

Recorded at request of State Dept. of Highway Fee Paid \$ 70.00 **191**
Date MAY 28 1965 at 12 32 P EMILY T. ELDREDGE Recorder Davis County
By Grace R. Bybee Deputy Book 318 Page 191

IN THE SECOND DISTRICT COURT IN AND FOR DAVIS COUNTY W/2-13-47-1W
SE/4-14-47-1W

283702

STATE OF UTAH

STATE OF UTAH, by and through
its ROAD COMMISSION,

Plaintiff,

-vs-

GRANT E. COOPER and RUTH W. COOPER,
his wife; ROBERT F. WALL and ANNA-
BELL H. WALL, his wife; THOMAS V.
WILLIAMS and JO ANN H. WILLIAMS, his
wife; VAN F. HENINGER and LAREAN HEN-
INGER, his wife; ROBERT C. PEASLEE
and MARGARET PEASLEE, his wife,
Defendants.

ORDER OF

IMMEDIATE OCCUPANCY

Civil No. 11285

Project No. F-030-1(2)
Parcels 76B:A, 80:A, 80:E, 81:A, 94:A, 104:A

The plaintiff's motion for an Order of Immediate Occupancy

having come on regularly for hearing before the above entitled Court on the 27th day of April, 1965, at 10:00 A.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 having determined that the plaintiff has the right 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 it 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 hereto 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 plaintiff's Complaint and to continue the possession of the same pending further hearing and trial upon 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 upon 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 upon 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 the plaintiff, or any of the agents, employees or contractors of the plaintiff in the occupation of the 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.

Dated this 27 day of April, 1965.

15/ Stanley N. Swann
DISTRICT JUDGE

PHIL L. HANSEN
Attorney General

CHARLES M. PICKETT
Assistant Attorney General
Attorneys for Plaintiff
236 State Capitol
Salt Lake City, Utah

STATE OF UTAH
County of Davis } ss

I, JOHN M. PARK, County Clerk and Ex-officio Clerk of the District Court of the Second Judicial District of the State of Utah, in and for the County of Davis, Court of record, do hereby certify that the foregoing copy of

Order of Immediate Eminent Domain
has been by me compared with the original thereof now of record in this 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 27 day of April, A.D., 1965.

File No. 11285

JOHN M. PARK
Clerk

By Afton Udall
Deputy Clerk

Original Filed April 27 1965

Ref. No. 030-1-10E

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HIGHWAY PROJECT NO. F-030-1(2)

RECORDED OWNERS: Grant H. Cooper and Ruth W. Cooper, his wife
ADDRESS: RFD # 2, Box 361, East Layton, Utah
LIEN HOLDERS: None
Parcel No. 030-1:76B:A

A parcel of land in fee for an expressway known as Project No. 030-1, being part of an entire tract of property, in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, T. 4 N., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning on the northerly boundary line produced of said entire tract at a point 664 ft. south and 117.5 ft. east and S. 16° 24' W. 356 ft. and S. 1° 29' W. 17.89 ft. from the W $\frac{1}{4}$ corner of said Section 13; thence S. 1° 29' W. 145 ft. to a point of tangency with a 5644.7 ft. radius curve to the left; thence Southerly 128 ft. along the arc of said curve to the southerly boundary line produced of said entire tract; thence Easterly 49 ft., more or less, along said southerly boundary line produced and the southerly boundary line of said entire tract to a point 75.0 ft. perpendicularly distant easterly from the center line of said project; thence N. 1° 29' E. 274 ft., more or less, to the northerly boundary line of said entire tract; thence Westerly 53 ft., more or less, along said northerly boundary line and said northerly boundary line produced to the point of beginning. The above described parcel of land contains 0.32 acre, more or less, of which 0.25 acre, more or less, is now occupied by the existing highway. Balance 0.07 acre, 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.

Together with any and all rights or easements, exclusive of access, appurtenant to the remaining portion of said entire tract of property by reason of the location thereof with reference to said expressway. Such remaining property shall abut upon and have access to and from a frontage road.

RECORDED OWNERS: Robert F. Wall and Annabell H. Wall, his wife
ADDRESS: 800 Riverview Ave., Algonquin, Ill.
LIEN HOLDERS: None
Parcel No. 030-1:80:A

RELINQUISHMENT OF ACCESS RIGHTS for an expressway known as Highway Project No. 030-1, across the easterly boundary line of an entire tract of property in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, T. 4 N., R. 1 W., S.L.B. & M. The boundaries of said entire tract are described as follows:

Beginning on the westerly right of way line of U.S. Highway No. 89 at a point south 3212.3 ft. and west 67.5 ft. from the NW. corner of Section 13, T. 4 N., R. 1 W., S.L.B. & M.; thence S. 89° 09' W. 664.7 ft.; thence North 273 ft.; thence N. 83° 38' E. 681.7 ft. to said westerly right of way line; thence S. 1° 29' W. 360.6 ft. along said right of way line to the point of beginning, containing 4.827 acres, Less 0.093 acre to Cherry Lane.

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

Together with any and all rights or easements, if any, appurtenant to the remaining portion of said entire tract of property by reason of the location thereof with reference to said expressway.

Parcel No. 030:80:E

An easement upon part of an entire tract of property in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, T. 4 N., R. 1 W., S.L.B. & M., in Davis County, Utah, for the purpose of constructing thereon an irrigation facility and appurtenant parts thereof incident to the construction of an expressway known as Project No. F-030-1(2).

Said part of an entire tract is a strip of land 15.0 ft. wide adjoining westerly the westerly right of way line of said project. The boundaries of said strip of land are described as follows:

Beginning on said westerly right of way line at a point opposite the center line of said project at Engineer Station 268+25.0. Said point of beginning is approximately 525 ft. south and 65 ft. west from the E $\frac{1}{4}$ corner of said Section 14; thence N. 88° 31' W. 15.0 ft.; thence N. 1° 29' E. 195.0 ft.; thence S. 88° 31' E. 15.0 ft. to said right of way line; thence S. 1° 29' W. 195.0 ft. to the point of beginning. The above described strip of land contains 0.07 acre, more or less.

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HIGHWAY PROJECT NO. F-030-1(2)

Parcel No. 030-1:81:A

A parcel of land in fee for an expressway known as Project No. 030-1, being part of an entire tract of property, in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, T. 4 N., R. 1 S., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning on the northerly boundary line of said entire tract at a point 75.0 ft. perpendicularly easterly from the center line of said project, which point is approximately 188 ft. south and 90 ft. east from the W $\frac{1}{4}$ corner of said Section 13; thence S. 1° 29' W. 328 ft., more or less, to the westerly right of way line of the Old Mountain Road; thence S. 15° 21' W. 48 ft., more or less, along said right of way line to the southerly boundary line of said entire tract; thence Westerly 25.6 ft. along said southerly boundary line to the easterly right of way line of highway U.S. 89; thence N. 1° 29' E. 382.3 ft. to said northerly boundary line; thence N. 81° 21' E. 38 ft., more or less, along said northerly boundary line to the point of beginning. The above described parcel of land contains 0.31 acre, 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.

Together with any and all rights or easements, if any, appurtenant to the remaining portion of said entire tract of property by reason of the location thereof with reference to said expressway.

RECORDED OWNERS: Thomas V. Williams and Jo Ann H. Williams, his wife
ADDRESS: RFD #2, U.S. 89, East Layton, Utah
LIEN HOLDERS: None

Parcel No. 030-1:94:A

A parcel of land in fee for an expressway known as Project No. 030-1, being part of an entire tract of property, in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13, T. 4 N., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning on the southerly boundary line of said entire tract at a point 75.0 ft. perpendicularly distant easterly from the center line of said project, which point is approximately 23.345 chains south and 119 ft. east from the NW. corner of said Section 13; thence N. 1° 29' E. 114.64 ft. to the northerly boundary line of said entire tract; thence Westerly 37 ft., more or less, along said northerly boundary line to the easterly right of way line of the existing highway; thence S. 1° 29' W. 114.64 ft. along said right of way line to said southerly boundary line; thence Easterly 37 ft., more or less, along said south boundary line to the point of beginning. The above described parcel of land contains 0.10 acre.

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

Together with any and all rights or easements, exclusive of access, appurtenant to the remaining portion of said entire tract of property by reason of the location thereof with reference to said expressway. Such remaining property shall have access to and from a frontage road.

RECORDED OWNERS: Van E. Heninger and LaRean Heninger
ADDRESS: 1576 North Main, Sunset, Clearfield, Utah
UNRECORDED INTERESTS: Robert C. Peaslee and Margaret Peaslee, his wife
ADDRESS: 14 Villa Drive, Clearfield, Utah
LIEN HOLDERS: None

Parcel No. 030-1:104:A

A parcel of land in fee for an expressway known as Project No. 030-1, being part of an entire tract of property, in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13, T. 4 N., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

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HIGHWAY PROJECT NO. F-030-1(2)

Beginning on the northerly boundary line of said entire tract at a point 75.0 ft. perpendicularly distant easterly from the center line of said project, which point is approximately 250 ft. south and 158 ft. east from the NW. corner of said Section 13; thence S. 1° 29' W. 218 ft., more or less, to the southerly boundary line of said entire tract; thence westerly 37 ft., more or less, along said southerly boundary line to the easterly right of way line of the existing highway; thence N. 1° 29' E. 217.89 ft. along said right of way line to said northerly boundary line; thence Easterly 37 ft., more or less, along said northerly boundary line to the point of beginning. The above described parcel of land contains 0.19 acre, 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.

Together with any and all rights or easements, exclusive of access, appurtenant to the remaining portion of said entire tract of property by reason of the location thereof with reference to said expressway. Such remaining property shall have access to and from a frontage road.

Prepared by LLJ, 3/18/65