

980 1557

FILED IN CLERK'S OFFICE

Salt Lake County Utah

14

OCT 22 1970

W. Sterling Evans, Clerk 3rd Dist. Court
By /s/ Roy Robinson
Deputy Clerk

2357375

FRANK V. NELSON
Assistant Attorney General
236 State Capitol
Salt Lake City, Utah 84114
Telephone: 328-5261

IN THE THIRD DISTRICT COURT IN AND FOR SALT LAKE COUNTY

STATE OF UTAH

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

Plaintiff, : ORDER OF
-v- :
ELLA FRANK NELSON, a widow; : IMMEDIATE OCCUPANCY
LAWRENCE EGBERT NELSON and : Civil No. 195449
AMELIA NELSON, his wife, : Project No. US-0132(5)
: Parcel Nos. 14:A, 14:E
Defendants :

Recorded at Request of
STATE ROAD COMMISSION
at 1/2 Min Fee Paid NO 100 100 100 Recorder Salt Lake County, Utah
Dep. Date NOV 6 1970
Signature

The plaintiff's motion for an order of immediate occupancy having come on regularly for hearing before the above entitled court on the 14th day of OCTOBER, 1970, at the hour of 10:30a.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

BOOK 14
Page 395

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 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 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 14th day of OCTOBER 1970.

/s/ MARCELLUS K. SNOW

(SEAL)

DISTRICT JUDGE

ATTEST
W. STERLING EVANS
CLERK

BY /s/ Roy Robinson
Deputy Clerk

STATE OF UTAH
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
Held in my office as such Clerk.
October 1970
W. STERLING EVANS, CLERK
Roy Parker DEPUTY

BOOK 2914 PAGE 397

HIGHWAY PROJECT NO. SU-0132(3)
PAGE 2

RECORDED OWNER: Ella Frank Nelson, a widow
ADDRESS: 24752 Olive Tree Lane
Los Altos Hills, California

RECORDED OWNER: Lawrence Egbert Nelson & Amelia Nelson, his wife
ADDRESS: 24752 Olive Tree Lane
Los Altos Hills, California

Lien Holders: None
Approved Appraisal: \$67,400.00
Amount to be tendered Landowner
at time Order of immediate Occupancy is granted \$50,550.00
Parcel No. 0132:14:A

A parcel of land in fee for an expressway known as Project No. 0132 being part of an entire tract of property, in Lot 1, Lot 2 and the $\frac{1}{2}NE\frac{1}{4}$ of Section 14, and the $SE\frac{1}{4}SE\frac{1}{4}$ and Lot 7 of Section 11, all in T. 2 S., R. 1 W., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning at a NE. corner of said entire tract, which is approximately 249 ft. north from the SE. corner of said Section 11; thence South 16.5 ft. along an east boundary line of said entire tract to a property corner; thence S. $74^{\circ}40'W$. 330.0 ft. along a south boundary line of said entire tract; thence S. $58^{\circ}30'W$. 586 ft., more or less, along a southeasterly boundary line of said entire tract to a point 150.0 ft. radially distant southerly from the center line of said project approximately at Engineer Station 80+83; thence Westerly 411 ft. along the arc of a 3014.8-foot radius curve to the right to a point 150.0 ft. radially distant southerly from said center line at Engineer Station 76+92.3 (Note: Tangent to said curve at its point of beginning bears approximately S. $82^{\circ}11'30''W$.); thence N. $90^{\circ}00'W$. 92.3 ft.; thence N. $80^{\circ}32'15''W$. 304.1 ft.; thence N. $90^{\circ}00'W$. 2718 ft., more or less, to the intersection with the east bank of Jordan River; thence Northeasterly 680 ft., more or less, along said east bank to a point 100.0 ft. perpendicularly distant northerly from said center line; thence S. $90^{\circ}00'E$. 2202 ft., more or less, to a point 100.0 ft. perpendicularly distant northerly from said center line at Engineer Station 74+00.0; thence N. $67^{\circ}05'15''E$. 146.3 ft. to a point on a north boundary fence line of said entire tract; thence S. $81^{\circ}E$. 496.2 ft. along said north boundary fence line to a fence corner; thence Northeasterly 187.3 ft. along a north-westerly boundary fence line of said entire tract; thence Easterly 126.5 ft. along the arc of a 2764.8-foot radius curve to the left (Note: Tangent to said curve at its point of beginning bears N. $79^{\circ}28'00''E$.); thence N. $64^{\circ}31'30''E$. 98 ft., more or less, to a point on a north boundary line of said entire tract; thence N. $82^{\circ}E$. 516 ft., more or less, along said north boundary line to the point of beginning as shown on the official map of said project on file in the office of the State Road Commission of Utah. The above described parcel of land contains 17.813 acres, more or less, of which 0.010 acre, more or less, is now occupied by the existing city street, 0.30 acre, more or less, by Riverside Drive, 0.446 acre, more or less, by Joe Marcon as recorded in the office of the Salt Lake County Recorder under instrument No. 869488 in Book 244 on Page 422, and 0.170 acre, more or less, by Violet M. McCleary et al, as recorded in said office under instrument No. 1982080 in Book 2159 on Page 553. Balance 16.887 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 expressway, 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 expressway. Excepting and reserving to the owners of the abutting lands, their successors and assigns, the right of access to the nearest roadway of said expressway over and across the southerly right of way and limited access line for one 16.0 foot section which said section centers at a point directly opposite Highway Engineer Station 46+00 and also shall have access to said expressway from the northerly and southerly sides by way of Riverside Drive, a public road.

Parcel No. 0132:14:E

An easement upon two parts of an entire tract of property within the meander lines of the Jordan River and Lot 7 Section 11 and Lot 1 and Lot 2 of Section 14, T. 2 S., R. 1 W., S.L.B.&M., in Salt Lake County, Utah, for the purpose of constructing and maintaining thereon a channel change and appurtenant

BOOK 2314
PAGE 398

HIGHWAY PROJECT NO. SU-0132(3)
PAGE 3

parts thereof incident to the construction of an expressway known as Project No. 0132. Said parts of an entire tract are described as follows:

Beginning at a point 100.0 ft. radially distant east from the center line of said river relocation at Engineer Station 8+14.76, which is approximately 948 ft. east along section line and 699 ft. south from the NW. corner of said Section 14 (as relocated in June, 1966 by County Surveyors); thence North, Northeasterly and Easterly 314.2 ft. along the arc of a 200.0-foot radius curve to the right (Note: Tangent to said curve at its point of beginning bears N. 0°00' E.); thence S. 90°00' E. 176.0 ft. to a point of tangency with a 400.0-foot radius curve to the left; thence Easterly, Northeasterly and Northerly 587 ft., more or less, along the arc of said curve to the intersection with the south right of way and limited-access line of said project; thence N. 90°00' W. 204 ft., more or less, along said right of way and limited-access line to a point 100.0 ft. radially distant westerly from the center line of said river relocation; thence Southwesterly and Westerly 274 ft., more or less, along the arc of a 200.0-foot radius curve to the right to a point 100.0 ft. radially distant north from said center line at Engineer Station 14+62.0 (Note: Tangent to said curve at its point of beginning bears approximately S. 11°18'30" W.); thence N. 90°00' W. 176.0 ft. to a point of tangency with a 400.0-foot radius curve to the left; thence Westerly, and Southwesterly 272 ft., more or less, along the arc of said curve to the intersection with the east bank of said Jordan River; thence Southerly 310 ft., more or less, along said east bank; thence East 68 ft., more or less, to the point of beginning.

ALSO:

Beginning at a point 100.0 ft. radially distant easterly from said center line at Engineer Station 22+48.24, which is approximately 1748 ft. east along section line and 193 ft. north from said NW. corner; thence N. 72°49' W. 78 ft., more or less, to the southeasterly bank of said Jordan River; thence Southwesterly 179 ft., more or less, along said southeasterly bank to the intersection with the north right of way and limited-access line of said project; thence S. 90°00' E. 166 ft., more or less, along said north right of way and limited access line to a point 100.0 ft. perpendicularly distant east from said center line; thence N. 0°00' E. 65 ft., more or less, to a point of tangency with a 200.0-foot radius curve to the right; thence Northerly 60 ft., more or less, along the arc of said curve to the point of beginning as shown on the official map of said project on file in the office of the State Road Commission of Utah.

The above described parcels of land contain 4.591 acres, more or less. Together with all water rights applicable to the land herein conveyed.

Prepared by WIN 8-14-70

BOOK 2914 PAGE 399

