

144

4316 (J 1589)

IN THE FOURTH DISTRICT COURT IN AND FOR UTAH COUNTY

STATE OF UTAH

STATE OF UTAH, by and through  
its ROAD COMMISSION,

Plaintiff,

-VS-

WALKER BANK AND TRUST COMPANY,

\* \* \* \*

UTAH-IDAHO SUGAR COMPANY, INC.,  
A Utah Corporation,

Defendants.

FINAL ORDER OF CONDEMNATION  
(AS TO DEFENDANTS UTAH-IDAHO  
SUGAR COMPANY, INC., A UTAH  
CORPORATION)

Civil No. 27468

Project No. I-15-6(31)249  
Parcels No. 228:A and 228:E  
Total Judgment: \$30,263.70

It appearing to the Court and the Court now finds that heretofore, on the 17th day of February, 1965, 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 pursuant to the law and the said judgment the plaintiff did pay said judgment to the defendant, Utah-Idaho Sugar Company, Inc., a Utah Corporation, together with interest required by said judgment to be paid; and

It further appearing to the Court that the plaintiff has made all payment 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 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 for the purposes described and set forth in the plaintiff's complaint, i.e., for the use of the plaintiff, the State of Utah, for highway purposes.

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

647 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a copy of this Final Order of Condemnation be filed with the County recorder of Utah County, State of Utah, and thereupon the property interests hereinafter referred to and set forth shall vest in fee simple title 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 in the plaintiff, all of such property being situated in Utah County, State of Utah, and is more particularly described as follows:

Parcel No. 15-6:228:A

Two parcels of land in fee for a freeway known as Project No. 15-6, being part of an entire tract of property, in the SE $\frac{1}{4}$  and the S $\frac{1}{2}$  of the NE $\frac{1}{4}$  of Section 23, T. 8 S., R. 2 E., S.L.B. & M. The boundaries of said parcels of land are described as follows:

Beginning at a NW. corner of said entire tract, which point is approximately 472 ft. East and 624 ft. North from the SW. corner of the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of said Section 23; thence South 289 ft., more or less, to a point 120.0 ft. perpendicularly distant southeasterly from the center line of said project; thence N. 44° 26' 26" E. 93 ft., more or less, to a point 120.0 ft. perpendicularly distant southeasterly from the center line of said project at Engineer Station 700+00; thence N. 43° 36' 26" E. 309 ft., more or less, to a northerly boundary line of said entire tract; thence West 282 ft., more or less, to the point of beginning.

ALSO:

Beginning at a NE. corner of said entire tract, which point is 1012.4 ft. West, 153.1 ft. North and N. 89° 45' W. 288.42 ft. from the NE. corner of the SE $\frac{1}{4}$  of said Section 23; thence S. 0° 43' W. 193.2 ft.; thence S. 89° 02' E. 99.9 ft.; thence S. 1° 02' W. 75 ft., more or less, to a point 30.0 ft. perpendicularly distant southeasterly from the center line of a southeasterly frontage road incident to the construction of said project; thence S. 47° 07' 26" W. 591 ft., more or less, to a point 30.0 ft. perpendicularly distant southeasterly from the center line of said frontage road at Engineer Station 19+98.20; thence Southwesterly 142 ft., more or less, along the arc of a 788.51 foot radius curve to the left to a westerly boundary line of said entire tract; thence N. 0° 22' E. 432 ft., more or less, to the southeasterly right of way line of the Denver and Rio Grande Railroad; thence Northeasterly 505 ft., more or less, along said southeasterly right of way line to a north boundary line of said entire tract; thence East 80 ft., more or less, to the point of beginning. The above two described parcels of land contain 5.41 acres, more or less, of which 0.91 acre, more or less, is now occupied by the existing highway. Balance 4.50 acres, more or less.

Together with any and all rights or easements appurtenant to the remaining portion of said entire tract of property by

648

reason of the location thereof with reference to said freeway, and with all abutters rights of access in and to the inner through traffic lanes of said freeway, PROVIDED, however, that such remaining property shall abut upon and have access to a frontage road which will be connected with said inner through traffic lanes only at such points as may be established by public authority.

Parcel No. 15-6:228:E

An easement upon part of an entire tract of property in the SE $\frac{1}{4}$  and the S $\frac{1}{2}$  of the NE $\frac{1}{4}$  of Section 23, T. 3 S., R. 2 E., S.L.B. & B., for the purpose of constructing thereon an irrigation facility and appurtenant parts thereof incident to the construction of said project. Said part of entire tract is 10.0 ft. wide, 5.0 ft. on each side of the following described center line:

Beginning on a west boundary line of said entire tract at a point 125.0 ft. perpendicularly distant southeasterly from the center line of said project; thence N. 42° 20' 26" E. 99 ft., more or less, to a point 125.0 ft. perpendicularly distant southeasterly from said center line at Engineer Station 700100; thence N. 43° 36' 26" E. 268 ft., more or less, to the southerly existing right of way line of a country road, containing 0.00 acre, more or less.

ALSO:

A temporary construction easement to facilitate the construction of said irrigation facility and appurtenant parts thereof, being strip of land 10.0 ft. wide, approximately 391 ft. long and adjoining southeasterly the southeasterly side line of the above described easement containing 0.00 acre, more or less.

The above described temporary construction easement shall expire upon the completion of said construction.

Dated this 17 day of March, 1965.

*[Signature]*  
 JUDGE

Official District  
 County of  
 State of  
 March 17 1965  
*[Signature]*

BOOK  
 ABS  
 P. R.  
 180  
 1 EE  
 200  
 R

THELMA WEST SHERMAN  
 MAR 31 9 19 AM '65  
*[Signature]*

4816