

323066 IN THE DISTRICT COURT OF DAVIS COUNTY 2047-571-18

STATE OF UTAH

STATE OF UTAH, by and through
 its ROAD COMMISSION,
 Plaintiff,
 -vs-
 CENTERVILLE INVESTMENT CORPOR-
 ATION,
 Defendant.

ORDER OF
 IMMEDIATE OCCUPANCY
 Civil No. 13700
 Project No. I-15-7(19)315
 Parcel Nos. 13, 13:1E, 13:A,
 and 13:2E

The plaintiff's motion for an order of immediate occupancy having
 come on regularly for hearing before the above-entitled court on
 the 30th day of July, 1968, 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 defen-
 dant 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 is hereby permitted and authorized to occupy the premises
 belonging to the defendant 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

Platted Ab-friated
 On Maps Indexed
 Compared Entered



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 the plaintiff's complaint and to continue the possession of the same pending further hearing and trial on 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 on 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 on 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 plaintiff or any of the agents, employees, or contractors of the plaintiff in the occupation of 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.

This order shall not be effective until the plaintiff herein has deposited with the clerk of the court, for the use and benefit of the defendant parties in interest herein, a sum equal to 75 per cent of the approved appraisal of the defendants' property to be acquired in this action.

IT IS FURTHER ORDERED that on receipt of said moneys, the clerk of this court is ordered to remit the same to the appropriate defendants in the percentage and ratio to which they are entitled.

Dated this 30th day of July, 1968.

151 Thornley N. Swan
DISTRICT JUDGE

This pleading was prepared by the Office of the Attorney General of the State of Utah.

Charles M. Pickett
CHARLES M. PICKETT
Assistant Attorney General
Attorney for Plaintiff
236 State Capitol Building
Salt Lake City, Utah 84114

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 Occupancy is true and correct as the same appears of record in my office and in my custody, 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 30 day of July, A.D. 1968
File No. 13724
JOHN M. PARK
Clerk
By Barbara B. Snow
Deputy Clerk
Original Filed July 30 1968

HIGHWAY PROJECT NO. 1-15-7(19)315
PAGE 2

RECORDED OWNERS: Centerville Investment Corporation
c/o David K. Richards, President
ADDRESS: 150 South 600 East, Salt Lake City, Utah
LIEN HOLDERS: None
Approved Appraisal \$14,650.00
Amount to be tendered landowner at time
Order of Immediate Occupancy is granted \$10,990.00
Parcel No. 15-7:13

A parcel of land in fee for a frontage road and the widening of Parrish Lane incident to the construction of a freeway known as Project No. 15-7, being part of an entire tract of property, in Lot 3 of Section 7, T. 2 N., R. 1 E., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning on a southerly boundary line of said entire tract at a point 40.0 ft. radially distant northwesterly from the center line of said frontage road, which point is 25.96 chains north and approximately 603 ft. east from the SW. corner of said Section 7; thence Northeasterly 468 ft., more or less, along the arc of a 778.511-foot radius curve to the left to a point opposite frontage road Engineer Station 40+56.84 (Note: Tangent to said curve at its point of beginning bears approximately N. 34°37' E.); thence N. 0°12' E. 70 ft., more or less, to the southerly right of way line of Parrish Lane; thence Easterly 415 ft., more or less, along said southerly right of way line to a point opposite Parrish Lane Engineer Station 30+00; thence Southerly 15 ft., more or less, along a straight line to a point 50.0 ft. perpendicularly distant southerly from the center line of said Parrish Lane; thence N. 89°48' W. 335.0 ft. to a point 40.0 ft. perpendicularly distant easterly from said center line of said frontage road; thence S. 0°12' W. 55.05 ft. to a point of tangency with an 858.511-foot radius curve to the right opposite frontage road Engineer Station 40+56.84; thence Southwesterly 463 ft., more or less, along the arc of said 858.511-foot radius curve to said southerly boundary line; thence Westerly 98 ft., more or less, along said southerly boundary line to the point of beginning. The above described parcel of land contains 1.09 acres, 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.

Parcel No. 15-7:13:A

A parcel of land in fee for a freeway known as Project No. 15-7, being part of an entire tract of property, in Lot 3 of Section 7, 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 easterly limited access line of existing U.S. Highway 91 and the southerly right of way line of existing Parrish Lane, which point is approximately 190 ft. east and 2414.6 ft. north from the SW. corner of said Section 7; thence Southerly 504 ft., more or less, along said easterly limited access line to the south boundary line of said entire tract; thence East 240 ft., more or less, along said south boundary line to a point 50.0 ft. perpendicularly distant easterly from the center line of a north bound ramp road known as "C" line of said project; thence N. 12°00' E. 33 ft., more or less, to a point opposite ramp road Engineer Station 16+00; thence N. 17°00'11" E. 172.0 ft.; thence N. 05°56' E. 256.45 ft.; thence N. 78°34' E. 235.0 ft. to a point 40.0 ft. perpendicularly distant westerly from the center line of a frontage road known as F-1 Line opposite frontage road Engineer Station 41+12.07; thence N. 00°12' E. 15 ft., more or less, to said southerly right of way line; thence Westerly 553 ft., more or less, along said southerly right of way line to the point of beginning. The above described parcel of land contains 3.56 acres, 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 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.

(Continued on Page 3)

HIGHWAY PROJECT NO. 1-15-7(19)315

PAGE 3

Parcel No. 15-7:13:1E

An easement upon part of an entire tract of property in Lot 3 of Section 7, T. 2 N., R. 1 E., 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 a freeway known as Project No. 15-7.

Said part of an entire tract is a parcel of land 20.0 ft. wide adjoining southerly the following described portion of the southerly right of way line of Parrish Lane incident to said project:

Beginning on said right of way line at a point 50.0 ft. perpendicularly distant southerly from the center line of Parrish Lane opposite Parrish Lane Engineer Station 30+00, which point is approximately 2385 ft. north and 1162 ft. east from the SW. corner of said Section 7; thence N. 89°48' W. 335.0 ft. to a point 40.0 ft. perpendicularly distant easterly from the center line of a frontage road known as F-1 Line for said project. The above described parcel of land contains 0.15 acre, more or less.

ALSO:

A temporary work easement to facilitate the construction of said irrigation facility and appurtenant parts thereof, being upon a parcel of land 10.0 ft. wide, adjoining southerly the southerly side line of the above described easement, containing 0.08 acre, more or less.

The above described temporary work easement shall expire upon the completion of said construction.

After said irrigation facility is constructed on the above described part of an entire tract at the expense of said State Road Commission, said State Road Commission is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said irrigation facility and appurtenant parts thereof.

Parcel No. 15-7:13:2E

An easement upon part of an entire tract of property in Lot 3 of Section 7, T. 2 N., R. 1 E., 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 a freeway known as Project No. 15-7.

Said part of an entire tract is a parcel of land 10.0 ft. wide adjoining southerly the following described portion of the southerly no-access line of Parrish Lane incident to said project:

Beginning on said no-access line at a point 65.0 ft. perpendicularly distant easterly from the center line of a north bound ramp road known as "C" Line of said project opposite ramp road Engineer Station 20+15.00, which point is approximately 2350 ft. north and 515 ft. east from the SW. corner of said Section 7; thence N. 78°34' E. 235.0 ft. The above described parcel of land contains 0.05 acre, more or less.

ALSO:

A temporary work easement to facilitate the construction of said irrigation facility and appurtenant parts thereof, being upon a parcel of land 10.0 ft. wide, adjoining southerly the southerly side line of the above described easement, containing 0.05 acre, more or less.

The above described temporary work easement shall expire upon the completion of said construction.

After said irrigation facility is constructed on the above described part of an entire tract at the expense of said State Road Commission, said State Road Commission is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said irrigation facility and appurtenant parts thereof.