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 Date *MAR 26 1981* *2:11 PM* CAROL DEAN PAGE Recorder Davis County  
 By *Grace Van Sweden* Deputy Book *861* Page *798*

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 Salt Lake City, Utah 84114

A.G. 2311

IN THE SECOND DISTRICT COURT IN AND FOR DAVIS COUNTY

**588856**

STATE OF UTAH

*78-18-47-1W*

UTAH DEPARTMENT OF :  
 TRANSPORTATION, :

Plaintiff, :

ORDER OF IMMEDIATE OCCUPANCY

-vs- :

ADRIAN DRAAYER, aka ADRIAN :  
 DPAYER, JR. and BARBARA :  
 DRAAYER, his wife; DAVIS :  
 COUNTY TREASURER, :

Civil No. *29582*

Project No. F-001-7(2)  
 Parcels No. 14:A, 14:E

Defendants. :

- Abstracted
- Indexed
- Entered
- Platted
- Margin
- Compared

Plaintiff's Motion for an Order of Immediate Occupancy

having come on regularly for hearing before the above entitled court on the *17<sup>th</sup>* day of *March*, 1981, at the hour of *11:00 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 determined that the plaintiff has the rights 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 interests 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 in 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 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 that pending further hearing and trial on the issues that may be presented in this action, and subject to the conditions set forth, the defendants and their agents, servants and employees be and they are hereby restrained and enjoined from hindering or interfering with plaintiff in the occupation of said premises required by plaintiff as particularly described in the Complaint herein, 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, the full dollar amount 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 shall remit the same to the appropriate defendants in the percentage and portion to which each is entitled.

Dated this 17<sup>th</sup> day of March, 1981.

BY THE COURT:

/s/ Douglas L. Cornaby  
DISTRICT JUDGE

COUNTY OF DAVIS }  
THE UNDERSIGNED, CLERK OF THE DISTRICT COURT OF DAVIS COUNTY, UTAH DO HEREBY CERTIFY THAT THE ANNEXED AND FOREGOING IS A TRUE AND FULL COPY OF AN ORIGINAL DOCUMENT ON FILE IN MY OFFICE AS SHOWN BY THE  
WITNESS MY HAND AND SEAL OF SAID OFFICE  
THIS 17<sup>th</sup> DAY March 1981  
RODNEY W. WALKER, CLERK  
BY Clifton W. Edell DEPUTY.

HIGHWAY PROJECT NO. F-001-7(2)  
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RECORDED OWNER: Adrian Draayer, aka Adrian Draayer, Jr., and  
Barbara Draayer, his wife  
ADDRESS: 2182 South 1150 East  
Bountiful, Utah 84010

PARTY IN INTEREST: Davis County Treasurer (Delinquent Property Taxes)  
ADDRESS: c/o of Pauline McBride  
Farmington, Utah 84025

LIEN HOLDER: None of Record

APPROVED APPRAISAL: \$23,900.00

Parcel No. 001-7:14:A

A parcel of land in fee for a freeway known as Project No. 001-7, being part of an entire tract of property in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 18, T. 4 N., R. 1 W., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the south no-access line of Syracuse Road and the west right-of-way line of a road, which point is 33 ft. west and 33 ft. south from the NE. corner of said Section 18; thence Westerly 191.50 ft., more or less, along said south no-access line; thence Westerly 105.30 ft. along the southerly no-access line of Syracuse Road to a point 44.69 ft. perpendicularly distant southerly from the center line of Syracuse Road at Engineer Station 15+05; thence S. 0°06' W. 15.31 ft. along said no-access line; thence East 296.4 ft., more or less, to said west right-of-way line to a point 33 ft. west and 60 ft. south from the NE. corner of said Section 18; thence North 27 ft. along said west right-of-way line to the point of beginning. The above described parcel of land contains 0.17 acre, 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.

Parcel No. 001-7:14:E

A perpetual easement, upon part of an entire tract of property, in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 18, T. 4 N., R. 1 W., S.L.B.&M., in Davis County, Utah, for the purpose of constructing thereon a gas line and appurtenant parts thereof incident to the construction of a freeway known as Project No. 001-7.

The boundaries of said part of an entire tract are described as follows:

Beginning in the easterly no-access line of Highway Project No. 15-7 at a point approximately 530 ft. south and 220 ft. west from the NE. corner of said Section 18, said point of beginning is also 70 ft. perpendicularly distant north-easterly from the center line of exit ramp known as "B" Line of Freeway Project No. 15-7 at Engineer Station 14+08.91; thence Northeasterly 190 ft. along said easterly no-access line which is along the arc of a 748.51-foot radius curve to the right (Note: Tangent to said curve at its point of beginning bears N. 30°47' W.); thence S. 79°59'30" E. 60 ft.; thence S. 10°00'30" W. 30 ft.; thence N. 79°59'30" W. 10 ft., more or less; thence Southeasterly 133 ft., more or less, along the arc of a 718.51-foot radius curve to the left (Note: Tangent to said curve at its point of beginning bears S. 20°09'30" E.) to a point 100 ft. perpendicularly distant northeasterly from said "B" Line at Engineer Station 14+08.91; thence S. 30°47' E. 166.18 ft., more or less; thence N. 41°01' W. 168.86 ft., more or less, along the southwesterly boundary line of said entire tract to the point of beginning. The above described parcel of land contains 0.19 acre, more or less.

After said gas line is constructed on the above described part of an entire tract at the expense of said Utah Department of Transportation, said Utah Department of Transportation is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said gas line and appurtenant parts thereof.