

UTAH DEPARTMENT OF TRANSPORTATION
ROADWAY DESIGN
FOURTH FLOOR
4501 SOUTH 2700 WEST
SALT LAKE CITY, UTAH 84119-5998

NO.
FILED

FEB 13 1992

Clerk of Summit County

BY.....
Deputy Clerk

A.G. 2566

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Assistant Attorney General
Attorneys for Plaintiff
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Salt Lake City, Utah 84114
Telephone: (801) 538-1017

IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR
SUMMIT COUNTY, STATE OF UTAH

UTAH DEPARTMENT OF
TRANSPORTATION,

Plaintiff,

vs.

DOROTHY F. MURNIN and WILLIAM
E. MURNIN; ASSOCIATED TITLE
COMPANY, Trustee; and FIRST
SECURITY BANK OF UTAH,
Beneficiary,

Defendants.

ORDER OF IMMEDIATE OCCUPANCY

Civil No. 11261 CV

Project No. F-060(2)
Parcel Nos. 25, 25:E

ICD Rdy
PC

ALAN H. HARRIS
SUMMIT COUNTY CLERK

92 MAR -6 PM 3:06

Utah Dept of Trans

355194

REC'D NOIL - 63

Having read the Stipulation entered into among the parties and the pleadings on file in this cause and good cause appearing therefore,

IT IS HEREBY ORDERED AND ADJUDGED, that the Plaintiff has the right of eminent domain and that the purpose for which the premises are sought by this action is public in nature and that the property is needed for that use.

IT IS FURTHER ORDERED that the Plaintiff be and is hereby permitted and authorized to occupy the premises belonging to the Defendants above-named, which premises are sought for highway

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purposes or concerning which premises, easements, or other rights for highway purposes are sought, all such property interests 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 in 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 the construction of the highway project for which the Defendants' property is being sought the Plaintiff shall provide the Defendants reasonable access to and from the Defendants' property that remains after the acquisition by the Plaintiff of the property described as Parcel Nos. 25 and 25:E in Plaintiff's Complaint. The Plaintiff shall replace any fencing along Defendants highway frontage that will be removed as a result of said construction. Said replacement fencing shall be installed before the removal of the existing fence.

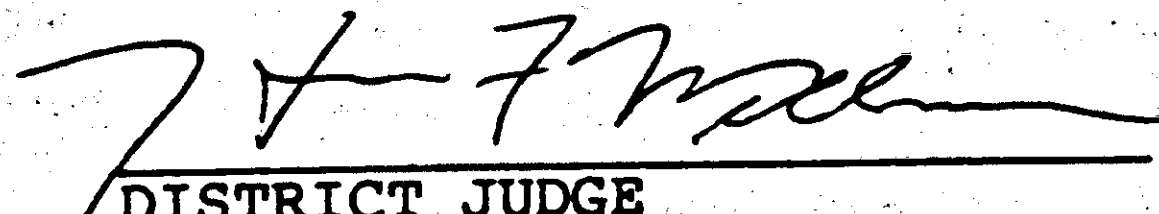
IT IS FURTHER ORDERED that before taking possession of the Defendants' property as herein provided, the Plaintiff shall deposit with the Clerk of the Court the full amount of its approved

appraisal for the use and benefit of the Defendants.

IT IS FURTHER ORDERED that upon request by the Defendants or their counsel the Clerk of this Court shall remit said funds to the Defendants or their attorney or distribute said funds among the Defendants as may be further ordered by the Court. The payment of such funds to the Defendants shall not prejudice the Defendants' claims to greater compensation in this case.

DATED this 13 day of Feb., 1992.

BY THE COURT:


DISTRICT JUDGE

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CO*060*25,25:E

CONDEMNATION RESOLUTION
HIGHWAY PROJECT NO. F-060(2)
SR-224 Kimballs Jct. to Park City

RESOLVED, by the Utah Department of Transportation, hereinafter referred to as the Department, that it finds and determines and hereby declares that:

The public interest and necessity required the acquisition, construction and completion by the State of Utah acting through the Department, 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 interest 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 as provided by Title 27, Chapter 12, Section 96, Utah Code Annotated 1953 as amended.

BE IT FURTHER RESOLVED by said Department that the Attorney General of Utah shall be requested, on behalf of said Department:

To acquire, in the name of the Department, 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 Department to take immediate possession and use of said real property, or interests in real property, for highway purposes, or purposes incidental thereto.

BE IT FURTHER RESOLVED that the State Finance Director shall be requested, on behalf of said Department:

To prepare State Warrant in the amount of the approved appraisal of each parcel of real property, or interest in real property set forth and described herein; payee to be the Clerk of the District Court of the County wherein the real property is located, for the use and benefit of the landowners and/or lien holder as described herein;

That a tender to the landowners of a sum equal to the fair market value of the property to be acquired for rights of way herein shall be made prior to issuance of Order of Immediate Occupancy.

The real property, or interest in real property, which the Department is by this resolution authorized to acquire for said public use, is situate in the County of Summit, State of Utah, Highway Project No. F-060(2), and is described as follows:

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HIGHWAY PROJECT NO. F-060(2)

RECORDED OWNER: Dorothy F. Murnin & William E. Murnin
ADDRESS: 4373 North Highway 224
Park City, Utah 84060

PARTY IN INTEREST: Associated Title Company, Trustee
ADDRESS: c/o Blake T. Heiner, Attorney
349 South 200 East, Suite 200
Salt Lake City, Utah 84111

PARTY IN INTEREST: First Security Bank of Utah Beneficiary
ADDRESS: c/o Dan Covington, Vice President
425 South Main Street
Salt Lake City, Utah 84111

LEIN HOLDERS: None of record

APPROVED APPRAISAL: \$7,350.00

Parcel No. 060:25

A parcel of land in fee for the widening of State Route 224 known as Project No. 060, being part of an entire tract of property situate in the NE¹/₄ NW¹/₄ of Section 31, T. 1 S. R. 4 E., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at the Northwest corner of said entire tract, which point is 1009.43 ft. south and 1415.80 ft. east from the Northwest corner of said Section 31; thence East 53.00 ft. along the north boundary line of said entire tract to a point 63.00 ft. perpendicularly distant easterly from the center line of said project; thence S. 0°13' E. 124.45 ft. along a line parallel to said center line, to the south boundary line of said entire tract; thence West 53.00 ft. along said south boundary line to Southwest corner of said entire tract; thence N. 0°13' W. 124.45 ft. along the westerly boundary line of said entire tract to the point of beginning. The above described parcel of land contains 0.151 acre. of which 0.094 acre is now occupied by the existing highway. Balance 0.057 acre.

(Note: Rotate the above bearings 0°00'57" clockwise to equal highway bearings.)

Continued on page 3

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CO*060*25 25:E

HIGHWAY PROJECT NO. F-060(2)

Parcel No. 060:25:E

A temporary easement, upon part of entire tract of property in the NE*~~NE~~*NW* of Section 31, T. 1 S., R. 4 E., S.L.B. & M., in Summit County, Utah for the purpose of constructing thereon a drainage facility and appurtenant parts thereof incident to the widening of State Route 224 known as Project No. 060. The boundaries of said part of an entire tract are described as follows:

Beginning at the Northeast corner of said entire tract, which point is 1009.24 ft. south and 1565.80 ft. east from the Northwest corner of said Section 31; thence S. 0°13' E. 15.82 ft.; thence N. 80°13' W. 89.86 ft.; thence S. 54°47' W. 34.78 ft. to the easterly right of way line of said project; thence N. 0°13' W. 20 ft. along said easterly right of way line; thence N. 54°47' E. 1.05 ft.; thence East 116.13 ft. to the point of beginning. The above described part of an entire tract contains 1045 square feet in area or 0.024 acre.

(Note: Rotate the above bearings 0°00'57" clockwise to equal highway bearings.)

This easement shall expire upon completion of the construction of said project.

Prepared by EJK 11-6-91

of then) ss
County of Summit) ss
James H. Geary, Clerk of the District Court in and for
Summit County, State of Utah, do hereby certify that the
above is a full, true and correct copy of the Order
of Immediate Occupancy
of the entitled #11261
appears of record and up in my office.
WHEREOF I have set my hand and
said Court this 14th day of Feb, 1972
Joyce S. Over Deputy Clerk

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