

Filed for record and recorded January 23, A. D. 1918 at 10:35 o'clock A. M.

KATHRINE L. HIGGINBOTHAM County Recorder,

427
S.H.

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IN THE DISTRICT COURT OF THE STATE OF UTAH, SECOND JUDICIAL DISTRICT, IN AND FOR THE COUNTY OF WEBER.

UTAH POWER & LIGHT COMPANY, :
a corporation, :
Plaintiff, :

vs. :

JUDGMENT OF CONDEMNATION

PETER F. McFARLAND, ESTHER C. :
McFARLAND, his wife, and the OGDEN :
SAVINGS BANK, a corporation, :
Defendants. :

This cause having been regularly called for trial on the 5th day of December A. D. 1917, Messrs. Bagley & Ashton and Boyd, DeVine & Eccles appearing as counsel for the plaintiff, and Mr. C. R. Hollingsworth appearing as counsel for the defendants, and it appearing that the plaintiff had theretofore served and filed an offer to permit judgment to be taken against it by the defendants for and in the sum of Nine Hundred (\$900.00) Dollars, and it further appearing that when said case was called for trial the defendants gave notice of and filed an acceptance of said offer, the court now Finds, Adjudges and Decrees:

That the property described in plaintiff's complaint as belonging to the defendants above named is the property of and is owned by the defendants Peter F. McFarland, Esther C. McFarland, his wife, and The Ogden Savings Bank, a corporation;

That the use to which said property is now sought to be taken and acquired and in this proceeding condemned for the maintenance of a twin pole electric power transmission line is a public use and is authorized by law, and that the acquisition and taking of said easement, as prayed for in said complaint, is necessary for such use by said plaintiff, and that it is entitled to a perpetual easement in said premises as prayed for in said complaint;

That no part of said property is already appropriated to any other public use, and that this is a proper case for the condemnation of said lands as prayed for in said complaint; and

WHEREAS, it is now made to appear that the plaintiff has paid said sum of Nine Hundred (\$900.00) Dollars over to the Clerk of this Court for the defendants.

NOW, THEREFORE, in consideration of the premises the court Orders, Adjudges and Decrees that the property hereinafter particularly described be and the same is hereby condemned to the use of said plaintiff and that said plaintiff take and acquire and have for its use the easement and aerial right of way for its said wires and twin pole transmission line described in the complaint herein, and for the use of the plaintiff and its successors in interest for the purpose of erecting and maintaining upon and across said defendants' premises said line and six of said twin pole towers, and all necessary guys, on the following described tracts or parcels of land belonging to said defendants, situate, lying and being in Weber County, State of Utah, to-wit:

Part of the Southeast 1/4 of the Northeast 1/4 of Section 22, Township 6 North, Range 2 West S. L. B. & M., beginning 473 feet North of the East Quarter Corner of

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Section 22, said Township and Range, thence running West 948 feet to center of road, thence Northeasterly along center of said road 382 feet more or less; thence N. 88° 14' E. 778.5 feet to Section line, thence South on Section line 363.6 feet to the place of beginning; also

Part of the Southwest 1/4 of Section 14, part of the Northeast 1/4 of Section 22, and part of the Northwest 1/4 of Section 23, Township 6 North, Range 2 West, S. L. B. & M., beginning at a point 1320 feet South of the Northwest Corner of Section 23, said Township and Range, thence running East 1975.54 feet, more or less; thence North 1320 feet to a point 727.58 feet West of the North Quarter Corner of Section 23; thence West on Section line 1208.68 feet; thence South 2° 45' East 200 feet; thence West 430 feet; thence North 1132.58 feet; thence West 283.1 feet; thence South on Section line 932.58 feet to Southwest corner of Section 14, said Township & Range; thence West 400.4 feet more or less to center of road; thence South 3° 52' West along center of said road 1322 feet more or less to a point 489.1 feet West of the place of beginning; thence South 27° 55' West along center line of said road to North line of S.P. R.R. Co.'s property; thence East to East line of Section 22, said Township and Range; thence North to the place of beginning.

Said right of way and easement being twenty-five (25) feet on each side of a line particularly described as follows, to-wit:

Commencing 200 feet West of a point 473 feet North of the East Quarter Corner of Section 22, Township 6 North, Range 2 West, S.L. B. & M., thence running North 7° 57' East 324 feet to tower, thence on same course 39 feet to North boundary of the first above described tract of land; and

Commencing 115 feet West of a point 1505 feet South of the Northeast Corner of Section 22, Township 6 North, Range 2 West, S. L. B. & M., thence running North 7° 57' East 411 feet to tower No. 1, thence on same course 500 feet to Tower No. 2; thence on same course 465 feet to Tower No. 3; thence on same course 485 feet to Tower No. 4; thence on same course 485 feet to Tower No. 5; thence on same course 116 feet to North boundary of second above described tract of land.

Together with the right in the plaintiff, its successors and assigns, its or their agents, servants and employes, of ingress to and egress from and across said right of way and easement for the purpose of constructing said line and for making such inspections and repairs to said transmission line as may become necessary from time to time to properly maintain said line.

The court further Orders, Adjudges and Decrees, that the plaintiff Utah Power & Light Company, erect and maintain suitable gates on the north and south ends of said right of way and keep same locked when not in use by it.

Dated and signed this 28th day of December, 1917.

A. W. AGEE

STATE OF UTAH,)
 : ss
County of Weber.)

Judge of said Court.

I, C. M. Ramey, County Clerk and Ex-Officio Clerk of the Second Judicial District Court of the State of Utah, in and for the County of Weber, do hereby certify that the above and foregoing is a full, true and correct copy of the original "JUDGMENT OF CONDEMNATION" as rendered in case entitled Utah Power & Light Company vs Peter F. Mc Farland, et al as the same appears on file and of record in my office in Ogden City

WITNESS my hand and Seal, this the 28th day of December 1917

.....
District Court, Second Judicial District,
State of Utah, In and for Weber County.
.....

C. M. RAMEY Clerk,
By EDITH REID Deputy Clerk.

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Approved as to form B. S.

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KATHRINE L. HIGGINBOTHAM
County Recorder.

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IN THE DISTRICT COURT OF THE STATE OF UTAH, SECOND JUDICIAL DISTRICT,
IN AND FOR THE COUNTY OF WEBER.

UTAH POWER & LIGHT COMPANY,
a corporation,
Plaintiff,

vs.

-FINAL ORDER OF CONDEMNATION-

JOHN M. SELMAN, RUTH SELMAN,
his wife, and BOWA DEFREAS,
Defendants.

WHEREAS, this court heretofore, on the 27th day of December, A. D. 1917, made and filed its findings and judgment herein in favor of said plaintiff, and awarding to the defendants, John M. Selman and Ruth Selman, his wife, the sum of Four Hundred and Seventy (\$470.00) Dollars, and to the defendant, Bowa Defreas, for the depreciation of and damage to his leasehold interest, the sum of Thirty (\$30.00) Dollars, together with interest thereon at the rate of eight per cent, per annum from the 13th day of March, A. D. 1917, and costs to the defendants in the sums of Twenty-six and 60/100 (\$26.60) Dollars and Fifteen (\$15.00) Dollars, respectively, as just compensation for the easement so condemned; and

WHEREAS, it is now made to appear that the plaintiff has paid said sums of money over to the Clerk of this Court for the defendants as directed by said judgment;

NOW, THEREFORE, in consideration of the premises the court Orders, Adjudges and Decrees that the property hereinafter particularly described be and the same is hereby condemned to the use of said plaintiff to the extent of securing to said plaintiff an easement and aerial right of way for said wires and electric power transmission line over and for two twin pole towers on the following described tract or parcel of land belonging to the defendants, situate, lying and being in Weber County, State of Utah, to-wit:

Beginning 90 rods North of the Southeast corner of Section 27, Township 6 North, Range 2 West, S.L.B. & M., thence running West 80 rods; thence North 70 rods; thence East 80 rods; thence South 70 rods to the place of beginning, containing 35 acres.

Said right of way and easement being twenty-five (25) feet on each side of a line particularly described as follows, to-wit:

Commencing on the South boundary of above described land 1120 feet West of a point 90 rods North of the Southeast corner, Section 27, Township 6 North, Range 2 West, S.L.M., thence running North 7° 57' East 159 feet to Tower No. 1; thence on same course 465 feet to tower No. 2; thence on same course 549 feet to North boundary of above described tract of land.

Together with the right in the plaintiff, its successors and assigned, its or their agents, servants and employes, of ingress to and egress from and across said right of way and easement for the purpose of constructing said line and for making such inspections and repairs to said transmission line as may become necessary from time to time to properly maintain said line.