

RETURNED  
AUG - 4 1998

E 1429069 B 2337 P 694  
JAMES ASHAUER, DAVIS CNTY RECORDER  
1998 AUG 4 4:10 PM FEE 00.00 DEP MEC  
REC'D FOR UTAH DEPT OF TRANSPORTATION

STEPHEN C. WARD - Bar No. 3384  
Assistant Attorney General  
JAN GRAHAM -- Bar No. 1231  
Attorney General  
ATTORNEYS FOR PLAINTIFF  
160 EAST 300 SOUTH, 5<sup>th</sup> FLOOR  
P.O. BOX 140857  
SALT LAKE CITY, UTAH 84114-0857  
TELEPHONE: (801) 366-0353  
TELEFAX: (801) 366-0352

13-004-0027  
28  
13  
SE 19 5N 1W

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

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT,	)	
	)	<b>FINAL ORDER OF CONDEMNATION</b>
Plaintiff,	)	Parcel No. 503
	)	
vs.	)	
	)	
CLARENCE L. BIRT; LAVON B. HARVATIN; LEUJENE B. WEST; and LARNA B. HAVIN,	)	Civil No. 950700383 CD
	)	
Defendants.	)	Judge Rodney S. Page

It appearing to the Court and the Court now finds that heretofore, on the 10th day of February, 1998, this Court made and entered its Judgment on Verdict in the above-entitled proceeding; and

It appearing to the Court and the Court now finds that pursuant to the law and the said Judgment, the Plaintiff did pay said Judgment to the Defendants, 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 easements upon the parcels of land hereinafter described are hereby taken and condemned as land use restrictive easements identified as Parcel No. 503, for the purpose described and set forth in the Plaintiff's Complaint, i.e., for the use of the Plaintiff, Utah Department of Community and Economic Development, for restrictive easement purposes.

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 the Plaintiff, Utah Department of Community and Economic Development, 324 South State Street, Suite 500, Salt Lake City, Utah 84111. The following is a description of the property upon which the easements are condemned as hereinabove provided, such easements are hereby vested in the Plaintiff, all of such property being situated in Davis County, State of Utah. The restrictions and the property

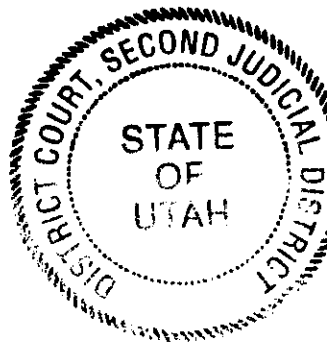
subject to the restrictions are more particularly described as attached.

DATED this 30<sup>th</sup> day of June, 1998.

BY THE COURT:

*Rodney S. Page*

RODNEY S. PAGE  
District Court Judge



STATE OF UTAH )  
COUNTY OF DAVIS ) ss.

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 SUCH CLERK.

WITNESS MY HAND SEAL OF SAID OFFICE

HIS 10 DAY OF July, 1998  
ALYSON E. BROWN, CLERK

BY: *Alyson Brown*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing FINAL ORDER OF CONDEMNATION was served by hand-delivering the same, first-class postage prepaid, this 17<sup>th</sup> day of March, 1998, to:

Clarence L. Birt  
185 East South Weber Drive  
South Weber, UT 84405

Earl Maeser  
Legal Counsel for  
Department of Community and  
Economic Development  
324 S. State, Suite 500  
Salt Lake City, UT 84111

Amy Casterline

CONDEMNATION RESOLUTION

HILL AIR FORCE BASE EASEMENT ACQUISITION PROJECT

RESOLVED by the Utah Department of Community and Economic Development, hereinafter referred to as the Department, that it finds and determines and hereby declares that:

The Utah State Legislature enacted Title 63, Chapter 43a, Section 1, et seq., Utah Code Annotated, 1953, as amended, which directs the acquisition by the Department of restrictive easements against certain real properties located near Hill Air Force Base, which easement and real property is more particularly described hereinafter.

BE IT FURTHER RESOLVED by said Department that the Attorney General of Utah shall be requested, on behalf of said Department:

To acquire in the name of the Department the restrictive easement described on the attached page against the real property described on the attached pages by condemnation in accordance with the provisions of the Statutes and of the Constitution of Utah relating to eminent domain.

To prepare and prosecute such proceeding or proceedings in the proper court having jurisdiction thereof as are necessary for acquisition of such restrictive easement.

To obtain from said court an order permitting said Department to obtain said restrictive easement for public purposes.

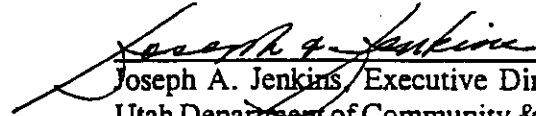
BE IT FURTHER RESOLVED that the State Finance Director shall be requested on behalf of said Department:

To prepare a State Warrant in the amount of the approved appraisal of each restrictive easement; payee to be the Clerk of the District Court of the County wherein the affected real property is located, for the use and benefit of the landowners and/or lien holder as described herein;

That a tender to the landowners of a sum equal to the appraised value of the restrictive easement to be acquired shall be made prior to issuance of an Order of Immediate Occupancy.

The restrictive easement against real property, or interest in real property, which the Department is by this resolution authorized to acquire for said public use, is situate in the County of Davis, State of Utah, and is described on the attached pages.

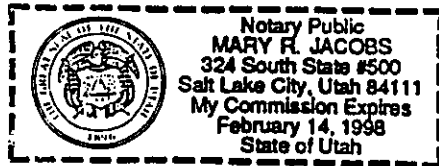
The foregoing Condemnation Resolution is hereby approved by the Director of the Department of Community and Economic Development pursuant to the provisions of 63-49a-1, et seq., Utah Code Annotated, on this 8th day of November, 1995

  
\_\_\_\_\_  
Joseph A. Jenkins, Executive Director  
Utah Department of Community & Economic  
Development

On the 8th day of November, 1995, personally appeared before me Joseph A. Jenkins, who by me duly sworn did say that he is the Executive Director of the Department of Community & Economic Development and he further acknowledged to me that said instrument was signed by him in behalf of said Utah Department of Community & Economic Development.

My Commission Expires: 2-14-98

  
\_\_\_\_\_  
Notary Public



PROPERTY #503

E 1429069 B 2337 P 700

RECORDED OWNER:

Clarence L. Birt  
Joint Tenant, Equal Undivided  
One-Fourth Interest

ADDRESS:

185 East South Weber Drive  
South Weber, UT 84405

RECORDED OWNER:

Lavon B. Harvatin  
Joint Tenant, Equal Undivided  
One-Fourth Interest

ADDRESS:

5581 West Elane Ave.  
West Valley, UT 84120

RECORDED OWNER:

Leujene B. West  
Joint Tenant, Equal Undivided  
One-Fourth Interest

ADDRESS:

119 East South Weber Drive  
South Weber, UT 84405

RECORDED OWNER:

Larna D. Haven  
Joint Tenant, Equal Undivided  
One-Fourth Interest

ADDRESS:

569 South 600 West  
Provo, UT 84601

PARTY IN INTEREST:

Clarence H. Birt and Martha A.  
Birt

ADDRESS:

130 East South Weber Drive  
South Weber, UT 84403

LIEN HOLDERS:

None of record

APPRAISED VALUE:

\$25,000.00

PARCEL NO. 503:

THE LAND REFERRED TO IS SITUATED IN THE COUNTY OF DAVIS, STATE OF UTAH, AND IS DESCRIBED AS FOLLOWS:

BEGINNING 1320 FEET NORTH OF THE SOUTHEAST CORNER OF SECTION 19, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE MERIDIAN, AND RUNNING THENCE WEST 2000 FEET, MORE OR LESS, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 19 TO THE NORTHEASTERLY RIGHT OF WAY LINE OF THE DAVIS AND WEBER COUNTIES CANAL COMPANY; THENCE SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE TO THE EAST LINE OF SAID SECTION 19; THENCE NORTH 860 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.