

RECORDER'S NO. 76067 G RECORDED May 4, 1961
FEE \$ 4.40 TIME 2:50 ~~BOOK~~ PM BOOK 147 PAGE 209
CORA L. NIELSON - BOX ELDER COUNTY RECORDER Cor. L. Nielson

IN THE DISTRICT COURT OF BOX ELDER COUNTY, STATE
OF UTAH

AMERICAN TELEPHONE AND TELEGRAPH)
COMPANY, of Wyoming, a corporation)
) Plaintiff)
vs.) FINAL JUDGMENT AND
) ORDER OF
WILLIAM J. KOTTER and OLIVE H. KOTTER,) CONDEMNATION
his wife, and ROBERT HALE KOTTER and) Civil #8551
MARY JEAN N. KOTTER, his wife,)
) Defendants)

In this cause the plaintiff by and through its attorney Walter G. Mann of the firm of Mann and Hadfield, and the defendants by and through their attorney W. Eugene Hansen, having on the 10th day of April A. D., 1961, entered into a written stipulation which is now on file in this cause, which stipulation provides that a judgment of condemnation may be taken by plaintiff against the defendants as prayed for in its said complaint for the sum of Eight Hundred (\$800.00) Dollars; also, that upon filing the final order of condemnation with the Clerk of said court the plaintiff shall deposit with the Clerk of said court the sum of Eight Hundred (\$800.00) Dollars to be delivered to the defendants upon a release of said judgment; also, that each of the parties shall stand their own costs.

AND ALL AND SINGULAR the law and the premises, being by the court understood and fully considered.

NOW, THEREFORE, on motion of Walter G. Mann Esquire, attorney for the plaintiff, it is hereby,

ORDERED, ADJUDGED AND DECREED that an easement is hereby taken and condemned for the use and benefit of the plaintiff American Telephone and Telegraph Company of Wyoming, a corporation, for a right of way to construct operate, maintain, replace and repair a communication system consisting of poles, fixtures, guys, anchors, wires, cables, testing terminals, conduits, manholes, markers and other appurtenances as may, from time to time, be

required upon, across, over and under the following described parcels to-wit:

Two parcels of land each 50 feet in width, situate in the S. E. 1/4 of S. E. 1/4 of Section 4. T. 9. N. R. 2. W. S. L. B & M., Box Elder County, State of Utah, more particularly described as follows:

Parcel 1: A parcel of land 50 ft in width (extended at the extremities thereof to abut for the full width of such parcel upon the presently owned easement and right of way of plaintiff at one end and the easterly right of way line of State Highway at the other end) and being 38 feet measured at right angles north-easterly and 12 ft measured at right angles southwesterly from a line described as follows: Beg., at a point which is North 74 ft, th. S. 89°22'30" W. 112 ft from the S. E. cor of said Section 4, T. and R. aforesaid, th. N. 57°37'34" W. a distance of 500 ft; th. S. 84°02'30" W. a distance of 28 ft more or less to the easterly right of way line of State Highway (Project I-15-8 (3) 361).

Parcel 2: A parcel of land 50 ft in width (extended at the extremities thereof to abut for the full width of such parcel upon the presently owned easement and right of way of plaintiff at one end and the westerly right of way line of a state highway at the other end) and being 38 feet measured at right angles northwesterly and 12 ft measured at right angles southeasterly from a line described as follows: Beg., at a point which is N. 74 ft and S. 89°22'30" W. 1, 129 ft from the Southeast corner of said Section 4. T. and R. aforesaid; thence N. 54°00'38" E. a distance of 395 ft; thence N. 84°02'30" E. a distance of 28 ft more or less to the westerly right of way line of a state highway (Project I-15-8(3) 361).

It is further,

ORDERED, ADJUDGED and DECREED that said use is a public use and a use authorized to be taken by law. It is further,

ORDERED, ADJUDGED AND DECREED that a copy of this final order of condemnation be filed with the Recorder of Box Elder County, State of Utah and thereupon the title to said easement hereinabove referred to, and set forth and described shall vest in the plaintiff. It is further,

ORDERED, ADJUDGED AND DECREED that the plaintiff pay to the Clerk of the above entitled court for the use and benefit of the defendants, the sum of Eight Hundred (\$800.00) Dollars as and for the agreed value of the easement and damages taken by this condemnation/and that the Clerk of said court shall deliver said sum to the defendants upon their entry of a release and satisfaction of judgment of Eight Hundred (\$800.00) Dollars entered herein. It is further,

ORDERED, ADJUDGED AND DECREED that each and all of the parties to this action, assume and pay their own costs.

DATED this 26 day of April A. D. , 1961.

BY THE COURT:

Lewis Jones
District Judge

I, K. P. GILSON County Clerk and Ex-officio Clerk of the District Court of the First Judicial District of the State of Utah, in and for the County of Box Elder, do hereby certify that the foregoing copy of

Final Judgment and Order of Condemnation
has been by me approved with the original attached and placed in the office of the Sheriff of Box Elder County, Utah, for execution of the writs therein contained, and that I have no objection to any other use of the same.

Witness my hand and official seal this 26 day of April, 1961.

8551

Luella O MacFarlane

April 26 1961

ABSTD. IN BOOK 2 OF Sec PAGE 4-9-2 ✓

Index ✓ ✓