

386

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Date NOV 27 1963 2:32 P. EMRY T. ELDREDGE Recorder Davis County
By Ernest R. Ryker Deputy Book 281 Page 386
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IN THE SECOND DISTRICT COURT IN AND FOR DAVIS COUNTY

STATE OF UTAH

STATE OF UTAH, by and through
its ROAD COMMISSION,

Plaintiff,

-vs-

CLARA E. R. BEERS, et al.,

JOHN D. POTTER and MAISEY S.
POTTER, his wife,

Defendants.

Parcels: 51:A, 68:A, 68B:A, 68B:C, 70A,
70D:A, 70B:A, 70F

Project No. F-030-1(1)

FINAL ORDER OF CONDEMNATION

(AS TO DEFENDANTS, JOHN D. POTTER
and MAISEY S. POTTER, his wife)

Civil No. 8995

It appearing to the Court and the Court now finds that heretofore on the 28th day of March, 1963, this Court made and entered its judgment in the above entitled proceeding, and said judgment is hereby referred to; and

It appearing to the Court and the Court now finds that pursuant to the law and the said judgment the plaintiff's judgment to the defendant, John D. Potter and Mailey S. Potter and wife, together with all costs and interests required by law and judgment to be paid; and

It further appearing to the Court that the plaintiff has paid all payables as required by law and order of this court and that this is not a case where any bond was required to be filed, and all and singular the law in the premises being by the Court's order stood and fully considered,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the parcels of land hereinafter described are hereby taken and the

357

in fee simple title for the purpose described and set forth in the plaintiff's Complaint, i.e., for the use of the plaintiff, the State of Utah, for highway purposes?

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said use is a public use and an use authorized by law.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a copy of this Final Order of Condemnation be filed with the recorder of Davis County, State of Utah, and thereupon the property interests hereinafter referred to and set forth shall vest in fee simple title in the plaintiff. The following is a description of the property so ordered and condemned as hereinabove provided, which is hereby vested in fee simple title in the plaintiff, all of such property being situated in Davis County, State of Utah, and is more particularly described as follows:

Parcel No. 030-1:51:A

A parcel of land in fee for an expressway known as Highway Project No. 030-1, being part of an entire tract of property in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, T. 3 N., R. 1 W., S.L.M. Said parcel of land is bounded on the westerly side by a line parallel to and 130.0 ft. distant westerly from the center line of survey of said project and bounded easterly from said westerly side line by the north and east boundary lines of said entire tract of property and by the westerly right of way line of the existing highway. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of said north boundary line and said westerly side line, which point is approximately 907 ft. west from the NE corner of said NE $\frac{1}{4}$ SW $\frac{1}{4}$; thence east 85 ft., more or less, to said westerly right of way line; thence S. 21° 21' B. 331 ft., more or less, to said east boundary line; thence S. 1° 30' W. 192 ft., more or less, to said westerly side line; thence N. 31° 21' W. 539 ft., more or less, to the point of beginning. Above described tract of land contains 0.79 acre, 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 or assigns, the right of access to the nearest roadway of said expressway over and across the westerly right of way line for one 16.0 foot section, which said section centers at a point directly opposite Highway Engineer's Station 650+75.

Parcel No. 030-1:68:A

A parcel of land in fee for an expressway known as Highway Project No. 030-1, being part of an entire tract of property in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, and in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, all in T. 3 N., R. 1 W., S.L.M.

Said parcel of land is bounded on the westerly side by a line parallel to and 130.0 ft. distant westerly from the center line of survey of said project and bounded easterly from said westerly side line by the northwesterly, south, and east boundary lines of said entire tract of property and the westerly right of way line of the existing highway. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of said westerly right of way line and said south boundary line, which point is approximately 664 ft. south and 31 ft. east from the E $\frac{1}{4}$ corner of said Section 11; thence N. 21° 21' W. 614 ft., more or less, to said northwesterly boundary line; thence S. 64° W. 80 ft., more or less, to said westerly side line; thence S. 21° 21' E. 720 ft., more or less, to said east boundary line; thence north 139 ft. more or less, to said south boundary line; thence east 31 ft., more or less, to the point of beginning. Above described tract of land contains 1.16 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, PROVIDED, however, that such remaining portion of said entire tract of property shall have access to a frontage road for the purpose of underpassing said expressway.

Parcel No. 030-1:68B:A

RELINQUISHMENT OF ACCESS RIGHTS for an expressway known as Highway Project No. 030-1 across a westerly boundary line of a tract of property in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11 and in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, all in T. 3 N., R. 1 W., S.L.M. The boundaries of said tract are described as follows:

Beginning at a point 12.43 chains south and 731 ft. east from the NW. corner of the SW $\frac{1}{4}$ of said Section 12; thence S. 64° W. 535 ft., more or less, to the easterly right of way line of the highway known as U.S. 89 and 91; thence N. 21° 21' W. 614 ft., more or less, to the southeasterly line of the property conveyed to the Agricultural College of Utah by Warranty Deed dated June 22, 1925, and recorded June 21, 1925; thence N. 64° E. 215 ft., more or less, northeasterly 100 ft. along a fence; thence N. 21° 21' W. 614 ft., more or less, to the southwesterly right of way line of Utah State Road No. 106; thence south 150 ft.; thence S. 64° W. 150 ft., more or less, to said southwesterly right of way line.

thence southeasterly along said right of way line 11.60 chains; thence southwesterly 258 ft.; thence south 215 ft. to the point of beginning.

Said owners do hereby release and relinquish to the State Road Commission of Utah, any and all rights or easements appurtenant to the above described property by reason of its location thereof with reference to the easterly right of way line of highway known as Project No. 030-1 adjoining the westerly boundary line of said above described property, including, without limiting the foregoing, all abutters rights of access to or from said highway over and across said westerly boundary line, PROVIDED, however, that above described property shall have access to a frontage road for the purpose of underpassing said expressway.

Parcel No. 030-1:68D:T

A parcel of land in fee for an expressway known as Highway Project No. 030-1, being an entire tract of property in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, T. 3 N., R. 1 W., S.L.M., the boundaries of said entire tract are described as follows:

Beginning at a point 1.39 chains east and 745 ft. south from the W $\frac{1}{4}$ corner of said Section 12 on the westerly right of way line of U.S. Highway No. 89 and 91; thence south 75 ft., more or less, to a point 1.39 chains east and 12.43 chains south from said W $\frac{1}{4}$ corner; thence east 29 ft., more or less, to said westerly right of way line; thence N. 21° 21' W. 76 ft., more or less, to the point of beginning containing 0.02 acre, more or less.

Parcel No. 030-1:70:A

A parcel of land in fee for an expressway known as Highway Project No. 030-1, being part of an entire tract of property in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, T. 3 N., R. 1 W., S.L.M.

Said parcel of land is bounded on the westerly side by a line parallel to and 123.0 ft. distant westerly from the center line of the North Bound Traffic Lanes of said project and bounded easterly from said westerly side line by a northerly boundary line of said entire tract of property and the northeasterly and northwesterly right of way lines of the existing highway. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of said north boundary line and said westerly side line, which point is approximately 1106 ft. north and 349 ft. west from the E $\frac{1}{4}$ corner of said Section 11; thence southerly 113 ft., more or less, along the arc of a 1555 ft. radius curve to the left to said northwesterly right of way line (Note: Tangent to said curve at the point of beginning bears S. 18° 30' W.); thence southeasterly 7 ft., more or less, along said northeasterly right of way line to said northwesterly right of way line; thence northwesterly 112 ft., more or less, along said northwesterly right of way line to said northerly boundary line; thence N. 65° 17' W. 50 ft., more or less, to the point of beginning. Above described parcel of land contains 0.07 acre, more or less.

Together with any and all rights or easements appurtenant to the remaining portion of said entire tract of property by

390

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.

Parcel No. 030-1:70D:A

RELINQUISHMENT OF ACCESS RIGHTS for an expressway known as Highway Project No. 030-1 across the southeasterly 95.0 ft. of the southwesterly boundary line of a tract of property in the SE $\frac{1}{4}$ of Section 11, T. 3 N., R. 1 W., S.L.M. The boundaries of said tract are described as follows:

Beginning at a point 959.3 ft. south, 662.5 ft. S. 24° 43' W. and 50 ft. N. 65° 17' W. from the NE. corner of Section 11, T. 3 N., R. 1 W., S.L.M.; thence northwesterly approximately 485 ft. along the southwesterly R/W line of the B.E.R.R. to the intersection of said R/W line with the northeasterly R/W line of Highway 91; thence southeast along said northeasterly R/W line to the northwesterly R/W line of U.S. Highway 89; thence northeasterly along said northwesterly R/W line to the point of beginning.

Said owners do hereby release and relinquish to the State Road Commission of Utah, any and all rights or easements appurtenant to the above described property by reason of its location with reference to the northeasterly right of way line of Highway known as Project No. U-106 adjoining the southwesterly boundary line of said property, including, without limiting the foregoing, all rights of access to or from said highway over and across said portion of the southwesterly boundary line.

Parcel No. 030-1:70B:A

A parcel of land in fee for a connecting road incident to the construction of an expressway known as Highway Project No. 030-1, being part of an entire tract of property in the SE $\frac{1}{4}$ of Section 11, T. 3 N., R. 1 W., S.L.M. The boundaries of said parcel of land are described as follows:

Beginning on the northerly right of way line of existing Highway No. U-106 at a point 50.4 ft. perpendicularly distant southeasterly from the center line of said connecting road, which point is approximately 722 ft. north and 37 ft. west from the E $\frac{1}{2}$ corner of said Section 11; thence N. 2° 23' E. 124.91 ft.; thence N. 63° 37' W. 87.36 ft.; thence N. 14° 27' W. 48.60 ft.; thence N. 22° 36' E. 37 ft., more or less, to the southerly right of way line of the dismantled Barberger Electric Railroad; thence northwesterly 131 ft., more or less, along said southerly right of way line to the southeasterly right of way line of the existing U.S. Highway No. 89; thence southeasterly and southeasterly 417 ft., more or less, along said southeasterly and northerly right of way lines to the point of beginning. The above described parcel of land contains 0.80 acre, 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, and with all abutting rights of access in and to the inner through traffic lanes of said expressway, PROVIDED, however, that such

remaining property shall abut upon and have access to a frontage road which will be connected with said inner through traffic lanes only at such points as may be established by public authority.

Parcel No. 030-1.70E (70E) in original condemnation)

A parcel of land for a connecting road incident to the construction of an expressway known as Highway Project No. 030-1, being part of an entire tract of property in the SE^{1/4} of Section 11, T. 3 N., R. 1 W., S. 1 E. The boundaries of said parcel of land are described as follows:

Beginning at Engineer Station 944+45 on the original Bamberger Electric Railroad survey, which point is north approximately 1016 ft. and N. 65° 24' W., 114.3 ft. from the E^{1/2} corner of said Section 11; thence southerly 51 ft. along a westerly boundary line of said entire tract of land to the southwesterly right of way line of the dismantled Bamberger Electric Railroad; thence southeasterly 4.7 ft. along said right of way line; thence N. 22° 38' E. 105.84 ft. to the northerly right of way line of said railroad; thence westerly 0.81 ft. along said northerly right of way line to a northwesterly corner of said entire tract of land; thence southerly 54.1 ft. along said westerly boundary line to the point of beginning, containing 0.01 acre, more or less.

Dated this 21 day of October, 1963.

W. L. ...
J U D G E

STATE OF IOWA
County of Park
JOHN W. PARK, County Clerk and Ex-officio Clerk of the District Court of the Second Judicial District of the State of Iowa, in and for the County of Park, Court of record, do hereby certify that the foregoing is a true and correct copy of the original of the same as the same appears of record in my office and in the County of Park, Iowa, and in the presence of me, my wife and official seal this day of October, A.D. 1963.

File No. 44-111
JOHN W. PARK, Clerk
by W. L. ... Deputy Clerk
Original Filed 10/21/63