

642

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Recorded at request of State Dept of Highways Fee Paid No fee
Date APR 30, 1974 at 1:47 PM MARGUERITE S. BOURNE Recorder Davis County
by Deane Van Dusen Deputy Book 6538 Page 642

Map 536:7-B

394613

A.G. 1940

IN THE SECOND DISTRICT COURT IN AND FOR DAVIS COUNTY

STATE OF UTAH

UTAH STATE ROAD COMMISSION,

Plaintiff,

-vs-

JOSIE ELLEN STEWART VINCENT,
a woman; SETH LAYTON STEWART
and ALEXIA N. STEWART, his
wife,

Defendants.

:
:
:
:
:
:

ORDER OF IMMEDIATE OCCUPANCY

Civil No. 18938

Project No. I-15-7(21)320
Parcel No. 49:A

The plaintiff's motion for an order of immediate occupancy

having come on regularly for hearing before the above entitled court on the 16th day of APRIL, 1974, 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 have 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,

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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 or other rights as required by the plaintiff herein, and the property belonging to the defendants as affected thereby being particularly set out and

642

Recorded at request of State Dept of Highways Date APR 30, 1974 at 1:47 PM Free Paid No fee
by Marguerite S. Bourne Deputy Book 538 Recorder Davis County Page 642

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236 State Capitol
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Handwritten: May 5, 1974 - B

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A.G. 1940

IN THE SECOND DISTRICT COURT IN AND FOR DAVIS COUNTY

STATE OF UTAH

UTAH STATE ROAD COMMISSION, :
 Plaintiff, : ORDER OF IMMEDIATE OCCUPANCY
 -vs- :
 Civil No. 18938
 JOSIE ELLEN STEWART VINCENT, :
 a woman; SETH LAYTON STEWART :
 and ALEXIA N. STEWART, his :
 wife, : Project No. I-15-7(21)320
 : Parcel No. 49:A
 Defendants. :

The plaintiff's motion for an order of immediate occupancy having come on regularly for hearing before the above entitled court on the 16th day of APRIL, 1974, 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 have 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 easements or other rights as required by the plaintiff herein, and the property belonging to the defendants as affected thereby being particularly set out and

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described in the complaint on file in this action, and in the condemnation resolution filed in this action, a copy of which is hereby 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

644

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 is ordered to remit the same to the appropriate defendants in the percentage and ration to which entitled.

Dated this 16th day of APRIL, 1974.

H. Thornley K. Swan
DISTRICT JUDGE

STATE OF UTAH
County of Davis

I RODNEY W. WALKER, 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, do hereby certify that the foregoing copy of Order of Appraisal has been by me compared with the original transcript now of record in this office and that the same is a full, true and correct transcript therefrom 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 16 day of April

No. 15938

RODNEY W. WALKER

Clerk

Pauline S. Urquhart

Deputy Clerk

Original Filed April 16 1974

HIGHWAY PROJECT NO. 1-15-7(21)320
PAGE 2

RECORDED OWNER:	Josie Ellen Stewart Vincent, a woman
ADDRESS:	1302 North 300 West, Provo, Utah
RECORDED OWNER:	Seth Layton Stewart and Alexia N. Stewart, his wife
ADDRESS:	408 West 200 North, Kaysville, Utah
LIEN HOLDER:	None of record
APPROVED APPRAISAL:	\$7,475.00

Parcel No. 15-7:49: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 Blocks 5, 6 and 7 of Plat "B", Kaysville Townsite Survey, in the NW $\frac{1}{4}$ of Section 34, T. 4 N., R. 1 W., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning in the south line of said Block 5 at a point 136 ft. west from the SE. corner of said Block 5, which point is approximately 43 ft. south and 772 ft. east from the W $\frac{1}{4}$ corner of said Section 34 as surveyed by the Davis County Surveyor; thence East 7 ft., more or less, along said south boundary line to an east boundary line of said entire tract; thence North 52 ft., more or less, along said east boundary line to a point 90.0 ft. perpendicularly distant northeasterly from the center line of Ramp No. 2 of said project; thence N. 49°46' W. 581 ft., more or less, to the northwesterly boundary line of said entire tract; thence S. 50°55'37" W. 159 ft., more or less, along said northwesterly boundary line to the northeasterly right of way line of the existing highway known as Project No. F1-236(2); thence S. 43°21'30" E. 23 ft., more or less, along said northeasterly right of way line to a point of tangency with a 523.7-foot radius curve to the left; thence Southeasterly 360.6 ft. along the arc of said curve; thence S. 82°48'30" E. 104.3 ft. along said northeasterly right of way line to a point of tangency with a 150.0-foot radius curve to the right; thence Southeasterly 188.2 ft. along the arc of said curve to the point of beginning. The above described parcel of land contains 1.32 acres, more or less.

(Note: Davis County Survey bearing of the west line of the NW $\frac{1}{4}$ of said Section 34 is rotated 0°20'57" clockwise, to match Highway Survey bearings. All bearings and distances in the above description are based on the Utah State Plane Coordinate System.)

Together with any and all rights or easements appurtenant to the remaining portion of said 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.