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OFFICE OF ATTORNEY GENERAL

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IN THE SECOND DISTRICT COURT IN AND FOR DAVIS COUNTY

STATE OF UTAH

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

Plaintiff, :

ORDER OF

IMMEDIATE OCCUPANCY

-v-

GORDON H. VAN FLEET and EVELYN :  
W. VAN FLEET, his wife; REED W.  
VAN FLEET and RUTH H. VAN FLEET,  
his wife,

Civil No. 14123

Project No. I-15-7(19)315  
Parcel No. 61:E

Defendants. :

- Abstracted
- Indexed
- Entered
- Platted
- On Margin
- Compared

The plaintiff's motion for an order of immediate occupancy having come on regularly for hearing before the above entitled court on the 11<sup>th</sup> day of FEBRUARY, 1969, 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.

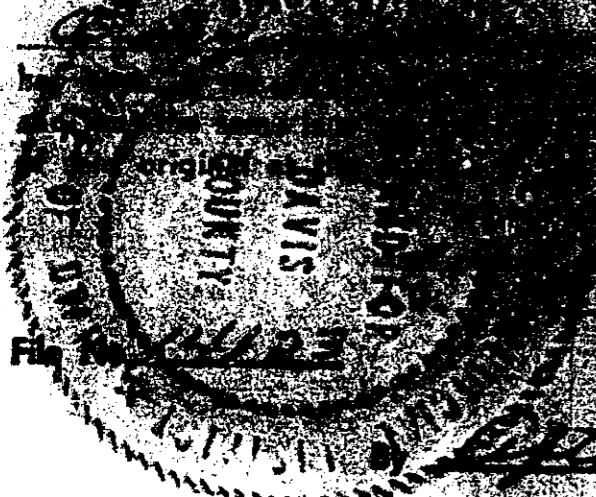
This order shall not be effective until the plaintiff herein has deposited with the clerk of the court, for the use and benefit of the defendant parties in interest herein, a sum equal to 75 per cent of the approved appraisal of the defendants' property to be acquired in this action.

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 ratio to which entitled.

Dated this 11 day of FEBRUARY, 1969.

151 Thornley K. Swan  
DISTRICT JUDGE

STATE OF UTAH }  
County of Davis } ss  
I, JOHN M. PARK, County Clerk and Ex-officio Clerk of the District Court of the Judicial District of the State of Utah, in and for the County of Davis, do hereby certify that the foregoing copy of \_\_\_\_\_  
W. W. Wallace  
has been duly filed for record in this office and a transcript therefrom and of the whole \_\_\_\_\_  
has been made and is on file in my office and in my custody.  
WHEREOF, I have hereunto set my hand and seal this 11 day of Feb.



JOHN M. PARK  
Clerk

W. W. Wallace  
Deputy Clerk

Original Filed Feb. 11, 1969

CONDEMNATION RESOLUTION  
HIGHWAY PROJECT NO. 1-15-7(19)315  
Pages Lane - Jct. U.S. 89 in Farmington

RESOLVED, by the State Road Commission of Utah that it finds and determines and hereby declares that:

The public interest and necessity require the acquisition, construction and completion by the State of Utah acting through the State Road Commission, 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 interests 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, and has been heretofore designated as a limited-access facility, as provided by Title 27, Chapter 12, Section 96, Utah Code Annotated 1953 as amended.

BE IT FURTHER RESOLVED by this Commission that the Attorney General of Utah shall be instructed and requested, on behalf of this Commission:

To acquire, in the name of the State Road Commission of Utah, 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 Commission 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 instructed and requested, on behalf of this Commission:

To prepare State Warrant in a sum equal to 75% 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 landowner and/or lien holder as described herein;

That a tender to the landowner of a sum equal to at least 75% of 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;

That the payment contemplated herein shall be without prejudice to landowner.

The real property, or interests in real property, which the State Road Commission is by this resolution authorized to acquire for said public use, is situate in the County of Davis, State of Utah, Highway Project No. 1-15-7(19)315, and is described as follows:

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HIGHWAY PROJECT NO. 1-15-7(19)315  
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RECORDED OWNERS: Gordon H. Van Fleet and Evelyn W. Van Fleet, his wife  
ADDRESS: 310 East Oak Lane, Farmington, Utah  
RECORDED OWNERS: Reed W. Van Fleet and Ruth H. Van Fleet, his wife  
ADDRESS: 120 South 2nd East, Farmington, Utah  
LIEN HOLDERS: None  
Approved Appraisal \$500.00  
Amount to be tendered landowner at time  
Order of Immediate Occupancy is granted \$375.00  
Parcel No. 15-7:61:E

An easement upon part of an entire tract of property in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 24, T. 3 N., R. 1 W., S.L.B. & M. in Davis County, Utah, for the purpose of constructing thereon a sewer line and appurtenant parts thereof incident to the construction of a freeway known as Project No. 15-7.

Said part of an entire tract is described as follows:

Beginning at a point 96.70 ft. radially distant easterly from the center line of a northbound ramp road known as W-4 Line of said project opposite W-4 line Engineer Station 18+43.46, which point is also 535 ft. north and 257 ft. west from the SE corner of said Section 24; thence S. 47° 15' 30" E. 8.0 ft.; thence Northeast-erly 244 ft., more or less, along a straight line to a point 50.0 ft. perpendicularly distant westerly from the center line of a southbound ramp road known as W-1 Line of said project opposite W-1 Line Engineer Station 46+74.22; thence N. 89° 49' E. 47 ft., more or less, to the westerly right of way line of existing Walker Lane; thence Northerly 40.0 ft. along said westerly right of way line; thence Southwesterly 300 ft., more or less, along a straight line to a point N. 14° 35' 48" W. from the point of beginning; thence S. 14° 35' 48" E. 16.0 ft. to the point of beginning. The above described parcel of land contains 0.15 acre, more or less.

ALSO:

A temporary work easement to facilitate the construction of said sewer line and appurtenant parts thereof, being upon a parcel of land 20.0 ft. wide, adjoining southeasterly the southeasterly side line of the above described easement, containing 0.11 acre, more or less.

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

After said sewer line is constructed on the above described party 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 sewer line and appurtenant parts thereof.

Prepared by BCB, 11-29-68