

King

Edmunds

Morley

Bronson

25'

frontage

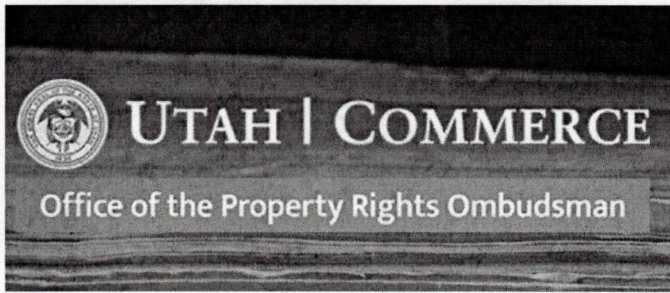
25'

200 S

---> Road on city plat  
xxxxxxx → Existing 50yr old fence

300 W

-----  
Existing 50 year old access road



## Utah Supreme Court

### 2011 UT 19; 250 P.3d 56

The Utah Supreme Court explained three approaches to settle boundary disputes, Boundary by Acquiescence, Boundary by Agreement, and Boundary by Estoppel.

**Boundary by Acquiescence** is shown by establishing: (1) Occupation up to a visible line marked by monuments, fences, or buildings; (2) mutual acquiescence in the line as a boundary; (3) for a long period of time (at least 20 years); and (4) by adjoining landowners.

**Hobson v. Panguitch Lake Corp., 530 P.2d 792, 794 (Utah 1975).** Altering property ownership is not to be taken lightly but may be necessary to prevent inequity and injustice and to recognize property rights arising from reliance on long-standing use. "It is not unjust in certain cases to require disputing owners to live with what they and their predecessors have acquiesced in for a long period of time." **Staker v. Ainsworth, 785 P.2d 417, 422 (Utah 1990)**

**Prescriptive Easement**—An easement right established by long-standing use, rather than an agreement between property owners. See *also* **Easement by Implication** and **Easement by Necessity**

**Easement by Implication**—An access easement that was established and used before a parcel was divided, if the use continued after the parcel was divided, and if the easement is reasonably necessary. See *also* **Prescriptive Easement**

**Easement by Necessity**—An access easement to property that was divided from a larger parcel, if an easement across the other part of the parcel is the only reasonable access possible. See *also* **Prescriptive Easement**

**Variance**—A modification or adjustment of a zoning regulation, which an appeal authority finds necessary so that a property owner may fully enjoy a substantial property right.

**Vested Rights**—Entitlement to pursue a particular land use or development, established by operation of law. If a person has a vested right in a land use, that right cannot be taken away by an ordinance change, except under limited circumstances.