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ALAN SPRIGGS  
SUMMIT COUNTY RECORDER

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Attorneys for Plaintiff

NO. FILED

AUG 12 1991

Clerk of Summit County

BY.....  
Deputy Clerk

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT  
IN AND FOR SUMMIT COUNTY, STATE OF UTAH

FRANCIS TOWN, a municipal  
corporation of the State of  
Utah,

Plaintiff,

vs.

JUNE W. STEWART, ISAAC M.  
STEWART, JR., CHARLES O.  
STEWART, JUNE S. MILLER,  
KATHERINE S. BENNETT and  
WILFORD R. STEWART, individuals,

Defendants.

ORDER OF IMMEDIATE  
OCCUPANCY

Civil No. CV 11095

Judge \_\_\_\_\_

Based on the Stipulation and Joint Motion of the parties  
in this action, and good cause appearing therefor,

IT IS HEREBY ORDERED that plaintiff Francis Town be  
permitted to occupy the easement described on Attachment 1 to this  
Order, and to do such work thereon as may be required for the  
completion of the Francis Town water system expansion project,

pending final resolution of this action.

IT IS FURTHER ORDERED that plaintiff will not be required, as condition precedent to occupancy of the property, to deposit into Court any portion of the Just Compensation payable to defendants; provided, however, the defendants reserve all defenses which may be asserted herein.

DATED this 7<sup>th</sup> day of <sup>August</sup> July, 1991.

BY THE COURT:

*Michael R. Murphy*  
DISTRICT JUDGE

APPROVED AS TO FORM:

*David H. Epperson*  
DAVID H. EPPERSON

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DESCRIPTION NO. 1

BEGINNING AT A POINT said point being located on an existing fenceline, said point also being North 18deg58'20" East 6.40 feet and North 64deg33'32" West 425.56 feet and North 57deg45'38" West 95.55 feet of a point located 1266.97 feet West and 1656.41 feet North of the Southeast corner of Section 2, Township 3 South, Range 6 East, Salt Lake Base and Meridian, thence from said point, on existing fenceline North 18deg58'20" East 202.60 feet, the 15.0 foot permanent easement being 5.0 feet to the right and 10.0 feet to the left of described line and the 40.0 foot construction easement being 15.0 feet to the right and 25.0 feet to the left of said described line; thence North 46deg10'19" West 416.32 feet, with the 15.0 foot permanent easement being 5.0 feet to the right and 10.0 feet to the left of described line, and the 40.0 foot construction easement 5.0 feet to the right and 35.0 feet to the left of said line; thence North 47deg51'49" West 919.51 feet, the 15.0 foot permanent easement being 5.0 feet to the right and 10.0 feet to the left of said line and the 40.0 foot construction easement being 5.0 feet to the right and 35.0 feet to the left of said line; thence North 44deg18'47" West 442.46 feet, the 15.0 foot permanent easement being 5.0 feet to the right and 10.0 feet to the left of said line and the 40.0 foot construction easement being 5.0 feet to the right and 35.0 feet to the left of said line; thence South 89deg55'54" West 935.72 feet, the 15.0 foot permanent easement being 5.0 feet to the left and 10.0 feet to the right of said described line and the 40.0 foot construction easement being 10.0 feet to the left and 30.0 feet to the right of said described line; thence North 80deg32'55" West 911.04 feet, with the 15.0 foot permanent easement being 5.0 feet to the left and 10.0 feet to the right of said line and the 40.0 foot construction easement being 10.0 feet to the left and 30.0 feet to the right of said described line; thence North 81deg29'50" West 498.60 feet to a point on the State right of way fence, with the 15.0 foot permanent easement being 5.0 feet left and 10.0 feet right of the described line and the 40.0 foot construction easement being 10.0 feet to the left and 30 feet right of said line, with the easment terminating at said State right of way fence.

DESCRIPTION 2:

THE CENTER LINE of a 15.0 foot permanent and 40.0 foot construction easement is described as follows:  
Beginning at a point on the Westerly right of way line of State Road #35, said point being 1614.58 feet East and 1795.72 feet North from the South quarter corner of Section 34, Township 2 South ,

Range 6 East, Salt Lake Base and Meridian and running thence South 55deg05'22" West 9.15 feet, thence North 47deg13'56" West 166.81 feet, thence North 65deg31'56" West 255.36 feet, thence North 18deg54'40" East 6.81 feet to a point on said right of way line, and the termination of said easement.

The Grantee shall repair and replace the land, fences and ditches, to the same condition as they were prior to construction of the waterline, including replanting of grass or alfalfa/hay. The Grantor shall protect and/or repair or replace the waterline and appurtenances should damage occur to them other than at the hands of the Grantee

State of Utah )  
County of Summit ) ss  
I, Douglas R. Geary, Clerk of the District Court in and for Summit County, State of Utah, do hereby certify that the foregoing is a full, true and correct copy of the Order of Immediate Eminent Domain / Ex. in the matter of No. entitled # 11095 as the same appears of record and upon file in my office.  
IN WITNESS WHEREOF, I have hereunto set my hand and affix the seal of said Court this 13th day of Aug 1991  
By James D. Rinaldi Deputy Clerk

