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SECOND DISTRICT COURT

2004 APR 12 P 4: 49

E# 2042109 PG1 OF5  
BOUG CROFTS, WEBER COUNTY RECORDER  
07-JUL-04 1013 AM FEE \$1.00 DEP LF  
REC FOR: WEBER.COUNTY

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Order and Decree of Disconnection



030902464 VD11579321  
PLEASANT VIEW CITY

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

M & M STORAGE, LLC; RICHARD  
H. FLEMING, HOT SPRINGS, LC;  
BERNARD W. SPIERS, DORIS D.  
SPIERS, DAVID W. SKEEN and  
LINDA G. SKEEN,

Petitioners,

vs.

PLEASANT VIEW CITY,

Respondent.

\*  
\* ORDER AND DECREE OF  
\* DISCONNECTION  
\*  
\* APR 12 2004  
\*  
\* Civil No. 030902464  
\*  
\* Judge: Ernest W. Jones  
\*  
\*  
\*

This matter came before the Court for trial on February 12, 13, and 23, 2004. The Petitioners Reed Mackley, Paul Mackley, Bert Smith, Richard Fleming, David Skeen, Linda Skeen, Bernard Spiers, and Doris Spiers were present and represented by their attorneys, Joseph M. Chambers and M. Robert Smith, Logan, Utah. The Respondent, Pleasant View City, was present and represented by its attorneys, Richard Jones and Michael Edwards, Ogden, Utah. The Court having received exhibits and testimony from both the Petitioners and the Respondent, having reviewed the trial briefs of the parties and considered the oral and written arguments of their counsel, and having previously entered the Findings of Fact and Conclusions of Law, now enters the following Order and Decree of Disconnection:

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& Chambers, P.C.  
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IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. The Court grants the Petition and orders the disconnection of the following property consisting of approximately 77 acres from Pleasant View City.

**Owner: Richard Fleming, Trustee**

Part of the Northwest Quarter of Section 31, Township 7 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey: Beginning at a point on the Section Line, said point being South 0°07' East 531.3 feet along the Section Line from the Northwest corner of said Section 31, thence South 0°07' East along the Section Line 367 feet to the Ben Lomond Cemetery Maintenance District Line, thence East to a point South 14°00'09" East from beginning, thence North 14°00'09" West to beginning. (17-066-0050) ↙

**Owner: Richard Fleming, Trustee**

Part of the Northwest Quarter of Section 31, Township 7 North, Range 1 West, Salt Lake Base and Meridian. Beginning at the Northwest corner of said Northwest Quarter and running thence South 0°07' East along the Section Line 531.3 feet, thence North 69°50'15" East 314.6 feet along ditch to the West right of way fence of U.S. Highway 89, thence North 34°17' West along West line of Highway to the place of beginning. Excepting that part in 2700 North Street. (17-066-0036) ✓

**Owner: Richard Fleming, Trustee**

Part of Lot 1, in Northeast Quarter of Section 36, Township 7 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey: Beginning on the section line 1042.3 feet South 0°33' West of the Northeast corner of said Section, and running thence South 87°10' West 175.08 feet, thence South 64°13'21" West 434.83 feet to the easterly line of O.S.L.R.R. right-of-way, thence North 26°46' West along said line 629.04 feet to the boundary of Ben Lomond Cemetery District, thence South 89°54'45" East along said Boundary and Quarter Quarter Section line 853.32 feet to the East line of said Section, thence South 0°33' West 362.63 feet more or less, to beginning. Containing 7.55 acres, more or less. (19-041-0025) ↙

**Owner: Richard Fleming, Trustee**

Part of Lot 1, in the Northeast Quarter of Section 36, Township 7 North, Range 2 West, Salt Lake Meridian, U.S. Survey: Beginning on the South line of 2700 North Street which is South 0°33' West 53 feet from the Northeast corner of said Section 36, and running thence South 0°33' West 626.67 feet to the Boundary of Ben Lomond Cemetery Maintenance District, thence North 89°54'45" West along said boundary and Quarter Quarter Quarter Section line 853.32 feet to the Easterly right-of-way line of O.S.L.R.R., thence North 26°12' West along said Easterly right-of-way line 496.30 feet, thence North 89°38' East 607.17 feet, thence North 0°54' West 187.54 feet to said South line of 2700 North Street, thence South 89°50' East along said South line 64.37 feet, thence South 0°01'

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West 10.00 feet, thence South 89°59' East 408.97 feet to the point of beginning. (19-041-0012) <

**Owner: Richard Fleming, Trustee**

Part of the Northeast Quarter of Section 36, Township 7 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey: Beginning at a point on the South line of the County Road, said point being South 89°06' West 475.35 feet along the section line and South 0°54' East 31.7 feet from the Northeast corner of said Section 36; running thence South 0°54' East 190 feet; thence South 89°38' West 557.2 feet to the East line of the Ogden Rapid Transit Co. right-of-way; thence North 26°53' West 209.4 feet along said right-of-way line to the south line of the County Road; thence North 89°24' East 649 feet along said South line to the point of beginning. Containing 2.325 acres. (19-041-0008) F

**Owner: Richard Fleming, Trustee**

Part of the Northeast Quarter of Section 36, Township 7 North, Range 2 West, Salt Lake Meridian, U.S. Survey: Beginning at a point in the East right-of-way line of the O.S.L.R.R. 2136.3 feet South and 117.5 feet West and North 26°46' West 2152 feet from the Northeast Corner of said Section 36; running thence North 26°46' West along said right-of-way line to the North line of said Section 36; thence East to a point 50 feet distant at right angles from the East line of said O.S.L.R.R.; thence South 26°46' East parallel to said line to a point East of beginning; thence West 50 feet to beginning. (19-041-0010) ✓

**Owner: Hot Springs, LLC**

Part of the Southeast Quarter of the Southeast Quarter of section 25, Township 7 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey: Beginning 279.95 feet North 89°28'42" East 651.08 feet and Southeasterly along Highway 92 feet from the Northwest corner of said Southeast Quarter of Southeast Quarter Section, running thence Southeasterly along Highway 776.99 feet along said West line, thence Southwesterly 310 feet, more or less, to a point on the North line of 2700 North Street, which is 370 feet West of the East line of said Quarter Section, thence West 848.84 feet to a point on the line of the East line of the O.S.L.R.R., thence North 26°46' West 933.81 feet, thence North 89°28'42" East 562 feet, thence North 156.38 feet, thence North 89°28'42" East 390.55 feet to the place of beginning. (19-016-0018)

**Owner: M & M Storage, LLC**

Part of the Southeast Quarter of Section 25, Township 7 North, Range 2 West, Salt Lake Base and Meridian, U S Survey: Beginning on the Easterly right of way line of the O. S. L. railroad at a point which bears West 1689.86 feet and North 1035.13 feet from the Southeast corner of said Section 25, running thence North 89°28'42" East 376.43 feet, thence North 1.49 feet, thence North 89°28'42" East 651.08 feet, more or less, to the Westerly line of a State Highway; thence North 29°35' West along said Highway 48.25 feet, thence South 89°26'39" West 1025.312 feet, more or less, to the East line of said railroad right of way; thence

19-016-0018, 0088

19-016-0107 Pt

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4/15/04 4:32:35 PM 4319

19-016-0107

South 26°46' East along said right of way 48.0 feet, more or less, to point of beginning. Less any portion thereof within the State Highway.

**Owner: M & M Storage, LLC**

Part of th (the) Southeast Quarter of Section 25, Township 7 North, Range 2 West, Salt Lake Meridian and more particularly described as follows: Beginning at a point 279.95 feet South of the Northwest Corner of said Southeast Quarter of the Southeast Quarter, thence South 1.49 feet, thence South 89°28'42" West 377.64 feet to the East Right of Way line of the Oregon Short line Railroad, thence South 26°46' East 270.00 feet, thence North 89°28'42" East 562 feet, thence North 156.38 feet, thence North 89°28'42" East 390.55 feet, more or less, to the West line of U.S. HIGHWAY 89, 91 and 30-s, thence Northwesterly along the West line of U.S. Highway 89, 91 and 30-s a distance of 92 feet, more or less, to a point North 89°28'42" East 651.08 feet from the point of beginning, thence South 89°28'42" West 651.08 feet to the point of beginning.

**Owners: Bernard W. Spiers and Doris D. Spiers, Trustees**

Part of the Southeast Quarter of Section 25, Township 7 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey: Beginning on the Easterly right of way line of the O.S.L. railroad at a point which bears West 1689.86 feet and North 1083.13 feet from the Southeast corner of said Section 25 and running thence North 26°20'00" West 627.35 feet along said railroad; thence North 81°38'11" East 921 feet to the Westerly right of way line of a State Highway; thence two courses along said Highway: South 29°35'00" East 635 feet, more or less, to a point of curve; thence along the arc of A11, 519.20 foot radius curve to the left 106.77 feet, thence south 89°26'39" West 1025.312, more or less, to the East line of said Railroad right of way and point of beginning. (19-016-0012)

**Owner: David W. Skeen and Linda G. Skeen**

Part of the Southeast Quarter of Section 25, Township 7 North, Range 2 West, Salt Lake Meridian, U.S. Survey: Beginning at a point on the East right of way line of the O.S.L.R.R. Co. West 1689.86 feet and North 1035.13 feet and North 26°20'00" West 635.35 feet from the Southeast Corner of Section 25; running thence North 26°20'00" West 382 feet, more or less, thence North 26°46' West along said right of way line 128.00 feet, more or less; thence North 77°40'00" East 565.44 feet; thence South 29°35' East 150 feet; thence North 60°25' East 290 feet; thence South 29°35' East 525.0 feet; thence South 81°38'11" West 921 feet to the point of beginning. (19-016-0023)

2. Inasmuch as the Court has previously found no liabilities of the municipalities or the 77 acres that have accrued during the time that the property was part of Pleasant View City, the Court makes no provision in this order pursuant to § 10-2-506 U.C.A.

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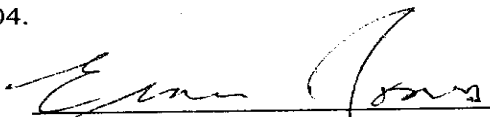
3. The Court orders that within thirty (30) calendar days of the entry of this Court's Disconnection Order, the municipality shall file Amended Articles of Incorporation with the Lieutenant Governor's Office and the Weber County Recorder's Office, as required under § 10-2-507 U.C.A. In this connection the Amended Articles of Incorporation shall: a) describe the post-disconnection geography of the municipality; and b) specify the post-disconnection population of the municipality.

4. The Court further orders that the legislative body of Pleasant View City shall also comply with the notice requirements of Section 10-1-116 U.C.A.

5. Upon entry of this Order, the Clerk of the Court shall file a certified copy of this Order and the accompanying transparent reproducible copy of the map and/or plat of the disconnected property in the County Recorder's Office.

6. Each party to the court action for disconnection shall pay its own witnesses, and Petitioners shall pay all other costs as provided in § 10-2-509 U.C.A. The Respondent shall submit its costs as provided in Rule 54 U.R.C.P.

DATED this 9 day of Apr ~~March~~, 2004.

  
\_\_\_\_\_  
Judge Ernie W. Jones  
District Court Judge

STATE OF UTAH }  
COUNTY OF WEBER } ss.  
I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE ORIGINAL ON FILE IN MY OFFICE.  
DATED THIS 22 DAY OF June 2004  
PAULA CARR  
CLERK OF THE COURT  
BY Carie Ricketts DEPUTY  
PAGE 5 OF 10



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