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By Deborah J. Swenson Deputy Book 522 Page 473

State Road Comm
RUTH EAMES OLSEN
REC'D NOV 27 1973
CITY

IN THE SECOND DISTRICT COURT IN AND FOR DAVIS COUNTY

384296

STATE OF UTAH

Stiles County

(07-077-0012)

07-077-0031

07-073-0007

07-073-0017



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

Plaintiff,

FINAL ORDER OF CONDEMNATION

-v-

Civil No. 15847

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, :

Project No. I-80N-6(7)46
Parcels No. 5:A, 5:E, 5:2E,
5B:E and 6:A
Total Payment \$12,915.15

THIS INSTRUMENT CHECKED WITH

JUDGMENT
STIPULATIONS
RESOLUTIONS
MAPS

DATE 7-3-73
BY [Signature]

AGREES YES NO

Defendants :

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It appearing to the court and the court now finds that

heretofore, on the 9th day of May, 1973, 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 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 Lillie H. Sherwood, a widow and Marvin H. Larson and Jane Doe Larson, have disclaimed any interest in the land; 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. 5:A, 6:A and for easement rights as to Parcel Nos. 5:E, 5:2E and 5B: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 Davis 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 5:A, 6:A and for easement rights as to Parcel Nos. 5:E, 5:2E and 5B: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 in the plaintiff, all of such property being situated in Davis County, State of Utah, and is more particularly described as follows:

Parcel No. 80N-6:5:A 07-073-0017 (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

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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:

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 2930.79-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 $\frac{1}{4}$;

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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 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-6:5B: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. 465 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. $61^{\circ}07'$ 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. $56^{\circ}38'$ 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. $64^{\circ}22'$ 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. $69^{\circ}21'$ 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.

(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

07-077-0031 (07-077-0012)

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 NW $\frac{1}{4}$ 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°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°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°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.

Dated this 5th day of July, 1973.

Ronald D. Hyde
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, do hereby certify that the foregoing copy of *Final Order of Partition* has been by me compared with the original as the same appears of record in this office and that the same is a full, true and correct copy 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 5th day of July, A.D. 1973.
File No. 15847
By *Rodney W. Walker*
Original Filed *July 6*