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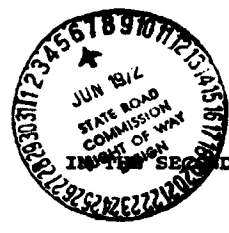
THIS INSTRUMENT WAS RECORDED ON

JUDGMENT
STIPULATIONS
RESOLUTIONS
MAPS

88736-27-121

DATE 5-11-72

509



365858

ADDRESS YES NO

INDEPENDENT SECOND DISTRICT COURT IN AND FOR DAVIS COUNTY

STATE OF UTAH

Recorded JUN 11 1972 State Dept. of Highways
Date 11:12 AM p.m. COUNTY CLERK'S OFFICE Davis County
By *[Signature]* Deputy Clerk 489 Fee 509

STATE OF UTAH, by and through
its ROAD COMMISSION,

Plaintiff,

-v-

PREMIUM OIL COMPANY,

Defendant

FINAL ORDER OF CONDEMNATION
Civil No. 16476
Project No. NS-129(1)
Parcel Nos. 6:A, 6:E
Total Payment \$25,772.68

It appearing to the court and the court now finds that heretofore, on the 11th day of April, 1972, this court made and entered its judgment in the above entitled proceeding, and said judgment is hereby referred to; and

It appearing to the court and the court now finds that pursuant to the law and the said judgment, the plaintiff did pay said judgment to the defendant Premium Oil Company, together with all interest required by said judgment to be paid; and

It further appearing to the court that the plaintiff has made all payments as required by law and order of this court, and that this is not a case where any bond was required to be given, and all and singular the law in the premises being given by the court understood and fully considered,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the parcels of land hereinafter described are hereby taken and condemned in fee simple title as to Parcel No. 6:A and for easement rights as to Parcel 6:E, for the purpose described and set forth in the plaintiff's complaint, i.e., for the use of the plaintiff, the State of Utah, for highway purposes.

Abstracted
 Indexed
 Entered
 Matted
 On Margin
 Compared

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said use is a public use and a use authorized by law.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a copy of this final order of condemnation be filed with the county recorder of Davis County, State of Utah, and thereupon the property interests hereinafter referred to and set forth shall vest in fee simple title as to Parcel No. 6:A and for easement rights as to Parcel No. 6:E in the plaintiff. The following is a description of the property so ordered and condemned as hereinabove provided, which is hereby vested in fee simple title as to Parcel No. 6:A and for easement rights as to Parcel No. 6:E, in the plaintiff, all of such property being situated in Davis County, State of Utah, and is more particularly described as follows:

Parcel No. 129:6:A

A parcel of land in fee for an expressway known as Project No. 129, being part of an entire tract of property, in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, T. 2 N., R. 1W., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the southerly existing right of way line of 2600 South Street and the southeasterly right of way line of the former Bamberger Railroad, which point is approximately 1887 ft. north and 1188 ft. east from the S $\frac{1}{4}$ corner of said Section 36; thence Southwesterly 22.40 ft. along said railroad right of way line to a point 53.0 ft. perpendicularly distant southerly from the center line of said project at Engineer Station 27+81.02; thence S. 89°52' E. 78.98 ft. to a point 53.0 ft. perpendicularly distant southerly from said center line at Engineer Station 28+60; thence S. 18°45'33" E. 61.77 ft. to the northwesterly right of way line of highway US-91; thence S. 48°39' E. 8.75 ft. to a point 41.25 ft. perpendicularly distant northwesterly from the center line of said highway US-91; thence N. 31°21' E. 97.02 ft.; thence Westerly 146.67 ft. (117 feet, more or less, in grantors deed) along said southerly existing right of way line of said 2600 South Street to the point of beginning. The above described parcel of land contains 0.118 acre, more or less, of which 0.019 acre, more or less, is now occupied by the existing highway. Balance 0.099 acre, more or less.

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 expressway, 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 expressway.

Parcel No. 129:6:E

A slope easement upon part of an entire tract of property, in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, T. 2 N., R. 1 W., S.L.B.&M., in Davis County, Utah, and adjoining southerly the southerly right of way and limited-access line of a highway known as Project No. 129 for the purpose of constructing thereon cut and/or fill slopes and necessary drainage ditches and appurtenant parts thereof incident to the grading of the roadway of said project. Said part of an entire tract is described as follows:

Beginning on the southeasterly right of way line of the former Bamberger Railroad, at a point 53.0 ft. perpendicularly distant southerly from the center line of said Highway Project No. 129 opposite Engineer Station 27+81.02 which point is also approximately 1867 ft. north and 1178 ft. east from the S $\frac{1}{4}$ corner of said Section 36; thence Southwesterly 16.80 ft. along said railroad right of way line; thence S. 89°52' E. 91.67 ft.; thence N. 30°12'22" W. 15.85 ft. to a point 53.0 ft. perpendicularly distant southerly from the center line of said project; thence N. 89°52' W. 78.98 ft. to the point of beginning.

The above described easement contains 0.029 acre, more or less.

It is further agreed that the Owner, by consent of the Department of Highways, shall have the right to lessen but not to increase the vertical distance or grade of said slopes.

Dated this 12th day of May, 1972.

B. Howley K. Swan
DISTRICT JUDGE

RODNEY W. WALKER, County Clerk and Ex-officio Clerk of the District Court of the State of Utah, in and for the County of Davis, do hereby certify that the foregoing copy of

Deed of Easement
is a true and correct transcript thereof and of the whole thereof 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 12th day of May, 1972.

6476
RODNEY W. WALKER
Deputy Clerk

May 12 1972