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E# 1485676 BK 1874 PG 1791
DOUG CROFTS, WEBER COUNTY RECORDER
04-AUG-97 838 AM FEE \$1.00 DEP MH
REC FOR: UTAH.DEPT..OF.TRANSPORTATION

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

UTAH DEPARTMENT OF TRANSPORTATION,)	
)	
Plaintiff,	)	AMENDED ORDER OF
	)	IMMEDIATE OCCUPANCY
vs.)	
	)	Project No. STP-0097(2)0
GARY W. CRANE and SHARON A. CRANE;)	
SCOTT CRANE (Tenant); OGDEN FIRST	)	Parcel Nos. 1:ST, 1:E
FEDERAL SAVINGS and LOAN ASSOCIA-)	
TION (Mortgagee)a/k/a UTAH FEDERAL	)	Civil No. 960900368 CD
SAVINGS BANK,)	
Defendants.	)	Judge W. Brent West
)	
UTAH DEPARTMENT OF TRANSPORTATION,)	
)	
Plaintiff,)	
vs.)	

1791

LUCILE H. CRANE (Trustee of the)	
Lucile H. Crane Revocable Trust	)	Project No. STP-0097(2)0
Deed); STEVEN H. CRANE (Trustee of)	
the Lucile H. Crane Revocable Trust)	)	Parcel No. 5B
Deed); and GARY W. CRANE (Trustee)	
of the Lucile H. Crane Revocable	)	Civil No. 970901180 CD
Trust Deed),)	
)	
Defendants.	)	Judge Parley R. Baldwin

The parties having stipulated, the Plaintiff, by and through its attorneys, Bernard M. Tanner and Leland D. Ford, Assistant Attorneys General and the Defendants acting through their attorney, Frank M. Wells, to amend the Order of Immediate Occupancy previously signed by the Court and entered on the 13th day of November, 1996 in Civil Number 960900368 CD and good cause appearing therefore to consolidate and add the property sought by the Plaintiff in Civil Number 970901180 CD, to the existing Order of Immediate Occupancy previously entered in Civil No. 960900368 CD, and upon the deposit by Plaintiff of the added amount of \$38,450 representing the approved appraisal amount in Civil Action 970901180 CD:

BMT

BMT

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 as described in the resolutions attached hereto and to do such work thereon as is required for its highway project pending further hearing or trial on the issues that may be raised by this action. The Plaintiff is hereby permitted to take immediate possession of said properties of said Defendant for the purposes as described in the Plaintiff's Complaints and continue such possession pending further hearing and trial on the issues that may be raised in this action.

IT IS FURTHER ORDERED that the Clerk of this Court shall remit the amounts which are to be deposited in accordance with the stipulation to the Defendants or their counsel upon request and without further order of the Court. Withdrawal of said funds shall not affect Defendant's right to claim greater compensation for the property taken by these actions or severance damages to remaining property resulting from the taking.

DATED this 11 day of April, 1997.

BY THE COURT:

W. Brent West
W. BRENT WEST
District Court Judge

Approved as to Form:

Bernard M. Tanner
BERNARD M. TANNER
LELAND D. FORD
Assistant Attorneys General
Attorney for Plaintiff

Frank M. Wells
FRANK M. WELLS
Attorney for Defendants

COUNTY OF WEBER

I Herby Certify That This Is A True Copy
Of The Original On File In My Office

DATED THIS 23 DAY OF

PAULA GARR
CLERK OF THE COURT

BY Wood



EQ 1485676 BK1874 PG1794

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing
AMENDED ORDER OF IMMEDIATE OCCUPANCY was mailed, postage prepaid,
this 10th day of April, 1997, to:

Frank M. Wells
Attorney for Defendants Crane
2485 Grant Avenue, Suite 200
Ogden, UT 84401

Brent Hoggan
Attorney for Utah Federal Savings Bank
2279 Washington Blvd.
Ogden, UT 84401

Amy Costello

CONDEMNATION RESOLUTION
HIGHWAY PROJECT NO. STP-0097(2)0
Roy 5600 South

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 Weber, State of Utah, Highway Project No. STP-0097(2)0, and is described as follows:

HIGHWAY PROJECT NO. STP-0097(2)0

RECORDED OWNER: Gary W. Crane & Sharon A. Crane
ADDRESS: 659 E. Sunnyside Lane
Thermopolis, Wyoming 82443

PARTY IN INTEREST: Scott Crane (Tenant)
ADDRESS: 3735 West 5500 South
Roy, Utah 84067

PARTY OF INTEREST: (Ogden First Federal Savings
and Loan Association (Mortgagee))
Name changed to:
Utah Federal Savings Bank
ADDRESS: 1952 West 5600 South
Roy, Utah 84067

LIEN HOLDER: None of record

APPROVED APPRAISAL: \$87,300.00

Parcel No. 0097:1

A parcel of land in fee for the widening of an existing roadway, State Route 97 (Roy 5600 South), known as Project No. 0097, being part of an entire tract of property situate in the SW 1/4 SE 1/4 of Section 16, T. 5 N., R. 2 W., SLB&M. The boundaries of said parcel of land are described as follows:

Beginning at a point on the south line of 5500 South Street being 4.713 m (15.46 ft) radially distant northerly from the centerline of said project at Engineer Station 9+266.760, said point of beginning approximately 498.805 m (1636.50 ft) West and 213.360 m (700.00 ft) North from the southeast corner of said Section 16; and running thence East (S. 89°16'03" E. highway bearing) 28.022 m (91.94 ft) along the south line of 5500 South Street; thence Southeasterly along the arc of a 305.350 m (1001.80 ft) radius curve to the right 19.800 m (64.96 ft) (Note: Chord to said curve bears S. 63°22'41" E. 19.797 m [64.95 ft]) to the easterly line of Owner's property; thence South 35.521 m (116.54 ft) along the east line of Owner's property; thence Northwesterly along the arc of a 274.650 m (901.08 ft) radius curve to the left 51.238 m (168.10 ft) (Note: Chord to said curve bears N. 63°19'44" W. 51.164 m [167.86 ft]) to the west line of Owner's property; thence North 21.427 m (70.30 ft) to the point of beginning. The above described parcel of land contains 1,387.493 square meters (14,935 sq. ft.) in area or 0.139 hectare (0.343 acre), more or less.

14009-073-0041

HIGHWAY PROJECT NO. STP-0097(2)0

Parcel No. 0097:1:ST

A parcel of land in fee for the widening of an existing roadway, State Route 97 (Roy 5600 South), known as Project No. 0097, being part of an entire tract of property situate in the SW 1/4 SE 1/4 of Section 16, T. 5 N., R. 2 W., SLB&M. The boundaries of said parcel of land are described as follows:

Beginning at a point on the south line of 5500 South Street being 23.176 m radially distant northerly from the centerline of said project at Engineer Station 9+306.717, said point also being approximately 453.085 m (1486.50 feet) West and 213.360 m (700.00 feet) North from the southeast corner of said Section 16; and running thence South (S. 00°43'57" W. highway bearing) 8.871 m (29.10 feet) along the east line of Owner's property; thence Northwesterly along the arc of a 305.350 m (1001.80 foot) radius curve to the left 19.800 m (64.96 feet) (Note: Chord to said curve bears N. 63°22'41" W. for a distance of 19.797 m [64.95 feet]) to the southerly line of 5500 South Street; thence East 17.698 m (58.06 feet) along said southerly line of 5500 South Street to the point of beginning. The above described parcel of land contains 76.381 square meters (822 square feet) in area or 0.008 hectare (0.019 acre), more or less.

Pt 09-073-0041

HIGHWAY PROJECT NO. STP-0097(2)0

Parcel No. 0097:1:E

A temporary easement, upon part of an entire tract of property situate in the SW 1/4 SE 1/4 of Section 16, T. 5 N., R. 2 W., S.L.B.&M., in Weber County, Utah, for the purpose of constructing thereon cut and fill slopes and appurtenant parts thereof incident to the widening of the existing roadway, State Route 97 (Roy 5600 South), known as Project No. 0097.

The boundaries of said part of an entire tract are described as follows:

Beginning at a point 15.350 m (50.36 ft) radially distant southerly from the centerline of said project at Engineer Station 9+328.530, said point also being approximately 453.085 m (1486.50 ft) West and 168.968 m (554.36 ft) North from the southeast corner of said Section 16; and running thence West (N. 89°16'03" W. highway bearing) 5.741 m (18.84 ft); thence Northwesterly along the arc of a 271.650 m (891.24 ft) radius curve to the left 12.489 m (40.97 ft) (Note: Chord to said curve bears N. 60°19'42" W. 12.488 m [40.97 ft]); thence S. 28°21'16" W. 1.650 m (5.41 ft); thence N. 63°37'17" W. 18.617 m (61.08 ft); thence N. 24°24'11" E. 1.650 m (5.41 ft); thence Northwesterly along the arc of a 271.650 m (891.24 ft) radius curve to the left 13.414 m (44.01 ft) (Note: Chord to said curve bears N. 67°00'42" W. 13.413 m [44.01 ft]) to the west line of Owner's property; thence North 3.223 m (10.57 ft.) along the west line of Owner's property; thence Southeasterly along the arc of a 274.650m (901.08 ft.) radius curve to the right 51.238m (168.10 ft.) (Note: Chord to said curve bears S.63°19'44"E. 51.164m (167.86 ft)) to the point of beginning. The above described part of an entire tract contains 176.660 square meters (1,902 sq. ft.) in area or 0.018 hectare (0.044 acre), more or less.

PT 09-073-0041

After cut and fill slopes are constructed on the above described part of an entire tract at the expense of said Utah Department of Transportation, said Utah Department of Transportation is relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said cut and fill slopes and appurtenant parts thereof.

The hereinabove temporary work easement shall expire upon the completion of said project or 3 years after the date of execution of the within instrument, which ever first occurs.

Prepared by T.L.B. July 19, 1996

E# 1485676 BK1874 PG1799

CONDEMNATION RESOLUTION
HIGHWAY PROJECT NO. STP-0097(2)0
S.R. 97, Roy 5600 South

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 Weber, State of Utah, Highway Project No. STP-0097(2)0, and is described as follows:

HIGHWAY PROJECT NO. STP-0097(2)0

RECORDED OWNER: Lucile H. Crane (Trustee) of the (Lucile H. Crane Revocable Trust Deed dated the 25th day of November, 1990)

ADDRESS: 3849 West 5500 South Roy, Utah 84067

RECORDED OWNER: Steven H. Crane (Trustee) of the (Lucile H. Crane Revocable Trust Deed dated the 25th day of November, 1990)

ADDRESS: 3849 West 5500 South Roy, Utah 84067

RECORDED OWNER: Gary W. Crane (Trustee) of the (Lucile H. Crane Revocable Trust Deed dated the 25th day of November, 1990)

ADDRESS: 859 Sunnyside Lane Thermopolis, Wyo. 82443

LIEN HOLDER: None of record

APPROVED APPRAISAL: \$38,450.00

Parcel No. 0097:5B

A parcel of land in fee for the widening of an existing roadway, State Route 97 (Roy 5600 South), known as Project No. 0097, being part of an entire tract of property situate in the SW 1/4 SE 1/4 of Section 16, T. 5 N., R. 2 W., SLB&M. The boundaries of said parcel of land are described as follows:

Beginning on the southerly right-of-way line of said project at a point 15.350 m (50.36 ft) perpendicularly distant southerly from the centerline of said project at Engineer Station 9+084.504, said point also being approximately 679.588 m (2229.62 ft) West (N. 89°45'19" W. highway bearing) along the section line and 219.846 m (721.28 ft) N. 00°14'41" W. (N. 00°00'00" W. highway bearing) from the southeast corner of said Section 16, and running thence North (N. 00°31'57" E. highway bearing) 2.767 m (9.08 ft) to the existing southerly right-of-way line of 5500 South Street; thence S. 89°53'00" E. (S. 89°07'22" E. highway bearing) 181.935 m (596.90 ft) along said existing south right-of-way line of 5500 South Street; thence South (S. 00°43'57" W. highway bearing) 21.427 m (70.30 ft) to the southerly right-of-way line of said project; thence Westerly along the arc of a 274.650 m (901.08 ft) radius curve to the left 101.192 m (331.99 ft) (Note: Chord to said curve bears

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HIGHWAY PROJECT NO. STP-0097(2)0

N. 79°13'55" W. [N. 78°29'45" W. highway bearing] 100.620 m [330.12 ft]; thence N. 89°48'42" W. (N. 89°03'04" W. highway bearing) 83.078 m (272.57 ft) to the point of beginning. The above described parcel of land contains 1,122.855 square meters (12,086 sq. ft.) in area or 0.112 hectare (0.277 acre), more or less.

Parcel No. 0097:5B:E

A temporary easement, upon part of an entire tract of property situate in the SW 1/4 SE 1/4 of Section 16, T. 5 N., R. 2 W., S.L.B. & M., in Weber County, Utah, for the purpose of constructing thereon cut and fill slopes and appurtenant parts thereof incident to the widening of the existing roadway, State Route 97 (Roy 5600 South), known as Project No. 0097.

Said part of an entire tract is a parcel of land described as follows:

Beginning on the southerly right-of-way line of said project at a point 15.350 m (50.36 ft) perpendicularly distant southerly from the centerline of said project at Engineer Station 9+084.504, said point also being approximately 679.588 m (2229.62 ft) West (N. 89°45'19" W. highway bearing) along the section line and 219.846 m (721.28 ft) N. 00°14'41" W. (N. 00°00'00" W. highway bearing) from the southeast corner of said Section 16, and running thence S. 89°48'42" E. (S. 89°03'04" E. highway bearing) 83.078 m (272.57 ft); thence Easterly along the arc of a 274.650 m (901.08 ft) radius curve to the right 101.192 m (331.99 ft) (Note: Chord to said curve bears S. 79°13'55" E. [S. 78°29'45" E. highway bearing] 100.620 m [330.12 ft]); thence South (S. 00°43'58" W. highway bearing) 3.223 m (10.57 ft); thence Westerly along the arc of a 271.650 m (891.24 ft) radius curve to the left 101.259 m (332.21 ft) (Note: Chord to said curve bears N. 78°40'46" W. [N. 78°22'21" W. highway bearing] 100.673 m [330.29 ft]); thence West (N. 89°03'04" W. highway bearing) 83.056 m (272.49 ft) to the west line of Owners's property; thence North (N. 00°31'57" E. highway bearing) 3.000 m (9.84 ft) to the point of beginning. The above described part of an entire tract contains 552.878 square meters (5,951 sq. ft.) in area or 0.055 hectare (0.137 acre), more or less.

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After said cut and fill slopes are constructed on the above described part of an entire tract at the expense of said Utah Department of Transportation, said Utah Department of Transportation is relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said cut and fill slopes and appurtenant parts thereof.

The hereinabove temporary work easement shall expire upon the completion of the construction of said cut and fill slopes, or 3 years after the date of execution of the within instrument, whichever occurs first.

HIGHWAY PROJECT NO. STP-0097(2)0

Parcel No. 0097:5D

A parcel of land in fee for the widening of an existing roadway, State Route 97 (Roy 5600 South), known as Project No. 0097, being part of an entire tract of property situate in the SW 1/4 SE 1/4 of Section 16, T. 5 N., R. 2 W., SLB&M. The boundaries of said parcel of land are described as follows:

Beginning on the northerly right-of-way line of said project at a point 15.350 m (50.36 ft) radially distant northerly from the centerline of said project at Engineer Station 9+310.634, said point also being approximately 452.044 m (1483.08 ft) West (N. 89°45'19" W. highway bearing) along the section line and 211.345 m (693.40 ft) N. 00°14'41" W. (N. 00°00'00" W. highway bearing) from the southeast corner of said Section 16, and running thence Southeasterly along the arc of a 305.350 m (1001.80 ft) radius curve to the right 56.705 m (186.04 ft) (Note: Chord to said curve bears S. 55°55'13" E. [S. 55°28'04" E. highway bearing] 56.624 m [185.77 ft]); thence S. 50°37'46" E. (S. 50°08'52" E. highway bearing) 2.175 m (7.14 ft) to the Grantors' east property line; thence South (S. 00°15'38" W. highway bearing) 39.839 m (130.71 ft) to the southerly right-of-way line of said project; thence N. 50°37'46" W. (N. 50°08'52" W. highway bearing) 27.565 m (90.44 ft); thence Northwesterly along the arc of a 274.650 m (901.08 ft) radius curve to the left 34.055 m (111.73 ft) (Note: Chord to said curve bears N. 54°09'44" W. [N. 53°42'00" W. highway bearing] 34.033 m [111.66 ft]); thence N. 00°28'19" E. (N. 00°43'57" E. highway bearing) 35.521 m (116.54 ft) to the point of beginning. The above described parcel of land contains 1,851.327 square meters (19,928 sq. ft.) in area or 0.185 hectare (0.457 acre), more or less.

Parcel No. 0097:5D:E

A perpetual drainage easement, upon part of an entire tract of property situate in the SW 1/4 SE 1/4 of Section 16, T. 5 N., R. 2 W., S.L.B. & M., in Weber County, Utah, for the purpose of constructing drainage systems and appurtenant parts thereof incident to the widening of the existing roadway, State Route 97 (Roy 5600 South), known as Project No. 0097.

Said part of an entire tract is a parcel of land described as follows:

Beginning on the northerly right-of-way line of said project at a point 15.350 m (50.36 ft) radially distant northerly from the centerline of said project at Engineer Station 9+310.634, said point also being approximately 452.044 m (1483.08 ft) West (N. 89°45'19" W. highway bearing) along the section line and 211.345 m (693.40 ft) N. 00°14'41" W. (North highway bearing)

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HIGHWAY PROJECT NO. STP-0097(2)0

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from the southeast corner of said Section 16, and running thence N. 00°28'19" E. (N. 00°43'57" E. highway bearing) 2.273 m (7.46 ft); thence Southeasterly along the arc of a 307.350 m (1008.37 ft) radius curve to the right 58.421 m (191.67 ft) (Note: Chord to said curve bears S. 55°58'22" E. [S. 55°31'13" E. highway bearing] 58.593 m [192.23 ft]) to the east line of Owner's property; thence South (S. 00°15'38" W. highway bearing) 2.595 m (8.51 ft) along said east line of Owner's property to the northerly right-of-way line of said project; thence N. 50°37'46" W. (N. 50°08'52" W. highway bearing) 2.175 m (7.14 ft) along said northerly right-of-way line; thence Northwesterly along the arc of a 305.350 m (1001.80 ft) radius curve to the left 56.705 m (186.04 ft) (Note: Chord to said curve bears N. 55°55'13" W. [N. 55°28'04" W. highway bearing] 56.624 m [185.77 ft]) along said northerly right-of-way line to the point of beginning. The above described part of an entire tract contains 117.565 square meters (1,265 sq. ft.) in area or 0.012 hectare (0.029 acre), more or less.

(Note: All bearings and distances on the above description are based upon the Utah State Plane Coordinate Modified System.)

Parcel No. 0097:5D:2E

A temporary construction easement, upon part of an entire tract of property situate in the SW 1/4 SE 1/4 of Section 16, T. 5 N., R. 2 W., S.L.B. & M., in Weber County, Utah, for the purpose of removing existing structures and appurtenant parts thereof incident to the widening of the existing roadway, State Route 97 (Roy 5600 South), known as Project No. 0097.

The boundaries of said part of an entire tract are described as follows:

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Beginning on the southerly right-of-way line of said project at a point 15.350 m (50.360 ft) perpendicularly distant southerly from the centerline of said project at Engineer Station 9+392.053, said point also being approximately 403.908 m (1325.16 ft) West (N. 89°45'19" W. highway bearing) along the section line and 138.220 m (453.48 ft) N. 00°14'41" W. (North highway bearing) from the southeast corner of said Section 16, and running thence South (S. 00°15'38" W. highway bearing) 38.161 m (125.20 ft) along the east line of Owner's property; thence West (N. 89°45'19" W. highway bearing) 8.000 m (26.25 ft); thence North (N. 00°15'38" E. highway bearing) 28.397 m (93.17 ft); thence West (N. 89°45'19" W. highway bearing) 8.000 m (26.25 ft); thence North (N. 00°15'38" E. highway bearing) 23.000 m (75.46 ft) to said southerly right-of-way line of said project; thence S. 50°37'46" E. (S. 50°08'52" E. highway bearing) 20.763 m (68.12 ft) to the point of beginning. The above described part of an entire tract contains 489.285 square meters (5,267 sq. ft.)

HIGHWAY PROJECT NO. STP-0097(2)0

in area or 0.049 hectare (0.121 acre), more or less.

After said existing structures are removed on the above described part of an entire tract at the expense of said Utah Department of Transportation, said Utah Department of Transportation is relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said removed structures and appurtenant parts thereof.

The hereinabove temporary work easement shall expire upon the completion of the removal of said existing structures, or three years from the date of execution of the within instrument, whichever occurs first.