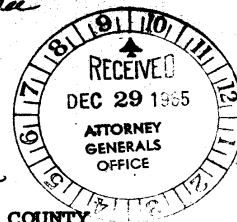


FILED AND RECORDED FOR

*State Road Commission*  
1966 FEB 14 AM 10 06



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Compared  Page

RUTH EAMES OLSEN  
WEBER COUNTY RECORDER  
DEPUTY *[Signature]*

IN THE SECOND DISTRICT COURT IN AND FOR WEBER COUNTY

STATE OF UTAH

STATE OF UTAH, by and through :  
its ROAD COMMISSION, :  
Plaintiff, :  
-vs- :  
JOSEPH DELBERT MARRIOTT, :  
et al., :  
Defendants. :

ORDER OF  
IMMEDIATE OCCUPANCY  
Civil No. 44406-2  
Project No. I-15-8(7)338  
Parcels Nos. 55:E and 55B:E

The plaintiff's motion for an Order of Immediate Occupancy as to the First Amended Complaint and defendants Joseph Delbert Marriott and Helen H. Marriott, his wife, M. Stewart Marriott and Laura Marriott, his wife, Caleb Marriott, a single man, Gilbert Enos Marriott and Helen A. F. Marriott, his wife, and Ethel Tracy, a woman, and Parcels Nos. 55:E and 55B:E, having come on regularly for hearing before the above entitled Court on the 27th day of December, 1965, at 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 First Amended 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

DEC 27 12 46 PM '65

WENDELL HANSEN, CLERK  
FILED BY *[Signature]*  
DEPUTY  
ENTRY NO. 20293

are sought for highway purposes or concerning which premises, easements or other rights for highway purposes are 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 First Amended Complaint on file in this action, and in the first amended 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 First Amended 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 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 re-

strained 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 First Amended 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 First Amended Complaint.

Dated this 27<sup>th</sup> day of December, 1965.

1st CHARLES G. LOULEY  
DISTRICT JUDGE

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

STATE OF UTAH }  
COUNTY OF WEBER } ss:

I HEREBY CERTIFY THAT THIS IS A TRUE COPY  
OF THE ORIGINAL ON FILE IN MY OFFICE  
DATED THIS 28<sup>th</sup> DAY OF Dec 19 65

WENDELL HANSEN, COUNTY CLERK &  
EX OFFICIO CLERK OF 2<sup>nd</sup> DIST. COURT  
W. Hansen, DE

FILED IN THIS OFFICE ON 27<sup>th</sup> DAY OF Dec 1965



Ref. No. 338-31B

FIRST AMENDMENT TO CONDEMNATION RESOLUTION  
HIGHWAY PROJECT NO. 1-15-8(7)338  
31st Street in Ogden - Hot Springs

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. 1-15-8(7)338 in the County of Weber, 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 10th day of November, 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, it is now declared by the State Road Commission that the said condemnation resolution heretofore mentioned of the 10th day of November, 1965, be amended to permit the addition of two parcels identified as Parcel Nos. 15-8:55:E and 15-8:55B:E in said Resolution,

NOW, THEREFORE BE IT RESOLVED by said State Road Commission that the Attorney General of Utah be advised of said additions to said certified copy of said Resolution approved on the 10th day of November, 1965, and that otherwise said Resolution remain in full force and effect:

Ref. No. 338-31B

HIGHWAY PROJECT NO. 1-15-8(7)338  
PAGE 2

RECORDED OWNERS: Joseph Delbert Marriott and Helen H. Marriott, his wife  
 ADDRESS: 2974 North 150 West, Ogden, Utah  
 RECORDED OWNERS: M. Stewart Marriott and Laura Marriott, his wife  
 ADDRESS: 3258 Pingree Avenue, Ogden, Utah  
 RECORDED OWNER: Celeb Marriott, a single man  
 ADDRESS: 347 9th Street, Ogden, Utah  
 RECORDED OWNERS: Gilbert Enos Marriott and Helen A.F. Marriott, his wife  
 ADDRESS: 948 West 26th Street, Ogden, Utah  
 RECORDED OWNER: Ethel Tracy, a woman  
 ADDRESS: 2332 Jefferson Avenue, Ogden, Utah  
 LIEN HOLDERS: None  
 Parcel No. 15-8:55:E

An easement upon part of an entire tract of property in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 30, T. 6 N., R. 1 W., S.L.B.&M., in Weber County, Utah, for the purpose of constructing thereon a water line and appurtenant parts thereof incident to the construction of a freeway known as Project No. 15-8.

Said part of an entire tract is a parcel of land 10.0 ft. wide adjoining northeasterly the northeasterly no-access line of said project, said northeasterly no-access line is described as follows:

Beginning at a point 65.0 ft. perpendicularly distant northeasterly from the center line of a north bound ramp road of said project at ramp road Engineer Station 19+69.97, which point is approximately 609 ft. east and 147 ft. north from the SW. corner of said Section 30; thence S. 46°06' E. 103.51 ft. to a point of tangency with an 883.51 foot-radius curve to the right; thence Southeasterly 30 ft., more or less, along the arc of said curve to the easterly boundary line of said entire tract. The above described parcel of land contains 0.03 acre, more or less.

RECORDED OWNERS: Gilbert Enos Marriott and Helen A.F. Marriott, his wife  
 ADDRESS: 948 West 26th Street, Ogden, Utah  
 LIEN HOLDERS: None  
 Parcel No. 15-8:55B:E

An easement upon part of an entire tract of property in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 30, T. 6 N., R. 1 W., S.L.B.&M., in Weber County, Utah, for the purpose of constructing thereon a water line and appurtenant parts thereof incident to the construction of a freeway known as Project No. 15-8.

Said part of an entire tract is a parcel of land 10.0 ft. wide adjoining northeasterly the northeasterly no-access line of said project, said northeasterly no-access line is described as follows:

Beginning on the westerly boundary line of said entire tract at a point 65.0 ft. radially distant northeasterly from the center line of a north bound ramp road of said project, which point is 715.30 ft. east and approximately 50 ft. north from the SW. corner of said Section 30; thence Southeasterly 24 ft., more or less, along the arc of an 883.51 foot-radius curve to the right to the north right of way line of 26th Street in Ogden (Note: Tangent to said curve at its point of beginning bears approximately S. 44°09' E.). The above described parcel of land contains 0.008 acre, more or less.

Prepared by WLJ, 11-23-65