

10
7914051

7914051
06/05/2001 01:15 PM NO FEE
Book - 8465 Pg - 2065-2074
GARY W. OTT
RECODER, SALT LAKE COUNTY, UTAH
UT ST-DEPT OF TRANSPORTATION
BOX 148440 ATT: J.R. PLUMHOF
SLC UT 84114-8440
BY: RDJ, DEPUTY - MA 10 P.

FILED 5/15/01
THIRD JUDICIAL DISTRICT COURT

MAY 15 2001

By SP-15-7(154)293 Deputy Clerk

J. D. Reynolds (#8748)
Assistant Attorney General
Mark L. Shurtleff (#4666)
Attorney General
Attorneys For Plaintiff
160 East 300 South, 5th Floor
P.O. Box 140857
Salt Lake City, Utah 84114-0857
Telephone: (801) 366-0353

IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR
SALT LAKE COUNTY, STATE OF UTAH

UTAH DEPARTMENT OF
TRANSPORTATION,

Plaintiff,
vs.

UTAH POWER AND LIGHT nka PACIFIC
CORP, WILLIAM V. DENIRO and
CHADETTE M. DENIRO,

Defendants.

STIPULATED ORDER
OF IMMEDIATE OCCUPANCY

SP-15-7(154)293

Parcel # 22: A, 22E, 22: 2E
22: 3E

TAX ID #: 27-24-251-003
Civil No. 010901692

Judge Leon A. Dever

Having read the Stipulation entered into among the parties and the pleadings on file in
this cause and good cause appearing therefore,

IT IS HEREBY ORDERED AND ADJUDGED, that the Plaintiff has the right of
eminent domain and that the purpose for which the premises are sought by this action is public in
nature and that the property is needed for that use.

BK8465PG2065

IT IS FURTHER ORDERED that the Plaintiff be and is hereby permitted and authorized to occupy the premises belonging to the Defendants above-named subject to the provisions hereinafter contained. The premises are sought for highway or highway related purposes. All of the property interests or other rights as required by the Plaintiff herein, and the property belonging to the Defendants as affected thereby are 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 hereto attached as Exhibit A, and the Plaintiff is hereby permitted to take possession of said properties of said Defendants after having complied with the conditions contained in this Order, 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 before taking possession of the Defendants' property as herein provided, the Plaintiff shall deposit with the Clerk of the Court the full amount of its approved appraisal for the use and benefit of the Defendants.

IT IS FURTHER ORDERED that on receipt of said moneys the Clerk of this Court shall remit the same to the Defendants or their counsel.

DATED this 11 day of May, 2001.

BY THE COURT:

I CERTIFY THAT THIS IS A TRUE COPY OF
AN ORIGINAL DOCUMENT ON FILE IN THE
THIRD DISTRICT COURT, SALT LAKE COUNTY,
STATE OF UTAH.

DATE May 15, 2001

Debbie Peterson
DEPUTY COURT CLERK


L. A. DeVER
District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing STIPULATED ORDER OF
IMMEDIATE OCCUPANCY was mailed, postage prepaid, this 6th day of April, 2001, to:

R. Jeffrey Richards
Attorney for Defendant PacifiCorp
1500 Wells Fargo Plaza
170 South Main Street
Salt Lake City, UT 84101

William V. DeNiro
415 East 4800 South
Murray, UT 84107

Amy Casterline
Secretary

Stipulated Order of Immediate Occupancy
Salt Lake County Civil No. 010901692 CD
Page 3

BK8465PG2067

EXHIBIT A

BK8465PG2068

CONDEMNATION RESOLUTION
HIGHWAY PROJECT NO. *SP-15-7(156)293
11400 South Interchange

RESOLVED, by the Utah Department of Transportation, hereinafter referred to as the Department, that it finds and determines and hereby declares that:

The public interest and necessity required the acquisition, construction and completion by the State of Utah acting through the Department, of a public improvement, namely a State Highway. The public interest and necessity require the acquisition and immediate occupancy, for said public improvement, of the real property, or interest in real property, hereinafter described.

Said proposed state highway is planned and located in a manner which will be most compatible with the greatest public good and the least private injury as provided by Title 78, Chapter 34, Section 5, Utah Code Annotated 1998 as amended, and has been heretofore designated as a limited-access facility as provided by Title 72, Chapter 6, Section 117, Utah Code Annotated 1998 as amended.

BE IT FURTHER RESOLVED by said Department that the Attorney General of Utah shall be requested, on behalf of said Department:

To acquire, in the name of the Department, the said hereinafter described real property, or interests in real property, by condemnation in accordance with the provisions of the Statutes and of the Constitution of Utah relating to eminent domain;

To prepare and prosecute such proceeding or proceedings in the proper court having jurisdiction thereof as are necessary for such acquisition;

To obtain, from said court, an order permitting said Department to take immediate possession and use of said real property, or interests in real property, for highway purposes, or purposes incidental thereto.

BE IT FURTHER RESOLVED that the State Finance Director shall be requested, on behalf of said Department:

To prepare State Warrant in the amount of the approved appraisal of each parcel of real property, or interest in real property set forth and described herein; payee to be the Clerk of the District Court of the County wherein the real property is located, for the use and benefit of the landowners and/or lien holder as described herein;

That a tender to the landowners of a sum equal to the fair market value of the property to be acquired for rights of way herein shall be made prior to issuance of Order of Immediate Occupancy.

The real property, or interest in real property, which the Department is by this resolution authorized to acquire for said public use, is situate in the County of Salt Lake, State of Utah, Highway Project No. *SP-15-7(156)293, and is described as follows:

BK8465PG2069

HIGHWAY PROJECT NO. *SP-15-7(156)293

RECORDER: Utah Power and Light Company nka
Pacific Corp.

ADDRESS: 700 NE Multnomah St. #1600
Portland, Oregon 97232-2131

PARTY IN INTEREST: William V. Deniro and Chadette M. Deniro
ADDRESS: 415 East 4800 South
Murray, Utah 84107

LIEN HOLDER: None of record

APPROVED APPRAISAL: \$77,200.00

Tax ID. No. 27-24-251-003
27-24-402-001

Parcel No. 15-7:22:A

A parcel of land in fee for the purpose of widening 11400 South Street as part of the construction of a freeway known as Project No. 15-7, being part of an entire tract of property situate in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, T.3 S., R.1 W., SLB&M. The boundaries of said parcel of land are described as follows:

BK8465PG2070

HIGHWAY PROJECT NO. *SP-15-7(156)293

Beginning at a southwest corner of said entire tract, which point is 201.900 meters (662.40 feet) East along the Quarter Section Line from the Center of said Section 24; and running thence East 3.200 meters (10.50 feet) along a southerly boundary line to an inside corner of said entire tract; thence S. $0^{\circ}10'02''$ E. 30.234 meters (99.19 feet) along a westerly boundary line of said entire tract; thence N. $39^{\circ}09'57''$ E. 5.347 meters (17.54 feet) to a point 26.085 meters (85.58 feet) perpendicularly distant southerly from the existing centerline of 11400 South Street, at Engineers Station 9+208.565; thence N. $87^{\circ}08'24''$ E. 32.506 meters (106.65 feet); thence S. $88^{\circ}48'07''$ E. 16.793 meters (55.10 feet) to the westerly right of way line of the Jordan and Salt Lake City Canal; thence northeasterly 6.599 meters (21.65 feet) along said canal right of way line, which is the arc of a 92.573-meter (303.72-foot) radius curve to the right, (Note: Chord to said curve bears N. $32^{\circ}17'42''$ E. for a distance of 6.598 meters (21.65 feet)) to the easterly boundary line of said entire tract; thence N. $0^{\circ}19'02'$ W. 41.113 meters (134.89 feet) along said boundary line; thence S. $88^{\circ}51'16''$ W. 21.122 meters (69.30 feet); thence West 29.250 meters (95.97 feet); thence N. $38^{\circ}09'09''$ W. 14.326 meters (47.00 feet) to the westerly boundary line of said entire tract; thence South 32.715 meters (107.33 feet) along said boundary line to the point of beginning.

The above described parcel of land contains 2733.0 square meters (29418 square feet) of which 1161.5 square meters (12502 square feet) is now occupied by the existing street. Balance 1571.5 square meters (16916 square feet) in area.

(Note: Rotate above bearings $0^{\circ}13'47''$ clockwise to equal highway bearings.)

(Note: To obtain distances in feet, divide above distances by 0.3048. Multiply above area by 10.764 to obtain square feet.)

To enable the Utah Department of Transportation to construct and maintain a public highway as a freeway, as contemplated by Title 72, Chapter 6, Section 117, Utah Code Annotated, 1998, as amended, the Owners of said entire tract of property hereby release and relinquish to said Utah Department of Transportation any and all rights appurtenant to the remaining property of said Owners by reason of the location thereof with reference to said highway, including, without limiting the foregoing, all rights of ingress to or egress from said Owner's remaining property contiguous to the lands hereby conveyed to or from said highway.

BK8465PG2071

HIGHWAY PROJECT NO. *SP-15-7(156)293

Parcel No. 15-7:22:E

A perpetual easement upon part of an entire tract of property in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, T.3 S., R.1 W., SLB&M, in Salt Lake County, Utah, for the purpose of constructing thereon cut and/or fill slopes, and appurtenant parts thereof to facilitate the construction of a freeway known as Project 15-7. The boundaries of said part of an entire tract are described as follows:

Beginning at the intersection of the northerly highway right of way and no-access line of 11400 South Street of said project, and the westerly boundary line of said entire tract, which point is 201.900 meters (662.40 feet) East along the Quarter Section Line, and 32.715 meters (107.33 feet) North from the Center of said Section 24; and running thence along said right of way and no-access line the following three (3) courses and distances: (1) thence S. 38°09'09" E. 14.326 meters (47.00 feet) to a point 21.45 meters (70.37 feet) perpendicularly distant northerly from the existing centerline of said 11400 South Street, opposite Engineers Station 9+210.750; (2) thence East 29.250 meters (95.97 feet); (3) thence N. 88°51'16" E. 21.122 meters (69.30 feet) to the easterly boundary line of said entire tract; thence N. 0°10'57" W. 14.128 meters (46.35 feet) along said boundary line; thence S. 86°49'24" W. 59.266 meters (194.44 feet) to the point of beginning. The above described part of an entire tract contains 709.8 square meters (7640 square feet) in area.

(Note: Rotate above bearings 0°13'47" clockwise to equal highway bearings.)

(Note: To obtain distances in feet, divide above distances by 0.3048. Multiply above area by 10.764 to obtain square feet.)

The owners, by consent of the Utah Department of Transportation, shall have the right to lessen but not increase the vertical distance or grade of said slope. After said cut and/or fill slopes and appurtenant parts thereof are constructed on the above described part of an entire tract at the expense of the Utah Department of Transportation, said Utah Department of Transportation is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said cut and/or fill slopes and appurtenant parts thereof.

BK8465PG2072

HIGHWAY PROJECT NO. *SP-15-7(156)293

Parcel No. 15-7:22:2E

A temporary easement upon part of an entire tract of property in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, T.3 S., R.1 W., SLB&M, in Salt Lake County, Utah, for the purpose of constructing thereon an irrigation ditch, and appurtenant parts thereof to facilitate the construction of a freeway known as Project 15-7. The boundaries of said part of an entire tract are described as follows:

Beginning at the intersection of the northerly highway right of way and no-access line of 11400 South Street of said project, and the westerly boundary line of said entire tract, which point is 201.900 meters (662.40 feet) East along the Quarter Section Line, and 32.715 meters (107.33 feet) North from the Center of said Section 24, which point is 32.718 meters (107.33 feet) perpendicularly distant northerly from the existing centerline of said 11400 South Street, opposite Engineers Station 9+201.900; and running thence North 4.001 meters (13.13 feet) along the westerly boundary line of said entire tract; thence N. 86°49'24" E. 59.254 meters (194.40 feet) to the easterly boundary line of said entire tract; thence S. 0°10'20" E. 4.000 meters (13.12 feet) along said boundary line to said northerly highway right of way and no-access line; thence S. 86°49'24" W. 59.266 meters (194.44 feet) along said right of way and no-access line to the point of beginning. The above described part of an entire tract contains 236.7 square meters (2548 square feet) in area.

(Note: Rotate above bearings 0°13'47" clockwise to equal highway bearings.)

(Note: To obtain distances in feet, divide above distances by 0.3048. Multiply above area by 10.764 to obtain square feet.)

This easement shall expire upon the completion of the construction of said project or 4 years after the date of the execution of the within instrument, whichever first occurs.

After said irrigation ditch and appurtenant parts thereof are constructed on the above described part of an entire tract at the expense of the Utah Department of Transportation, said Utah Department of Transportation is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said irrigation ditch and appurtenant parts thereof.

BK8465PG2073

HIGHWAY PROJECT NO. *SP-15-7(156)293

Parcel No. 15-7:22:3E

A perpetual easement upon part of an entire tract of property in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, T.3 S., R.1 W., SLB&M, in Salt Lake County, Utah, for the purpose of constructing thereon cut and/or fill slopes, and appurtenant parts thereof to facilitate the construction of a freeway known as Project 15-7. The boundaries of said part of an entire tract are described as follows:

Beginning at the intersection of the southerly highway right of way and no-access line of 11400 South Street of said project, and the westerly boundary line of said entire tract, which point is 205.100 meters (672.90 feet) East along the Quarter Section Line, and 30.230 meters (99.18 feet) S. $0^{\circ}10'02''$ E. from the Center of said Section 24, which point is 30.230 meters (99.18 feet) perpendicularly distant southerly from the existing centerline of said 11400 South Street, opposite Engineers Station 9+205.100; and running thence S. $0^{\circ}10'02''$ E. 4.036 meters (13.24 feet) along the westerly boundary line of said entire tract; thence N. $87^{\circ}08'42''$ E. 36.272 meters (119.00 feet); thence S. $88^{\circ}42'12''$ E. 12.275 meters (40.27 feet) to the westerly right of way line of the Jordan and Salt Lake City Canal; thence northeasterly 8.926 meters (29.29 feet) along said canal right of way line which is the arc of a 92.573-meter (303.72-foot) radius curve to the right, (Note: Chord to said curve bears N. $27^{\circ}29'43''$ E. for a distance of 8.923 meters (29.28 feet)) to the southerly highway right of way and no-access line of said 11400 South Street; thence along said right of way and no-access line the following three (3) courses and distances: (1) thence N. $88^{\circ}47'49''$ W. 16.793 meters (55.10 feet); (2) thence S. $87^{\circ}08'42''$ W. 32.506 meters (106.65 feet); (3) thence S. $39^{\circ}10'15''$ W. 5.347 meters (17.54 feet) to the point of beginning. The above described part of an entire tract contains 397.4 square meters (4278 square feet) in area.

(Note: Rotate above bearings $0^{\circ}13'47''$ clockwise to equal highway bearings.)

(Note: To obtain distances in feet, divide above distances by 0.3048. Multiply above area by 10.764 to obtain square feet.)

The owners, by consent of the Utah Department of Transportation, shall have the right to lessen but not increase the vertical distance or grade of said slope. After said cut and/or fill slopes and appurtenant parts thereof are constructed on the above described part of an entire tract at the expense of the Utah Department of Transportation, said Utah Department of Transportation is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said cut and/or fill slopes and appurtenant parts thereof.