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MAR 3 1988

MARKUS B. ZIMMER, CLERK
BY _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA

Plaintiff,

v.

29.99 ACRES OF LAND, MORE OR
LESS, LOCATED IN SUMMIT
COUNTY, STATE OF UTAH,
COPPER STATE THRIFT AND LOAN
COMPANY, AND ANY UNKNOWN OWNERS

Defendants.

Civil No. 88-C-184 W

DECLARATION OF TAKING

REC'D BY [Signature]
ALAN SPRINGS
SUMMIT COUNTY RECORDER
88 MAR 29 AM 9:20
U.S. District Court
287956
RED NOTE

Pursuant to authority delegated on December 27, 1971 by the Secretary of the Interior, and under subparagraphs (5) and (6) of 209.3.2A Department of the Interior Manual to the Department's Solicitor, and redelegated by Solicitor's Regulations Manual, Part I, 6.1B(1), I do hereby make and cause to be filed this Declaration of Taking under Section 1 of the Act of February 26, 1931 (46 Stat. 1421, 40 U.S.C. 258a (1982)), and declare that:

FIRST: The interests in land hereinafter described under and in accordance with the authority set forth in Schedule "A," annexed hereto and made a part hereof.

BOOK 471 PAGE 396

ATTEST: A TRUE COPY
MARKUS B. ZIMMER, CLERK
UNITED STATES DISTRICT COURT
DISTRICT OF UTAH
BY [Signature] Deputy Clerk

SECOND: The public uses for which said interests in land are taken are also set forth in Schedule "A," annexed hereto and made a part thereof.

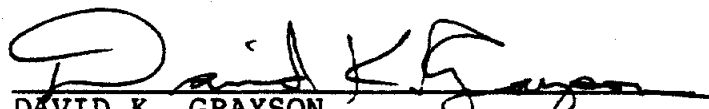
THIRD: A description of the tracts of land taken, the estate being taken, and the estimated just compensation therefore are set forth in Schedule "B," annexed hereto.

FOURTH: A plat showing the land covering the interests is annexed hereto as Schedule "C" and made a part hereof.

FIFTH: Pursuant to law, the lands selected for acquisition for the purpose set forth herein are described as Parcels Nos. JDR-Hy-189-61:22, 61:22:A and 61:22:EP, comprising 29.99 acres, shown on Schedule "B," annexed hereto and made a part hereof.

SIXTH: The just compensation for said land has been determined to be FIFTY-THREE THOUSAND NINE HUNDRED AND FIFTY DOLLARS (\$53,900), which sum I cause to be deposited in the registry of the Court for the use and benefit of those entitled thereto. I am of the opinion that the ultimate award for said land will be within any limits prescribed by law as the price to be paid therefore.

IN WITNESS WHEREOF, the United States of America has caused this Declaration of Taking to be signed by the Regional Solicitor, Intermountain Region, United States Department of the Interior, this 10th day of February A.D. 1988, in the City of Salt Lake, State of Utah.


DAVID K. GRAYSON
Acting Regional Solicitor
Intermountain Region
United States Department of the
Interior

SCHEDULE A

RELOCATION OF U.S. HIGHWAY 189
JORDANELLE DAM AND RESERVOIR
BONNEVILLE UNIT
CENTRAL UTAH PROJECT

AUTHORITY FOR THE TAKING

The authority for the taking of the real property described herein is pursuant to and in accordance with the Act of August 1, 1888 (25 Stat. 357, as amended, 40 U.S.C. 257 (1982)); the Act of February 26, 1931 (46 Stat. 1421, 40 U.S.C. 258a-258e (1982)); the Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto (32 Stat. 388, 43 U.S.C. 371 et seq., (1982)); the Act of April 11, 1956 (70 Stat. 105, 43 U.S.C. 620, et seq., (1982)), and all Acts amendatory thereof or supplementary thereto; and Public Law 100-202, Fiscal Year 1988, Continuing Resolution.

PUBLIC USES

The public uses for which said real property is taken are in connection with the construction, operation, and maintenance of the relocated U.S. Highway 189, Jordanelle Dam and Reservoir, Bonneville Unit, Central Utah Project. The real property has been selected for acquisition by the United States for said purposes, and for such other uses as may be authorized by Congress or Executive Order, and is required for immediate use by the Bureau of Reclamation, United States Department of the Interior.

SCHEDULE B

RELOCATION OF U.S. HIGHWAY 189
JORDANELLE DAM AND RESERVOIR
BONNEVILLE UNIT
CENTRAL UTAH PROJECT

Parcels Nos. JDR-Hy-189:61:22, Estimated Compensation: \$53,950
61:22:A, and 61:22:EP (29.71
acres fee title and 0.28 of an
acre perpetual easement)

Purported Owner

COPPER STATE THRIFT AND LOAN COMPANY, et al.
c/o Mr. Jeffrey M. Jones
359 South Main
Salt Lake City, Utah 84111

Estate Taken as to Parcels Nos. JDR-Hy-189:61:22 and 61:22:A:

The fee simple title to the lands, tenements, hereditaments, and appurtenances thereto belonging, including improvements, but excepting and reserving to the Defendant all water and water rights. Save, excepting and reserving therefrom, subject to the following conditions, the coal, oil, gas, and other subsurface minerals, if any, owned by the Defendant in all of said lands. The right to prospect for and remove the said minerals from all said lands shall be exercised so as not to interfere with the construction, operation, and maintenance of the relocated U.S. Highway 189.

Sand and gravel are not reserved to the Defendant.

Save, excepting and reserving therefrom the coal, oil, gas, and other subsurface minerals reserved to or outstanding in third parties.

Also, subject to existing rights-of-way for roads, railroads, telephone lines, transmission lines, ditches, conduits or pipelines.

In order to construct and maintain a public highway as an expressway, as contemplated by Title 27, Chapter 12, Section 96, Utah Code Annotated, 1953, as amended, the Defendant shall be required to release and relinquish to the United States, or its assigns, any and all rights of ingress to or egress from his remaining property contiguous to Parcel No. JDR-Hy-189-61:22:A; EXCEPTING and reserving to the Defendant, its successors or assigns, the right of access to the nearest roadway of said highway over and across the northerly right-of-way line for two 16-foot sections, which said sections

SCHEDULE B (Continued)

center at two points directly opposite Highway Engineer Stations 490+42.00 and 514+78.00. Also, the right-of-access to the nearest roadway of said highway over and across the southerly right-of-way line for one 20-foot section, which said section centers at a point directly opposite Highway Engineer Station 475+91.00, and three 16-foot sections, which said sections center at three points directly opposite Highway Engineer Stations 490+50.00, 508+00.00, and 514+70.00.

Legal Description

PARCEL NO. JDR-Hy-189-61:22 (Fee Title)

A parcel of land for an access approach road incident to the construction of an expressway known as Project No. NF-61, being part of an entire tract of property, situate in the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-four (24), Township Two (2) South, Range Five (5) East, Salt Lake Base and Meridian, Summit County, Utah, more particularly described as follows:

Beginning in the North line of said Section 24 at a point Two Hundred Ten (210.0) feet perpendicularly distant northerly from the centerline of said project, which point is approximately Thirty Hundred Fifty-seven and Sixty-one Hundredths (3057.61) feet North 89°27'14" East (highway bearing) from the Northwest corner of said Section 24; thence South 71°16'00" West Two Hundred Forty and Thirty-eight Hundredths (240.38) feet, more or less, to a point opposite Engineer Station 490+50.00; thence North 18°44'00" West Seventy-eight and Ninety-seven Hundredths (78.97) feet, more or less, to said North line; thence East (North 89°27'14" East highway bearing) Two Hundred Fifty-three and Two Hundredths (253.02) feet, more or less, along said North line to the point of beginning, as shown on the official map of said project on file in the office of the Utah Department of Transportation.

Parcel No. JDR-Hy-189-61:22 contains a total of Twenty-two Hundredths (0.22) of an acre, more or less.

ALSO,

PARCEL NO. JDR-Hy-189-61:22:A (Fee Title)

A parcel of land for an expressway known as Project No. NF-61, being part of an entire tract of property, situate in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$), in the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$), and in the Northeast

DESCRIPTION CERTIFIED CORRECT
BY *H. H. ...* Name
Date *2/16/88*

BOOK 471 PAGE 400

SCHEDULE B (Continued)

Legal Description (Continued)

Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-four (24), Township Two (2) South, Range Five (5) East, Salt Lake Base and Meridian, Summit County, Utah; in Lot Four (4) of Section Eighteen (18), and in Lot One (1) of Section Nineteen (19),

Township Two (2) South, Range Six (6) East, Salt Lake Base and Meridian, Summit County, Utah, more particularly described as follows:

Beginning at the Northwest corner of said Section 19: thence North 0°30'59" West (highway bearing) Two Hundred Fifty-eight and Thirty Hundredths (258.30) feet, more or less, along the West line of said Section 18 to a point One Hundred Forty (140.0) feet perpendicularly distant northerly from the centerline of said project; thence South 89°51'00" East Four Hundred Twenty-nine and Eighty-seven Hundredths (429.87) feet, more or less, to a point opposite Engineer Station 519+00.00; thence South 78°32'24" East Two Hundred Three and Ninety-six Hundredths (203.96) feet; thence South 89°51'00" East Twenty and Fifty-seven Hundredths (20.57) feet, more or less, to the East boundary line of said entire tract, being the West line of Spring Hills Subdivision, Plat "A"; thence South 0°07'16" East (South 0°44'41" East highway bearing) Two Hundred Eighteen and Sixty-four Hundredths (218.64) feet, more or less, along said East boundary line to a point One Hundred Eighteen and Sixty-two Hundredths (118.62) feet perpendicularly distant southerly from said centerline at Engineer Station 521+23.98; thence South 82°10'27" West Two Hundred Twenty-six and Seventeen Hundredths (226.17) feet to a point One Hundred Fifty (150.0) feet perpendicularly distant southerly from said centerline at Engineer Station 519+00.00; thence North 89°51'00" West Four Hundred Twenty-six and Sixty-five Hundredths (426.65) feet, more or less, to the West line of said Section 19, at a point Thirty-one and Seventy-one Hundredths (31.71) feet South 0°15'06" East (highway bearing) from said Northwest corner of Section 19; thence North 89°51'00" West Three Hundred Ninety-seven and Fifteen Hundredths (397.15) feet, more or less, to a point opposite Engineer Station 510+76.20; thence South 85°24'03" West Four Hundred Sixty and Forty-six Hundredths (460.46) feet; thence South 74°01'41" West Seven Hundred Forty-two and Eighty-one Hundredths (742.81) feet; thence South 75°09'58" West Six Hundred Twelve and Seventy Hundredths (612.70) feet to a point One Hundred Ninety (190.0) feet perpendicularly distant southerly from said centerline at Engineer Station 492+00.00; thence South 71°16'00" West Seventeen Hundred

SCHEDULE B (Continued)

Legal Description (Continued)

(1700.0) feet; thence South 53°17'51" West Two Hundred Twenty-nine and One Hundredth (229.01) feet, more or less, to the West line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence North 0°28'27" East (highway bearing) Four Hundred Ninety-eight and Thirty-nine Hundredths (498.39) feet, more or less, along said West line to a point Two Hundred Ten (210.0) feet perpendicularly distant northerly from said centerline; thence North 71°16'00" East Eighteen Hundred Forty-four and Twenty-five Hundredths (1844.25) feet, more or less, to the North line of said Section 24; thence North 89°27'14" East (highway bearing) Twenty-two Hundred Five and Thirty-seven Hundredths (2205.37) feet, more or less, along said North line to the point of beginning, as shown on the official map of said project on file in the office of the Utah Department of Transportation.

Parcel No. JDR-Hy-189-61:22:A contains a total of Twenty-nine and Forty-nine Hundredths (29.49) acres, more or less.

AND, ALSO,

Estate taken as to Parcel No. JDR-Hy-189-61:22:EP:

A perpetual 33-foot-wide right-of-way easement upon Parcel No. JDR-Hy-189-61:22:EP to lay, maintain, operate, repair, inspect, protect, remove, and replace pipelines and associated valves, valve boxes and taps, and appurtenant parts thereof, incident to the construction of an expressway known as Project No. NF-61.

After said work relating to pipelines, valves, valve boxes and taps, and appurtenant parts thereof, is completed on Parcel No. JDR-Hy-189-61:22:EP, at the expense of the United States or its assigns, the United States or its assigns shall thereafter be relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said pipelines, valves, valve boxes and taps, and appurtenant parts thereof.

The United States or its assigns, within the easement area, will replace or repair with materials of like kind and equal quality any fences, ditches, pipelines, driveways, or roadways, including appurtenances thereto, existing at the time of this taking, that are damaged or destroyed by construction of the relocated U.S. Highway 189 and appurtenant parts thereof.

If damage occurs to agricultural crops or livestock within the easement area as a result of construction of the relocated U.S. Highway 189 and appurtenant parts thereof, payment will be made

BOOK 471 PAGE 402

SCHEDULE B (Continued)

by the United States or its assigns to the owner thereof on the basis of an appraisal approved by the United States or its assigns.

Subject to existing rights-of-way for roads, railroads, telephone lines, transmission lines, ditches, conduits, or pipelines.

Also, save, excepting and reserving therefrom all coal, oil, gas, and other mineral rights.

Said perpetual easement shall be freely assignable and transferable and shall constitute a covenant running with the land, binding upon the heirs, executors, personal representatives, administrators, successors, and assigns of the Defendant, for the benefit of the United States, its contractors, employees, agents, and assigns.

Legal Description:

PARCEL NO. JDR-Hy-189-61:22 EP

A parcel of land in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-four (24), Township Two (2) South, Range Five (5) East, Salt Lake Base and Meridian, Summit County, Utah, more particularly described as follows:

Beginning in the southerly limited-access line of the new route of U.S. Highway 189 (Park City Interchange to West Kamas) at a point One Hundred Ninety (190.0) feet perpendicularly distant southerly from the centerline of said project at Engineer Station 475+59.29; said point of beginning is approximately Fifteen Hundred Thirty-seven and Eighty-five Hundredths (1537.85) feet North 89°27'14" East and Nine Hundred Twenty and Thirty-four Hundredths (920.34) feet South 0°32'46" East from the Northwest corner of said Section 24; thence South 77°34'41" East Ninety-four and Seventy-three Hundredths (94.73) feet; thence South 85°48'54" East Three Hundred Twenty-seven and Two Hundredths (327.02) feet to the existing southwesterly easement line of the Chevron Pipe Line Company; thence North 53°57'10" West Sixty-two and Fifty-one Hundredths (62.51) feet; thence North 85°48'54" West Two Hundred Seventy-one and Fifty-four Hundredths (271.54) feet; thence North 77°34'41" West Thirty-seven and Seventy-six Hundredths (37.76) feet to said southerly limited-access line; thence South 71°16'00" West Sixty-three and Seventy-nine Hundredths (63.79) feet to the point of beginning.

Parcel No. JDR-Hy-189-61:22:EP contains a total of Twenty-eight Hundredths (0.28) of an acre, more or less.

SCHEDULE B (Continued)

Legal Description (Continued)

Parcels Nos. JDR-Hy-189-61:22 and 61:22:A contain a total of
Twenty-nine and Seventy-one Hundredths (29.71) acres, more or less.

(Note: All highway bearings in the above descriptions are based on
the Utah State Plane Coordinate System.)

800- 471 PAGE 404

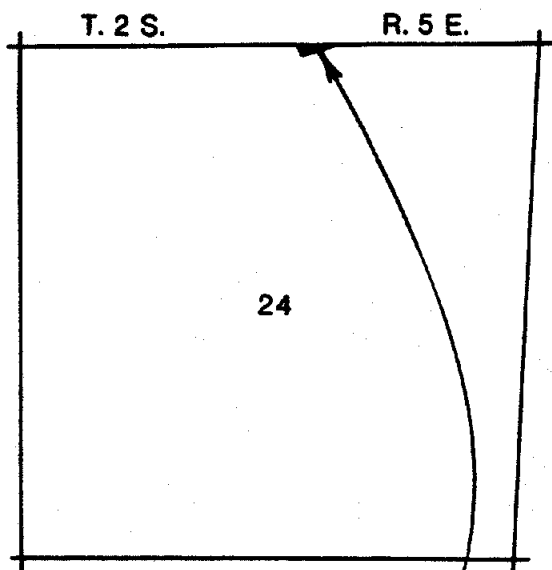
ATTACHMENT NO. 1 TO SCHEDULE B

ALL PERSONS, FIRMS, AND CORPORATIONS KNOWN TO THE PLAINTIFF TO HAVE OR CLAIM AN INTEREST IN THE PROPERTY:

Summit County Treasurer
50 North Main
Coalville, Utah 84017

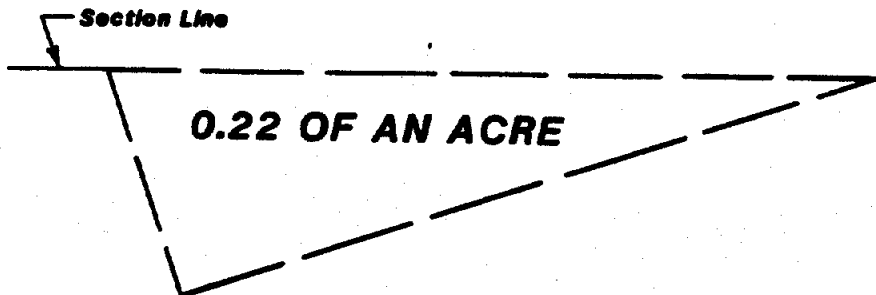
Internal Revenue Service
465 South 400 East
Salt Lake City, Utah 84111

**SCHEDULE C
RELOCATION OF U.S. HIGHWAY 189
JORDANELLE DAM AND RESERVOIR
BONNEVILLE UNIT
CENTRAL UTAH PROJECT**



KEY MAP

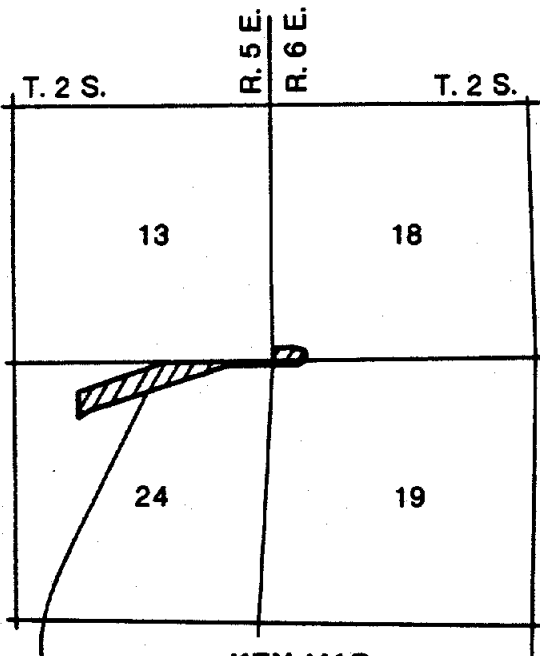
Map showing Parcel No.
JDR-HY-189-61:22 in
Section 24 T. 2 S., R. 5 E.,
S.L.B. and M.



**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
CENTRAL UTAH PROJECT - UTAH
BONNEVILLE UNIT
JORDANELLE DAM AND RESERVOIR
PARCEL NO. JDR-HY-189-61:22
COPPER STATE THRIFT AND LOAN COMPANY, et al.
(0.22 OF AN ACRE)**

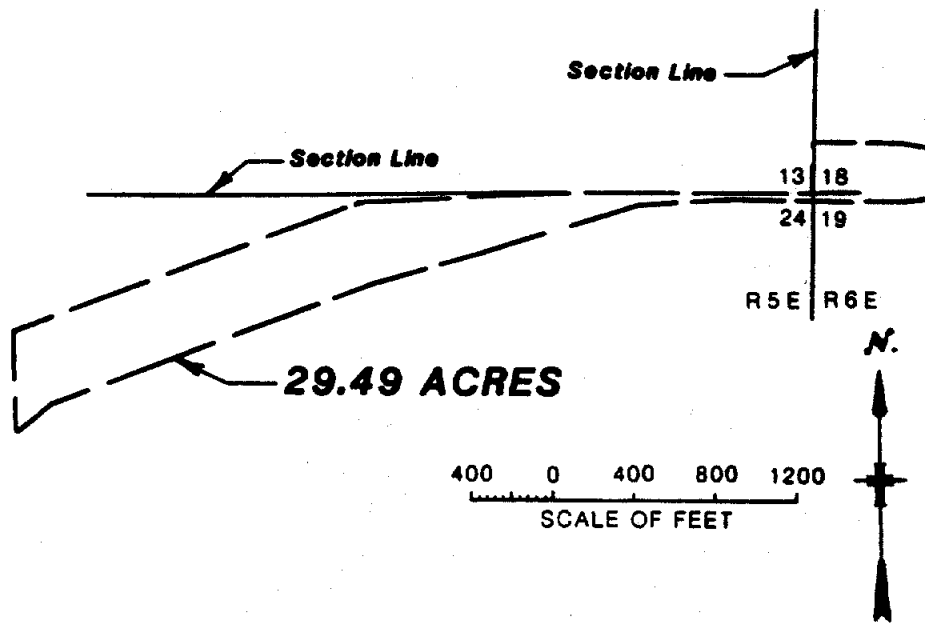
BDD 471 PAGE 406

**SCHEDULE C
RELOCATION OF U.S. HIGHWAY 189
JORDANELLE DAM AND RESERVOIR
BONNEVILLE UNIT
CENTRAL UTAH PROJECT**



KEY MAP

Map showing Parcel No. JDR-HY-189-61:22:A in Section 24, T. 2 S., R. 5 E., and in Sections, 18 and 19 T. 2 S., R. 6 E., S.L.B. and M.



**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
CENTRAL UTAH PROJECT - UTAH
BONNEVILLE UNIT**

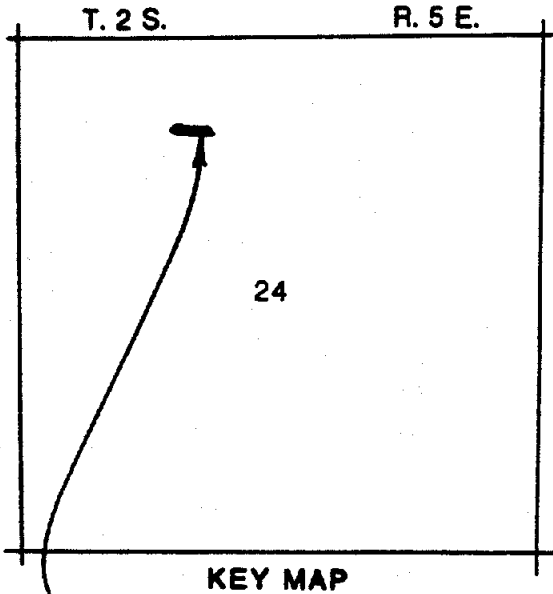
BOD. 471 PAGE 407

**JORDANELLE DAM AND RESERVOIR
PARCEL NO. JDR-HY-189-61:22:A**

COPPER STATE THRIFT AND LOAN COMPANY, et al.

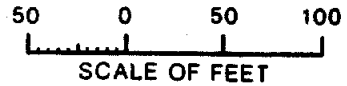
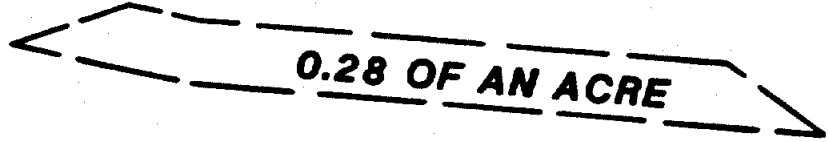
(29.49 ACRES)

**SCHEDULE C
RELOCATION OF U.S. HIGHWAY 189
JORDANELLE DAM AND RESERVOIR
BONNEVILLE UNIT
CENTRAL UTAH PROJECT**



KEY MAP

Map showing Parcel No.
JDR-HY-189-61:22:EP in
Section 24 T. 2 S., R. 5 E.,
S.L.B. and M.



**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
CENTRAL UTAH PROJECT - UTAH
BONNEVILLE UNIT
JORDANELLE DAM AND RESERVOIR
PARCEL NO. JDR-HY-189-61:22:EP
COPPER STATE THRIFT AND LOAN COMPANY, et al.
(0.28 OF AN ACRE)**

BDD- 471 PAGE 408