

508546 *M. J. J.*
FILED AND RECORDED FOR
Utah State Deputy Kings
1968 APR 22 AM 11 37

BOOK 890 PAGE 130

~~BOOK 887 PAGE 451~~ *Misc*



RUTH EAMES OLSEN
WEBER COUNTY RECORDER
DEPUTY *Ruth E. Olsen*

IN THE DISTRICT COURT OF WEBER COUNTY
STATE OF UTAH

Platted Indexed
Recorded Abstracted
Compared Page

STATE OF UTAH, by and through
its ROAD COMMISSION,

Plaintiff,

-vs-

JAMES CLIFFORD BLAIR and CHAR-
LOTTE S. BLAIR, his wife,

Defendants.

ORDER OF

IMMEDIATE OCCUPANCY

Civil No. 47802

Project No. I-15-8(7)338
Parcel No. 104F:A

The plaintiff's motion for an order of immediate occupancy having come on regularly for hearing before the above-entitled court on the 1 day of April, 1968, at the hour of 10:00 A.M., and it having been shown to the satisfaction of said court that notice of such motion has been given to the defendants above named in the manner prescribed by law; and the court having heard the evidence offered by the plaintiff in support of such motion and having determined that the plaintiff has the right of eminent domain, and that the purpose for which the premises sought by the complaint herein to be condemned is a public purpose and that the immediate occupancy of said premises is necessary and proper.

NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that the plaintiff be, and is hereby permitted and authorized to occupy the premises belonging to the defendants above named, which premises are sought for highway purposes or concerning which premises, easements or other rights for highway purposes are sought, all such property easements

APR 1 1 39 PM '68
WENDELL HANSEN, CO. CLERK
FILED BY _____
DEPUTY
ENTRY NO. _____

or other rights as required by the plaintiff herein, and the property belonging to the defendants as affected thereby being particularly set out and described in the complaint on file in this action, and in the condemnation resolution filed in this action, a copy of which is hereto annexed, and the plaintiff is hereby permitted to take immediate possession of said properties of said defendants as required and as described and as set out in the plaintiff's complaint and to continue the possession of the same pending further hearing and trial on the issues that may be raised in this action and to do such work thereon as may be required for the purposes for which said premises are sought to be condemned and according to the nature thereof.

IT IS FURTHER ORDERED that during construction of the project and pending the hearing on the issues presented, the plaintiff shall protect any private drains now crossing the proposed highway right of way, and further, that prior to the destruction or removal of any fence on or along the property condemned, the plaintiff shall make adequate provisions for a fence along the highway right of way so as to provide fencing protection to the properties affected hereby at least equal to that now provided for each of such properties.

IT IS FURTHER ORDERED AND ADJUDGED that pending further hearing and trial on the issues that may be presented in this action, and subject to the conditions herein set forth, the defendants and their agents, servants and employees be and they are hereby restrained and enjoined from hindering or interfering with plaintiff or any of the agents, employees, or contractors of the plaintiff in the occupation of said premises required by plaintiff, as particularly described and set forth in plaintiff's complaint, or in the doing of such work thereon as may be required for the purposes for which it is sought to condemn the said property, as set forth in said complaint.

This order shall not be effective until the plaintiff herein has deposited with the clerk of the court, for the use and benefit of the defendant parties in interest herein, a sum equal to 75 per cent of the approved appraisal of the defendants' property to be acquired in this action.

IT IS FURTHER ORDERED that on receipt of said moneys, the clerk of this court is ordered to remit the same to the appropriate defendants in the percentage and ratio to which they are entitled.

Dated this 1st day of April, 1968.

W. Thoinley K. Swain
DISTRICT JUDGE

STATE OF UTAH }
COUNTY OF WEBER } ss:

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE ORIGINAL ON FILE IN MY OFFICE DATED THIS 1st DAY OF April 1968
WENDELL HANSEN, COUNTY CLERK & EX OFFICIO CLERK OF 3rd DIST. COURT
Wendell Hansen DEPUTY

This pleading was prepared by the Office of the Attorney General of the State of Utah.

Charles M. Pickett
CHARLES M. PICKETT
Assistant Attorney General
Attorney for Plaintiff
236 State Capitol Building
Salt Lake City, Utah 84114



DESCRIPTION OF LAND TO BE STIPULATED IN DISTRICT COURT
 CONDEMNATION PROCEEDINGS, STATE OF UTAH VS. JAMES CLIFFORD
 BLAIR AND CHARLOTTE S. BLAIR, HIS WIFE; PARCEL NO. 15-8:104F:A
 OF A HIGHWAY KNOWN AS PROJECT NO. 1-15-8(7)338 IN WEBER COUNTY

A parcel of land in fee for the relocation of Pioneer Road incident to the construction of a freeway known as Project No. 15-8, being part of an entire tract of property in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, T. 6 N., R. 2 W., S.L.B.6M. The boundaries of said parcel of land are described as follows:

Beginning on the north right of way line of 400 North Street, also known as Pioneer Road, at a point 35.0 ft. perpendicularly distant northerly from the center line of said Pioneer Road relocation at Pioneer Road relocation Engineer Station 29+52.03, which point is approximately 1660 ft. north and 1158 ft. east from the SW. corner of said Section 12; thence N. 77°14' W. 131.26 ft. to a point 60.0 ft. radially distant northerly opposite Pioneer Road relocation Engineer Station 28+23.17; thence Westerly 435.26 ft. along the arc of a 758.51-foot radius curve to the right (Note: Tangent to said curve at its point of beginning bears N. 88°12'42" W.); thence N. 55°20' W. 171.02 ft. to a point of tangency with an 878.51-foot radius curve to the left; thence Westerly 142.17 ft. along the arc of said 878.51-foot radius curve to a point 60.0 ft. radially distant northerly from said center line of Pioneer Road relocation opposite Pioneer Road relocation Engineer Station 20+50.00 designated as point "A"; thence continuing Westerly 235 ft., more or less, along the arc of said 878.51-foot radius curve to a west boundary line of said entire tract designated as point "B"; thence South 114 ft., more or less, along said west boundary line to a point 50.0 ft. radially distant southerly from said center line of Pioneer Road relocation designated as point "C"; thence Easterly 190 ft., more or less, along the arc of a 768.51-foot radius curve to the right to a point 50.0 ft. radially distant southerly from said center line of Pioneer Road relocation opposite Pioneer Road relocation Engineer Station 20+50.00 designated as point "D" (Note: Tangent to said 768.51-foot radius curve at its point of beginning bears approximately S. 77°19' E.); thence continuing Easterly 124.37 ft. along the arc of said 768.51-foot radius curve; thence S. 55°20' E. 171.02 ft. to a point of tangency with an 868.51-foot radius curve to the left; thence Easterly 124 ft., more or less, along the arc of said 868.51-foot radius curve to said north right of way line; thence East 490 ft., more or less, along said north right of way line to the point of beginning. The above described parcel of land contains 2.07 acres, more or less.

Together with any and all rights or easements appurtenant to the remaining portion of said entire tract of property by reason of the location thereof with reference to said freeway, including, without limiting the foregoing, all rights of ingress to or egress from said remaining portion contiguous to the lands hereby conveyed, to or from said freeway, between points "A" and "B", and between points "C" and "D".

Prepared by ELM, 5-9-68
 Checked by FCZ, 5-9-68

Proofread by FCZ & ELM 5-10-68
 Typed by ab, 5-10-68

CO*338*104F:A

HIGHWAY PROJECT NO. 1-15-8(7)338
PAGE 2

RECORDED OWNERS: James Clifford Blair and Charlotte S. Blair, his wife
ADDRESS: 1063 South 1200 West, Ogden, Utah
LIEN HOLDERS: None
Parcel No. 15-8:104F:A

Approved Appraisal \$9,750.00

Amount to be tendered landowner at time

Order of Immediate Occupancy is granted \$7,315.00

Beginning on the north right of way line of 400 North Street, also known as Pioneer Road, at a point 35.0 ft. perpendicularly distant northerly from the center line of said Pioneer Road relocation at Pioneer Road relocation Engineer Station 29+52.03, which point is approximately 1660 ft. north and 1158 ft. east from the SW. corner of said Section 12; thence N. 77°14' W. 131.26 ft. to a point 60.0 ft. radially distant northerly opposite Pioneer Road relocation Engineer Station 28+23.17; thence Westerly 435.26 ft. along the arc of a 758.51-foot radius curve to the right (Note: Tangent to said curve at its point of beginning bears N. 88°12'42" W.); thence N. 55°20' W. 171.02 ft. to a point of tangency with an 878.51-foot radius curve to the left; thence Westerly 142.17 ft. along the arc of said 878.51-foot radius curve to a point 60.0 ft. radially distant northerly from said center line of Pioneer Road relocation opposite Pioneer Road relocation Engineer Station 20+50.00 designated as point "A"; thence continuing Westerly 235 ft., more or less, along the arc of said 878.51-foot radius curve to a west boundary line of said entire tract designated as point "B"; thence South 114 ft., more or less, along said west boundary line to a point 50.0 ft. radially distant southerly from said center line of Pioneer Road relocation designated as point "C"; thence Easterly 190 ft., more or less, along the arc of a 768.51-foot radius curve to the right to a point 50.0 ft. radially distant southerly from said center line of Pioneer Road relocation opposite Pioneer Road relocation Engineer Station 20+50.00 designated as point "D" (Note: Tangent to said 768.51-foot radius curve at its point of beginning bears approximately S. 77°19' E.); thence continuing Easterly 124.37 ft. along the arc of said 768.51-foot radius curve; thence S. 55°20' E. 171.02 ft. to a point of tangency with an 868.51-foot radius curve to the left; thence Easterly 124 ft., more or less, along the arc of said 868.51-foot radius curve to said north right of way line; thence East 490 ft., more or less, along said north right of way line to the point of beginning. The above described parcel of land contains 2.07 acres, more or less.

2-28-58 15 715-725

Together with any and all rights or easements appurtenant to the remaining portion of said entire tract of property by reason of the location thereof with reference to said freeway, including, without limiting the foregoing, all rights of ingress to or egress from said remaining portion contiguous to the lands hereby conveyed, to or from said freeway, between points "A" and "B", and between points "C" and "D".

Prepared by FCZ, 2-26-58

504939 *70 Fee*

FILED AND RECORDED FOR
State Road Commission
1958 MAY 20 AM 11 34

Filed Indexed
Recorded Abstracted
Compared Page

RUTH EAMES OLSEN
WEBER COUNTY RECORDER
DEPUTY *[Signature]*