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FILED IN DISTRICT COURT

DEC 25 9 40 AM '96

CLERK OF DISTRICT COURT

BY: *[Signature]*

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E 1307238 B 2101 P 46
CAROL BEAN PAGE, DAVIS CNTY RECORDER
1997 MAR 3 7:55 AM FEE .00 DEP NT
REC'D FOR UTAH DEPT OF TRANSPORTATION

IN THE SECOND JUDICIAL DISTRICT COURT IN AND FOR

DAVIS COUNTY, STATE OF UTAH

14-003-0005

SW 27 5N 2W

UTAH DEPARTMENT OF TRANSPORTATION,)	ORDER OF IMMEDIATE OCCUPANCY
)	
Plaintiff,)	<i>SP-9999(291)</i>
)	<i>11, 11:15, 11:25</i>
vs.)	
)	
CHARLES COOK PARKER,)	Civil No. 960700328 CD
)	
Defendant.)	Judge Rodney S. Page

Plaintiff's Motion for an Order of Immediate Occupancy having been submitted to the Court for decision, together with a Memorandum and an Affidavit and no objection thereto having been filed by the Defendant and the Court having determined from the pleadings that the Plaintiff has the right 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 is hereby authorized to occupy the property of the Defendant, which is sought by this action for highway purposes, all such property interests or other rights as required by the Plaintiff are set out and described in resolution attached as Exhibit A to Plaintiff's, a copy of which is attached hereto. The Plaintiff is hereby permitted to take immediate possession of said property of the Defendant as described in Plaintiff's Complaint and to continue possession thereof pending further hearing or 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.

IT IS FURTHER ORDERED that during construction of the project and pending the hearing on the issues presented, 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 or trial on the issues that may be presented in this action, the Defendant and their agents, servants and employees are hereby enjoined from interfering with Plaintiff's occupation of the property, 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 Plaintiff's approved appraisal of the Defendant's property to be acquired in this action.

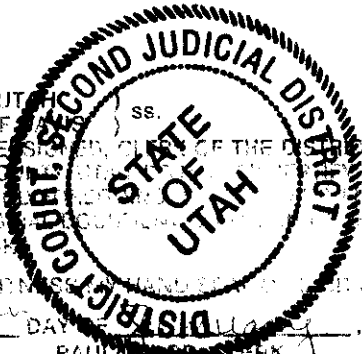
IT IS FURTHER ORDERED that on receipt of said moneys, the Clerk of this Court shall remit the same to the appropriate Defendant in the percentage and portion to which each is entitled.

DATED this 23rd day of Dec., 1996.

BY THE COURT:

STATE OF UTAH
 COUNTY OF [unclear]
 THE UNDERSIGNED CLERK OF THE DISTRICT COURT
 DO HEREBY CERTIFY THAT THE
 ORDER OF IMMEDIATE OCCUPANCY
 WAS MAILED TO THE
 ATTORNEY FOR DEFENDANT
 ON THIS 16th DAY OF January, 1997
 AT [unclear] UTAH
 PAUL [unclear] CLERK

BY: Kelly Fairchild



Rodney S. Page
 RODNEY S. PAGE
 District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing
 ORDER OF IMMEDIATE OCCUPANCY was mailed, postage prepaid, this 17
 day of December, 1996, to:

William J. Critchlow, Esq.
 Attorney for Defendant
 2610 Washington Boulevard
 Ogden, Utah 84401

[Signature]

CONDEMNATION RESOLUTION
HIGHWAY PROJECT NO. SP-9999(291)
Improvement at Six Intersections in Weber & Davis Counties

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

The public interest and necessity required the acquisition, construction and completion by the State of Utah acting through the Department, of a public improvement, namely a State Highway. The public interest and necessity require the acquisition and immediate occupancy, for said public improvement, of the real property, or interest in real property, hereinafter described.

Said proposed state highway is planned and located in a manner which will be most compatible with the greatest public good and the least private injury as provided by Title 27, Chapter 12, Section 96, Utah Code Annotated 1953 as amended.

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 said hereinafter described real property, or interests in real property, 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 such acquisition;

To obtain, from said court, an order permitting said Department to take immediate possession and use of said real property, or interests in real property, for highway purposes, or purposes incidental thereto.

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

To prepare State Warrant in the amount of the approved appraisal of each parcel of real property, or interest in real property set forth and described herein; payee to be the Clerk of the District Court of the County wherein the 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 fair market value of the property to be acquired for rights of way herein shall be made prior to issuance of Order of Immediate Occupancy.

The 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, Highway Project No. SP-9999(291), and is described as follows:

HIGHWAY PROJECT NO. SP-9999 (291)

RECORDED OWNER: Charles Cook Parker
ADDRESS: 1090 East 400 North
Kaysville, Utah 84037

E 1307238 B 2101 F 51

APPROVED APPRAISAL: \$4,575.00

Parcel No. 9999:11

A parcel of land in fee for the widening of an existing road, State Routes 37 and 108 known as Project No. 9999, being part of an entire tract of Property situated in the NW¼ of the SW¼ of Section 27, T. 5 N., R. 2 W., S.L.B.& M.

The boundaries of said parcel of land are described as follows:

Beginning on the Southerly right-of-way line of State Route 37 and the Easterly right-of-way line of State Route 108 at a point 10.058 meters perpendicularly distant easterly from State Route 108 at Highway Engineer Station 1+988.905, said point of beginning located approximately 11.095 meters S. 0°09'46" W. and 10.058 meters S. 89°50'14" E. from the W¼ Corner of Section 27, T. 5 N., R. 2 W., S.L.B.& M.

Running thence N. 89°59'17" E. 11.010 meters along said Southerly right-of-way line; thence S. 49°25'38" W. 10.901 meters; thence S. 0°09'46" W. 51.825 meters; thence N. 89°50'14" W. 2.750 meters to said Easterly right-of-way line; thence N. 0°09'46" E. 58.905 meters to the point of beginning.

The above described parcel of land contains 191.28 square meters or 0.019 hectares.

(Note: To Obtain distances in feet, divide above distances by 0.3048. Multiply above area by 10.764 to obtain square feet.)

pt 14.003.0005

Parcel No. 9999:11:E**E 1307238 & 2101 P 52**

A perpetual slope easement, upon part of an entire tract of property, in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 27, T. 5 N., R. 2 W., S.L.B.& M., in Davis County, Utah, for the purpose of constructing cut and/or fill slopes and appurtenant parts thereof incident to the widening of the existing road State Route 108, known as Project No. 9999.

The boundaries of said parcel of land are described as follows:

Beginning at a point 12.808 meters perpendicularly distant Easterly from State Route 108 at Highway Engineer Station 1+969.000, said point of beginning located approximately 31.000 meters S. 0°09'46" W. and 12.808 meters S. 89°50'14" E. from the W $\frac{1}{4}$ corner of Section 27, T. 5 N., R. 2 W., S.L.B.& M.

Running thence S. 7°19'45" E. 19.164 meters; thence S. 0°09'46" W. 23.000 meters; thence S. 6°03'52" E. 17.101 meters; thence S. 35°33'01" W. 12.267 meters to the Easterly right-of-way line; thence N. 0°09'46" E. 30.000 meters along said Easterly right-of-way line; thence S. 89°50'14" E. 2.750 meters; thence N. 0°09'46" E. 39.000 meters to the point of beginning.

The above described parcel of land contains 229.97 square meters or 0.023 hectares.

(Note: To obtain distances in feet, divide above distances by 0.3048. Multiply above area by 10.764 to obtain square feet.)

Parcel No. 9999:11:2E

E 1307238 8 2101 F 53

A perpetual slope easement, upon part of an entire tract of property, in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 27, T. 5 N., R. 2 W., S.L.B.& M., in Davis County, Utah, for the purpose of constructing cut and/or fill slopes and appurtenant parts thereof incident to the widening of the existing road State Route 108, known as Project No. 9999.

The boundaries of said parcel of land are described as follows:

Beginning on the Easterly right-of-way line of State Route 108 at a point 10.058 meters perpendicularly distant easterly from State Route 108 at Highway Engineer Station 1+900.000, said point of beginning located approximately 100.000 meters S. 0°09'46" W. and 10.058 meters S. 89°50'14" E. from the W $\frac{1}{4}$ corner of Section 27, T. 5 N., R. 2 W., S.L.B.& M. Running thence S. 18°27'38" E. 10.552 meters; thence S. 7°16'36" W. 27.210 meters to said right-of-way line; thence N. 0°09'46" E. 37.000 meters along said right-of-way line to the point of beginning.

The above described parcel of land contains 62.34 square meters or 0.0062 hectares.

(Note: To obtain distances in feet, divide above distances by 0.3048. Multiply above area by 10.764 to obtain square feet.)

Prepared by TLB September 16, 1996