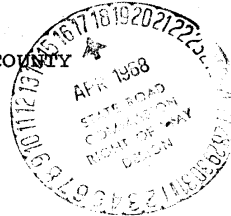


IN THE SECOND DISTRICT COURT IN AND FOR WEBER COUNTY

STATE OF UTAH



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

Plaintiff, :

FINAL ORDER OF CONDEMNATION

-v-

Civil No. 41,128

GORDON G. HOWES, et al. :

\* \* \*

ROWLAND S. BINGHAM and :  
KATHERINE C. BINGHAM, his wife, :

Project No. I-15-8(6)334  
Parcel Nos. 139, 139:A, 139B:A  
and 139:E  
Total Payment: \$34,813.60

Defendants. :

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It appearing to the court and the court now finds that heretofore,  
on the 8th day of December, 1966, 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 defendants, Rowland S. Bingham and Katherine C. Bingham,  
his wife, 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 Nos. 139 and 139:A and for access rights  
as to Parcel No. 139B:A, and for easement rights as to Parcel No.

139: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.

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 Weber County, State of Utah, and thereupon the property interests hereinafter referred to and set forth shall vest in fee simple title as to Parcel Nos. 139 and 139:A, for access rights as to Parcel No. 139B:A, and for easement rights as to Parcel No. 139: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 Nos. 139 and 139:A, for access rights as to Parcel No. 139B:A, and for easement rights as to Parcel No. 139:E in the plaintiff, all of such property being situated in Weber County, State of Utah, and is more particularly described as follows:

Parcel No. 15-8:139

A parcel of land in fee for a service road incident to the construction of a freeway known as Project No. 15-8, being part of an entire tract of property, in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 13, T. 5 N., R. 2 W., S. L. M. The boundaries of said parcel of land are described as follows:

Beginning on the east line of said NE $\frac{1}{4}$  NW $\frac{1}{4}$  at a point 50.0 ft. radially distant westerly from the center line of said service road, which point is approximately 955 ft. south along said east line from the N $\frac{1}{4}$  corner of said Section 13; thence Northerly 20 ft., more or less, along the arc of a 1687.02 ft. radius curve to the right to the northerly boundary line of said entire tract (Note: Tangent to said curve at its point of beginning bears approximately N. 18° 32' W.); thence S. 87° 35' E. 7 ft., more or less, to said east line; thence South 18 ft., more or less, along said east line to the point of beginning. Above described parcel of land contains 0.002 acre, more or less.

Follows 1146 DT (1)

Parcel No. 15-8:139:A

A parcel of land in fee for a freeway known as Project No. 15-8, being part of an entire tract of property, in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 13, T. 5 N., R. 2 W., S. L. M. The boundaries of said parcel of land are described as follows:

Beginning at a point 120.0 ft. radially distant westerly from the center line of said project opposite Engineer Station 911+55.4, which point is approximately 1235 ft. south and 947 ft. west from the N $\frac{1}{4}$  corner of said Section 13; thence Northerly 39.7 ft. along the arc of a 5609.58 ft. radius curve to the left to a point opposite Engineer Station 911+95.99 (Note: Tangent to said curve at its point of beginning bears N. 6 $^{\circ}$  28' E.); thence N. 06 $^{\circ}$  04' E. 297., more or less, to the northerly boundary line of said entire tract; thence S. 87 $^{\circ}$  35' E. 241 ft., more or less, to a point 120.0 ft. perpendicularly distant easterly from said center line; thence S. 06 $^{\circ}$  04' W. 310 ft., more or less, to a point of tangency with a 5849.58 ft. radius curve to the right opposite Engineer Station 911+95.99; thence Southerly 105 ft., more or less, along the arc of said curve to the south boundary line of said entire tract; thence N. 89 $^{\circ}$  35' W. 274 ft., more or less, to the west boundary line of said entire tract; thence North 90 ft., more or less, to a point N. 83 $^{\circ}$  32' W. from the point of beginning; thence S. 83 $^{\circ}$  32' E. 41 ft., more or less, to the point of beginning. Above described parcel of land contains 2.38 acres, 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 freeway, 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 freeway.

Parcel No. 15-8:139B:A

ACCESS RIGHTS for a freeway known as Project No. 15-8, over and across the southerly and southeasterly boundary lines of an entire tract of property in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 13, T. 5 N., R. 2 W., S. L. B. & M. Said southerly and southeasterly boundary lines are the northerly and northwesterly right of way lines of a highway known as F.A. Project No. 114-A and is described as follows:

Beginning on said northwesterly right of way line at a point opposite Engineer Station 42+10.5, which point is approximately 71 ft. north from the SE. corner of said NE $\frac{1}{4}$  NW $\frac{1}{4}$ ; thence S. 57 $^{\circ}$  05' W. 130 ft., more or less, to said northerly right of way line; thence Westerly 97 ft., more or less, along said northerly right of way line to a point 141 ft. radially distant northwesterly from the center line of said F.A. Project No. 114-A.

By reason of the property location with reference to the northerly and northwesterly side lines of said freeway known as Project No. 15-8 (formerly FA-Project No. 114-A) adjoining said southerly

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and southeasterly boundary lines of said entire tract, the State Road Commission of Utah acquires all rights of access to or from said highway over and across said southerly and southeasterly boundary lines, which access here, now, and forever shall be closed to the Owners, their heirs, successors and/or assigns. Said entire tract has access to and from said highway through 1500 West Street in Riverdale which said street adjoins easterly said entire tract.

Parcel No. 15-8:139:E

An easement upon part of an entire tract of property in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 13, T. 5 N., R. 2 W., S. L. B. & M. in Weber County, Utah, for the purpose of constructing thereon an irrigation facility 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 5.0 ft. wide adjoining westerly the following described portion of the westerly side line of said project:

Beginning at a point 120.0 ft. radially distant westerly from the center line of said project at Engineer Station 911+55.4, which point is approximately 1235 ft. south and 947 ft. west from the N $\frac{1}{4}$  corner of said Section 13; thence Northerly 39.7 ft. along the arc of a 5609.58 foot-radius curve to the left to a point opposite Engineer Station 911+95.99 (Note: Tangent to said curve at its point of beginning bears N. 06° 28' E.); thence N. 06° 04' E. 297 ft., more or less, to the northerly boundary line of said entire tract. The above described parcel of land contains 0.04 acre, more or less.

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After said irrigation facility is constructed on the above described part of an entire tract at the expense of said State Road Commission, said State Road Commission is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said irrigation facility and appurtenant parts thereof.

Dated this 12<sup>th</sup> day of April, 1968.

**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 12 DAY OF April, 1968. WENDELL HANSEN, COUNTY CLERK & EX OFFICIO CLERK OF DIST. COURT BY [Signature] DEPUTY

This pleading was prepared in the Office of the Attorney General of the State of Utah.

[Signature]  
CHARLES M. PICKETT  
Assistant Attorney General  
State Capitol  
Salt Lake City, Utah 84114

503538

FILED AND RECORDED FOR  
Utah State Deputy Rec.  
1968 APR 22 AM 11 27

RUTH EAMES OLSEN  
WEBER COUNTY RECORDER  
DEPUTY [Signature]

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