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RECORDER, SALT LAKE COUNTY, UTAH
UT ST-DEPT OF TRANSPORTATION
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SLC UT 84114-8440
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FILED DISTRICT COURT
Third Judicial District

MAY 08 2001

SALT LAKE COUNTY

By _____ Deputy Clerk

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

UTAH DEPARTMENT OF
TRANSPORTATION,

Plaintiff,

vs.

MICHAEL M. CARLSON,

Defendant.

ORDER OF IMMEDIATE OCCUPANCY

Project No. SP-15-7(156)293

Parcel Nos. 55:EC

TAX ID: 27-24-300-019-050

Civil No. 010902693 CD

Judge Stephen L. Henriod

Plaintiff's Motion for an Order of Immediate Occupancy having been submitted to the Court for decision, together with a Memorandum and an Affidavit and no objection thereto having been filed by the Defendant and the Court having determined from the pleadings that the Plaintiff has the right 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,

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NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Plaintiff is hereby authorized to occupy the property of the Defendant, which is sought by this action for highway purposes, all such property interests or other rights as required by the Plaintiff are set out and described in resolution attached as Exhibit A to Plaintiff's Complaint, a copy of which is attached hereto. The Plaintiff is hereby permitted to take immediate possession of the properties of the Defendant as described in Plaintiff's Complaint and to continue possession thereof pending further hearing or 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.

IT IS FURTHER ORDERED that during construction of the project and pending the hearing on the issues presented, 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 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 that pending further hearing or trial on the issues that may be presented in this action, the Defendant and his agents, servants and employees are hereby enjoined from interfering with Plaintiff's occupation of the property, or in the doing of such work


thereon as may be required for the purposes for which it is sought to condemn the property as set forth in the Complaint.

This Order shall not be effective until the Plaintiff has deposited with the Clerk of the Court, for the use and benefit of the Defendant parties in interest, the full dollar amount of Plaintiff's approved appraisal of the Defendant's property which is to be acquired in this action.

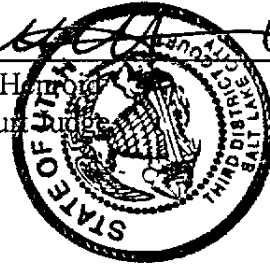
IT IS FURTHER ORDERED that on receipt of said monies, the Clerk of this Court shall remit the same to the appropriate Defendant in the percentage and portion to which each is entitled.

DATED this 9 day of May, 2001.

BY THE COURT:



Stephen L. H...
District Court Judge



CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing ORDER OF IMMEDIATE OCCUPANCY was mailed, postage prepaid, on this 27th day of April, 2001, to the following:

Michael M. Carlson
14750 South 1300 West
Riverton, Utah 84065

Amy Casterline
Secretary

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EXHIBIT A

BK8465PG6721

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.

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

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:

RECORDED OWNER: Michael M. Carlson
ADDRESS: 14750 South 1300 West
Riverton, Utah 84065

APPROVED APPRAISAL: \$1,650.00

Tax Id.: 27-24-300-019-0000
27-24-300-050-0000

Parcel No. 15-7:55:EC

A perpetual utility easement, upon part of an entire tract of property, in the SW¼ of Section 24, T. 3 S., R. 1 W., S.L.B. & M., in Salt Lake County, Utah, for the purpose of constructing and maintaining thereon a storm drain system, and appurtenant parts thereof, to facilitate the construction of a freeway known as Project No. 15-7. The boundaries of said part of an entire tract are described as follows:

Beginning at the intersection of the existing southerly highway right of way line of 11400 South Street of said project and the westerly right of way line of the Denver and Rio Grande Western Railroad, which point is 189.055 meters (620.26 feet) S. 89°59'54" W. along the Quarter Section Line, and 10.058 meters (33.00 feet) S. 0°00'06" E. from the Center of said Section 24; and running thence S. 5°23'04" W. 9.898 meters (32.47 feet) along said railroad right of way line to a point 19.915 meters (65.34 feet) perpendicularly distant southerly from the existing centerline of said 11400 South Street, opposite Engineers Station 8+810.010; thence N. 89°59'55" W. 15.620 meters (51.25 feet); thence N. 33°00'36" W. 11.750 meters (38.55 feet) to the existing southerly highway right of way line of said 11400 South Street; thence N. 89°59'54" E. 22.950 meters (75.30 feet) along said existing highway right of way line to the point of beginning. The above described part of an entire tract contains 190.0 square meters (2045 square feet) in area.

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

(Note: Rotate above bearings 0°13'53" 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 HAVE AND TO HOLD the same unto DRAPER CITY so long as such facilities shall be maintained, with the right of ingress and egress to and from said easement, to maintain, operate, repair, inspect, remove and/or replace the same. Owners shall have the right to use said premises, provided such use does not interfere with the facilities or any other rights granted to Utah Department of Transportation hereunder. Owners shall not build or construct, nor permit to be built or constructed any building or other improvement over or across said easement without written consent of Utah Department of Transportation.