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4-15-71

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IN THE FOURTH DISTRICT COURT IN AND FOR UTAH COUNTY

STATE OF UTAH

THIS INSTRUMENT CHECKED WITH

- JUDGMENT
- STIPULATIONS
- RESOLUTIONS
- MAPS

ser no  
NONE

DATE 4-15-71  
BY E L A B

STATE OF UTAH, by and through :  
its ROAD COMMISSION, :

AGREES YES  NO

Plaintiff, :

FINAL ORDER OF CONDEMNATION

-v-

MARCIENE EDWARD MORGAN, a :  
single man; BONNIE A. M. :  
ANDERSON; and BETTY LOU M. :  
WALL, :

Civil No. 32549  
Project No. F-001-6(13)  
Parcel Nos. 35:A, 35:E  
Total Payment: \$17,948.52

Defendants :

It appearing to the court and the court now finds that heretofore, on the 25th day of March, 1971, this court made and entered its judgment in the above entitled proceeding, and said judgment is hereby referred to; and

It appearing to the court and the court now finds that pursuant to the law and the said judgment, the plaintiff did pay said judgment to the defendants, Marciene Edward Morgan, a single man; Bonnie A. M. Anderson; and Betty Lou M. Wall, together with all interest required by said judgment to be paid; and

It further appearing to the court that the plaintiff has made all payments as required by law and order of this court, and that this is not a case where any bond was required to be given, and all and singular the law in the premises being given by the court understood and fully considered,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the parcels of land hereinafter described are hereby taken and condemned in fee simple title as to Parcel No. 35:A and for easement rights as to Parcel No. 35:E, for the purpose described

BOOK 1220 PAGE 516

and set forth in the plaintiff's complaint, i.e., for the use of the plaintiff, the State of Utah, for highway purposes.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said use is a public use and a use authorized by law.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a copy of this final order of condemnation be filed with the county recorder of Utah County, State of Utah, and thereupon the property interests hereinafter referred to and set forth shall vest in fee simple title as to Parcel No. 35:A and for easement rights as to Parcel No. 35:E in the plaintiff. The following is a description of the property so ordered and condemned as hereinabove provided, which is hereby vested in fee simple title as to Parcel No. 35:A and for easement rights as to Parcel No. 35:E in the plaintiff, all of such property being situated in Utah County, State of Utah, and is more particularly described as follows:

Parcel No. 001-6:35:A

A parcel of land in fee for an expressway known as Project No. 001-6, being part of an entire tract of property, in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  and the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 25, T. 6 S., R. 2E., S.L.B.&M. The boundaries of said parcel of land are described as follows:

85-33-58  
53-5  
E  
Beginning on an east boundary line of said entire tract at a point 80 ft. radially distant northeasterly from the center line of the north bound traffic lanes of said project at Engineer Station 193+58.54, said point also being approximately 591 ft. north and 101 ft. east from the S $\frac{1}{4}$  corner of said Section 25; thence Northwesterly 75.94 ft. along the arc of an 11,539.16-foot radius curve to the left (Note: Tangent to said curve at its point of beginning bears N. 43°10'00" W.) to the north boundary line of said entire tract; thence West 279.30 ft. to a northwesterly corner of said entire tract; thence S. 29° W. 33.14 ft. along a westerly boundary line of said entire tract to a point 80 ft. radially distant southwesterly from the center line of the south bound traffic lanes of said project at Engineer Station 191+14.94; thence Southeasterly 555.17 ft. along the arc of a 17,108.73-foot radius curve to the right (Note: Tangent to said curve at its point of beginning bears S. 41°49'45" E.) to a Southeasterly boundary line of said entire tract; thence Northeasterly 140.81 feet to an Easterly corner of said entire tract;

BOOK 1220 PAGE 517

thence Northwesterly 230.11 ft. along a northeasterly boundary line of said entire tract to a northeasterly corner of said entire tract; thence Northerly 50.75 ft. along said easterly boundary line to the point of beginning. The above described parcel of land contains 2.12 acres, more or less.

Together with any and all rights or easements appurtenant to the remaining portion of said entire tract of property by reason of the location thereof with reference to said expressway, including without limiting the foregoing, all rights of ingress to or egress from said remaining portion contiguous to the lands hereby conveyed, to or from said expressway.

Parcel No. 001-6:35:E

An easement upon part of an entire tract of property in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 25, T. 6 S., R. 2 E., S.L.B.&M., in Utah County, Utah, for the purpose of constructing thereon an irrigation facility and appurtenant parts thereof incident to the construction of an expressway known as Project No. 001-6.

Said part of an entire tract is a strip of land 10.00 ft. wide, adjoining southwesterly the following described portion of the southwesterly right of way and limited access line of said project:

Beginning at a point 80.00 ft. radially distant southwesterly from the southbound center line of said project at Engineer Station 193+00, which point is 484.88 ft. north along  $\frac{1}{4}$  Section line and 120.44 ft. west from the S $\frac{1}{4}$  corner of said Section 25; thence Northwesterly 184.10 ft. along the arc of a 17,108.73-foot radius curve to the left to a fence at a point 80.00 ft. radially distant southwesterly from said southbound center line at Engineer Station 191+15.04 (Note: Tangent to said curve at its point of beginning bears S. 42°52' 45" W.). The above described strip of land contains 0.04 acre, more or less.

ALSO:

A temporary construction easement to facilitate the construction of said irrigation facility and appurtenant parts thereof being a strip of land 5.00 ft. wide, approximately 175 ft. long and adjoining southwesterly the southwesterly side line of the above described easement, containing 0.02 acre, more or less.

The above described temporary construction easement shall expire upon completion of said construction.

Dated this 20<sup>th</sup> day of April, 1971.

COURT  
STATE OF UTAH, ss.  
COUNTY OF UTAH, ss.  
I, THE UNDERSIGNED, CLERK OF THE DISTRICT COURT OF UTAH 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  
20<sup>th</sup> DAY OF April, 1971.  
WILLIAM F. HOUSH, CLERK  
BY: [Signature] DEPUTY

151 Main  
NINA B. HENDERSON  
COUNTY CLERK  
APR 25 1971  
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RECORDED AT THE REQUEST OF  
[Signature]  
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BOOK 1220 PAGE 518  
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