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*Diff. Let. 3, Bldg. Pat 7mic.  
7/6/4-24-27-14*

Recorded at request of *State Dept. of Highways* Fee Paid *7.00*  
Date JUL 30 1965 at 3:02 P.M. EMILY T. DREDGE Recorder Davis County  
By *David D. Ryker* Deputy Book 322 Page 650

**286523 IN THE SECOND DISTRICT COURT IN AND FOR DAVIS COUNTY.  
STATE OF UTAH**

STATE OF UTAH, by and through  
its ROAD COMMISSION,

Plaintiff,

-vs-

ARMOND PERRI and DOROTHY JANE  
PERRI, his wife; BOUNTIFUL STATE  
BANK, a Utah corporation; RONALD  
L. EDWARDS; E. JEX HEPWORTH;  
FLOYD S. TRINE and AMY B. TRINE,  
his wife; MILTON R. MARSTON and  
WILHELMINA S. MARSTON, his wife;  
ROBERT W. TELFORD and WANDA S.  
TELFORD, his wife; TEXACO INC.;  
and STEVEN MITCHELL,

Defendants.

ORDER OF  
IMMEDIATE OCCUPANCY

Civil No. \_\_\_\_\_

Project No. I-15-7(33)314  
*Parcels: 82, 82:E, 87:A, 88, 89:ST, 89:A  
89:ST, 91, 91:A, 91:ST*

Abstracted  
 Index  
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The plaintiff's motion for an Order of Immediate Occupancy  
having come on regularly for hearing before the above entitled Court  
on the 29th day of June, 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 neces-  
sary 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, ease-  
ments 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 29<sup>th</sup> day of June, 1965.

PHIL L. HANSEN  
Attorney General

*Thomson H. Swan*  
DEPUTY CLERK

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

STATE OF UTAH  
County of Davis  
I, JOHN W. 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, do hereby certify that the foregoing copy of \_\_\_\_\_ 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 11 day of July, 1965.

*Marion W. Marshall*  
Deputy Clerk

Original Filed July 1, 1965

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CONDEMNATION RESOLUTION  
HIGHWAY PROJECT NO. 1-15-7(33)314  
1000 North in Bountiful

RESOLVED by the State Road Commission of Utah that it finds and determines and hereby declares that:

The public interest and necessity require the acquisition, construction and completion by the State of Utah acting through the State Road Commission, of a public improvement, namely a State Highway. The public interest and necessity require the acquisition and immediate occupancy, for said public improvement, of the real property, or interests in real property, hereinafter described.

Said proposed state highway is planned and located in a manner which will be most compatible with the greatest public good and the least private injury, and has been heretofore designated as a limited-access facility, as provided by Title 27, Chapter 12, Section 96, Utah Code Annotated 1953 as amended.

BE IT FURTHER RESOLVED by this Commission that the Attorney General of Utah shall be instructed and requested, on behalf of this Commission:

To acquire, in the name of the State Road Commission of Utah, the said hereinafter described real property, or interests in real property, by condemnation in accordance with the provisions of the Statutes and of the Constitution of Utah relating to eminent domain;

To prepare and prosecute such proceeding or proceedings in the proper court having jurisdiction thereof as are necessary for such acquisition;

To obtain, from said court, an order permitting said Commission to take immediate possession and use of said real property, or interests in real property, for highway purposes, or purposes incidental thereto.

The real property, or interests in real property, which the State Road Commission is by this resolution authorized to acquire for said public use, is situate in the County of Davis, State of Utah, Highway Project No. 1-15-7(33)314, and is described as follows:

RECORDED OWNERS: Armond Perri and Dorothy Jane Perri, his wife  
 ADDRESS: 1849 So. 23rd East, Salt Lake City, Utah  
 LIEN HOLDER: Bountiful State Bank, Bountiful, Utah  
 Parcel No. 15-7:82

A parcel of land in fee incident to the construction of a freeway known as Project No. 15-7, being part of an entire tract of property in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 24, T. 2 N., R. 1 W., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the east right of way line of the existing highway and the south boundary line of said entire tract; which point is 1318.7 ft. north and 85 ft. west from the SW $\frac{1}{4}$  corner of the NW $\frac{1}{4}$  of Section 19, T. 2 N., R. 1 E., S.L.B.&M.; thence East 9 ft., more or less, along said south boundary line; thence N. 2°17' E. 272 ft., more or less, to a point 60.0 ft. east of the center line of said existing highway at Engineers Station 291+00; thence North 40 ft., more or less, to the north boundary line of said entire tract; thence West 20.0 ft. along said north boundary line; thence South 311.52 ft. along said right of way line to the point of beginning. Above described parcel of land contains 0.11 acre, more or less.

Parcel No. 15-7:82:E

An easement upon part of an entire tract of property in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 24, T. 2 N., R. 1 W., S.L.B.&M. in Davis County, Utah, for the purpose of constructing and maintaining thereon an irrigation and drainage facility and appurtenant parts thereof incident to the construction of a freeway known as Project No. 15-7.

Said part of an entire tract is a parcel of land adjoining easterly the easterly right of way line of said project. Said parcel of land is described as follows:

Beginning at the intersection of the northerly boundary line of said entire tract and said easterly right of way line at a point 60.0 ft. perpendicularly distant easterly from the center line of said project, which point is 24.70 chains north and approximately 65 ft. west from the SW corner of the NW $\frac{1}{4}$  of Section 19, T. 2 N., R. 1 E., S.L.B.&M.; thence Southerly 40 ft., more or less, along said easterly right of way line to a point 60.0 ft. perpendicularly distant easterly from said center line opposite Engineers Station 291+00; thence S. 2°17' W. 40.03 ft.; thence N. 47°14' E. 29.19 ft.; thence N. 8°08' W. 62 ft., more or less, to said northerly boundary line; thence Westerly 12 ft., more or less, along said northerly boundary line to the point of beginning. The above described parcel of land contains 0.03 acre, more or less.

RECORDED OWNERS: Armond Perri and Dorothy Jane Perri, his wife  
 ADDRESS: 1849 So. 23rd East, Salt Lake City, Utah  
 LIEN HOLDER: None  
 LEASE HOLDER: Ronald L. Edwards, E. Jex Hepworth  
 ADDRESS: 980 North 5th West, Bountiful, Utah  
 Parcel No. 15-7:87:A

A parcel of land in fee incident to the construction of a freeway known as Project No. 15-7, being part of an entire tract of property, in Lot 3, Block 8, North Mill Creek Plat, Bountiful Townsite Survey of Section 19, T. 2 N., R. 1 E., and in Section 24, T. 2 N., R. 1 W., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the easterly right of way line of the existing highway U.S. 91 and the northerly boundary line of said entire tract which point is 26.46 chains west and 150 ft. south of the NE corner of said Lot 3; thence South 202.5 ft. along said right of way line to the southerly boundary line of said entire tract; thence Easterly 83 ft., more or less, along said southerly boundary line to a point 33.0 ft. radially distant southerly from the center line of the east frontage road of said project; thence Northeasterly 63 ft., more or less, along the arc of a 93.0 ft. radius curve to the left to the easterly boundary line of said entire tract (Note: Tangent to said curve at its point of beginning bears approximately N. 75°05' E.); thence Northerly 164 ft., more or less, along said easterly boundary line to said northerly boundary line; thence Westerly 48 ft., more or less, along said northerly boundary line to a point 33.0 ft. perpendicularly distant westerly from said center line; thence S. 0°29' W. 109 ft., more or less, to a point of tangency with a 27.0 ft. radius curve to the right opposite said center line at Engineer Station 11+62.25; thence Westerly 42.4 ft. along the arc of said 27.0 ft. radius curve; thence N. 89°31' W. 16.0 ft. to a point of tangency with a 20.0 ft. radius curve to the right; thence Northerly 31.4 ft. along the arc of the last mentioned curve

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to a point designated as "A"; thence N. 0°29' E, 117 ft., more or less, to said northerly boundary line at a point designated as "B"; thence Westery 20.0 ft. along said northerly boundary line to the point of beginning. The above described parcel of land contains 0.41 acre, more or less.

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 freeway, including, without limiting the foregoing, all rights of ingress to or egress from the remaining property contiguous to the lands hereby conveyed, to or from said highway between points designated as "A" and "B". Such remaining property shall have access to and from a frontage road.

RECORDED OWNERS: Floyd S. Trine and Amy B. Trine, his wife  
 ADDRESS: 4765 Decatur St., Denver, Colorado  
 LIEN HOLDER: None  
 CONTRACT PURCHASER: Milton R. Marston and Wilhelmina S. Marston, his wife  
 ADDRESS: 475 West 10th North, Bountiful, Utah  
Parcel No. 15-7:88D

A parcel of land in fee for a frontage road incident to the construction of a freeway known as Project No. 15-7, being part of an entire tract of property, in Lot 3, Block 8, North Mill Creek Plat, Bountiful Townsite Survey of Section 19, T. 2 N., R. 1 E., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning at the NW. corner of said entire tract which point is 1610.29 ft. N. 89°30' W. from the NE. corner of said Lot 3; thence Southerly 130.0 ft. along a westerly boundary line of said entire tract to the southerly boundary line of said entire tract; thence Easterly 12 ft., more or less, along said southerly boundary line to a point 33.0 ft. perpendicularly distant easterly from the center line of the east frontage road of said project; thence N. 0°29' E. 12 ft., more or less, to a point of tangency with a 117.0 ft. radius curve to the right; thence Easterly 114 ft., more or less, along the arc of said curve to the easterly boundary line of said entire tract; thence Northerly 20 ft., more or less, along said easterly boundary line to the northerly boundary line of said entire tract; thence Westery 65.0 ft. along said northerly boundary line to the point of beginning.

The above described parcel of land contains 0.09 acre, more or less.

Parcel No. 15-7:88D:ST

A parcel of land in fee incident to the construction of a freeway known as Project No. 15-7, being the remainder of an entire tract of property, situated in Lot 3, Block 8, North Mill Creek Plat, Bountiful Townsite Survey of Section 19, T. 2 N., R. 1 E., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning at the SE. corner of said entire tract which point is 1545.29 ft. N. 89°30' W. and 130.0 ft. S. 0°28' W. from the NE. corner of said Lot 3; thence Westery 53 ft., more or less, to a point 33.0 ft. perpendicularly distant easterly from the center line of the east frontage road of said project; thence N. 0°29' E. 12 ft., more or less, to a point of tangency with a 117.0 ft. radius curve to the right; thence Easterly 114 ft., more or less, along the arc of said curve to the easterly boundary line of said entire tract; thence Southerly 110 ft., more or less, along said easterly boundary line to the point of beginning.

The above described parcel of land contains 0.11 acre, more or less.

RECORDED OWNERS: Robert W. Telford and Wanda S. Telford, his wife  
 ADDRESS: 926 North 800 West, Woods Cross, Utah  
 LIEN HOLDER: None  
Parcel No. 15-7:89:A

A parcel of land in fee incident to the construction of a freeway known as Project No. 15-7, being part of an entire tract of property, situated in the NE¼NE¼ of Section 24, T. 2 N., R. 1 W., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the west right of way line of the existing highway and the north boundary line of said entire tract, which point is approximately 10 rods west and 146.133 rods north from the E¼ corner of said

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Section 24; thence South 203.5 ft. along said right of way line to the south boundary line of said entire tract; thence West 10.0 ft. along said south boundary line; thence North 203.5 ft. to said north boundary line; thence East 10.0 ft. to the point of beginning. Above described parcel of land contains 0.05 acre.

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 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 freeway.

Parcel No. 15-7:89:ST

A parcel of land in fee incident to the construction of a freeway known as Project No. 15-7, being the remainder of an entire tract of property, situated in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 24, T. 2 N., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at a point on the north boundary line of said entire tract, which point is 175.0 ft. west and 146.133 rods north from the SE $\frac{1}{4}$  corner of the NE $\frac{1}{4}$  of said Section 24; thence South 203.5 ft. to the south boundary line of said entire tract; thence West 200 ft., more or less, to the easterly no access line of said freeway; thence Northeasterly 242 ft., more or less, along said no access line to the north boundary line of said entire tract; thence East 80.25 ft., more or less, along said north boundary line to the point of beginning. Above described parcel of land contains 0.62 acre, more or less.

RECORDED OWNERS:	Robert W. Telford and Wanda S. Telford, his wife
ADDRESS:	526 North 800 West, Woods Cross, Utah
LIEN HOLDER:	None
LEASE HOLDER:	Texaco Inc.
ADDRESS:	734 West 8th South, Salt Lake City, Utah
SUB-LESSEE:	Steven Mitchell
ADDRESS:	745 South 400 East, Centerville, Utah

Parcel No. 15-7:91

A parcel of land in fee incident to the construction of a freeway known as Project No. 15-7, being part of an entire tract of property, in Lot 3, Block 8, North Mill Creek Plat, Bountiful Townsite Survey of Section 19, T. 2 N., R. 1 E., and the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 24, T. 2 N., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at the NE corner of said entire tract which point is 1018.8 ft. west and 589 ft. N. 89° 32' W. from the NE corner of said Lot 3; thence Southerly 130.0 ft. along the easterly boundary line of said entire tract to the southerly boundary line of said entire tract; thence Westerly 53 ft., more or less, along said southerly boundary line to a point 33.0 ft. perpendicularly distant westerly from the center line of the east frontage road of said project; thence N. 0° 29' E. 11 ft., more or less, to a point of tangency with a 183.0 ft. radius curve to the right at a point opposite said center line at Engineer Station 13+23.5; thence Northeasterly 127 ft., more or less, along the arc of said curve to the northerly boundary line of said entire tract; thence Easterly 10 ft., more or less, along said northerly boundary line to the point of beginning. The above described parcel of land contains 0.12 acre, more or less.

Parcel No. 15-7:91:A

A parcel of land in fee incident to the construction of a freeway known as Project No. 15-7, being part of an entire tract of property, in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 24, T. 2 N., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the easterly right of way line of the existing highway U.S. 91 and the northerly boundary line of said entire tract which point is 1018.8 ft. west and 687.6 ft. N. 89° 32' W. from the NE corner of Lot 3, Block 8, North Mill Creek Plat, Bountiful Townsite Survey; thence Southerly 134 ft., more or less, along said right of way line to the southerly boundary line of said entire tract; thence Easterly 20.0 ft. to the said southerly boundary line to a point 60.0 ft. perpendicularly distant easterly from the center line of said project; thence N. 0° 89' E. 8 ft., more or less, to a point 39.0 ft. radially distant easterly from the "N" line of said project at Engineer Station 297+81; thence N. 16° 22' E. 126 ft., more

or less, along said northerly boundary line to the point of beginning. The above described parcel of land contains 0.05 acre, more or less.

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 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 freeway. Such remaining property shall have access to and from a frontage road.

Parcel No. 15-7:91:ST

A parcel of land in fee incident to the construction of a freeway known as Project No. 15-7, being the remainder of an entire tract of property situated in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 24, T. 2 N., R. 1 W., S.L.B. & M. and in Lot 3, Block 8, North Mill Creek Plat, Bountiful Townsite Survey of Section 19, T. 2 N., R. 1 E., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the southerly boundary line of said entire tract and the easterly no access line of said project which point is 1018.8 ft. west, 130.0 ft. S, 0° 28' W. and approximately 702 ft. N, 89° 32' W. from the NE corner of said Lot 3; thence N. 0° 29' E. 8 ft., more or less, to a point 39.0 ft. radially distant easterly from the "N" line of said project at Engineer Station 297+81; thence N. 16° 22' E. 126 ft., more or less, to the northerly boundary line of said entire tract; thence Easterly 72 ft., more or less, along said northerly boundary line to the northwesterly right of way line of the east frontage road of said project; thence Southwesterly 127 ft., more or less, along the arc of 183.0 ft. radius curve to the left to a point opposite the center line of said frontage road at Engineer Station 13+23.5 (Note: Tangent to said curve at its point of beginning bears approximately S.40° 15' W.); thence S. 0° 29' W. 11 ft., more or less, to said southerly boundary line; thence Westerly 60 ft., more or less, along said southerly boundary line to the point of beginning.

The above described parcel of land contains 0.23 acre, more or less.