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SALT LAKE COUNTY, UTAH  
JAN 13, 1970

BOOK 2824 PAGE 208

W. Sterling Evans, Clerk 3rd Dist. Court

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By /s/ D. J. Shewell  
Deputy Clerk

IN THE THIRD DISTRICT COURT IN AND FOR SALT LAKE COUNTY

Recorded JAN 20 1970 at 1:27 p.m.  
Request of STATE ROAD COMMISSION  
Fee Paid HAZEL TAGGART CHASE  
Recorder, Salt Lake County, Utah  
**NO FEE** By [Signature] Deputy  
Ref. \_\_\_\_\_

STATE OF UTAH

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

Plaintiff,

-v-

FUR BREEDERS AGRICULTURAL CO-OP.

Defendants.

ORDER OF

IMMEDIATE OCCUPANCY

Civil No. 191351

Project No. S-0151(1)

Parcel Nos. 9, 9:E

The plaintiff's motion for an order of immediate occupancy having come on regularly for hearing before the above entitled court on the 19<sup>th</sup> day of January, 1969<sup>1970</sup>, at the hour of 9:30 a.m., and it having been shown to the satisfaction of said court that notice of such motion has been given to the defendant 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 defendant 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 defendant 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 defendant 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 affected hereby at least equal to that now provided for each of such properties.

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 defendant and its 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 defendant 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 defendant in the percentage and ration to which entitled.

Dated this 13<sup>th</sup> day of January 1969. 1970

Attest  
W. Sterling Evans, Clerk  
By /s/ D. J. Shewell  
Deputy Clerk

Leonard W. Eaton  
(Seal) DISTRICT JUDGE

ST. ...  
COUNTY OF SALT LAKE  
I, THE UNDERSIGNED, CLERK OF THE DISTRICT COURT OF SALT LAKE COUNTY, UTAH, DO HEREBY CERTIFY THAT THE ANNEXED AND FOREGOING IS A TRUE AND FULL COPY OF AN ORIGINAL DOCUMENT ON FILE IN MY OFFICE AS SUCH CLERK. WITNESS MY HAND AND SEAL OF SAID COURT  
THIS 13<sup>th</sup> DAY OF January 1970  
W. STERLING EVANS, CLERK  
BY W. Lee P. [Signature] DEPUTY

HIGHWAY PROJECT NO. S-0151(1)  
PAGE 2

RECORDED OWNER: Fur Breeders Agricultural Co-op  
 ADDRESS: 8400 South Main Street, Midvale, Utah  
 LIEN HOLDERS: None  
 Approved Appraisal \$3,000.00  
 Amount to be tendered landowner at time  
 Order of Immediate Occupancy is granted \$2,250.00  
Parcel No. 0151:9

A parcel of land in fee for a highway known as Project No. 0151, being part of an entire tract of property, in Lot 6 and Lot 7 of Section 2, T. 3 S., R. 1 W., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning at the SE $\frac{1}{4}$  corner of said entire tract, which point is approximately 100.65 ft. south from the E $\frac{1}{4}$  corner of said Section 2; thence North 455.7 ft. along the east boundary line of said entire tract; thence West 14.0 ft. to the westerly existing right of way fence of 700 West Street; thence Southerly 278 ft., more or less, along a straight line to a point 90.0 ft. perpendicularly distant northerly from the center line of said project at Engineer Station 98+57.83; thence S. 89°53'45" W. 616 ft., more or less, to the easterly bank of the Jordan River; thence Southerly 80 ft., more or less, along said easterly bank of the Jordan River to the SW. corner of said entire tract; thence S. 83°30' E. 630.3 ft., more or less, to the point of beginning. The above described parcel of land contains 2.13 acres, more or less, of which 0.92 acre, more or less, is now occupied by the existing highway. Balance 1.21 acres, more or less.

Together with any and all abutters rights of underlying fee to the center of existing rights of way appurtenant to this conveyance.

Parcel No. 0151:9:E

An easement upon part of an entire tract of property in Lot 6 of Section 2, T. 3 S., R. 1 W., S.L.B.&M. in Salt Lake County, Utah, for the purpose of constructing thereon an irrigation facility and appurtenant parts thereof incident to the construction of a highway known as Project No. 0151.

Said part of an entire tract is a strip of land 15.0 ft. wide adjoining northerly the following described portion of the northerly right of way line of said project:

Beginning at a point 90.0 ft. perpendicularly distant northerly from the center line of said project at Engineer Station 98+57.83, which point is approximately 45 ft. west and 79 ft. north from the E $\frac{1}{4}$  corner of said Section 2; thence S. 89°53'45" W. 616 ft., more or less, to the easterly bank of the Jordan River.

The above described strip of land contains 0.21 acre, more or less.

After said irrigation facility is constructed on the above described part of an entire tract at the expense of said State Road Commission, said State Road Commission is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said irrigation facility and appurtenant parts thereof.