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BOOK 926 PAGE 50

IN THE SECOND DISTRICT COURT IN AND FOR WEBER COUNTY

STATE OF UTAH



STATE OF UTAH, by and through
its ROAD COMMISSION,

Plaintiff,

-v-

JAMES CLIFFORD BLAIR and
CHARLOTTE SKEEN BLAIR, his
wife,

Defendants.

ORDER OF

IMMEDIATE OCCUPANCY

Civil No. 50215

Project No. DD-53(1)
Parcel Nos. 1, 1:E

The plaintiff's motion for an order of immediate occupancy having come on regularly for hearing before the above entitled court on the 8 day of Sept., 1969, at the hour of 2:00 P. 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, a sum equal to 75 percent 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.

Dated this 8 day of Sept 1969.

FILED IN THE OFFICE OF THE CLERK OF THE DISTRICT COURT ON 9 DAY OF Sept 1969

PARLEY E. NORSETH

DISTRICT JUDGE

STATE OF UTAH }
COUNTY OF WEBER } 887

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE ORIGINAL ON FILE IN MY OFFICE DATED THIS 15 DAY OF Sept 1969

WENDELL HANSON, COUNTY CLERK & EX OFFICIO CLERK OF DISTRICT COURT
BY J. A. Kelly DEPUTY

HIGHWAY PROJECT NO. DD-53(1)

PAGE 2

RECORDED OWNER: James Clifford Blair and Charlotte
Skeen Blair, his wife
ADDRESS: 1063 South 1200 West, Ogden, Utah
LIEN HOLDERS: None
Approved Appraisal \$1,300.00
Amount to be tendered landowner at time Order of Immediate Occupancy is
granted \$975.00
Parcel No. 53:1

A parcel of land in fee for a highway known as Project No. DD53(1), being part of an entire tract of property, in the SW $\frac{1}{4}$ of Section 12, T. 6 N., R. 2 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at the SE corner of said entire tract, which point is 264 ft. north and 1375.78 ft. east from the SW corner of the N $\frac{1}{2}$ of said SW $\frac{1}{4}$ of said Section 12; thence North 27 ft., more or less, to a point 50.0 ft. perpendicularly distant northerly from the center line of said project; thence N. 87° 57' 44" W. 192 ft., more or less, to a point opposite Engineer Station 30+00; thence N. 82° 34' 46" W. 213.20 ft.; thence Northwesterly 426.26 ft. along the arc of a 748.51-foot radius curve to the right (Note: Tangent to said 748.51-foot radius curve at its point of beginning bears N. 87° 57' 44" W.); thence N. 59° 26' 38" W. 139.51 ft.; thence S. 55° 20' E. 171.02 ft. to a point of tangency with a 758.51-foot radius curve to the left; thence Southeasterly 435.26 ft. along the arc of said 758.51-foot radius curve; thence S. 77° 14' E. 131.26 ft.; thence Easterly 246 ft., more or less, along an existing right of way fence line of Pioneer Road also known as 400 North Street to the point of beginning. The above described parcel of land contains 0.477 acre, more or less.

Together with any and all abutters rights of underlying fee to the center of existing rights of way appurtenant to this conveyance.

Parcel No. 53:1:E

An easement upon part of an entire tract of property in the SW $\frac{1}{4}$ of Section 12, T. 6 N., R. 2 W., S.L.B. & M., in Weber County, Utah, for the purpose of constructing thereon a drainage facility and appurtenant parts thereof incident to the construction of a highway known as Project No. DD53(1).

Said part of an entire tract is a parcel of land 15 ft. wide, 7.5 ft. on each side of the following described center line:

Beginning at the intersection of said center line and the northerly right of way line of said project at a point approximately 57 ft. perpendicularly distant northerly from the center line of said project opposite Engineer Station 29+28.5, which point is also approximately 301 ft. north and 1112 ft. east from the SW corner of the N $\frac{1}{2}$ of said SW $\frac{1}{4}$ of Section 12; thence N. 16° 40' 30" W. 179 ft., more or less, along a line which is parallel to and 7.5 ft. perpendicularly distant northeasterly from an existing fence line to an existing drainage ditch.

The above described parcel of land contains 0.062 acre, more or less.

After said drainage facility is constructed on the above described part of an entire tract at the expense of said State Road Commission, said State Road Commission is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said drainage facility and appurtenant parts thereof.

Prepared by ELM, 8-13-69

525890

FILED AND RECORDED FOR

Utah State Road Comm.

1969 SEP 24 AM 11 23

Approved _____
Reviewed _____
Completed _____

RUTH EAMES OLSEN
WEBER COUNTY RECORDER
DEPUTY *Edith M. Wheeler*