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IN THE SECOND DISTRICT COURT IN AND FOR DAVIS COUNTY
STATE OF UTAH

SW 7-27-16

Recorded at request of *State Dept of Highways*
Date *SEP 28 1970*
BY *James M. Marguerite*
M MARGUERITE S. BOURNE Recorder Davis County
Deputy Book *4447* Page *97*
Fee Paid *\$ 2.00*

STATE OF UTAH, by and through :
its ROAD COMMISSION,

Plaintiff,

-v-

WILLIAM W. TINGEY and SYLVIA C.
TINGEY, his wife,

Defendants

FINAL ORDER OF CONDEMNATION

Civil No. 13754 and 14369
Project No. E-15-7(19)315
Parcel Nos. 11:A, 11:E
Total Payment \$9,222.89

It appearing to the court and the court now finds that heretofore, on the 16th day of June, 1970, this court made and entered its judgment in the above entitled proceeding, and said judgment is hereby referred to; and

It appearing to the court and the court now finds that purusant to the law and the said judgment, the plaintiff did pay said judgment to the defendants William W. Tingey and Sylvia C. Tingey, his wife, together with all interest required by said judgment to be paid; and

It further appearing to the court that the plaintiff has made all payments as required by law and order of this court, and that this is not a case where any bond was required to be given, and all and singular the law in the premises being given by the court understood and fully considered,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the parcels of land hereinafter described are hereby taken and condemned in fee simple title as to Parcel No. 11:A and for easement rights as to Parcel No. 11:E, for the purpose described and set forth in the plaintiff's complaint, i.e., for the use of the plaintiff, the State of Utah, for highway purposes.

THIS INSTRUMENT CHECKED WITH

- JUDGMENT
- STIPULATIONS
- RESOLUTIONS
- MAPS

DATE *8-2-70*
BY *KMK*

AGREES YES NO

In assignment in book 452 Page 317

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said use is a public use and a use authorized by law.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a copy of this final order of condemnation be filed with the county recorder of Davis County, State of Utah, and thereupon the property interests hereinafter referred to and set forth shall vest in fee simple title as to Parcel No. 11:A and for easement rights as to Parcel No. 11:E in the plaintiff. The following is a description of the property so ordered and condemned as hereinabove provided, which is hereby vested in fee simple title as to Parcel No. 11:A and for easement rights as to Parcel No. 11:E in the plaintiff, all of such property being situated in Davis County, State of Utah, and is more particularly described as follows:

Parcel No. 15-7:11:A

A parcel of land in fee for a freeway known as Project No. 15-7, being part of an entire tract of property, in Lots 3 and 4 of Section 7, T. 2 N., R. 1 E., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning at the NW. corner of said entire tract, which point is 1717.485 ft. north and 190 ft. east from the SW. corner of said Section 7; thence Southerly 504 ft., more or less, along the easterly limited-access line of existing U. S. Highway 91 to the south boundary line of said entire tract; thence East 200 ft., more or less, along said south boundary line to a point 40.0 ft. perpendicularly distant easterly from the center line of a frontage road incident to the construction of said project; thence N. 3°48' E. 76 ft., more or less, to a point of tangency with a 778.511-foot radius curve to the right opposite Frontage Road Engineer Station 28+83.86; thence Northeasterly 456 ft., more or less, along the arc of said curve to the north boundary line of said entire tract; thence West 355 ft., more or less, along said north boundary line to the point of beginning. The above described parcel of land contains 2.87 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.

Parcel No. 15-7:11:E

An easement upon part of an entire tract of property in Lot 3 of Section 7, T. 2 N., R. 1 E., S.L.B.&M., in Davis County, Utah, for the purpose of constructing thereon a utility facility and appurtenant parts thereof incident to the construction of a freeway known as Project No. 15-7.

Said part of an entire tract is a parcel of land 30.0 ft., 15.0 ft. on each side of the following described center line.

Beginning on the easterly right of way line of a frontage road known as F-1 line for said project at a point S. 89°00' E. from frontage road Engineer Station 30+80, which point is also approximately 1490 ft. north and 425 ft. east from the SW. corner of said Section 7; thence S. 89°00' E. 100.0 ft. The above described parcel of land contains 0.07 acre, more or less.

After said utility facility is constructed on the above described part of an entire tract at the expense of said State Road Commission, said State Road Commission is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said utility facility and appurtenant parts thereof.

Dated this 14 day of Sept, 1970.

Ronald O. Hyde
DISTRICT JUDGE

STATE OF UTAH
County of Davis
I, JOHN M. PARK, County Clerk and Ex-officio Clerk of the District Court of the Second Judicial District of the State of Utah, in and for the County of Davis, Court of record, do hereby certify that the foregoing copy of Final Order of Condemnation as been by me compared with the original thereof now of record in this office and that the same is a true and correct transcript thereof from and of the whole of said original as the same appears of record in my office and in my custody.
IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 14 day of Sept, 1970.
File No. 13754-14367 JOHN M. PARK
Clerk
By Rebecca W. Marshall
Deputy Clerk
Original Filed Sept 14, 1970