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Recorded at request of *Utah Power & Light Co.* Fee Paid \$ *8.50*  
Date *MAR 22 1979* 4:40 AM CAROL DEAN PAGE Recorder Davis County  
By *Shirley Manning* Deputy Book *758* Page *221*

SIDNEY G. BAUCOM  
ROSEMARY RICHARDSON  
THOMAS W. FORSGREN  
Attorneys for Plaintiff  
1407 West North Temple  
Salt Lake City, Utah 84116  
Telephone: 350-3796

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*sw 23* } *37-12*

IN THE SECOND JUDICIAL DISTRICT COURT OF DAVIS COUNTY  
STATE OF UTAH

UTAH POWER & LIGHT COMPANY,  
a corporation,

Plaintiff,

vs.

WHEELER MACHINERY COMPANY  
now known as  
WHEELER ENTERPRISES, INC.,  
a Utah corporation,  
ZIONS FIRST NATIONAL BANK,  
ALTON E. WHITE and IONE M.  
WHITE, his wife,

Defendants.

O R D E R

Civil No. 25,994

This cause coming on regularly this day to be heard and  
 it appearing to the Court that the action has been settled pursuant  
to the attached Stipulation so far as defendants, Wheeler Enter-  
prises, Inc., and Zions First National Bank is concerned; and it  
further appearing that the agreed to amount of \$150,000.00 for  
a restrictive easement has been paid in satisfaction thereof,  
and has been entered of record; and it further appearing that  
said amount constitutes full payment for all ownership interests  
and/or lien interests of defendants and is to be deposited with  
the Clerk of the Court for subsequent distribution among defendants  
according to ownership and/or lien interest; and it further appearing  
that plaintiff is entitled to an Order of Immediate Occupancy and  
a final Order of Condemnation; and it further appearing that the  
use for which said property is shown is a public use and one  
authorized by law,

Abstracted

Indexed

Entered

Platted

On Margin

Compared

NOW THEREFORE, upon Motion of counsel for the plaintiff,  
Thomas W. Forsgren,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the plaintiff be granted, and it is hereby granted, based upon the Stipulation entered into by plaintiff, Wheeler Enterprises, Inc., and Zions First National Bank, and it appearing that no counsel of record appears for defendants, Whites, and Whites do not appear personally, an Order of Immediate Occupancy on the easement and right of way particularly described hereinafter, upon which plaintiff has constructed a high voltage 345 kV transmission line. It is hereby also ordered, adjudged and decreed that the plaintiff be granted and is hereby granted a perpetual easement and right of way as far as defendants, Wheeler Enterprises, Inc., and Zions First National Bank are concerned; said right of way is more particularly described hereinafter as Exhibit "A". The consideration which plaintiff paid and the receipt of which is hereby acknowledged by defendants shall constitute the total compensation due all defendants for the burden now upon the servient tenement by virtue of the existing 345 kV transmission line described as Exhibit "A", as well as compensation for any and all losses and damages occasioned thereby and interest pursuant to law and that said monies shall be distributed among all defendants according to ownership and/or lien interest.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that upon filing of a copy of this Order and the subject easement and right of way with the County Recorder of Davis County, State of Utah, the property interest referred to herein previously vested in defendants, Wheeler Enterprises, Inc., and Zions First National Bank and which are more particularly described in the attached Exhibit "A" shall vest in plaintiff, Utah Power & Light Company.

DATED this 22 day of March, 1979.

BY THE COURT

*J. P. Palmer*  
DISTRICT COURT JUDGE

STATE OF UTAH  
COUNTY OF DAVIS  
I, THE UNDERSIGNED, CLERK OF THE DISTRICT COURT OF DAVIS COUNTY, UTAH DO HEREBY CERTIFY THAT THE ANNEXED AND FOREGOING IS A TRUE AND FULL COPY OF AN ORIGINAL DOCUMENT ON FILE IN MY OFFICE AS SUCH CLERK.  
WITNESS MY HAND AND SEAL OF SAID OFFICE  
THIS 22 DAY March, 1979.  
RODNEY W. WALKER, CLERK  
BY Robert W. Edgell DEPUTY

UTAH POWER & LIGHT COMPANY

923

168R.

EASEMENT

Wheeler Enterprises, Inc., a corporation, doing business in the State of Utah, Grantor, hereby grants, bargains, sells, conveys and warrants to UTAH POWER & LIGHT COMPANY, a corporation, Grantee, its successors and assigns for a valuable consideration, a perpetual easement and right of way for the construction, erection, operation and continued maintenance, repair, alteration, inspection, relocation and/or replacement of one or more wood pole or steel tower lines for the transmission circuits of the Grantee, together with necessary cross-arms and other attachments, including guys, stubs, and anchors affixed thereto for the support of said circuits, in, upon, along, over, through, across and under a tract of land situated in the County of Davis, State of Utah, particularly described as follows:

Two tracts of land situate in Lots 1 & 2, the SE 1/4 of the NE 1/4, and the NE 1/4 of the SE 1/4 of Section 22, the SE 1/4 of the SW 1/4, and the W 1/2 of the SW 1/4 of Section 23, T. 3 N., R. 1 W., S.L.M. described as follows:

Beginning on the north boundary line of the Grantors' land and the south-westerly boundary line of the Grantees' corridor at a point 249 feet east, more or less, from the north one quarter corner of Section 22, T. 3 N., R. 1 W., S.L.M., and running thence S.37°36'E. 6162 feet, more or less, along said southwesterly boundary line to the east boundary line of said Grantors' land, thence South 262.2 feet along said east boundary line, thence N.37°36'W. 6493 feet, more or less, to the north boundary line of said Grantors' land thence East 201.9 feet along said north boundary line to the point of beginning; containing 23.24 acres.

Beginning on the north boundary line of the Grantors' land and the south-westerly boundary line of the Grantees' corridor at a point 20 feet north and 1599 feet east, more or less, from the southwest corner of Section 23, T. 3 N., R. 1 W., S.L.M. and running thence S.37°36'E. 25 feet, more  
(continued on back sheet)

Together with full right and authority to Grantee, its successors, licenses, lessees, contractors or assigns, and its and their agents and employees to enter at all times upon said premises to survey, construct, repair, remove, replace, reconstruct, patrol, inspect, improve, enlarge and maintain electric transmission and distribution lines and communication facilities, both overhead and underground, including towers, poles and other supports, together with braces, guys, anchors, cross-arms, cables, conduits, wires, conductors, manholes, transformers and other fixtures, devices and appurtenances used or useful in connection therewith, and full right and authority to cut, remove, trim or otherwise control all trees, brush and other growth on or overhanging said premises.

At no time shall any flammable material or any building of any kind be placed or erected within the boundaries of said right of way, nor shall any equipment or material of any kind that exceeds 12 feet in height be stored thereon by Grantors or by Grantors' heirs, successors or assigns.

WITNESS the hand of the Grantor, this 21 day of March, A.D. 1979

Wheeler Enterprises, Inc. Company

By J. K. Wheeler President

STATE OF UTAH )  
County of Cassia )

Attest: [Signature] Secretary

On the 21 day of March, A.D. 1979, personally appeared before me, J. K. Wheeler, who being by me duly sworn did say that he is the President of Wheeler Enterprises, a corporation, and that said instrument was signed in behalf of said corporation by authority of Board of Resolutions and said J. K. Wheeler acknowledged to me that said corporation executed the same.

My Commission expires: \_\_\_\_\_

[Signature] Notary Public  
Residing at Burley Idaho

Description Approved Del

or less, along said southwesterly boundary line to the south boundary line of said Grantors' land, thence West 201.9 feet along said south boundary line, thence N. 37° 36' W. 25 feet, more or less, to the north boundary line of said Grantors' land, thence East 201.9 feet along said north boundary line to the point of beginning; containing 0.09 of an acre.

Total area is 23.33 acres.



STATE OF UTAH )  
COUNTY OF DAVIS ) ss  
I THE UNDERSIGNED, CLERK OF THE DISTRICT COURT OF DAVIS COUNTY, UTAH DO HEREBY CERTIFY THAT THE ANNEXED AND FOREGOING IS A TRUE AND FULL COPY OF AN ORIGINAL DOCUMENT ON FILE IN MY OFFICE AS SUCH CLERK.  
I WITNESS MY HAND SEAL OF SAID OFFICE  
THIS 23 DAY March 1929  
BODNEY W. WALKER, CLERK  
Walter M. Zolall DEPUTY

