

7-30-65



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Date OCT 20 1965 at 10 AM
By *David R. Ryker*
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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,

ORDER OF

vs.

IMMEDIATE OCCUPANCY

ORSON WILLIS WALTON and LUCILLE
WALTON, his wife; and IRVIN W.
ADAMS (aka Dick W. Adams),

Civil No. 11351
Project No. F-030-1(2)
Parcels: 77A, 77E

Defendants.

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 Sept., 1965; at the hour of 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

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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 said property, as set forth in said Complaint.

DATED this 17th day of September, 1965.

1st Charles J. Cowley
DISTRICT JUDGE

PHIL L. HANSEN,
Attorney General

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

STATE OF UTAH
County of Davis

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, do hereby certify that the foregoing copy of _____

Order of Voluntary Receivership
has been by me compared with the original thereof now of record in this office and that the same is a true and correct copy thereof and of the whole of said original as the same appears and is in my office and in my custody.

JOHN M. PARK, County Clerk, I have hereunto set my hand and the seal of said office this 17th day of Sept.

File No. 113500-130
JOHN M. PARK
Clerk
Robert B. [Signature]
Deputy Clerk

Original Filed Sept. 14 1965

SECOND AMENDMENT TO CONDEMNATION RESOLUTION
HIGHWAY PROJECT NO. F-030-1(2) Ref. No. 030-1:121
Cherry Lane - Uintah Junction

WHEREAS, the State Road Commission of Utah by Resolution found and declared that public interest and necessity required the acquisition, construction, and completion as a public improvement, by the State of Utah acting through the State Road Commission, of that portion of a State Highway Identified as Highway Project No. F-030-1(2) in the County of Davis, State of Utah; that said public improvement was planned and located in a manner most compatible with the greatest public good and the least private injury, and has been designated as a limited-access facility as provided by Title 27, Chapter 12, Section 96, Utah Code Annotated, 1953, as amended.

WHEREAS, the Attorney General of Utah was requested through a certified copy of a resolution adopted by the State Road Commission of Utah and approved by the Director of Highways for said State Road Commission on the 9th day of April 1965, to acquire in the name of the State Road Commission of Utah certain described real property or interests in real property by condemnation in accordance with the statutes and the Constitution of Utah relating to eminent domain, and to make application in the court having jurisdiction for an order permitting the said State Road Commission to take immediate possession of the identified parcels of real property or interests therein for highway purposes, reference being made to said Resolution for descriptions of said parcels, and

WHEREAS, an amendment to said Resolution was adopted on the 14th day of May 1965, by the inclusion of lien holders and/or lessees in four parcels of land for highway purposes, reference being made to said First Amended Resolution for description of said amendment, and

WHEREAS, it is now declared by the State Road Commission that the said amendment to the condemnation resolution heretofore mentioned of the 14th day of May 1965, be amended to permit the revision of a parcel identified as Parcel No. 030-1:79:A in said Resolution, and the addition of a parcel identified as Parcel No. 030-1:79:E.

NOW THEREFORE BE IT RESOLVED by said State Road Commission that the Attorney General of Utah be advised of said revision and addition to said certified copy of said First Amended Resolution approved on the 14th day of May 1965, and that otherwise said Resolution as amended remain in full force and effect:

The revised Parcel No. 030-1:79:A and the additional Parcel No. 030-1:79:E which said State Road Commission is by this Second Amendment to the condemnation resolution authorized to acquire, are described as follows:

RECORDED OWNERS: Orson Willis Walton and Lucille Walton, his wife
 ADDRESS: RFD #2, Layton, Utah
 LESSEE: Irvin W. Adams (Aka Dick W. Adams)
 ADDRESS: 1606 E. Gentile, Layton, Utah
 LIEN HOLDERS: None

Parcel No. 030-1:79: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 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 parcel of land are described as follows:

Beginning on the northerly boundary line of said entire tract at a point 72.0 ft. perpendicularly distant westerly from the center line of said project, which point is approximately 561 ft. south and 68 ft. west from the E $\frac{1}{4}$ corner of said Section 14, said point being designated as point "A"; thence S. 1°29' W. 209 ft., more or less, to a point opposite Engineer Station 265+85, said point being designated as point "B"; thence S. 1°29' W. 50.0 ft. to a point opposite Engineer Station 265+35, said point being designated as point "C"; thence S. 1°29' W. 101 ft., more or less, to the southerly boundary line of said entire tract; thence Westerly 35.0 ft. along said southerly boundary line to a point designated as point "D"; thence Easterly 45 ft. along said southerly boundary line to the westerly right of way line of the existing highway; thence N. 1°29' E. 360.1 ft. along said right of way line to said northerly boundary line; thence Westerly 10 ft. along said northerly boundary line to the point of beginning. The above described parcel of land contains 0.08 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.

Limited-access from said point "A" to said point "B" and from said point "C" to said point "D".

Parcel No. 030-1:79:E

An easement, upon part 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., in Davis County, Utah, for the purpose of constructing thereon an irrigation ditch and appurtenant parts thereof incident to the construction of an expressway known as Project No. 030-1.

Said part of an entire tract is a strip of land adjoining westerly the westerly right of way line of said project. Said strip of land is 6.0 ft. wide, 3.0 ft. on each side of the following described center line:

Beginning in the south boundary line of said entire tract of property, at a point 75.0 ft. perpendicularly distant westerly from the center line of said project at Engineer Station 264+34.0, said point of beginning is approximately 921 ft. south and 71 ft. west from the E $\frac{1}{4}$ corner of said Section 14; thence N. 1°29' E. 101 ft. The above described strip of land contains 0.02 acre, more or less.