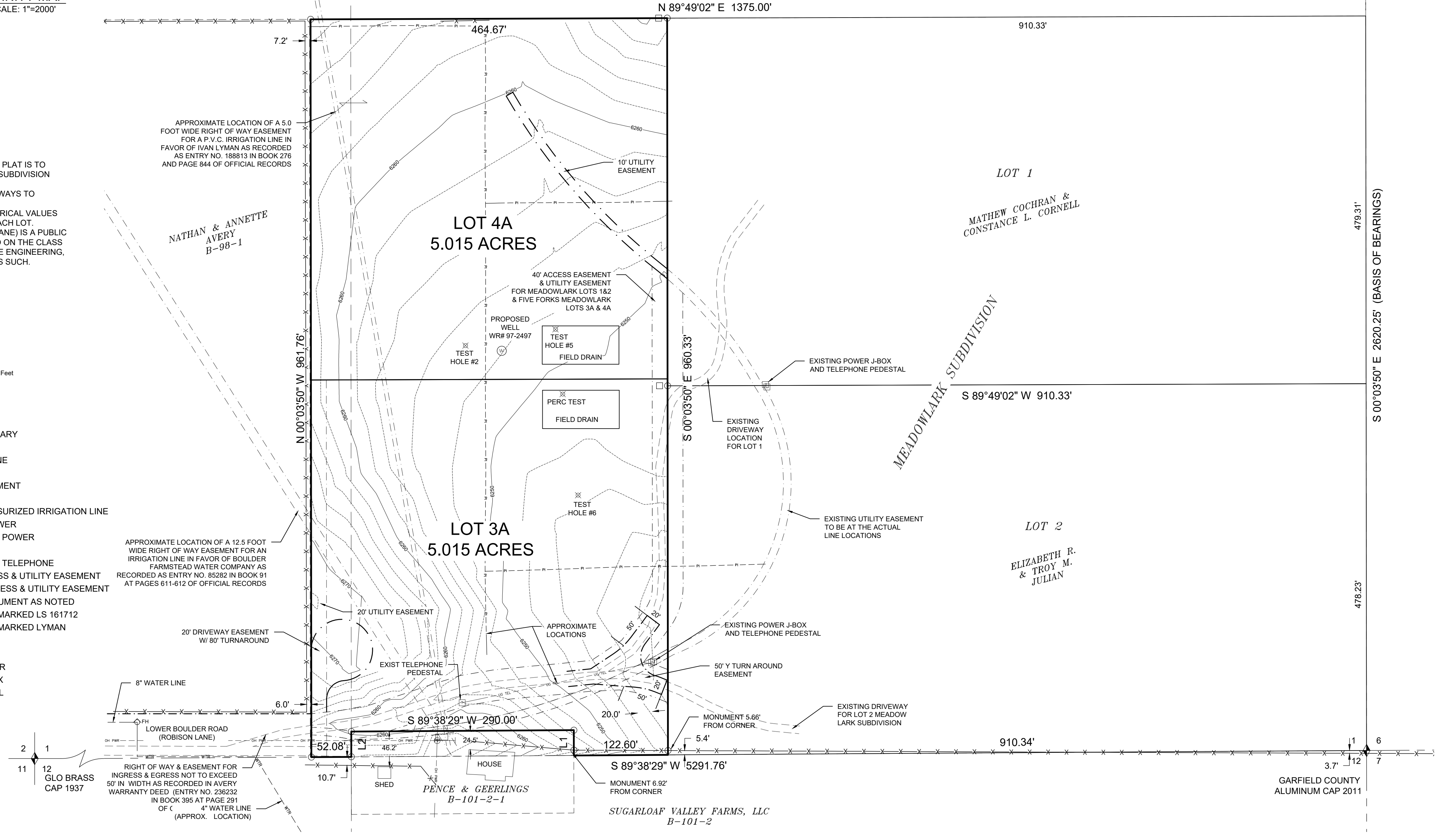
HOUSE  
PENCE & GEERLINGS  
B-101-2-1

SUGARLOAF VALLEY FARMS, LLC  
B-101-2



**LEGEND**

- SURVEY BOUNDARY
- - - SECTION LINE
- - - 1/16 SECTION LINE
- - - DEED LINE
- - - EXISTING EASEMENT
- x - x - FENCE
- - - EXISTING PRESSURIZED IRRIGATION LINE
- - - OVER HEAD POWER
- - - UNDERGROUND POWER
- - - DIRT ROAD
- - - UNDERGROUND TELEPHONE
- - - EXISTING ACCESS & UTILITY EASEMENT
- - - PROPOSED ACCESS & UTILITY EASEMENT
- ◆ FOUND SECTION MONUMENT AS NOTED
- FOUND REBAR & CAP MARKED LS 161712
- FOUND REBAR & CAP MARKED LYMAN
- ⊕ POWER POLE
- ⊔ GUY ANCHOR
- POWER TRANSFORMER
- ⊞ POWER JUNCTION BOX
- ⊟ TELEPHONE PEDESTAL
- ⊠ FIRE HYDRANT



GARFIELD COUNTY ALUMINUM CAP 2011

SECTION LINE

S 00°03'50" E 2620.25' (BASIS OF BEARINGS)

478.23'

GARFIELD COUNTY ALUMINUM CAP 2011

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DYLAN ROSE GEERLINGS  
P.O. BOX 1432  
BOULDER, UT 84716

ELENA HUGHES  
P.O. BOX 1532  
BOULDER, UT 84716

**TORGERSEN ENGINEERING**  
265 NORTH 600 EAST  
RICHFIELD, UTAH 84701  
OFFICE (435) 893-0081  
WWW.TORGENG.COM

22313 DRAWN BY: RJBIRKT DATE: 04/12/2024 CHECKED BY: RKT DATE: 04/12/2024

**FIVE FORKS MEADOWLARK  
SUBDIVISION  
SITE MAP**

AN AMENDMENT OF LOT 3 OF MEADOWLARK SUBDIVISION  
BOULDER TOWN, GARFIELD COUNTY, UTAH  
LOCATED IN THE SE 1/4 OF SECTION 1, TOWNSHIP 34 SOUTH, RANGE 4 EAST, S.L.B.&M.  
SCALE: 1"=80'





**Rodney Torgersen**

Preliminary Plat

To: Dylan Rose Geerlings

October 27, 2022 at 10:46 AM



**Siri Found a Phone Number**

Rodney Torgersen  
(435) 893-0081

Update



Dylan, I gave the drafter some redlines for the drawing, and he should have it done sometime this morning. He was gone part of the week.  
On the Required Subdivision Site information, We included it on the Preliminary Plat rather than making a separate drawing.  
Item 3a: there are no jurisdictional wetlands, water bodies or drainage ways.  
Item 3b: on the Preliminary Plat  
Item 3c: these are added, there are no irrigation ditches, but we show the irrigation lines and easements.  
Item 3d: The only buildings near the property line are shown on the Sugarloaf property to the south.  
Item 3e: We show the location of the test hole locations and perc test. The drain fields will need to be installed in this area. You should be aware that the well as shown on the plat from the approved water right may need to be moved. When drilled, it will need to be at least 100 feet from the wastewater systems.  
Item 4: We added a note to the Preliminary Plat that storm water in excess of historical values shall be retained on site.  
Items 5 through 8c, and 9 & 10 are anticipated to be taken care of by you.  
I will get you the Plat as soon as finished.

--

Rodney Torgersen, PE, PLS  
435-893-0081 (office)  
435-893-1855 (cell)





**ALTA COMMITMENT FOR TITLE INSURANCE**

Issued by OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

**NOTICE**

**IMPORTANT—READ CAREFULLY:** THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY’S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

**COMMITMENT TO ISSUE POLICY**

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Old Republic National Title Insurance Company, (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Amount of Insurance and the name of the Proposed Insured.

If all of the Schedule B, Part I—Requirements have not been met within \_\_\_\_\_ after the Commitment Date, this Commitment terminates and the Company’s liability and obligation end.

Date:  
Security Title Company

\_\_\_\_\_  
Travis V. Hatch, Title Officer

**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**  
*A Stock Company*  
1408 North Westshore Blvd., Suite 900, Tampa, Florida 33607  
(612) 371-1111 [www.oldrepublictitle.com](http://www.oldrepublictitle.com)

By  President

Attest  Secretary

*This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.*

## COMMITMENT CONDITIONS

### 1. DEFINITIONS

- a. "Discriminatory Covenant": Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.
- b. "Knowledge" or "Known": Actual knowledge or actual notice, but not constructive notice imparted by the Public Records.
- c. "Land": The land described in Item 5 of Schedule A and improvements located on that land that by State law constitute real property. The term "Land" does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- d. "Mortgage": A mortgage, deed of trust, trust deed, security deed, or other real property security instrument, including one evidenced by electronic means authorized by law.
- e. "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- f. "Proposed Amount of Insurance": Each dollar amount specified in Schedule A as the Proposed Amount of Insurance of each Policy to be issued pursuant to this Commitment.
- g. "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- h. "Public Records": The recording or filing system established under State statutes in effect at the Commitment Date under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge. The term "Public Records" does not include any other recording or filing system, including any pertaining to environmental remediation or protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.
- i. "State": The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term "State" also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.
- j. "Title": The estate or interest in the Land identified in Item 3 of Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- a. the Notice;
- b. the Commitment to Issue Policy;
- c. the Commitment Conditions;
- d. Schedule A;
- e. Schedule B, Part I—Requirements; and
- f. Schedule B, Part II—Exceptions; and
- g. a counter-signature by the Company or its issuing agent that may be in electronic form.

### 4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company is not liable for any other amendment to this Commitment.

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5. LIMITATIONS OF LIABILITY

- a. The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
  - i. comply with the Schedule B, Part I—Requirements;
  - ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
  - iii. acquire the Title or create the Mortgage covered by this Commitment.
- b. The Company is not liable under Commitment Condition 5.a. if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- c. The Company is only liable under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- d. The Company's liability does not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Condition 5.a. or the Proposed Amount of Insurance.
- e. The Company is not liable for the content of the Transaction Identification Data, if any.
- f. The Company is not obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- g. The Company's liability is further limited by the terms and provisions of the Policy to be issued to the Proposed Insured

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT; CHOICE OF LAW AND CHOICE OF FORUM

- a. Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- b. Any claim must be based in contract under the State law of the State where the Land is located and is restricted to the terms and provisions of this Commitment. Any litigation or other proceeding brought by the Proposed Insured against the Company must be filed only in a State or federal court having jurisdiction.
- c. This Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- d. The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- e. Any amendment or endorsement to this Commitment must be in writing
- f. and authenticated by a person authorized by the Company.
- g. When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT IS ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for closing, settlement, escrow, or any other purpose.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. CLAIMS PROCEDURES

This Commitment incorporates by reference all Conditions for making a claim in the Policy to be issued to the Proposed Insured. Commitment Condition 9 does not modify the limitations of liability in Commitment Conditions 5 and 6.

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10. CLASS ACTION

ALL CLAIMS AND DISPUTES ARISING OUT OF OR RELATING TO THIS COMMITMENT, INCLUDING ANY SERVICE OR OTHER MATTER IN CONNECTION WITH ISSUING THIS COMMITMENT, ANY BREACH OF A COMMITMENT PROVISION, OR ANY OTHER CLAIM OR DISPUTE ARISING OUT OF OR RELATING TO THE TRANSACTION GIVING RISE TO THIS COMMITMENT, MUST BE BROUGHT IN AN INDIVIDUAL CAPACITY. NO PARTY MAY SERVE AS PLAINTIFF, CLASS MEMBER, OR PARTICIPANT IN ANY CLASS OR REPRESENTATIVE PROCEEDING. ANY POLICY ISSUED PURSUANT TO THIS COMMITMENT WILL CONTAIN A CLASS ACTION CONDITION.

11. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Amount of Insurance is \$2,000,000 or less may be arbitrated at the election of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

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**Transaction Identification Data, for which the Company assumes no liability as set forth in Commitment Condition 5.e.:**

Issuing Agent: Security Title Company of Garfield County  
Issuing Office: 15 N. Main Street, Panguitch, UT 84759  
Issuing Office's ALTA® Registry ID: 0002906  
Loan ID No.:  
Commitment No.: 22-31032-1  
Issuing Office File No.: 22-31032  
Property Address: 2150 South Goldman Circle, Boulder, UT 84716

**SCHEDULE A  
COMMITMENT**

1. Commitment Date: April 1, 2024 at 08:00 AM
2. Policy to be issued:
  - a. ALTA Owners Policy (06/17/06)  
Proposed Insured:  
Proposed Amount of Insurance: \$0.00  
The estate or interest to be insured: Fee Simple
3. The estate or interest in the Land at the Commitment Date is:  
  
Fee Simple.
4. The Title is, at the Commitment Date, vested in:  
  
Dylan Rose Geerlings and Elena Hughes, as joint tenants
5. The Land is described as follows:  
  
All of Lot 3, Meadowlark Subdivision, Plat "A", according to the Official Plat thereof, recorded in the Office of the County Recorder of said County.

Date:  
Security Title Company

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Travis V. Hatch, Title Officer

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## SCHEDULE B I COMMITMENT

### REQUIREMENTS

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
  - a. Warranty Deed from Dylan Rose Geerlings and Elena Hughes, as joint tenants to .
5. You must tell us in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions.
6. This Company will require the following, if necessary, to insure a loan by or conveyance from, the entity names herein: a copy of the partnership agreement, Articles of Organization, Operating Agreement and Corporation Resolution, together with all supplements or amendments thereto. Evidence that the entity is in good standing in the State where it was formed. A copy of the trust agreement and any amendments thereto.
7. Release(s) or reconveyance(s) of Item(s) No. NONE
8. NOTE: In the event the transaction for which this commitment is furnished cancels, the minimum cancellation fee will be \$200.00.

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## SCHEDULE B II

### EXCEPTIONS FROM COVERAGE

Policy No.: 22-31032-1

**Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.**

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I-Requirements are met.
2. Taxes or Assessments: The Lien of Real Estate Taxes or assessments imposed on the title by a governmental authority that are not shown as existing Liens in the Records of any taxing authority that levies taxes or assessments on real property or in the Public Records.
3. Parties in Possession: Any Facts, Rights, Interests or Claims that are not shown in the Public Records but that could be ascertained by an inspection of the land or by making inquiry of persons in possession of the land.
4. Easements: Easements, Claims of Easements or Encumbrances that are not shown in the Public Records.
5. Survey Matters: Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the title including discrepancies, conflicts in boundary line, shortage in area, or any other facts that would be disclosed by an accurate and complete land survey of the land, and that are not shown in the Public Records.
6. Patent and Water Rights: (a) Unpatented mining claims; (b) reservations or exceptions in patents or in acts authorizing the issuance thereof; (c) Indian treaty or aboriginal rights including, but not limited to easements or equitable servitudes; (d) water rights, claims to water or title to water, or water rights, whether or not the matter excepted in (a), (b), (c) or (d) are shown by the public records.
7. Mechanic Liens: Any lien, or right of lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown in the Public Records.
8. Minerals: Any right, title or interest in any minerals, mineral rights or related matters, including but not limited to oil, gas, coal and other hydrocarbons, sand, gravel or other common variety materials whether or not shown by the public record.
9. Any service, installation, connection, maintenance or construction charges for sewer, water, electricity, or garbage collection or disposal or other utilities unless shown as an existing lien by the public records.
10. Claim, right, title or interest to water or water rights whether or not shown by the Public Records.

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## SCHEDULE B-II

(Continued)

11. Rights of way for any roads, ditches, canals, or transmission lines now existing over, under, or across said property.

**Exceptions 1-8 will not appear on an Extended policy and exceptions 1-11 will not appear in any Extended Loan Policy to be issued hereunder.**

12. Taxes for the year 2024 now on a lien not yet due. Serial No. Parcel 02-0025-0003. General Property taxes for the year 2023 were paid in the amount of \$13.80.
13. Easement and Restrictions as set forth on the recorded subdivision.

NOTE: The names of ,Dylan Rose Geerlings and Elena Hughes have been checked for judgments and if any were found would appear as Exceptions to title under Section B, Section 2, herein. (No other variations of the names above have been checked.)

Chain of Title: According to official records, there have been no document conveying the subject property within a 24 months prior to the date of this commitment , except as Follows:  
wd, Christopher S. Hart and Diane Mills Hart to Dylan Rose Geerlings and Elena Hughes as joint tenants, Recorded 8-18-21, Entry No. 280944, Bk 552, Pg 69

Endorsements 8.1,9, 22 will be \$60.00

In the event the transaction for which this commitment was ordered "cancels", please refer to paragraph b under Section B, Section 1 for required cancellation fee.

**NOTE:** The Policy(ies) to be issued as a result of this Commitment contain an Arbitration Clause set forth in the Conditions/Conditions and Stipulations section. The following is included for the information of the proposed insured:

**NOTE: The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than the certain dollar amount set forth in any applicable arbitration clause, all arbitral matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. If you desire to review the terms of the policy, including any arbitration clause that may be included, contact the office that issued this Commitment or Report to obtain a sample of the policy jacket for the policy that is to be issued in connection with your transaction.**

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**GARFIELD COUNTY CORPORATION**  
**Tax Roll Master Record**

April 2, 2024

10:53:08AM

Parcel: 02-0025-0003	Serial #:MLS-3	Entry: 280944
Name: GEERLINGS DYLAN ROSE		
c/o Name: HUGHES ELENA		
Address 1: PO BOX 1432		
Address 2:		
City State Zip: BOULDER	UT 84716-0000	
Mortgage Co:		
Status: <b>Active</b>	Year: <b>2024</b>	District: <b>002 BOULDER DISTRICT</b>
		<b>0.007601</b>

Owners	Interest	Entry	Date of Filing	Comment
GEERLINGS DYLAN ROSE		280944	08/18/2021	(0552/0069)
HUGHES ELENA		280944	08/18/2021	(0552/0069)

Property Information	2024 Values & Taxes				2023 Values & Taxes		
	Units/Acres	Market	Taxable	Taxes	Market	Taxable	Taxes
LG01 LAND GREENBELT	10.03	253,528	1,815	13.80	253,528	1,815	13.80
Totals:	10.03	253,528	1,815	13.80	253,528	1,815	13.80

Greenbelt Class Code & Name	Zone Code & Name	Acres	Price/Acre	Market	Taxable	Status	Changed
IT3 IRRAGATED III	0001 GARFIELD COUNTY	10.03	25,277	253,528	1,815	Active	05/18/2023
Greenbelt Totals		10.03		253,528	1,815		

<p><b>**** ATTENTION !! ****</b></p> <p>Tax Rates for 2024 have NOT BEEN SET OR APPROVED! Any levied taxes or values shown on this printout for the year 2024 are SUBJECT TO CHANGE!! (Using Proposed Tax Rate)</p>	<p>2024 Taxes: 13.80</p> <p>Special Fees: 0.00</p> <p>Penalty: 0.00</p> <p>Abatements: ( 0.00)</p> <p>Payments: ( 0.00)</p> <p>Amount Due: 13.80</p>	<p>2023 Taxes: 13.80</p> <p><b>Review Date</b></p> <p><b>01/02/2024</b></p> <p><b>NO BACK TAXES!</b></p>
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Back Tax Summary							
Year	Principal	Specials Total	Penalty	Interest Due	Interest Rate	Total Payments	Total Due
2020	0.00	0.00	0.00	0.00	7.00%	14.78	0.00
2019	0.00	0.00	0.00	0.00	7.75%	15.98	0.00
2017	0.00	0.00	0.00	0.00	7.25%	13.81	0.00
2012	0.00	0.00	0.00	0.00	7.00%	14.79	0.00
2011	0.00	0.00	0.00	0.00	7.00%	15.75	0.00
2010	0.00	0.00	0.00	0.00	7.00%	16.47	0.00
2009	0.00	0.00	0.00	0.00	6.25%	17.99	0.00
Totals:	0.00	0.00	0.00	0.00		109.57	0.00

**NO BACK TAXES**

GARFIELD COUNTY TREASURER / DEPUTY

\_\_\_\_\_  
signature

DO NOT USE THIS TAXING DESCRIPTION FOR LEGAL PURPOSES OR OFFICIAL DOCUMENTS. For taxing purposes only. Consult property deeds for full legal description.

Taxing Description

ALL OF LOT 3 MEADOWLARK SUBDIVISION PLAT A CONT 10.03 AC M/L

GARFIELD COUNTY CORPORATION  
**Tax Roll Master Record**

April 2, 2024

10:53:08AM

Parcel: 02-0025-0003	Serial #:MLS-3	Entry: 280944
Name: GEERLINGS DYLAN ROSE		
c/o Name: HUGHES ELENA		
Address 1: PO BOX 1432		
Address 2:		
City State Zip: BOULDER	UT 84716-0000	
Mortgage Co:		
Status: <b>Active</b>	Year: <b>2024</b>	District: <b>002 BOULDER DISTRICT</b>
		<b>0.007601</b>

Property Address  
GOLDMAN CIRCLE S 2150  
BOULDER 84716-0000  
Acres: 10.03

**History**

4/25/13 - CHANGED ADDRESS FROM 2050 SOUTH TO 2150 SOUTH GOLDMAN CIRCLE. 9/7/22 SUBDIVISION NAME CHANGED FROM GOLDMAN TO MEADOWLARK

**Property Owner Addresses:**

John and Susan Kelly

10 Spooner Street  
North Easton, MA 02356

Constance Lynn and Matt Cochran PO Box 1466 Boulder, UT 84716

Elizabeth and Troy Julian PO Box 1509 Boulder, UT 84716

Annette Avery  
728 N. Bertrand St. Flagstaff, AZ 86001

Shawn Owen  
3343 W 20th Ave Denver, CO 80211

Dan Pence and Jennifer Geerlings  
POB 1432 Boulder, UT 84716



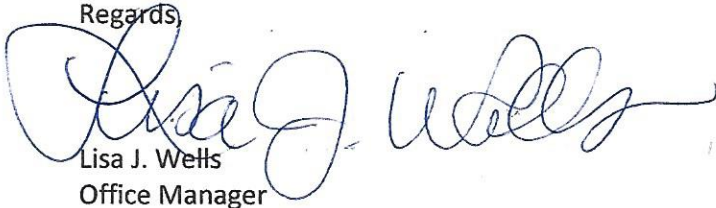
**P.O. Box 159 · Hanksville, UT · 84734**  
**Office/Fax 435-542-3411 · Cell 307-231-3780**  
**allwellsdrilling@gmail.com**

September 9, 2022

To Whom It May Concern,

Dylan Rose Geerlings and Elena Hughes are on the list to have a well dug by our company on their Meadowlark Subdivision in Boulder, Utah. We will drill a well that provides water to both lots of the subdivision and will make sure the well will be at least 100' from any septic system and at least 100' from all lot lines.

Regards,



Lisa J. Wells  
Office Manager



SPENCER J. COX  
Governor  
DEIDRE M. HENDERSON  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

### Division of Water Rights

JOEL FERRY  
Executive Director

TERESA WILHELMSEN  
State Engineer/Division Director

## ORDER OF THE STATE ENGINEER For Application to Appropriate Water Number 97-2497 (A83433)

Application to Appropriate Water Number 97-2497 (A83433) in the names of Dylan Rose Geerlings and Elena Hughes was filed on July 27, 2022, to appropriate 1.7 acre-feet of water from the following point(s):

- (1) Well - North 521 ft West 1127 ft from the SE Corner of Section 1, T34S, R4E, SLB&M (6-inch well, 100-500 feet deep)

The water is to be used for the following purpose(s):

- Irrigation - Sole Supply: 0.2 acre, Group Total: 0.2 acre, from April 1 to October 31  
Domestic - Sole Supply: 2.0 equivalent domestic units, Group Total: 2.0 equivalent domestic units, from January 1 to December 31

The water is to be used in all or portion(s) of:

Section 1, T34S, R4E, SLB&M

Notice of the application was published in The Wayne and Garfield County Insider on August 18 and 25, 2022. No protests were received.

It is the opinion of the State Engineer that there is unappropriated water that can be developed under this application and that this application can be approved without impairing existing water rights.

It is, therefore, **ORDERED** and Application to Appropriate Water Number 97-2497 (A83433) is hereby **APPROVED** subject to prior rights and with the following condition(s):

- (1) The applicants shall construct or install and maintain controlling works and a measuring device as required by Section 73-5-4 of Utah Code.
- (2) This application is also approved according to the conditions of the current appropriation policy guidelines for the Colorado River Drainage, adopted March 7, 1990.
- (3) This application must be totally developed and placed to beneficial use on or before the noted proof due date. Extensions of time will only be considered under unusual circumstances.



The applicants are strongly cautioned that other permits may be required before any development of this application can begin and it is the responsibility of the applicants to determine the applicability of and acquisition of such permits. Once all other permits have been acquired, this is your authority to develop the water under the above referenced application which under Sections 73-3-10 and 73-3-12, Utah Code Annotated, 1953, as amended, must be diligently prosecuted to completion. The water must be put to beneficial use and proof must be filed on or before **September 30, 2027**, or a request for extension of time must be acceptably filed; otherwise, the application will be lapsed. This approval is limited to the rights to divert and beneficially use water and does not grant any rights of access to, or use of land or facilities not owned by the applicants.

As noted, this approval is granted subject to prior rights. The applicants are shall be liable to mitigate or provide compensation for any impairment of or interference with prior rights as such may be stipulated among parties or decreed by a court of competent jurisdiction.

Proof of beneficial use is evidence to the State Engineer that the water has been fully placed to its intended beneficial use. By law, it must be prepared by a registered engineer or land surveyor, who will certify to the location, uses and extent of your water right.

Upon the submission of proof as required by Section 73-3-16, Utah Code, for this application, the applicants must identify every source of water used under this application and the amount of water used from that source. The proof must also show the capacity of the sources of supply and demonstrate that each source can provide the water claimed to be diverted under this right as well as all other water rights which may be approved to be diverted from those sources.

Failure on your part to comply with the requirements of the applicable statutes may result in the lapsing of this application to appropriate.

It is the applicant's responsibility to maintain a current address with this office and to update ownership of their water right. Please notify this office immediately of any change of address or for assistance in updating ownership. Additionally, if ownership of this water right or the property with which it is associated changes, the records of the Division of Water Rights should be updated. For assistance in updating title to the water right please contact the Division at the phone number below.

Your contact with this office, should you need it, is with the Southwestern Regional Office in Cedar City. The telephone number is (435) 586-4231.



ORDER OF THE STATE ENGINEER  
Application to Appropriate Water Number  
97-2497 (A83433)  
Page 3

This Order is subject to the provisions of Administrative Rule R655-6-17 of the Division of Water Rights and to Sections 63G-4-302, 63G-4-402, and 73-3-14 of the Utah Code which provide for filing either a Request for Reconsideration with the State Engineer or for judicial review with the appropriate District Court. A Request for Reconsideration must be filed in writing with the State Engineer within 20 days of the date of this Order. The written request shall be filed in-person, by mail, or electronically. If the request is filed electronically it shall be submitted to: [waterrights@utah.gov](mailto:waterrights@utah.gov), which is the authorized general email for the Division. However, a Request for Reconsideration is not a prerequisite to filing for judicial review. A petition for judicial review must be filed within 30 days after the date of this Order or, if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 26th day of September, 2022.



\_\_\_\_\_  
Teresa Wilhelmsen, P.E., State Engineer

Mailed a copy of the foregoing Order this 26th day of September, 2022 to:

Dylan Rose Geerlings  
POB 1432  
Boulder, UT  
84716

Elena Hughes  
POB 1532  
Boulder, UT  
84716

BY: /s/Doralee Cannon

260 DL Sargent Dr.  
Cedar City, UT 84721  
(435) 586-2437

September 20, 2022

Dylan Rose Geerlings and Elena Hughes  
2150 Goldman Circle  
Boulder, UT 84716

RE: Onsite Wastewater and Drinking Water Feasibility, Five Forks Meadowlark Subdivision, 02-0025-0003, Garfield, UT

We have received plans and supportive information to establish feasibility for the above referenced subdivision. The following comments reflect the results of our review regarding feasibility.

#### **WASTEWATER TREATMENT FACILITIES**

Septic tanks and subsurface absorption systems are the proposed method of onsite wastewater treatment and disposal for the 2 lots included in this development. Based on the review of the submitted plans and supportive information, onsite wastewater treatment by means of septic tanks and subsurface absorption appears **feasible**. It is important to stress that soil and percolation information submitted for feasibility may be used in obtaining septic system permits for individual lots, provided the tests were conducted in close proximity to the proposed absorption field, otherwise additional tests must be conducted. Wastewater disposal for each lot will be dependent on strict compliance with the following:

1. The design for each septic tank and seepage device must be based on results of soil exploration and percolation tests conducted in the vicinity of the proposed wastewater treatment system. An application, percolation and soil information, detailed plans for each disposal system along with any other information and fees required must be submitted to the Southwest Utah Public Health Department (SWUPHD) for review and evaluation prior to construction and installation. If soil and related tests disclose unfavorable conditions for septic tanks and subsurface disposal in certain areas, septic tanks and subsurface treatment will not be permitted in those areas.



2. Each onsite wastewater treatment system must be installed in compliance with Utah Department of Environmental Quality, Onsite Wastewater Systems R317-4, Utah Administrative Code.

3. Final approval of individual wastewater disposal systems may be granted only after an on-site inspection of each system by an authorized representative of SWUPHD following construction and installation, but prior to backfilling.

4. The wastewater systems are to be built in locations where there is at least 5ft of soil or sand prior to bedrock. The areas with 6ft are preferable. All wastewater systems should use a leach field consisting of chambers (Type A or B) in order to maximize the distance to bedrock. If the two lots intend to share a well, then adequate domestic water rights shall be obtained by both and shall have a notarized shared well agreement between the two.

**DRINKING WATER SUPPLY**

Drinking water for this development is to be provided by the Boulder Farmstead Water Company or by private well. Public drinking water systems are regulated by the Utah Department of Environmental Quality, Division of Drinking Water.

This statement of feasibility applies only to the requirements of the Southwest Utah Public Health Department concerning water and wastewater treatment and disposal suitability. The proposed development is subject to any restrictions or limitations that may be imposed by Garfield County or other regulatory agency governing development.

If you have any questions, contact our office.

**PLANS APPROVED**  
SOUTHWEST UTAH PUBLIC  
HEALTH DEPARTMENT  
ENVIRONMENTAL HEALTH  
DATE 9/20/2022  
BY MRC

# Soil Log/Percolation Test Record Sheet

Name: Cathy Bagley / Goldman Sub. lot-3  
lower Boulder R.O. Boulder Ut.

test Hole #5				% Rock in Soil		% Soil Particle Distribution (Sand + Silt + Clay = %100)		
Soil Layer Depth Intervals	Soil Texture <small>(i.e. Single Grain, Granular, Blocky, Platy, Prismatic, Massive)</small>	Soil Structure	USCS Group Symbol	Cobbles	Gravel	Sand	Silt	Clay
Surface to <u>6</u>	Sand	Single Grain	.9	0	0	90%	10%	0
to								
to								
to								
to								
to								

Soil Percolation Test #	Total Depth of Hole (ft.)	Period of Time Hole Presoaked	Period of Time Soil Allowed to Swell	Initial Depth of Water	Beginning Time	Final Depth of Water	Ending Time	Distance Water Dropped	Elapsed Time	Perc. Rate in Min/in
1	24"	2 hrs	24 hrs	12"	9:06	6 1/4	9:16	5 3/4	10	10/5 3/4
				12"	9:18	6 1/2	9:28	5 1/2	10	10/5 1/2
				12"	9:30	6 3/4	9:40	5 1/4	10	10/5 1/4
				12"	9:42	7	9:52	5	10	10/5
				12"	9:55	7	10:05	5	10	10/5

Final Stabilized Percolation Rate 10/5 Minutes per Inch

1. Maximum Seasonal Ground Water Elevation: None
2. Distance from Wells Within 1500' of System: None

Note: Soil exploration must extend to a **MINIMUM** depth of 10' and for deep systems **AT LEAST** 4' below the bottom of proposed trench.

I, Tony Jackson certify the above information to be an actual description of the Physical Site Characteristics of the proposed subsurface wastewater disposal system.

Signature: Tony Jackson  
 (Certified Soil Tester)

Date: 6-3-2021

Goldman Sub lot 3

Test Hole #1	0-4' Sand	Bedrock at 4'
Test Hole #2	0-4'6" Sand	Bedrock at 4'6"
Test Hole #3	0-2' Sand	Bedrock at 2'
Test Hole #4	0-2' Sand	Bedrock at 2'
Test Hole #5	0-6' Sand	Bedrock at 6'
Test Hole #6	0-5' Sand	Bedrock at 5'
Test Hole #7	0-2' Sand	Bedrock at 2'



**Pete Benson**

Thu, Apr 11, 12:39PM

to zoning, Dylan, Jennifer, me, Dan ▾

Hi Erin,

I am attaching my Fire Authority report for the meadowlark subdivision. I have also CCed Elena, Dylan, Dan and Jennifer.

If you have any questions just ask.

Thanks

One attachment • Scanned by Gmail ⓘ



## Meadowlark Subdivision report

I visited the site on April 9, 2024 and reviewed the road work at the proposed meadowlark subdivision.

I found that they meet the following conditions as I understand them.

- 1) An access easement from Lower Boulder Road/Robison Lane to the where the private driveways to lots 1, 2, and 4A separate shall be graded to provide a 20 foot wide and 13 foot vertical clearance for emergency vehicle access according to Wildland-Urban Interface Code section 403.3 (WUIC).
- 2) A turnaround meeting the fire apparatus access according to 2015 IFC shall be constructed at the east side of lot 3A where the driveways to lots 1, and 4A separate from the driveway to Lot 2.
- 3) The access easement along the boundary between lots 2 and 3A shall be graded to provide a 20 foot wide and 13 foot vertical clearance private driveway for emergency vehicles to access Lot 4A. Future construction and approval by the fire authority of a turnaround at the end of this driveway will be required as part of any building permit approval.
- 4) The fire authority shall inspect the as-built access from Lower Boulder Road to the required turnaround and continuing to Lot 4A and verify that the drivable surface and subsoil conditions are suitable for emergency vehicles. All constructed subdivision driveways shall meet the WUIC and the "Road Standards. for Fire Apparatus." A practical statement is that a fire truck must be able to drive on all subdivision driveways without getting stuck, lost, blocked, or trapped for the foreseeable future.

The roadways and turnarounds meet these conditions today

The only additional condition I would recommend is that they maintain the roadways and turnaround in such a condition that fire apparatus can travel and pass one another on it without impediment. They have agreed to keep the sandy portions of the road watered with something growing to keep a wide enough driveable portion usable and prevent the portion that is used daily from becoming entrenched. They should have some mechanism, legal or physical, to keep it maintained in that condition into the future after the current owners are no longer in control.

**From:** [boulderirrigation@yahoo.com](mailto:boulderirrigation@yahoo.com)  
**Date:** October 27, 2022 at 11:15:52 AM PDT  
**To:** Elena Hughes <[ehughes614@gmail.com](mailto:ehughes614@gmail.com)>  
**Subject:** Five Forks Meadowlark subdivision

To Whom it may concern:

The Boulder Irrigation and Water Development Company has no concerns with the Five Forks Meadowlark Subdivision in Lower Boulder. It does not affect any irrigation ditches of the Boulder Irrigation and Water Development Company.

Sincerely,

Katie Coleman  
Admin  
Boulder Irrigation and Water Development Company

December 14, 2022

From: Boulder Zoning Administrator

To: Elena Hughes & Dylan Rose Geerlings

PO Box 1432

Boulder, UT 84716

Subject: Hughes/Geerlings-Meadowlark Minor Subdivision Application Preliminary Package Submission

The Planning Commission reviewed your Preliminary Application for subdivision of your property at the November 16, 2022 meeting along with the required public hearing. Several concerns were identified at the hearing which have subsequently been addressed at the December 8, 2022 meeting. Below are the conditions from that meeting:

- 1) An access easement from Lower Boulder Road/Robison Lane to the where the private driveways to lots 1, 2, and 4A separate shall be graded to provide a 20 foot wide and 13 foot vertical clearance for emergency vehicle access according to Wildland-Urban Interface Code section 403.3 (WUIC).
- 2) A turnaround meeting the fire apparatus access according to 2015 IFC shall be constructed at the east side of lot 3A where the driveways to lots 1, and 4A separate from the driveway to Lot 2.
- 3) The access easement along the boundary between lots 2 and 3A shall be graded to provide a 20 foot wide and 13 foot vertical clearance private driveway for emergency vehicles to access Lot 4A. Future construction and approval by the fire authority of a turnaround at the end of this driveway will be required as part of any building permit approval.
- 4) The fire authority shall inspect the as-built access from Lower Boulder Road to the required turnaround and continuing to Lot 4A and verify that the drivable surface and subsoil conditions are suitable for emergency vehicles. All constructed subdivision driveways shall meet the WUIC and the "Road Standards. for Fire Apparatus." A practical statement is that a fire truck must be able to drive on all subdivision driveways without getting stuck, lost, blocked, or trapped for the foreseeable future.
- 5) The affected property owners agree that the access to lot 3A shall be documented in a private easement and maintenance agreement. A specific design is not required for Preliminary Approval, but the completion of an agreement suitable for recording is a condition for Final Approval.
- 6) Final approval will be a ministerial action by Town Council after the Fire Authority and Zoning Administrator document the completion of the above conditions #1 through #5.

7) The Planning Commission recommends that prior to granting Preliminary Approval the Town Council discuss the status of the Town's prescriptive easement rights on the section of road at approximately 2195 South that extends east to Lot 3A of the Meadowlark Subdivision and that has been referred to as both Robison Lane and Lower Boulder Road.

April O'Neal  
Boulder Town  
Zoning Administrator



# Addendum: Road Materials Regarding Robison/Lane Lower Boulder Road

## As it relates to access to Meadowlark Subdivision

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Goldman Subdivision Plat 2000.....	46
UDOT map showing public funding for Boulder Roads.....	47

# THE SLOAN LAW FIRM, PLLC

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www.thesloanlawfirm.com | 76 S. Main Street, Suite 1, Moab, Utah 84532 | 435.259.9940  
CHRISTINA R. SLOAN · sloan@thesloanlawfirm.com | DANIEL W. BOYER · dan@thesloanlawfirm.com

January 28, 2023

Boulder Town Council  
Attn: Judith Davis and Lexxi Johnson, Clerks  
PO Box 1329  
Boulder, Utah 84716  
boulderutah@scinternet.net

## ***Re. Geerlings' and Hughes' Subdivision Application – 2150 Meadowlark Lane***

Dear Boulder Town Council,

I represent Dylan Rose Geerlings and Elena Hughes, whose subdivision application for 2150 Meadowlark Lane has passed Planning Commission's review and awaits your review for compliance with Boulder's subdivision ordinance. I write to address the issue of access to the proposed two-lot subdivision via Lower Boulder Road, which has come up in recent discussions with the Town.

Under Boulder Ordinance § 153.190, "every lot shall have frontage upon a public road or street, or have access to a private street or driveway that is on a recorded easement and that leads to a public road or street. The preliminary subdivision plat and other application materials shall show the proposed public street, private street, and private driveway and easement layout."

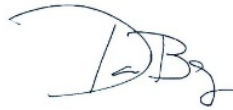
As noted by the Garfield County Public Works Director in an email dated January 4, 2023, the simplest solution for access is to treat that portion of road entering the southwest corner of Lot 3A as a continuation of a public road under Utah Code § 72-5-104. Under this section of the Code, the road accessing Lot 3A is well established and has already become a public road by operation of law. That is, based on historic imagery, Lower Boulder Road and Robinson Lane have been used as a public thoroughfares, up to and including their access to Lot 3A, for well over ten years. The public's rights in this portion of the road have thus already vested.

Additionally, as the County correctly notes, the Town does not need to conduct any formal dedication or other official process to make the road public. The dedication or abandonment has already occurred by operation of law under section 72-5-104. All that remains for the Town is to treat the road as public for purposes of Geerlings and Hughes' application, which will satisfy their access requirement under § 153.190.

Alternatively, as the County stated and affirmed, Geerlings and Hughes have a recorded easement across the southern section of Lot 3A that grants legal access. However, that alternative is unnecessary given that the road leading up to and entering Lot 3A is a public road by operation of law.

If you have any questions, please do not hesitate to contact me. I appreciate your attention to this letter and Geerlings and Hughes' application.

Sincerely,  
THE SLOAN LAW FIRM, PLLC

A handwritten signature in black ink, appearing to read 'DWB', with a horizontal line extending to the right across the signature.

---

Daniel W. Boyer

DWB/ cc: Dylan Rose Geerlings and Elena Hughes



**Dave Dodds**

Lower Boulder Road

To: Judy Drain, Cc: Dylan Rose Geerlings

January 4, 2023 at 5:17 PM



[Details](#)

Mayor Drain,

I was contacted by Dylan Rose concerning a road in lower Boulder. From my understanding, she is looking to subdivide a parcel and the town has asked her to provide proof of legal access and recommended that the County might be able to provide help in doing that. This can get a little tricky since most roads in the County have been established by prescriptive use. In fact, if you asked me to provide documentation that the County has legal ownership of the Burr Trail, I wouldn't be able to do it. As far as I can tell, the town has a couple of options.

1. Accept the documented easement as legal access. As I understand, Dylan has an easement from adjacent property owner granting her access to her property as described in her deed.
2. Claim the road as a public road. This is an option I would consider if I were in your position. The State has a law which states that if a road has been used by the public for a period of 10 years, it can become a public road. [https://le.utah.gov/xcode/Title72/Chapter5/72-5-S104.html?v=C72-5-S104\\_2014040320140513](https://le.utah.gov/xcode/Title72/Chapter5/72-5-S104.html?v=C72-5-S104_2014040320140513). In looking at imagery, this road looks to be well established and I am able to see it existed in historic imagery from 1993. To claim it as a public road, you don't actually have to do anything except continue to treat it as a public road. In this case you would simply consider Dylan as having legal access based on the fact that you consider it a public road. This is not to say that the underlying landowner couldn't challenge you to claim the road as private. But, this could happen with any unadjudicated road including the Burr Trail. When I have been challenged in the County, I have generally avoided going to court by providing the attorneys with simple documentation including maps and historic imagery which can be found online.

I hope this helps in making your decision. Let me know if you have any other questions. Thanks



**David Dodds**  
 Public Works Director  
 Garfield County  
 55 S Main St  
 Panguitch, UT 84759  
 (435) 238-0935



**Kaden Figgins**

to Judy, me ▾

Tue, Jan 3, 2:04 PM



Hello Mayor,

After pulling up the associated documents, it appears that there is a 30' easement to the subject property. So the Town could move forward with the amendment to the Meadowlark Subdivision if they felt it met the requirements of the Town's Ordinances.

Sincerely,

**Kaden Figgins**

Director, Planning | Economic Development  
Garfield County, Utah

Office: (435) 676-1157

Cell: (435) 690-9403

Garfield County Courthouse  
P.O. Box 77  
55 South Main Street  
Panguitch, Utah, 84759



Security Title Company 00012068

MAIL TAX NOTICE TO:  
RICHARD GOLDMAN  
2321 VIA SALDIVAR ST.  
GLENDALE, CA 91208

22374  
ENTRY NO. 22374 RECORDED 1-7, 2000 AT 3:30 PM  
AT REQUEST OF Security Title Company  
FEE 11.00  
RECORDER GARFIELD CO, UT  
DEPUTY Cindy Tallot

### Warranty Deed

WILLIS H. MUSE, JR.

of BOULDER, County of Garfield, State of UTAH, hereby CONVEY and WARRANT to

RICHARD GOLDMAN AND NAKO GOLDMAN, TRUSTEES OF THE GOLDMAN 1999 TRUST

of GLENDALE, CALIFORNIA Grantee for the sum of Ten Dollars and Other Good and Valuable Consideration the following described tract(s) of land in Garfield, State of UTAH:

Beginning North 0°03'50" West 479.30 feet from the Southeast Corner of Section 1, Township 34 South, Range 4 East, Salt Lake Base and Meridian; running thence North 0°03'50" West 479.31 feet thence South 89°49'02" West 1244.72 feet; thence South 0°03'50" East 479.31 feet; thence North 89°49'02" East 1244.72 feet to the point of beginning.

TOGETHER with a right of way and easement for ingress and egress 30 feet in width; 15 feet on either side of the following described centerline:

Beginning North 69°29'15" West 2670.09 feet from the Southeast Corner of Section 1, Township 34 South, Range 4 East, Salt Lake Base and Meridian; said point lying on the Easterly side of the existing Boulder Town Roadway; running thence North 89°49'02" East 1244.72 feet to the point of terminus.

TOGETHER WITH all rights, privileges, easements, right of way, improvements and appurtenances thereunto belonging or in anyway appertaining thereto.

Together With 4 Shares of Class "A: Water in Boulder Irrigation Company

BUYER agrees that he will not develop this property into a density of less than one (1) single family home per 10 (ten) acres.

WITNESS, the hand(s) of said Grantor(s), this \_\_\_\_\_ of \_\_\_\_\_, A.D., \_\_\_\_\_.

Signed in the Presence of:

\_\_\_\_\_)  
\_\_\_\_\_)  
\_\_\_\_\_)  
\_\_\_\_\_)  
\_\_\_\_\_)

Willis H. Muse, Jr.  
WILLIS H. MUSE, JR.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

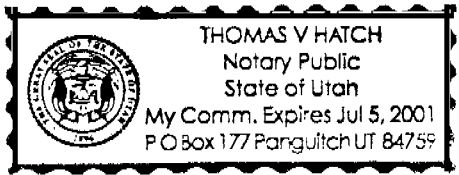
STATE OF UTAH  
COUNTY OF Garfield)

On the 7th of January, A.D. 2000, Personally appeared before me WILLIS H. MUSE, JR. the signer(s) of the within instrument, who duly acknowledged to me that he executed the same.

Thomas V Hatch  
NOTARY PUBLIC

Residing at: Sandy Utah

My Commission Expires: 7-5-01



30-12068-6

MAIL TAX NOTICE TO:  
NATHAN AVERY  
336 E DAVID DRIVE  
FLAGSTAFF AZ 86001

Date 23-AUG-2005 4:25pm  
LES BARKER, Recorder  
Fee: 11.00 Check Filed By CT  
For SECURITY TITLE CO  
GARFIELD COUNTY CORPORATION

### Warranty Deed

**WILLIS H. MUSE, JR**

of **BOULDER**, County of **GARFIELD**, State of **UTAH**, hereby **CONVEY** and **WARRANT** to

**NATHAN AVERY AND ANNETTE AVERY, HUSBAND AND WIFE AS JOINT TENANTS**

of , **UT** Grantee for the sum of Ten Dollars and Other Good and Valuable Consideration the following described tract(s) of land in **GARFIELD**, State of **UTAH**:

**PARCEL 1**

Beginning at a point 1374.72 feet West from the Southeast Corner of Section 1, Township 34 South Range 4 East, Salt Lake Base and Meridian running thence North 00°03'50" West 958.61 feet; thence South 89°49'02" West 493 feet to an irrigation pipeline; thence South 00°03'50" East 958.61 feet more or less to the South line of said Section 1; thence North 89°49'02" East 493.0 feet to the point of beginning.

**SUBJECT TO** a right of way an easement for irrigation system along the North 10 feet of said parcel.

**SUBJECT TO** a right of way and easement for ingress and egress not to exceed 50' in width over and across Southeast corner of said parcel.

**PARCEL 2**

Beginning at the irrigation pipeline which point is 1867.72 feet West from the Southeast Corner of Section 1, Township 34 South, Range 4 East, Salt Lake Base and Meridian; running thence North 00°03'50" West along said irrigation pipeline 958.61 feet; thence South 89°49'02" West 632.0 feet, thence South 00°03'50" East 958.61 to the South line of said Section 1; thence North 89°49'02" East 632.0 feet to the point of beginning.

**BUYER AGREES THAT HE WILL NOT DEVELOP THIS PROPERTY INTO A DENSITY OF LESS THAN ONE SINGLE FAMILY HOME PER TEN ACRES**

WITNESS, the hand(s) of said Grantor(s), this 18<sup>th</sup> of **AUGUST**, A.D., 2005.

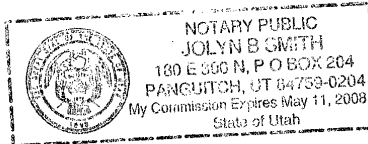
Signed in the Presence of:

_____ )	( <u>Willis H. Muse</u> )
_____ )	WILLIS H. MUSE
_____ )	_____ )
_____ )	_____ )
_____ )	_____ )
_____ )	_____ )

STATE OF UTAH  
COUNTY OF )

On the 18<sup>th</sup> of **AUGUST**, A.D., 2005, Personally appeared before me **WILLIS H. MUSE**, the signer(s) of the within instrument, who duly acknowledged to me that he executed the same.

John B. Smith  
NOTARY PUBLIC  
Residing at: Panguitch UT  
My Commission Expires: 5-11-08







# Boulder City

*Submitted Map  
effective 8-1-12*

N

