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IN THE SECOND DISTRICT COURT IN AND FOR WEBER COUNTY RECORDED FOR

STATE OF UTAH

State Road Commission
1972 APR 6 AM 11 57

UTAH STATE ROAD COMMISSION, :

Plaintiff, :

-v-

CLIFFORD F. JUDKINS and LILA :
C. JUDKINS, his wife; ARCHIE :
J. ANDERSON and FLORENCE :
ANDERSON, his wife, :

Defendants

RUTH EAMES OLSEN
WEBER COUNTY RECORDER
DEPUTY *[Signature]*

ORDER OF

IMMEDIATE OCCUPANCY

Civil No. 54933

Project No. NS-560(1)

Parcel No. 7:A

The plaintiff's motion for an order of immediate occupancy having come on regularly for hearing before the above entitled court on the 14th day of March, 1972, 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 14th day of March, 1972.

15/ Ronald O. Hyde
DISTRICT JUDGE

STATE OF UTAH }
COUNTY OF WEBER. } ss.

I HERBY CERTIFY THAT THIS IS A TRUE COPY
OF THE ORIGINAL ON FILE IN MY OFFICE.
DATED THIS 14th DAY OF March 1972
WENDELL HANSEN, COUNTY CLERK &
EX OFFICIO CLERK OF 2nd DIST. COURT

BY Daniel F. [Signature] DEPUTY

HIGHWAY PROJECT NO. NS-560(1)
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RECORDED OWNER: Clifford F. Judkins and Lila C. Judkins (his wife)
 ADDRESS: 695 13th East Street, Ogden, Utah
 CONTRACT PURCHASER: Archie J. Anderson and Florence Anderson (his wife)
 ADDRESS: 984 West 21st Street, Ogden, Utah
 LIEN HOLDER: None of record
 APPROVED APPRAISAL: \$6,725.00
Parcel No. 560:7:A

A parcel of land in fee for an expressway known as Project No. 560, being part of an entire tract of property, in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, T. 6 N., R. 1 W., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning on the westerly boundary line of said entire tract at a point 1720.84 ft. S. 0°53' W., 682 ft. N. 85°48'37" E. and 130.4 ft. north from the NW. corner of said Section 30, said point being 130.0 ft. perpendicularly distant northerly from the center line of said project approximately at Engineer Station 60+00; thence N. 85°48'37" E. 20 ft. to a point 130.0 ft. perpendicularly distant northerly from said center line at Engineer Station 60+20.0; thence N. 82°20'32" E. 352 ft., more or less, to the easterly boundary line of said entire tract; thence South 252 ft. along said easterly boundary line to a point 101.0 ft. perpendicularly distant southerly from said center line at Engineer Station 63+51; thence S. 87°45'54" W. 369 ft. to a point on the westerly boundary line of said entire tract, said point being 89.3 ft. perpendicularly distant southerly from the center line of said project at Engineer Station 59+81; thence North 218 ft., more or less, along said westerly boundary line to the point of beginning. The above described parcel of land contains 1.79 acres, more or less.

Together with any and all abutters rights of underlying fee to the center of existing rights of way appurtenant to this conveyance.

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 expressway and with all abutters rights of access in and to the inner through traffic lanes of said expressway, PROVIDED, however, that such remaining property shall abut upon and have access to a frontage road which will be connected with said inner through traffic lanes only at such points as may be established by public authority.

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