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FILED IN CLERK'S OFFICE  
Salt Lake County, Utah

IN THE THIRD DISTRICT COURT IN AND FOR SALT LAKE COUNTY

FEB 14 1972

STATE OF UTAH

W. STERLING EVANS, Clerk 3rd Dist. Court  
*W.S. Evans*  
County Clerk

STATE OF UTAH, by and through  
its ROAD COMMISSION,

Plaintiff,

-vs-

JOHN CRUS and MADELINE P. CRUS,  
his wife; ATLANTIC-RICHFIELD OIL  
COMPANY; ZIONS FIRST NATIONAL BANK,

Defendants.

ORDER OF  
IMMEDIATE OCCUPANCY

Civil No. 203419

Project: NS-149(2)  
Parcel No. 14

Recorded at Request of  
9311  
By: *SAAR/RA*  
STATE ROAD COMMISSION  
NOFEE JEROME CAN MARTIN, Recorder Salt Lake County, Utah  
FEB 28 1972

The plaintiff's motion for an order of immediate occupancy having come on regularly for hearing before the above entitled court on the 14<sup>th</sup> day of Feb, 1972, at the hour of 10:00 a.m., and it having been shown to the satisfaction of said court that notice of such motion has been given to the defendants above named in the manner prescribed by law; and the court having heard the evidence offered by the plaintiff in support of such motion and have determined that the plaintiff has the rights 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,

NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that the plaintiff be and is hereby permitted and authorized to occupy the premises belonging to the defendants above named, which premises are sought for highway purposes or concerning which premises, easements or other rights for highway purposes are sought, all such property easements or other rights as required by the plaintiff herein, and the property belonging to the defendants as affected thereby being 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 hereby annexed, and the plaintiff is hereby permitted to take immediate possession of said properties of said defendants as required and as described and as set out in the plaintiff's complaint 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 during construction of the project and pending the hearing on the issues presented, the plaintiff shall protect any private drains now crossing the proposed highway right of way, and further, 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 highway 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 AND ADJUDGED that pending further hearing and trial on the issues that may be presented in this action, and subject to the conditions herein set forth, the defendants and their agents, servants and employees be and they are hereby restrained and enjoined from hindering or interfering with plaintiff or any of the agents, employees or contractors of the plaintiff in the occupation of said premises required by plaintiff as particularly described and set forth in plaintiff's complaint, or in the doing of such work thereon as may be required for the purposes for which it is sought to condemn the said property, as set forth in said complaint.

This order shall not be effective until the plaintiff

herein has deposited with the clerk of the court, for the use and benefit of the defendant parties in interest herein, the full dollar amount of the approved appraisal of the defendants property to be acquired in this action.

IT IS FURTHER ORDERED that on receipt of said moneys, the clerk of this court is ordered to remit the same to the appropriate defendants in the percentage and ration to which entitled.

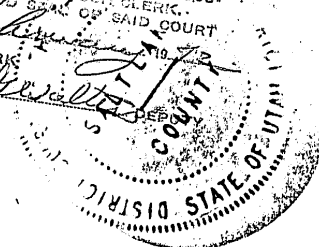
IT IS FURTHER ORDERED that Defendants shall have ninety (90) days from the date the Order of Occupancy is granted to re-adjust, remove or relocate any of their existing facilities or improvements that are located within the area the State is acquiring, and that the State shall not begin actual construction until the ninety days has elapsed.

DATED THIS 14<sup>th</sup> day of February, 1972.

ATTEST  
W. STERLING EVANS  
CLERK  
BY [Signature]  
Dated

[Signature]  
DISTRICT JUDGE  
(Seal)

STATE OF UTAH  
COUNTY OF SALT LAKE } SS  
I, THE UNDERSIGNED, CLERK OF THE DISTRICT COURT OF SALT LAKE COUNTY, UTAH, DO HEREBY CERTIFY THAT THE ANNEXED AND FOREGOING IS A TRUE AND FULL COPY OF AN ORIGINAL DOCUMENT ON FILE IN MY OFFICE AS SUCH CLERK. WITNESS MY HAND AND SEAL OF SAID COURT THIS 14<sup>th</sup> DAY OF February, 1972.  
W. STERLING EVANS, CLERK  
BY [Signature]



CO\*149\*14

HIGHWAY PROJECT NO. NS-149(2)  
PAGE 2

RECORDED OWNER: John Crus and Madeline P. Crus, his wife  
ADDRESS: 2260 South West Temple, Salt Lake City, Utah  
LEASEHOLD INTEREST: Atlantic-Richfield Oil Company  
ADDRESS: 1860 Lincoln Street, Denver, Colorado  
LIEN HOLDER: Zions First National Bank  
ADDRESS: 1 South Main Street, Salt Lake City, Utah  
APPROVED APPRAISAL: \$47,600.00  
Parcel No. 149:14

A parcel of land in fee for a highway known as Project No. 149, being part of an entire tract of property, in the E $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 29, T. 2 S., R. 1 E., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning at the NW. corner of said entire tract at a point 20.00 ft. perpendicularly distant westerly from the center line of said project at Engineer Station 82+31.25, said point also being 343.20 ft. east and 1211.10 ft. south from the NW. corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 29; thence East 73.00 ft. along the north boundary of said entire tract; thence S. 0°04'40" W. 263.38 ft. parallel to the west boundary of said entire tract to the southerly boundary of said entire tract; thence N. 66°00' W. 79.86 ft. along said southerly boundary to the SW. corner of said entire tract; thence N. 0°04'40" E. 231.0 ft. to the point of beginning. The above described parcel of land contains 0.414 acre, more or less, of which 0.214 acre, more or less, is now occupied by the existing highway. Balance 0.200 acre, more or less.

Prepared by ABC, 12-21-71

BOOK 3045 PAGE 537