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BY Gracinda Swenson Deputy Book 453 Page 54

IN THE SECOND DISTRICT COURT IN AND FOR DAVIS COUNTY

349479

STATE OF UTAH

548801

FILED AND RECORDED FOR

State Road Commission
1971 APR 12 AM 10 43

STATE OF UTAH, by and through
its ROAD COMMISSION,

Plaintiff, :

RUTH EAMES OLSEN
WEBER COUNTY RECORDER

ORDER OF

-v-

IMMEDIATE OCCUPANCY

LILLIE H. SHERWOOD, a widow; :
MARVIN H. LARSON and JANE DOE :
LARSON, his wife; LEONARD HOWES :
and NORA A. B. HOWES, his wife; :
V. RAY WILSON and NORENE WILSON, :
his wife; RICHARD F. METTLEMAN :
and KAREN METTLEMAN, his wife; :
and GORDON D. RASSMUSSEN and :
DELORES RASSMUSSEN, his wife, :

Defendants. :

Civil No. 15847

Project No. I-80N-6(7)46
Parcels No. 5:A, 5:E, 5:2E,
5B:E, and 6:A.

The plaintiff's motion for an order of immediate occupancy

having come on regularly for hearing before the above entitled court on the 16th day of March, 1971, at the hour of 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 have determined that the plaintiff has the rights 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 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 hereby 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 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, the full dollar amount 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 ration to which entitled.

Dated this 16th day of March, 1971.

15/ Thersley K. Swan
DISTRICT JUDGE

STATE OF UTAH
County of Davis

I, RODNEY W. WALKER, County Clerk and Ex-officio Clerk of the District Court of the Second Judicial District of the State of Utah, in and for the County of Davis, Clerk of record, do hereby certify that the foregoing copy of Order of Immediate Occupancy has been by me compared with the original thereof now of record in this office and that the same is a full, true and correct transcript therefrom and of the whole of said original as the same appears of record in my office and in my custody.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 16 day of March A.D. 1971

File No. 15-947

RODNEY W. WALKER
Clerk

By Captain W. E. Ball
Deputy Clerk

Original Filed March 16 1971

HIGHWAY PROJECT NO. 1-80N-6(7)46
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RECORDED OWNER Little H. Sherwood, a widow
 ADDRESS: 5100 South 625 West, Riverdale, Utah
 CONTRACT PURCHASER: Marvin H. Larson & Jane Doe, his wife
 ADDRESS: Clayton, Idaho
 CONTRACT PURCHASER: Leonard Howes & Nora A. B. Howes, his wife
 ADDRESS: Route 3, Parma, Idaho
 CONTRACT PURCHASER: V. Ray Wilson & Norene Wilson, his wife
 ADDRESS: Adrian, Oregon
 PARTY IN INTEREST: Richard F. Mettleman & Karen Mettleman, his wife
 ADDRESS: c/o V. Ray Wilson, Adrian, Oregon
 PARTY IN INTEREST: Gordon D. Rassmussen & Delores Rassmussen, his wife
 ADDRESS: c/o V. Ray Wilson, Adrian, Oregon
 LIEN HOLDER: None
 APPROVED APPRAISAL: \$8,760.00
 Parcel No. 80N-6:5:A

Doc 07-073-0007

A parcel of land in fee for a freeway known as Project No. 80N-6, being part of an entire tract of property, in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, T. 5 N., R. 1 W., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning on the southerly line of the SE $\frac{1}{4}$ of said Section 18 at a point approximately 726 ft. easterly from the SW. corner of said SE $\frac{1}{4}$; thence Easterly 33 ft., more or less, along said southerly line to a point 120.0 ft. radially distant northeasterly from the center line of the westbound lane of said project; thence Northwesterly 136 ft., more or less, along the arc of a 5609.58-foot radius curve to the right to a point opposite Engineer Station 52+00 (Note: Tangent to said 5609.58-foot radius curve at its point of beginning bears approximately N. 29°37' W.); thence N. 55°03' W. 87.47 ft.; thence N. 33°34' W. 120.33 ft.; thence N. 25°45' W. 278.27 ft. to a point 66.0 ft. radially distant northeasterly from the center line of said westbound lane opposite Engineer Station 47+54.46 Bk. = 47+20.70 Ah.; thence Northwesterly 404.61 ft. along the arc of a spiral to the left which is concentric with and 66.0 ft. radially distant northeasterly from a 400.0-foot ten-chord spiral for a 2°00' curve to a point of spiral to curve opposite Engineer Station 43+54.46 (Note: Tangent to said spiral at its point of beginning bears N. 25°26' W.); thence Northwesterly 413 ft., more or less, along the arc of a 2930.79-foot radius curve to the left to a northwesterly boundary line of said entire tract (Note: Tangent to said 2930.79-foot radius curve at its point of beginning bears N. 29°26' W.); thence S. 16°31' W. 59 ft., more or less, along said northwesterly boundary line to the westerly line of said SE $\frac{1}{4}$; thence Southerly 500 ft., more or less, along said westerly line to a point 120.0 ft. radially distant southwesterly from the center line of the eastbound lane of said project; thence Southeasterly 11 ft., more or less, along the arc of a spiral to the right which is concentric with and 120.0 ft. radially distant southwesterly from a 400.0-foot ten-chord spiral for a 2°00' curve to a southwesterly boundary line of said entire tract (Note: Tangent to last said spiral at its point of beginning bears approximately S. 27°58' E.); thence Southeasterly 974 ft., more or less, along said southwesterly boundary line to the point of beginning. The above described parcel of land contains 5.26 acres, more or less.

(Note: GLO Survey Bearing of the NW-SE Diagonal line of said Section 18 is rotated 0°20'54" clockwise to match Highway Survey Bearings. All bearings and distances in the above description are based on the Utah State Plane Coordinate System.)

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. 80N-6:5:E

An easement upon part of an entire tract of property in the SE $\frac{1}{4}$ of Section 18 and the NE $\frac{1}{4}$ of Section 19, T. 5 N., R. 1 W., S.L.B.&M., in Weber County, Utah, for the purpose of constructing thereon a channel change for the Weber River and appurtenant parts thereof incident to the construction of a freeway known as Project No. 80N-6.

Said part of an entire tract is described as follows:

HIGHWAY PROJECT NO. 1-80N-6(7)46
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Beginning on the southerly line of said Section 18 at a point 120.0 ft. radially distant northeasterly from the center line of the westbound lane of said project, which point is approximately 759 ft. easterly from the SW. corner of the SE $\frac{1}{4}$ of said Section 18; thence Southeasterly 157 ft., more or less, along the arc of a 5609.58-foot radius curve to the left to a point opposite Engineer Station 55+00 (Note: Tangent to said 5609.58-foot radius curve at its point of beginning bears approximately S. 29°37' E.); thence N. 19°57' E. 299.44 ft.; thence N. 47°04' W. 302.11 ft.; thence N. 25°45' W. 275.15 ft. to a point 250.0 ft. radially distant northeasterly from the center line of said westbound lane opposite Engineer Station 47+54.46 Bk. = 47+20.60 Ah.; thence Northwesterly 417.46 ft. along the arc of a spiral to the left which is concentric with and 250.0 ft. radially distant northeasterly from a 400.0-foot ten-chord spiral for a 2°00' curve to a point of spiral to curve opposite Engineer Station 43+54.46 (Note: Tangent to said spiral at its point of beginning bears N. 25°26' W.); thence Northwesterly 622 ft., more or less, along the arc of a 3114.79-foot radius curve to the left to a westerly boundary line of said entire tract (Note: Tangent to said 3114.79-foot radius curve at its point of beginning bears N. 29°26' W.); thence Southerly 156 ft., more or less, along said westerly boundary line to a northwesterly boundary line of said entire tract; thence S. 16°31' W. 102 ft., more or less, along said northwesterly boundary line to a point 66.0 ft. radially distant northeasterly from the center line of said westbound lane; thence Southeasterly 413 ft., more or less, along the arc of a 2903.79-foot radius curve to the right to a point of curve to spiral opposite Engineer Station 43+54.46 (Note: Tangent to said 2903.79-foot radius curve at its point of beginning bears approximately S. 37°30' E.); thence Southeasterly 404.61 ft. along the arc of a spiral to the right which is concentric with and 66.0 ft. radially distant northeasterly from a 400.0-foot ten-chord spiral for a 2°00' curve to a point opposite Engineer Station 47+54.46 Bk. = 47+20.60 Ah. (Note: Tangent to said spiral at its point of beginning bears S. 29°26' E.); thence S. 25°45' E. 278.27 ft.; thence S. 33°34' E. 120.33 ft.; thence S. 55°03' E. 87.47 ft. to a point 120.0 ft. radially distant northeasterly from the center line of said westbound lane opposite Engineer Station 52+00; thence Southeasterly 136 ft., more or less, along the arc of a 5609.58-foot radius curve to the left (Note: Tangent to said 5609.58-foot radius curve at its point of beginning bears S. 28°14' E.) to the point of beginning, containing 6.94 acres, more or less.

(Note: GLO Survey Bearings of the NW-SE Diagonal line of said Section 18 is rotated 0°20'54" clockwise and the east line of said Section 19 is rotated 0°12'44" clockwise to match Highway Survey Bearings. All bearings and distances in the above description are based on the Utah State Plane Coordinate System.)

After said channel change 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 channel change and appurtenant parts thereof.

Parcel No. 80N-6:5:2E

A temporary work easement incident to the relocation of the Weber River upon part of an entire tract of property in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, T. 5 N., R. 1 W., S.L.B.&M., in Weber County, Utah, for the purpose of filling and grading a portion of the existing channel of the Weber River incident to the construction of a freeway known as Project No. 80N-6.

Said part of an entire tract is described as follows:

Beginning on the westerly line of the SE $\frac{1}{4}$ of said Section 18 at a point 120.0 ft. radially distant southwesterly from the center line of the eastbound lane of said project, which point is approximately 665 ft. northerly from the SW. corner of said SE $\frac{1}{4}$; thence Southerly 5 ft., more or less, along said westerly line to a southwesterly boundary line of said entire tract; thence Southeasterly 7 ft., more or less, along said southwesterly boundary line to a point 120.0 ft. radially distant southwesterly from the center line of said eastbound lane; thence Northwesterly 11 ft., more or less, along the arc of a spiral to the left which is

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concentric with and 120.0 ft. radially distant southwesterly from a 400.0-foot ten-chord spiral for a 2°00' curve (Note: Tangent to said spiral at its point of beginning bears approximately N. 27°38' W.) to the point of beginning, containing 0.0003 acre, more or less.

(Note: GLO Survey Bearing of the NW-SE Diagonal line of said Section 18 is rotated 0°20'54" clockwise to match Highway Survey Bearings. All bearings and distances in the above description are based on the Utah State Plane Coordinate System.)

After the filling and grading of said river channel is completed 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 temporary work easement and appurtenant parts thereof.

The above described temporary work easement shall expire upon the completion of said construction.

Parcel No. 80N-6:53:E

A perpetual easement and right of way for the erection and continued maintenance, repair, alteration, and replacement of the electric transmission, distribution and telephone circuits of the Plaintiff, its successors or assigns, with the necessary guys, stubs, crossarms and other attachments thereon, or affixed thereto, for the support of said circuits, to be erected and maintained upon and across the premises of the Defendant, in Weber County, Utah, along the following described lines:

(1) Beginning on the northeasterly no-access line of Interstate Highway 80N-6 at a point approximately 500 ft. north and 425 ft. east from the $S\frac{1}{4}$ corner of Section 18, T. 5 N., R. 1 W., S.L.B.&M.; thence N. 52°57' E. 225 ft.; thence N. 27°21' W. 785 ft. to a point on an existing pole line easement dated May 17, 1956, in Book 513, Page 593, (File 26950).

This easement line contains 8 Poles and 12 Anchors.

(2) Beginning on the northeasterly no-access line of Interstate Highway 80N-6 at a point approximately 465 ft. north and 440 ft. east from the $S\frac{1}{4}$ corner of Section 18, T. 5 N., R. 1 W., S.L.B.&M.; thence N. 52°57' E. 275 ft.; thence N. 27°10' W. 455 ft. to a point on an existing easement dated June 5, 1952, in Book 424, Page 200, (File 24826).

This easement line contains 6 Poles and 11 Anchors.

(3) Beginning on the northeasterly limits of an existing easement dated October 31, 1953, in Book 440 of Page 518 (File 25316) at a point approximately 585 ft. north and 850 ft. east from the $S\frac{1}{4}$ corner of Section 18, T. 5 N., R. 1 W., S.L.B.&M.; thence N. 61°07' E. 225 ft. to a northeasterly boundary line of said land at a southwesterly right of way fence of U.P.R.R. Co.

This easement line contains 3 Poles and 3 Anchors.

(4) Beginning on the northeasterly limits of an existing easement dated October 31, 1953, in Book 440, Page 518 (File 25316) at a point approximately 525 ft. north and 865 ft. east from the $S\frac{1}{4}$ corner of Section 18, T. 5 N., R. 1 W., S.L.B.&M.; thence N. 56°38' E. 240 ft. to a northeasterly boundary line of said land at a southwesterly right of way fence of U.P.R.R. Co.

This easement line contains 2 Poles and 3 Anchors.

(5) Beginning on the northeasterly limits of an existing easement dated October 31, 1953, in Book 440, Page 518 (File 25316) at a point approximately 310 ft. north and 900 ft. east from the $S\frac{1}{4}$ corner of Section 18, T. 5 N., R. 1 W., S.L.B.&M.; thence N. 64°22' E. to a northeasterly boundary line of said land at a southwesterly right of way fence of U.P.R.R. Co.

This easement line contains 3 Poles and 5 Anchors.

(6) Beginning on the northeasterly no-access line of Interstate Highway 80N-6 at a point approximately 85 ft. north and 690 ft. east from the $S\frac{1}{4}$ corner of Section 18, T. 5 N., R. 1 W., S.L.B.&M.; thence N. 69°21' E. 170 ft. to the north bank of the Weber River at the southeasterly limits of an existing easement dated October 31, 1953, in Book 440, Page 518 (File 25316).

This easement line contains 1 Pole and no Anchors.

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(7) Beginning on the northeasterly limits of an existing easement dated October 31, 1953, in Book 440, Page 518 (File 25316) at a point approximately 165 ft. north and 910 ft. east from the $S\frac{1}{4}$ corner of Section 18, T. 5 N., R. 1 W., S.L.B.&M.; thence N. $69^{\circ}21'$ E. 275 ft. to a point on an existing easement dated October 31, 1953, in Book 440, Page 515 (File 25314).

This easement line contains 1 Pole and 5 Anchors.

(8) Beginning on the northeasterly no-access line of Interstate Highway 80N-6 at a point approximately 35 ft. north and 720 ft. east from the $S\frac{1}{4}$ corner of Section 18, T. 5 N., R. 1 W., S.L.B.&M.; thence N. $70^{\circ}06'$ E. 500 ft. to a point on an existing easement dated October 31, 1953, in Book 440, Page 515 (File 25314) and being in the $SW\frac{1}{4}$ of the $SE\frac{1}{4}$ of said Section 18.

This easement line contains 3 Poles and 5 Anchors.

Together with all rights of ingress and egress necessary or convenient for the full and complete use, occupation and enjoyment of the easement hereby granted, and all rights and privileges incident thereto, including the right to cut and remove timber, trees, brush, overhanging branches and other obstructions which may injure or interfere with the Plaintiff's use, occupation and enjoyment of this easement.

Parcel No. 80N-6:6:A

A parcel of land in fee for a freeway known as Project No. 80N-6, being part of an entire tract of property, in the $1W\frac{1}{4}NE\frac{1}{4}$ of Section 19, T. 5 N., R. 1 W., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning on the northerly line of said Section 19 at a point 120.0 ft. radially distant northeasterly from the center line of the westbound lane of said project, which is approximately 759 ft. easterly from the NW corner of the $NE\frac{1}{4}$ of said Section 19; thence westerly 3 ft., more or less, along said northerly line to a northwesterly boundary line of said entire tract; thence S. $23^{\circ}19'$ W. 165 ft., more or less, along said northwesterly boundary line to a southerly boundary line of said entire tract; thence Easterly 158 ft., more or less, along said southerly boundary line to a point 120.0 ft. radially distant northeasterly from the center line of said westbound lane; thence Northwesterly 177 ft., more or less, along the arc of a 5609.58-foot radius curve to the right (Note: Tangent to said 5609.58-foot radius curve at its point of beginning bears approximately N. $31^{\circ}26'$ W.) to the point of beginning. The above described parcel of land contains 0.28 acre, more or less.

(Note: GLO Survey Bearing of the east line of said Section 19 is rotated $0^{\circ}18'53''$ clockwise to match Highway Survey Bearings. All bearings and distances in the above description are based on the Utah State Plane Coordinate System.)

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.

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