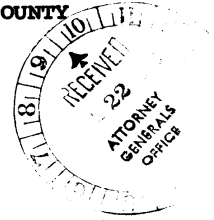


Brown

IN THE SECOND DISTRICT COURT IN AND FOR WEBER COUNTY

STATE OF UTAH



STATE OF UTAH, by and through :
its ROAD COMMISSION, :
Plaintiff, :

-vs-

ORDER OF

LAURAL Z. FUHRIMAN and FRANCES :
T. FUHRIMAN, his wife; GEORGE :
O. GOOCH and CAROL GOOCH, his :
wife; GOLDEN J. PETERSON and :
VELMA L. PETERSON, his wife; :
HERBERT DOMINGUEZ and NORMA J.:
DOMINGUEZ, his wife; OGDEN :
RAILWAY EMPLOYEE FEDERAL :
CREDIT UNION; CORNELIUS :
EILANDER and MINA D. EILANDER, :
his wife, :

IMMEDIATE OCCUPANCY

Civil No. 45137

Project No. I-15-8(7)338
Parcel Nos. 68H:A, 68J:A,
68N and 73J

Defendants. :
:

The plaintiff's motion for an Order of Immediate Occupancy having come on regularly for hearing before the above-entitled court on the _____ day of _____, 1966, at the hour of _____ 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 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 sought, all such property easements or other rights as required by the

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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 properteis 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 18th day of July, 1966.

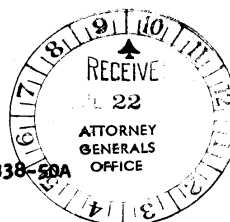
1s/ John F. Wahlquist
DISTRICT JUDGE

LYNN R. BROWN
Assistant Attorney General
Attorney for Plaintiff
236 State Capitol Building
Salt Lake City, Utah 84114

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 21st DAY OF July, 1966.
WENDELL HANSEN, COUNTY CLERK &
EX OFFICIO CLERK OF 2nd DIST. COURT
BY Wm. E. Rymer, DEPUTY

3657



Ref. No. 338-50A

**CONDEMNATION RESOLUTION
HIGHWAY PROJECT NO. 1-15-8(7)338
31st St. in Ogden to Hot Springs**

RESOLVED, by the State Road Commission of Utah that it finds and determines and hereby declares that:

The public interest and necessity require the acquisition, construction and completion by the State of Utah acting through the State Road Commission, 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 interests 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, and has been heretofore designated as a limited-access facility, as provided by Title 27, Chapter 12, Section 96, Utah Code Annotated 1953 as amended.

BE IT FURTHER RESOLVED by this Commission that the Attorney General of Utah shall be instructed and requested, on behalf of this Commission:

To acquire, in the name of the State Road Commission of Utah, 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 Commission 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 instructed and requested, on behalf of this Commission:

To prepare State Warrant in a sum equal to 75% 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 landowner and/or lien holder as described herein;

That a tender to the landowner of a sum equal to at least 75% of 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;

That the payment contemplated herein shall be without prejudice to landowner.

The real property, or interests in real property, which the State Road Commission is by this resolution authorized to acquire for said public use, is situate in the County of Weber, State of Utah, Highway Project No. 1-15-8(7)338, and is described as follows:

HIGHWAY PROJECT NO. 1-15-8(7)338
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RECORDED OWNERS: Laural Z. Fuhriman and Frances T. Fuhriman, his wife
 ADDRESS: 2261 Jefferson Street, Ogden, Utah
 LIEN HOLDER: George O. Gooch
 ADDRESS: 1112 West Harrisville Road, Ogden, Utah
Parcel No. 15-8:68H:A
 Approved Appraisal \$930.00
 Amount to be tendered landowner at time
 Order of Immediate Occupancy is granted \$700.00

15-8:68H: A

A parcel of land in fee for a frontage road and grade separation incident to the construction of a freeway known as Project No. 15-8, being part of an entire tract of property, in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, T. 6 N., R. 2 W., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning at the NE. corner of said entire tract, which point is 9.02 chains east and 9.70 chains N. 5°30' W. from the SW. corner of the NE $\frac{1}{4}$ of said Section 25; thence Westerly 160 ft. along the center line of Wilson Lane to the westerly boundary line of said entire tract; thence Southerly 112 ft., more or less, along said westerly boundary line to a point 25.0 ft. perpendicularly distant southerly from the center line of said frontage road; thence S. 82°00' E. 163 ft., more or less, to the easterly boundary line of said entire tract; thence Northerly 125 ft., more or less, along said easterly boundary line to the point of beginning. The above described parcel of land contains 0.43 acre, more or less, of which 0.12 acre, more or less, is now occupied by said Wilson Lane. Balance 0.31 acre, more or less.

Together with any and all rights or easements, exclusive of access, appurtenant to the remaining portion of said entire tract of property by reason of the location thereof with reference to said freeway. Such remaining property shall abut upon and have access to and from a frontage road.

RECORDED OWNERS: George O. Gooch and Carol Gooch, his wife
 ADDRESS: 1112 West Harrisville Road, Ogden, Utah
 CONTRACT PURCHASERS: Golden J. Peterson and Velma L. Peterson, his wife
 ADDRESS: 1451 West 2100 South Street, Ogden, Utah
 LIEN HOLDERS: None
Parcel No. 15-8:68J:A
 Approved Appraisal \$12,470.00
 Amount to be tendered landowner at time
 Order of Immediate Occupancy is granted \$9,355.00

15-8:68J: A

A parcel of land in fee for a frontage road and a grade separation incident to the construction of a freeway known as Project No. 15-8, being part of an entire tract of property, in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, T. 6 N., R. 2 W., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning at a NE. corner of said entire tract, which point is 9.02 chains east, 9.70 chains N. 5°30' W. and 160 ft. N. 87°06' W. from the SW. corner of the NE $\frac{1}{4}$ of said Section 25; thence Southerly 112 ft., more or less, to a point 25.0 ft. perpendicularly distant southerly from the center line of said frontage road; thence N. 82°00' W. 70 ft., more or less, to a point of tangency with a 75.0 foot-radius curve to the right at Engineer Station 11+05.38; thence Westerly 92.20 ft. along the arc of said curve to a point 49.29 ft. perpendicularly distant southerly from the center line of the relocation of Wilson Lane for said grade separation at relocation Engineer Station 12+52.52; thence N. 82°00'58" W. 52.69 ft.; thence N.86°41' W. 33 ft., more or less, to a westerly boundary line of said entire tract; thence Northerly 46 ft., more or less, along said westerly boundary line to the center line of Wilson Lane; thence Easterly 224.78 ft. along said center line to the point

HIGHWAY PROJECT NO. 1-15-8(7)338
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of beginning. The above described parcel of land contains 0.40 acre, more or less, of which 0.17 acre, more or less, is now occupied by said Wilson Lane. Balance 0.23 acre, more or less.

Together with any and all rights or easements, exclusive of access, appurtenant to the remaining portion of said entire tract of property by reason of the location thereof with reference to said freeway. Such remaining property shall abut upon and have access to and from a frontage road.

RECORDED OWNERS: Herbert Dominguez and Norma J. Dominguez, his wife
ADDRESS: Southern Pacific Section House, West Weber, Utah
LIEN HOLDER: Ogden Railway Employee Federal Credit Union
ADDRESS: 147 26th Street, Ogden, Utah
Parcel No. 15-8:68N
Approved Appraisal \$55.00
Amount to be tendered landowner at time
Order of Immediate Occupancy is granted \$55.00

A parcel of land in fee for a grade separation incident to the construction of a freeway known as Project No. 15-8, being part of an entire tract of property, in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, T. 6 N., R. 2 W., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning at a NW corner of said entire tract, which point is 630 ft. north from the SW corner of the NE $\frac{1}{4}$ of said Section 25; thence Easterly 93.80 ft. along the existing southerly right of way line of Wilson Lane to an easterly boundary line of said entire tract; thence Southerly 13 ft., more or less, along said easterly boundary line to a point 45.0 ft. perpendicularly distant southerly from the center line of the relocation of said Wilson Lane for said grade separation; thence N. 86°41' W. 95 ft., more or less, to a westerly boundary line of said entire tract; thence Northerly 13 ft., more or less, along said westerly boundary line to the point of beginning. The above described parcel of land contains 0.03 acre, more or less.

RECORDED OWNERS: Cornelius Eilander and Mina D. Eilander, his wife
ADDRESS: North of 1100 West and 2100 South Streets, Ogden, Utah
LIEN HOLDERS: None
Parcel No. 15-8:73J
Approved Appraisal \$1,770.00
Amount to be tendered landowner at time
Order of Immediate Occupancy is granted \$1,330.00

A parcel of land in fee for an access road incident to the construction of a freeway known as Project No. 15-8, being part of an entire tract of property, in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24 and in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, T. 6 N., R. 2 W., S.L.B.&M. Said parcel of land is contained within two side lines parallel to and at distances of 16.5 ft. westerly and 16.5 ft. easterly from the center line of said access road. Said center line is described as follows:

Beginning at the intersection of the southerly boundary line of said entire tract and said center line approximately at Engineer Station 10+64, which point is approximately 1573 ft. north and 18 ft. west from the SE corner of said Section 25; thence N. 00°10.3' E. 1210 ft., more or less, to Engineer Station 22+74.0; thence N. 44°35.4' W. 772 ft., more or less, to the intersection of said center line approximately at Engineer Station 30+46 and a westerly boundary line of said entire tract, which point is approximately 695 ft. north and 585 ft. west from the SE corner of said Section 24. The above described parcel of land contains 1.50 acres, more or less.

Prepared by MEM, 5-25-66

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State Road Commission
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Lester H. Johnson