

IN THE FIRST DISTRICT COURT IN AND FOR BOX ELDER COUNTY

STATE OF UTAH

STATE OF UTAH, by and through :  
its ROAD COMMISSION,

Plaintiff,

ORDER OF

-v-

IMMEDIATE OCCUPANCY

REED E. LARKIN and UARDA G.  
LARKIN, his wife; FEDERAL LAND:  
BANK of BERKELEY; FRED E.  
KEELER, II,

Civil No. 11117

Project No. I-80N-5(8)4  
Parcel Nos. 8:A, 8B:A

Defendants.:

The plaintiff's motion for an order of immediate occupancy having come on regularly for hearing before the above entitled court on the 24<sup>th</sup> day of February, 1980, at the hour of 2 P. m., and it having been shown to the satisfaction of said court that notice of such motion has been given to the defendants above named in the manner prescribed by law; and the court having heard the evidence offered by the plaintiff in support of such motion and have determined that the plaintiff has the rights 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 be and is hereby permitted and authorized to occupy the premises belonging to the defendants above named, which premises are sought for highway purposes or concerning which premises, easements or other rights for highway purposes are sought, all such property easements or other rights as required by the plaintiff herein, and the property belonging to the defendants as affected thereby being particularly set out and

described in the complaint on file in this action, and in the condemnation resolution filed in this action, a copy of which is hereby annexed, and the plaintiff is hereby permitted to take immediate possession of said properties of said defendants as required and as described and as set out in the plaintiff's complaint and to continue the possession of the same pending further hearing and 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 and according to the nature thereof.

IT IS FURTHER ORDERED that during construction of the project and pending the hearing on the issues presented, the plaintiff shall protect any private drains now crossing the proposed highway right of way, and further, 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 highway right of way so as to provide fencing protection to the properties hereby at least equal to that now provided for each of such properties and that said fencing will be one of the first items for construction, that plaintiff will provide access to defendant's property during the construction process, that the property owners will arrange with the project engineer during the progress of the construction for the exact location of gates, that the court reserves the right to make a further order with regard to the drainage of irrigation water.

IT IS FURTHER ORDERED AND ADJUDGED that pending further hearing and trial on the issues that may be presented in this action, and subject to the conditions herein set forth, the defendants and their agents, servants and employees be and they are hereby restrained and enjoined from hindering or interfering with plaintiff or any of the agents, employees or contractors of the

plaintiff in the occupation of said premises required by plaintiff as particularly described and set forth in plaintiff's complaint, 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, a sum equal to 75 percent of the approved appraisal of the defendants property to be acquired in this action.

IT IS FURTHER ORDERED that on receipt of said moneys, the clerk of this court is ordered to remit the same to the appropriate defendants in the percentage and ration to which entitled.

Dated this 24<sup>th</sup> day of February, 1970.

15/ Ve Noy Christoffersen  
DISTRICT JUDGE

STATE OF UTAH )

County of Box Elder )

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I, K. B. OLSEN County Clerk and Ex-officio Clerk of the District Court of the First Judicial District of the State of Utah, in and for the County of Box Elder, do hereby certify that the foregoing copy of Order of Immediate Occupancy has been by me compared with the original thereof, now of record in my office and that the same is a full, true and correct transcript therefrom and of the whole of said original, as the same appears of record in my office and in my custody.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 25<sup>th</sup> day of February, A.D., 1970.

K. B. OLSEN

Clerk

File No. 11117

By Letta D. Nelson

Deputy Clerk

Original Filed February 24, 1970

HIGHWAY PROJECT NO. 1-80N-5(8)4  
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RECORDED OWNERS: Reed E. Larkin and Uarda G. Larkin, his wife  
 ADDRESS: Snowville, Utah  
 LIEN HOLDER: Federal Land Bank of Berkeley  
 ADDRESS: Tremonton, Utah  
 PARTY IN INTEREST: (Mineral Rights) Fred E. Keeler, II  
 ADDRESS: 530 So. Mapleton Drive, Los Angeles, California  
 Approved Appraisal \$5,500.00  
 Amount to be tendered landowner at time  
 Order of Immediate Occupancy is granted \$4,165.00  
Parcel No. 80N-5:8:A

A parcel of land in fee for a freeway and a stock trail and the relocation of US-30 incident to the construction of said freeway known as Project No. 80N-5, being part of an entire tract of property, in the N $\frac{1}{2}$  of Section 9, T. 14 N., R. 8 W., S.L.B.&M. The boundaries of said parcel of land are described as follows:  
 Beginning at a point on the east line of Section 9, T. 14 N., R. 8 W., S.L.B.&M., S. 0°57'20" W. 1237.36 ft. from the NE. corner of said Section 9, (said point bears N. 55°09'33" E. 190.73 ft. from W.B.L. Engineer Station 1983+02.30 of Project 1-80N-5(8)4 West Snowville to East Snowville); thence N. 82°23'55" W. 334.81 ft. to a point which is 70 ft. perpendicularly distant northeasterly from ramp E Engineer Station 15+00; thence parallel with ramp E N. 79°01'23" W. 240.16 ft. to a point opposite ramp E Engineer Station 17+40.16. (Said point is the P.C. of a 2794.79-foot radius curve, the center of which bears N. 10°58'37" E.); thence Northwesterly along a 2794.79-foot radius curve to the right 546.17 ft. to a point 70 ft. radially distant northeasterly from Engineer Station 23+00 on Ramp E; thence N. 57°02'21" W. 196.33 ft. to a point 100 ft. radially distant northeasterly from Engineer Station 25+00 on Ramp E; thence N. 70°36'37" W. 196.33 ft. to a point 70 ft. radially distant northeasterly from Engineer Station 27+00 on Ramp E (Note: At said point the center of curve bears N. 30°10'26" E., R=2794.79 ft.); thence Northwesterly along a 2794.79-foot radius curve to the right 1040.25 ft. to a point 70 ft. perpendicularly distant northeasterly from Engineer Station 37+66.31 on Ramp E; thence N. 38°30' W. 33.69 ft.; thence N. 37°38'46" E. 157.79 ft. to a point on the south right of way line of U.S. 30; thence along said right of way line N. 86°40'53" W. 920.45 ft. to the north line of said Section 9; thence N. 88°50' W. along said north line 1293.07 ft. to point A which is 60 ft. radially distant southwesterly from Engineer Station 22+61.39 on Ramp G (Note: At said point the center of curve bears S. 45°29'40" W., R=2804.79 ft.); thence along a 2804.79-foot radius curve to the right 37.80 ft. to a point 60 ft. radially distant southwesterly from Engineer Station 23+00 on Ramp G (Note: At said point the center of curve bears S. 46°16' W.); thence S. 36°48'15" E. 390.42 ft. to a point 80 ft. radially distant southwesterly from Engineer Station 27+00 on Ramp G (Note: At said point the center of curve bears S. 54°16' W.); thence S. 30°46'03" E. 291.14 ft. to a point 90 ft. radially distant southwesterly from Engineer Station 30+00 on Ramp G (Note: At said point the center of curve bears S. 60°16' W.); thence S. 55°09'54" W. 220.47 ft. to a point 70 ft. radially distant northwesterly from Engineer Station 52+00 on U.S. 30 Relocation (Note: At said point the center of curve bears N. 4°52'43" W., R=1567.02 ft.); thence Westerly along a 1567.02-foot radius curve to the right 382.90 ft. to a point B which is 70 ft. radially distant northeasterly from Engineer Station 56+00 on U.S. 30 Relocation (Note: At said point the center of curve bears N. 9°07'17" E.); thence Northwesterly along a 1567.02-foot radius curve to the right 672.90 ft. to a point 70 ft. perpendicularly distant northeasterly from Engineer Station 63+02.96 on U.S. 30 Relocation; thence N. 52°10'10" W. 253.66 ft. to the west line of Section 9; thence S. 0°40'08" W. along west section line 186.77 ft.; thence S. 55°39'35" E. 151.14 ft. to a point 70 ft. radially distant southwesterly from Engineer Station 63+02.96 on U.S. 30 Relocation (Note: At said point the center of curve bears N. 33°43'30" E., R=1707.02 ft.); thence along a 1707.02-foot radius curve to the left 733.02 ft. to point C which is 70 ft. radially distant southwesterly from Engineer Station 56+00 on U.S. 30 Relocation (Note: At said point the center

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of curve bears N.  $9^{\circ}07'17''$  E.); thence along a 1707.02-foot radius curve to the left 208.55 ft. to a point 70 ft. radially distant southwesterly from Engineer Station 54+00 on U.S. 30 Relocation (Note: At said point the center of curve bears N.  $2^{\circ}07'17''$  E.); thence S.  $56^{\circ}17'45''$  E. 97.53 ft. to a point 25 ft. radially distant southwesterly from Engineer Station 225+00 on Stock Trail (Note: At said point the center of curve bears N.  $84^{\circ}34'52''$  E.,  $R=225.0$  ft.); thence Southeasterly along a 225.00-foot radius curve to the left 39.37 ft. to point D which is 25 ft. radially distant southwesterly from Engineer Station 224+65 on Stock Trail (Note: At said point the center of curve bears N.  $74^{\circ}33'22''$  E.); thence Southeasterly along a 225.0-foot radius curve to the left 314.87 ft. to a point 25 ft. radially distant southeasterly from Engineer Station 221+85.06 on Stock Trail (Note: At said point the center of curve bears N.  $5^{\circ}37'32''$  W.); thence N.  $84^{\circ}22'28''$  E. 363.13 ft. to a point 25 ft. radially distant southeasterly from Engineer Station 218+21.93 on Stock Trail (Note: At said point the center of curve bears S.  $5^{\circ}37'32''$  E.,  $R=3794.71$  ft.); thence Easterly along a 3794.71-foot radius curve to the right 1688.87 ft. to a point 25 ft. radially distant southwesterly from Engineer Station 201+21.93 on Stock Trail (Note: At said point the center of curve bears S.  $19^{\circ}52'28''$  W.); thence S.  $70^{\circ}07'32''$  E. 217.75 ft. to a point 25 ft. radially distant southwesterly from Engineer Station 199+04.18 (Note: At said point the center of curve bears N.  $19^{\circ}52'28''$  E.,  $R=5754.58$  ft.); thence Southeasterly along a 5754.58-foot radius curve to the left 1805.34 ft. to the east line of said Section 9; thence N.  $0^{\circ}57'20''$  E. along said east line of Section 9, 378.13 ft. to the point of beginning. The above described parcel of land contains 79.493 acres, more or less.

Together with any and all rights or easements appurtenant to the remaining portion of said entire tract of property by reason of the location thereof with reference to said freeway, including, without limiting the foregoing, all rights of ingress to or egress from said remaining portion, contiguous to the lands hereby conveyed, to or from said inner lanes and between points "A" and "B" and "C" and "D"; provided, however, that such remaining property of the Grantor shall abut upon and have access to said stock trail and U.S. 30 Relocation which will be connected with said inner through traffic lanes only at such points as may be established by public authority.

Parcel No. 80N-5:8B:A

An acquisition of direct access rights to existing U.S. Highway 30, said direct access rights being incidental to the construction of a freeway known as Project No. 80N-5, from the landowners real property over and across the northerly boundary line of said property and southerly right of way line of existing U.S. Highway 30. Said northerly boundary line and southerly right of way line is described as follows:

Beginning on said southerly right of way line at a point opposite U.S. Highway 30 Relocation Engineer Station 30+59.70, which point is approximately 540 ft. east and 37 ft. south from the  $N\frac{1}{4}$  corner of said Section 9; thence Easterly 255 ft., more or less, along said right of way line to a point opposite U.S. Highway 30 Relocation Engineer Station 28+00.

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