

DEE V. BENSON, United States Attorney  
JOSEPH W. ANDERSON, Assistant United States Attorney  
Attorneys for the United States of America  
476 U.S. Courthouse  
350 South Main Street  
Salt Lake City, Utah 84101  
Telephone: (801) 524-5682

FILED IN UNITED STATES DISTRICT COURT DISTRICT OF UTAH

JUL 25 1991

MARKUS B. ZIMMER, CLERK  
BY \_\_\_\_\_  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA,  
Plaintiff,

v.

174.09 ACRES OF LAND, MORE OR  
LESS, SITUATED IN WASATCH  
COUNTY, STATE OF UTAH,  
THE LLOYD A. AND ANNA LEE FORD  
FAMILY PARTNERSHIP, ET AL.,  
AND ANY UNKNOWN OWNERS  
Defendants.

Civil No. 89-C-960J

SECOND AMENDED  
DECLARATION OF TAKING

I hereby certify that the annexed document is a true and correct copy of the original on file in this office.

ATTEST: MARKUS B. ZIMMER  
Clerk, U.S. District Court  
District of Utah

By: *Markus B. Zimmer*  
Deputy Clerk

Date: 8-13-91

Pursuant to authority delegated on December 27, 1971, by the Secretary of the Interior, and under subparagraphs (5) and (6) of 209.3.2A Department of the Interior Manual to the Department's Solicitor, and redelegated by Solicitor's Regulations Manual, Chapter 14.2A, I do hereby make and cause to be filed this Second Amended Declaration of Taking under Section 1 of the Act of February 26, 1931 (46 Stat. 1421, 40 U.S.C. 258a (1982)), and declare that:

FIRST: The interests in land hereinafter described are taken under and in accordance with the authority set forth in Schedule "A," annexed hereto and made a part hereof.

SECOND: The public uses for which said interests in land

ENTRY NO. 157017 DATE 8-20-91 TIME 1325 FEE 18.50  
FOR FOUNDERS TITLE BOOK 232 PAGE 415-425  
RECORDED BY JOE DEAN HUBER BY LIZ PARCELL

PAGE (L) INDEX ( ) ABSTRACT (L) PLAT ( ) CHECK (H)



are taken are also set forth in Schedule "A," annexed hereto and made a part hereof.


THIRD: A description of the tracts of land taken, the estate being taken, and the estimated just compensation therefore are set forth in Schedule "B," annexed hereto.

FOURTH: A plat showing the land covering the interests is annexed hereto as Schedule "C" and made a part hereof.

FIFTH: Pursuant to law, the land selected for acquisition for the purpose set forth herein is described as Parcel Nos. JDR-56 and JDR-RA-12A comprising 174.09 acres, shown on Schedule "B," annexed hereto and made a part hereof.

SIXTH: The just compensation for said land has been determined to be FOUR HUNDRED FIVE THOUSAND THREE HUNDRED TWENTY-FIVE DOLLARS (\$405,325), which sum was deposited in the Registry of the Court for the use and benefit of those entitled thereto. I am of the opinion that the ultimate award for said land will be within any limits prescribed by law as the price to be paid therefore.

IN WITNESS WHEREOF, the United States of America has caused this Second Amended Declaration of Taking to be signed by the Regional Solicitor, Intermountain Region, United States Department of the Interior, this 17th day of July A.D. 1991, in the City of Salt Lake, State of Utah.

  
LYNN R. COLLINS  
Regional Solicitor  
Intermountain Region  
United States Department of  
the Interior



## CERTIFICATE OF MAILING

This is to certify that a copy of the foregoing SECOND AMENDED DECLARATION OF TAKING was mailed, first-class postage prepaid, to the following this 23<sup>rd</sup> day of July, 1991:

Clark W. Sessions  
CAMPBELL MAACK & SESSIONS  
Attorney for Defendants  
First Interstate Plaza, Suite 400  
170 South Main Street  
Salt Lake City, Utah 84101-1605



SECOND AMENDED SCHEDULE A

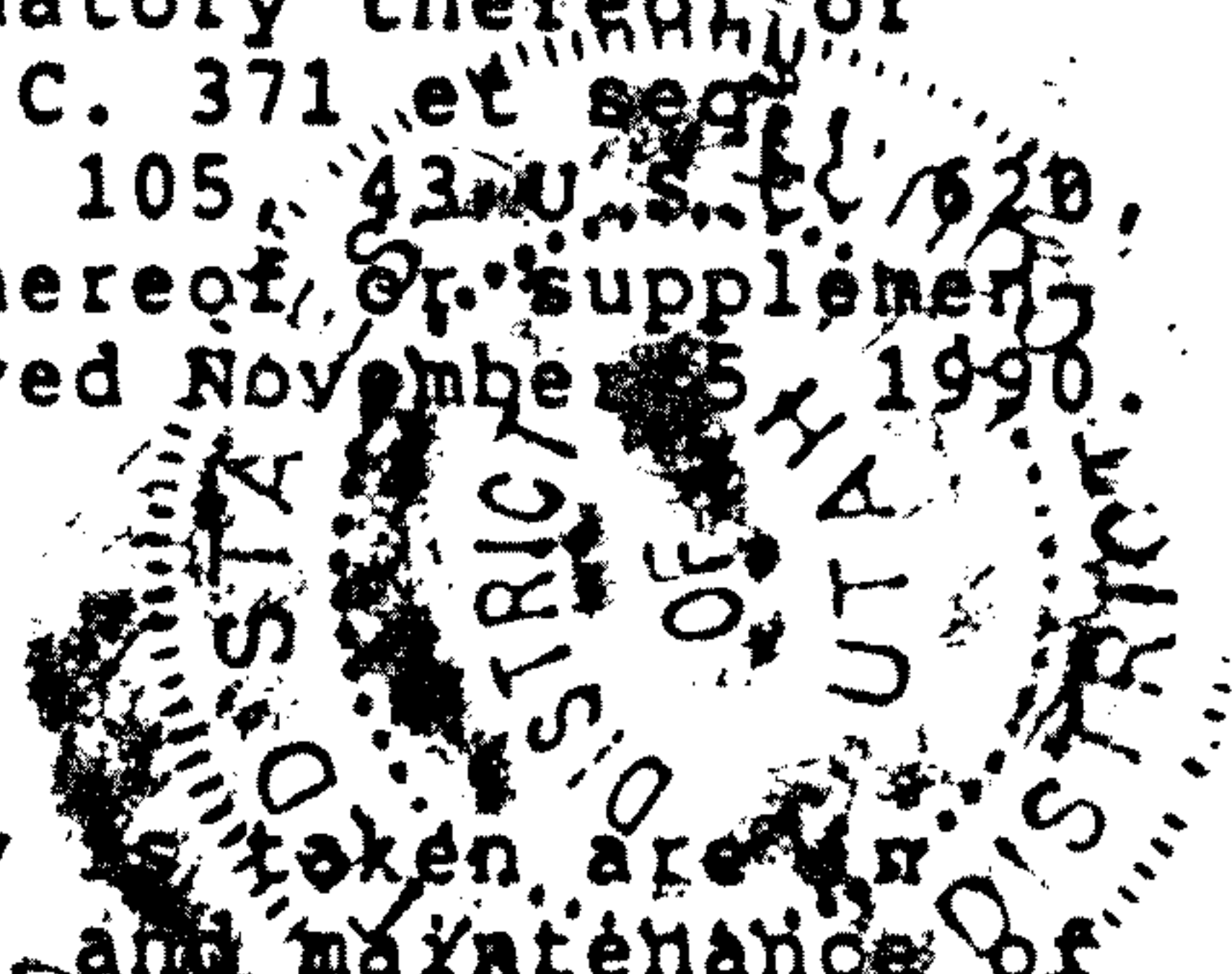
JORDANELLE DAM AND RESERVOIR  
WASATCH COUNTY ROUTE A  
BONNEVILLE UNIT  
CENTRAL UTAH PROJECT

AUTHORITY FOR THE TAKING

The authority for the taking of the real property described herein is pursuant to and in accordance with the Act of August 1, 1888 (25 Stat. 357, as amended, 40 U.S.C. 257 (1982)); the Act of February 26, 1931 (46 Stat. 1421, 40 U.S.C. 258a-258e (1982)); the Act of June 17, 1902, and all acts amendatory thereof, or supplementary thereto (32 Stat. 388, 43 U.S.C. 371 et seq. (1982)); the Act of April 11, 1956 (70 Stat. 105, 43 U.S.C. 620, et seq., (1982)), and all Acts amendatory thereof, or supplementary thereto; and Public Law 100-514, approved November 5, 1988.

PUBLIC USES

The public uses for which said real property is taken are in connection with the construction, operation, and maintenance of the Jordanelle Dam and Reservoir and a public highway known as Wasatch County Route A, Bonneville Unit, Central Utah Project. The real property has been selected for acquisition by the United States for said purposes, and for such other uses as may be authorized by Congress or Executive Order, and is required for immediate use by the Bureau of Reclamation, United States Department of the Interior.





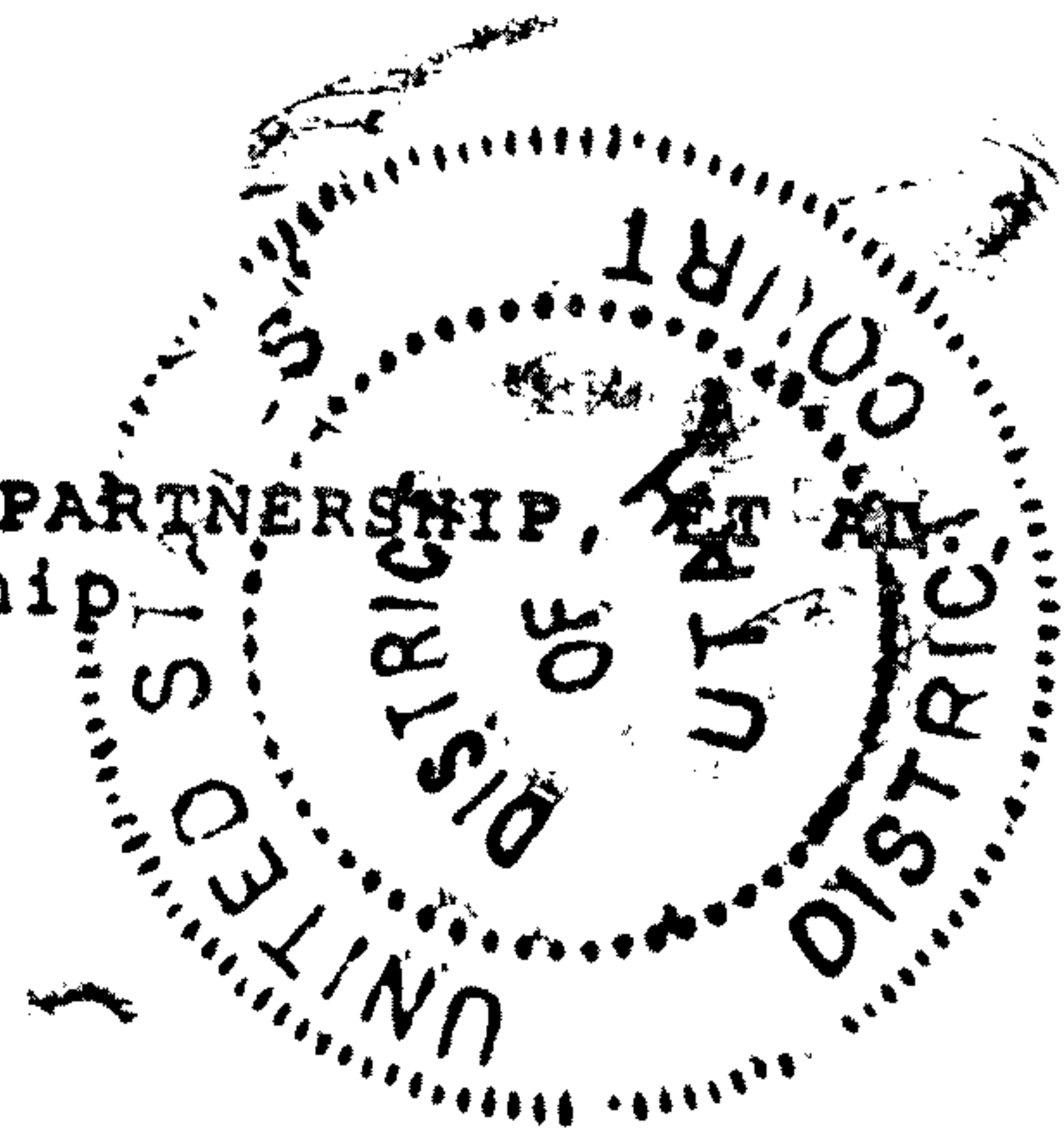
SECOND AMENDED SCHEDULE B  
JORDANELLE DAM AND RESERVOIR  
WASATCH COUNTY ROUTE A  
BONNEVILLE UNIT  
CENTRAL UTAH PROJECT

Parcel Nos. JDR-56 and  
JDR-RA-12A (174.09 Acres)

Estimated Compensation: \$405,325

Purported Owner

THE LLOYD A. AND ANNA LEE B. FORD FAMILY PARTNERSHIP, ET AL  
a Utah Limited Partnership  
2044 North 420 East  
Provo, Utah 84604



Estate Taken as to JDR-56:

The fee simple title to the lands, tenements, hereditaments, and appurtenances thereto belonging, including improvements, but excepting and reserving to the Defendant all water and water rights. Save, excepting and reserving therefrom, subject to the following conditions, the coal, oil, gas, and other subsurface minerals, if any, owned by the Defendant in all of said lands. The right to prospect for and remove the said minerals from all said lands shall be exercised so as not to interfere with the construction, operation, and maintenance of the Bonneville Unit, Central Utah Project, and all necessary precautions, as may be determined by the Secretary of the Interior, or his duly-authorized representative, acting for and on behalf of the United States, shall be taken to prevent the pollution or affect the quality of the water to be stored in Jordanelle Reservoir, whether it is to be used for irrigation, municipal, or miscellaneous purposes.

Sand and gravel are not reserved to the Defendant.

Save, excepting and reserving therefrom the coal, oil, gas, and other subsurface minerals reserved to or outstanding in third parties.

Also, subject to existing rights-of-way for roads, railroads telephone lines, transmission lines, ditches, conduits or pipelines.



## SECOND AMENDED SCHEDULE B (Continued)

Also, the revestment of Parcel No. JDR-56X is subject to a perpetual restrictive easement wherein no single or multiple dwelling units, and no sewage treatment facilities, including but not limited to septic tanks, leach fields, settling ponds, or any other facility for the treatment, receipt, or retention of sewage, shall be constructed within Parcel No. JDR-56X on any slope exceeding thirty per cent (30%) in grade or within three hundred (300.0) feet of any slope exceeding thirty per cent (30%) in grade.

Legal Description:PARCEL NO. JDR-56 (Fee Title)

A parcel of land in the East Half (E $\frac{1}{2}$ ) of Section Thirty-five (35), Township Two (2) South, Range Five (5) East, Salt Lake Meridian, Wasatch County, Utah, more particularly described as follows:

South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$ ), also the North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$ ) and the North Half of the South Half of the Southeast Quarter (N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ ).

EXCLUDED FROM THE ABOVE PARCEL NO. JDR-56 the following described lands: (State Road Commission of Utah)

Right-of-way for highway known as Project No. S-240 across the Defendant's land in the South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$ ) of Section Thirty-five (35), Township Two (2) South, Range Five (5) East, Salt Lake Meridian. Said right-of-way is contained within a parcel of land One Hundred Twenty-five (125.0) feet wide, Seventy-five (75.0) feet on the northerly side and Fifty (50.0) feet on the southerly side of the centerline of survey of said project. Said centerline is described as follows:

Beginning at the intersection of the West boundary line of said South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$ ) and said centerline of survey at Engineer's Station 189+76, which point is approximately Five Hundred Sixty-two (562.0) feet North and approximately Twenty-six Hundred Seventy-five (2675.0) feet East from the West Quarter (W $\frac{1}{4}$ ) corner of said Section 35; thence easterly Two Hundred Sixty-four and One Tenth (264.1) feet along the arc of a 02°00' curve to the right to a point of curve to spiral, tangent to said curve at the point of beginning bears North 81°51' East; thence easterly One Hundred Forty (140.0) feet along the arc of a One Hundred Forty (140.0)-foot ten-chord spiral for a 02°00' curve to the right; thence North 88°32' East One Hundred Twenty-nine and Three Tenths



## SECOND AMENDED SCHEDULE B (Continued)

Legal Description (Continued):

(129.3) feet to a point of tangency with a spiral; thence easterly One Hundred (100.0) feet along the arc of a One Hundred (100.0)-foot ten-chord spiral for a  $01^{\circ}30'$  curve to the left; thence easterly Three Hundred Thirty-one and One Tenth (331.1) feet along the arc of said  $01^{\circ}30'$  curve to a point of curve to spiral; thence easterly One Hundred (100.0) feet along the arc of a One Hundred (100.0)-foot ten-chord spiral for said  $01^{\circ}30'$  curve to the left; thence North  $82^{\circ}04'$  East Two Hundred Sixty-six and Four Tenths (266.4) feet to a point of tangency with a spiral; thence easterly One Hundred Forty (140.0) feet along the arc of a One Hundred Forty (140.0)-foot ten-chord spiral for a  $02^{\circ}00'$  curve to the right; thence southeasterly Twelve Hundred Thirty (1230.0) feet, more or less, along the arc of said  $02^{\circ}00'$  curve to the intersection of said center-line of survey at Engineer's Station 216+77 and the East boundary line of said Section 35, which point is approximately Twenty-one Hundred Fifty-eight (2158.0) feet South along said East boundary line of Section 35 from the Northeast corner of said Section 35, as shown on the official map of said project on file in the office of the State Road Commission of Utah, containing Seven and Seventy Hundredths (7.70) acres, more or less.

ALSO EXCLUDED FROM THE ABOVE PARCEL NO. JDR-56 the following described land:

Parcel No. JDR-54A

Beginning at a point which is South on the East line of Section 35, Nineteen Hundred Forty-one and Sixty-one Hundredths (1941.61) feet and South  $86^{\circ}24'$  West Four Hundred Sixty-seven and One Hundredth (467.01) feet, and South  $89^{\circ}56'23''$  West Sixteen Hundred Ninety-one and Forty-one Hundredths (1691.41) feet from the point where the East line of Section 35, Township 2 South, Range 5 East, Salt Lake Meridian, intersects the southerly line of the highway to Kamas and Heber, Utah; thence North  $00^{\circ}08'16''$  West Five Hundred Eighty-five and Sixteen Hundredths (585.16) feet; thence South  $89^{\circ}56'23''$  West Five Hundred Twenty-one (521.0) feet; thence South  $00^{\circ}18'16''$  East Five Hundred Eighty-five and Sixteen Hundredths (585.16) feet; thence North  $89^{\circ}56'23''$  East Five Hundred Twenty-one (521.0) feet to the point of beginning, containing Seven (7.0) acres, more or less.



## SECOND AMENDED SCHEDULE B (Continued)

ALSO EXCLUDED FROM THE ABOVE PARCEL NO. JDR-56 the following described land South of Wasatch County Route A:

PARCEL NO. JDR-56X

Beginning at a point which lies North 00°29' West Six Hundred Sixty-one and Four Tenths (661.4) feet along the section line from the Southeast corner of said Section 35 said point has U.S.C. & G.S. plane grid coordinates North 824,730.82 and East 2,045,195.54; thence South 89°32' West Twenty-three Hundred Nine and Seven Tenths (2309.7) feet to a point on the South right-of-way boundary of Wasatch County Route A, Parcel 12 (JDR-RA-12); the next seven (7) courses lie along said boundary line; thence North 66°07' East Fifty-three and Six Tenths (53.6) feet; thence South 88°31' East Three Hundred and Seven Tenths (300.7) feet; thence North 89°45' East Three Hundred Twenty-three and Eight Tenths (323.8) feet; thence North 82°20' East Three Hundred Thirty-three and Two Tenths (333.2) feet; thence North 59°40' East Three Hundred Thirty-six and Seven Tenths (336.7) feet; thence North 41°11' East Three Hundred feet; thence North 71°54' East Eight Hundred Fifty-three and Five Tenths (853.5) feet to the East line of Section 35; thence South 00°27' East along said section line Six Hundred Ninety-nine and Four Tenths (699.4) feet to the point of beginning, containing Thirteen and Forty-one Hundredths (13.41) acres, more or less.

Total area in Parcel No. JDR-56 is Two Hundred (200.0) acres: EXCLUDING State Highway which is Seven and Seventy Hundredths (7.70) acres; ALSO EXCLUDING Parcel No. JDR-54A, which is Seven (7.0) acres, more or less; ALSO EXCLUDING Parcel No. JDR-56X which is Thirteen and Forty-one Hundredths (13.41) acres, more or less.

Total net acreage in Parcel No. JDR-56 is One Hundred Seventy-one and Eighty-nine Hundredths (171.89) acres, more or less.

Based on the Utah Coordinate System, Central Zone, established by the United States Coast and Geodetic Survey the Southeast corner of said Section 35 has plane grid coordinates North 824,069.44 and East 2,045,200.75.

Ground distances in the foregoing description can be converted to U.S.C. & G.S. grid distances by multiplying by the combination factor 0.999677.



SECOND AMENDED SCHEDULE B (Continued)

AND ALSO,

Estate Taken as to JDR-RA-12A:

The fee simple title to the lands, tenements, hereditaments, and appurtenances thereto belonging, including improvements and any water and water rights, ditches and ditch rights, reservoirs and reservoir rights appurtenant thereto or used in connection therewith, save excepting and reserving therefrom, subject to the following conditions, the coal, oil, gas, and other subsurface minerals, if any, owned by the Defendant in all of said lands. The right to prospect for and remove the said minerals from all said lands shall be exercised so as not to interfere with the construction, operation, and maintenance of the Bonneville Unit, Central Utah Project.

Sand and gravel are not reserved to the Defendant.

Save, excepting and reserving therefrom the coal, oil, gas, and other subsurface minerals reserved to or outstanding in third parties.

Also, subject to existing rights-of-way for roads, railroads, telephone lines, transmission lines, ditches, conduits or pipelines.

Legal Description:

PARCEL NO. JDR-RA-12A (Fee Title)

Right-of-way for highway known as Wasatch County Route A over that portion of the Defendant's land located in the North Half of the Southwest Quarter of the Southwest Quarter of the Southeast Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section Thirty-five (35), Township Two (2) South, Range Five (5) East, Wasatch County, Utah, which described portion lies outside of the Bureau of Reclamation's management boundary, containing Two and Twenty Hundredths (2.20) acres, more or less, and being more particularly described in the Right-of-Way Plans for Wasatch County Route A on file in Wasatch County Surveyor's Office.

Parcel No. JDR-RA-12A contains a total of Two and Twenty Hundredths (2.20) acres, more or less.

Parcel Nos. JDR-56 and JDR-RA-12A contain a total net acreage of One Hundred Seventy-four and Nine Hundredths (174.09) acres, more or less.

In order to construct and maintain a public highway as an expressway, as contemplated by Title 27, Chapter 12, Section 96, Utah Code Annotated, 1953, as amended, the Defendant hereby agrees to release and



## SECOND AMENDED SCHEDULE B (Continued)

relinquish to the United States, or its assigns, any and all rights of ingress to or egress from the Defendant's remaining property and re-vested property (JDR-56X) contiguous to the Wasatch County Route A highway right-of-way known as Parcel No. JDR-RA-12A. As to Parcel No. JDR-56X: The United States agrees to reserve to the Defendant, his successors or assigns, the right of access to the nearest roadway of said highway over and across the right-of-way line to the right of said highway for one 16-foot opening, which said opening centers approximately at a point directly opposite Highway Engineer Station 385+40.00.



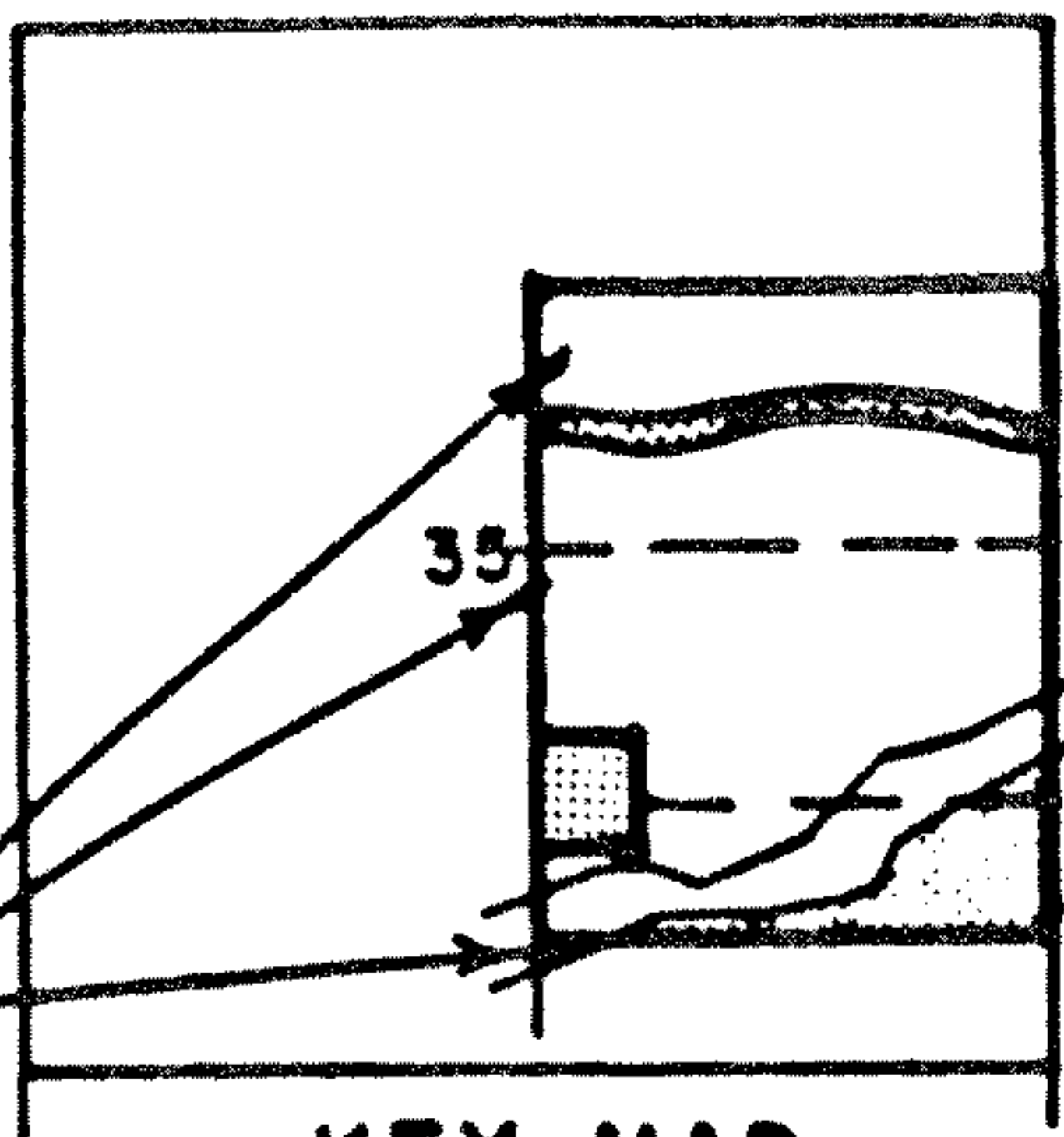
### AMENDED SCHEDULE C

28 25  
35 36

 **Excepted Areas**

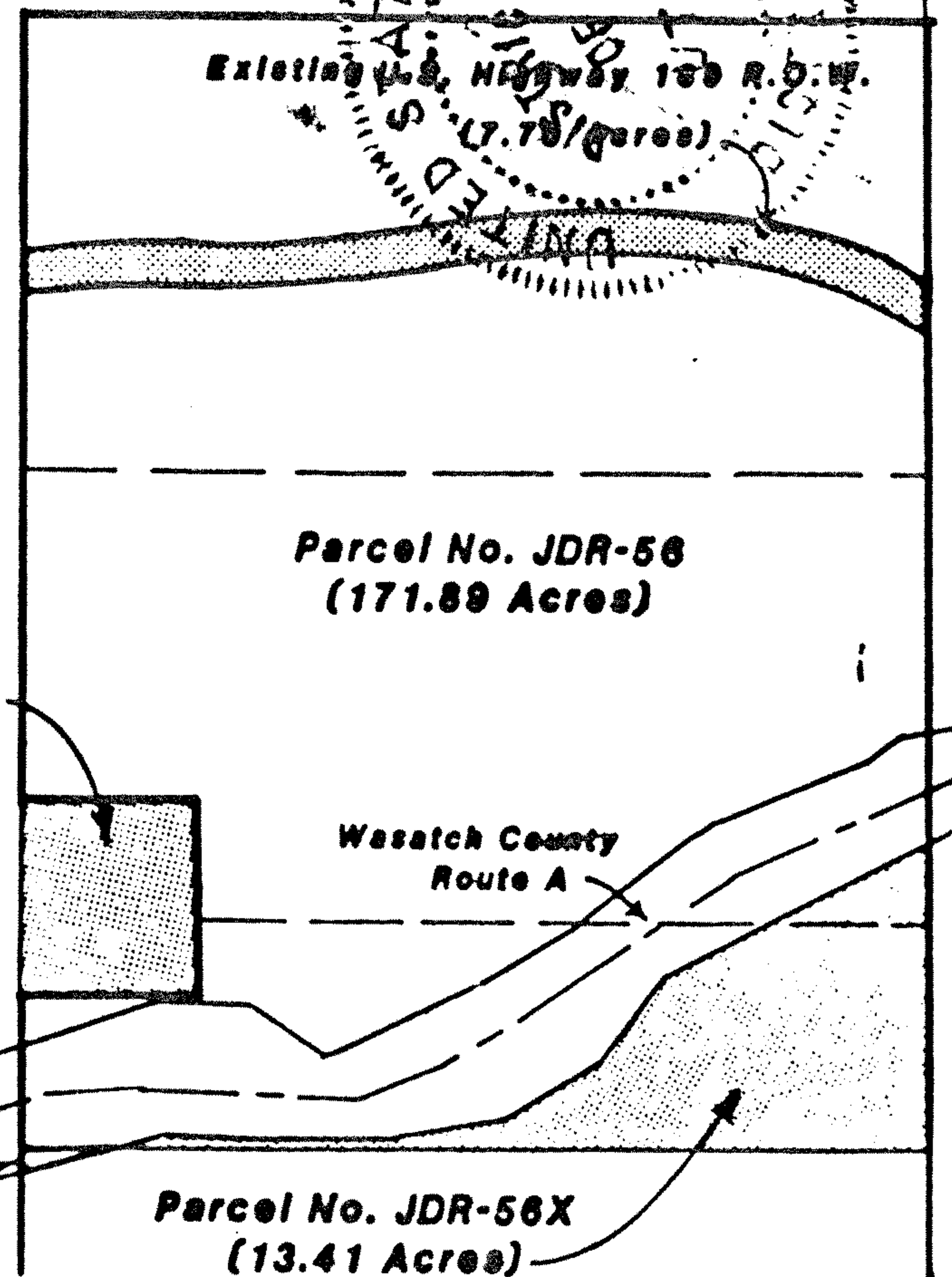


T. 2 S. R. 5 E.



**KEY MAP**

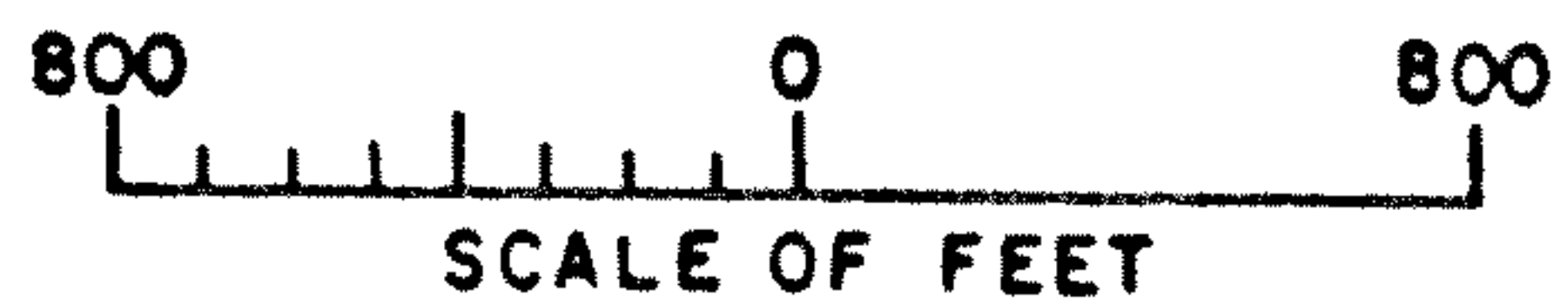
Map showing LLOYD A. and Anna Lee B. Ford Family Partnership, et al., Parcel Nos. JDR-56 and JDR-RA-12A, in Section 35 T. 2 S., R. 5 E., S.L.B. & M.



Wasatch County Route A  
Parcel No. JDR-RA-12A  
(2.20 Acres)

Parcel No. JDR-56X  
(13.41 Acres)

Remaining Ford Ownership



35 36  
2 1

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION  
CENTRAL UTAH PROJECT-UTAH  
BONNEVILLE UNIT

**JORDANELLE DAM AND RESERVOIR  
WASATCH COUNTY ROUTE A  
PARCEL NOS. JDR-56, JDR-RA-12A**

**LLOYD A. AND ANNA LEE B. FORD FAMILY PARTNERSHIP, et al.  
(174.09 ACRES)**