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Recorded at Request of Robert S. Campbell OCT 25 1966
at 341 Fee Paid 1.00 HAZEL TAGGART CHASE, Recorder Salt Lake County, Utah
By Geo. S. [unclear] Dep. Date

520 Kearns Bldg

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

KENNECOTT COPPER CORPORATION, :

Plaintiff, :

-vs- :

WALDEN H. JONES & NAN S. JONES, his wife, et al., :

* * * :

ELMER N. JENSEN and LOIS W. JENSEN, his wife, and FARR WEST LAND COMPANY, a partnership, :

Defendants. :

SECOND AND FINAL
ORDER OF CONDEMNATION

Civil No. 155365
Re: PARCEL #8

IT APPEARING TO THE COURT and the Court now finds that heretofore, on the 14th day of October, 1966, this Court made and entered its Judgment on the Stipulation of the Parties in the above-entitled matter, in favor of the Defendants, ELMER N. JENSEN and LOIS W. JENSEN, his wife, and FARR WEST LAND COMPANY, a partnership, and against the Plaintiff for the sum of \$12,000.00, together with interest as by law allowed, said sums constituting the Just Compensation as by law defined for the condemnation expropriation of the property, and all interests therein, described in the Complaint of Plaintiff here on file as Parcel #8, which said Judgment is hereby referred to; and

IT APPEARING TO THE COURT and the Court further finds that pursuant to law and the foregoing Judgment, Plaintiff did tender and pay to Defendants the amount of said Judgment, together with interest and as a result thereof Defendants have executed and filed with the Clerk of this Court their Satisfaction of Judgment for Just Compensation in the suit; and

IT FURTHER APPEARING TO THE COURT and the Court now finds that:

1. This Court has jurisdiction in this matter over the property subject to condemnation herein and the res of the action;
2. The Plaintiff has the right and the power to condemn the property described in the Complaint herein as Parcel #8 for a public use, viz., a railroad facility incident to Plaintiff's mining operations;
3. The said use to which the condemned premises herein are to be placed by the Plaintiff is one public in nature and is designed and located in a manner compatible with the greatest public good and the least private injury;
4. The proposed use of the property described as Parcel #8 is necessary to the public use;
5. That all other parties owning or claiming any right, title, interest, legal or equitable, in and to Parcel #8, excepting the Defendants above-named herein, have been defaulted in the matter for failing to appear, defend, or otherwise make known their interests in the property and condemnation proceedings.

IT FURTHER APPEARING TO THE COURT and the Court now finds that the Plaintiff has made all payments as by law required and by order of this Court and that the Bond required by the provisions of 78-34-9, U.C.A. 1953 has been posted and made by Plaintiff and now is in effect and shall remain so pending the determination of the remaining parcels condemned by Plaintiff in this suit herein, and all other matters of fact and law in the premises now being understood and fully considered and good cause appearing; now

therefore, upon motion of ROBERT S. CAMPBELL, JR., of Parsons, Behle, Evans & Latimer, attorneys for Plaintiff,

IT IS ORDERED, ADJUDGED AND DECREED that the property hereinafter described and set forth in the Complaint on file herein as Parcel #8 and the interests of the Defendants, and each of them in said property, be and the same are hereby taken and condemned in a perpetual easement and right-of-way for the perpetual use and benefit of the Plaintiff, KENNECOTT COPPER CORPORATION.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a copy of this Final Order of Condemnation be forthwith filed with the County Recorder of Salt Lake County, State of Utah and that upon so doing and pursuant to law, the perpetual easement and right-of-way in the property hereinafter described and set forth will vest perpetually in the Plaintiff, KENNECOTT COPPER CORPORATION. The following is a description of the property so ordered and condemned as provided herein, the easement and right-of-way of which are hereby vested perpetually in the Plaintiff, said property being situated in Salt Lake County, State of Utah and more particularly described as follows, to-wit:

Beginning at a point which is South 89°59'58" East 1259.03 feet along the Section line from the North 1/4 corner of Section 27, Township 2 South, Range 2 West, Salt Lake Base & Meridian, running thence Southwesterly 255.75 feet on a 2775.37 foot radius curve to the right to a point of tangency, thence South 19°43'20" West 750.00 feet, thence South 70°16'40" East 27.5 feet, thence South 19°43'20" West 1180.89 feet, more or less, to the Northwest line of an existing Railroad r/w, thence North 33°08'20" East 538.72 feet along said R/W, thence North 19°43'20" East 656.87 feet, thence South 70°16'40" East 27.5 feet, thence North 19°43'20" East 750.00 feet, thence Northeasterly 318.60 feet on a 2955.37 foot radius curve to the left to a point on the North line of Section 27, thence North 89°59'58" West 185.50 feet along said line to the point of beginning. Containing 6.92 Ac.
+ or -.

Dated this 14th day of October, 1966

BY ORDER OF THE COURT


DISTRICT JUDGE


Edwin W. White

STATE OF UTAH
COUNTY OF SALT LAKE

ss.

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I, JACOB WEILER, Clerk in and for the County of Salt Lake and Ex-Officio Clerk of the District Court of the Third Judicial District in and for Salt Lake County, State of Utah, do hereby certify that the foregoing is a full, true and correct copy of the original SECOND AND FINAL ORDER OF CONDEMNATION

KENNECOTT COPPER CORPORATION,

Plaintiff

-vs-

Civil No. 155365

WALDEN H. JONES & NAN S.
JONES, his wife, et al.,

Re: Parcel #8

ELMER N. JENSEN and LOIS W.
JENSEN, his wife, and FARR
WEST LAND COMPANY, a partnership

Defendants

as appears of record in my office.



IN WITNESS WHEREOF, I have hereunto set my hand
and affixed my official seal, this 21st

day of October, A. D. 19 66

Jacob Weiler Clerk
By _____ Deputy Clerk