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BOOK 846 PAGE 694

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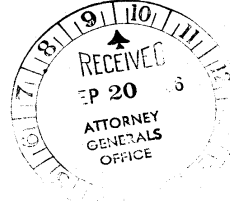
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FILED AND RECORDED FOR.

*State Road Commission*  
1966 SEP 29 AM 11 24

IN THE SECOND DISTRICT COURT IN AND FOR WEBER COUNTY  
STATE OF UTAH

RUTH EAMES OLSEN  
WEBER COUNTY RECORDER  
DEPUTY *William J. Peterson*



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

Plaintiff, :

-vs- :

MARGARET DeVRIES, et al., :  
\* \* \* \* \* :  
MARGARET DeVRIES, a widow; :  
HENRY DeVRIES and ANNA :  
DeVRIES, his wife, :

Defendants. :

ORDER OF

IMMEDIATE OCCUPANCY

Civil No. 44407-3  
Project No. 1-15-8(7)338  
Parcel No. 15-8:73D

The plaintiff's motion for an Order of Immediate Occupancy as to the First Amended Complaint, having come on regularly for hearing before the above-entitled court on the 19 day of September, 1966, at the hour of 10 A.M., and it having been shown to the satisfaction of said court that notice of such Motion has been given to the above-named defendants 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 purposes 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 above-named defendants, 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 plaintiff herein, and the property belonging to the defendants as affected thereby being particularly set out and described in the First Amended Complaint here on file in this action, and in the First Amended 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 on or 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 in any way 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 the plaintiff's

BOOK 846 PAGE 696

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 property, as set forth in said First Amended Complaint.

Dated this 19th day of Sept, 1966.

**PARLEY E. NORSETH**

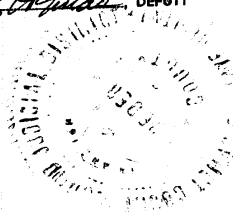
DISTRICT JUDGE

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 19th DAY OF Sept 1966  
WENDELL HANSEN, COUNTY CLERK &  
EX OFFICIO CLERK OF 2nd DIST. COURT  
BY Robert E. Adams DEPUTY

John G. Avery  
Assistant Attorney General  
Attorney for Plaintiff  
236 State Capitol Building  
Salt Lake City, Utah

3572



FIRST AMENDMENT TO CONDEMNATION RESOLUTION  
HIGHWAY PROJECT NO. 1-15-8(7)338  
31st St. in Ogden to 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 6th day of Dec. 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 6th day of Dec. 1965 be amended to permit the addition of a parcel identified as Parcel No. 15-8:73D in said Resolution,

NOW, THEREFORE BE IT RESOLVED by said State Road Commission that the Attorney General of Utah be advised of this First Amendment to said Condemnation Resolution and its contents, and

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, and

BE IT FURTHER RESOLVED by this Commission that except for said addition said Resolution of the 6th day of Dec. 1965, remain in full force and effect.

Said parcel as added is described as follows:

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

RECORDED OWNER: Margaret DeVries, a widow  
ADDRESS: 3457 Fowler Avenue, Ogden, Utah  
RECORDED OWNERS: Henry DeVries and Anna DeVries, his wife  
ADDRESS: 768 West 24th Street, Ogden, Utah  
LIEN HOLDERS: None

Parcel No. 15-8:73D

Approved Appraisal \$75.00

Amount to be tendered landowner at time

Order of Immediate Occupancy is granted \$75.00

RT 8 1234 SA

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, T. 6 N., R. 2 W., S.L.S.M. Said parcel of land is contained within two side lines parallel to and at distances of 16.5 ft. south-westerly and 16.5 ft. northeasterly from the center line of said access road. Said center line is described as follows:

Beginning as the intersection of an easterly boundary line of said entire tract and said center line approximately at Engineer Station 31+31, which point is approximately 755 ft. north and 647 ft. west from the SE. corner of said Section 24; thence N. 44°35.4' W. 80 ft., more or less, to the intersection of said center line approximately at Engineer Station 32+11 and a westerly boundary line of said entire tract. The above described parcel of land contains 0.06 acre, more or less.