

IN THE THIRD DISTRICT COURT IN AND FOR SUMMIT COUNTY

STATE OF UTAH

STATE OF UTAH, by and through :
ROAD COMMISSION, :
Plaintiff, : FINAL ORDER OF CONDEMNATION
-vs- :
Civil No. 3388
JAMES M. WHEAT, et al. :
* * * :
LYLE H. BROWN and THELMA BROWN, : Project No. I-80-4(10)153
his wife, : Parcel Nos. 99:A, 99:E, 117:A
Defendants. : and 117:E
Total Payment: \$7,558.40

It appearing to the court and the court now finds that heretofore, on the 19th day of October, 1966, 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, Lyle H. Brown and Thelma Brown, his wife, 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 Nos. 99:A and 117:A, and in easement rights as to Parcel Nos. 99:E and 117:E, for the

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Entry No. 104663	Book M 9
RECORDED 2-8-67	at 9:11 M Page 615-618
REQUEST of Utah State Road Comm.	
FEE	WARRANTY STATE OF UTAH
\$ DH	BY <i>Handy Spring</i>
INDEXED AJ	ABSTRACT

purpose described 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 Summit County, State of Utah, and thereupon the property interests hereinafter referred to and set forth shall vest in fee simple title as to Parcel Nos. 99:A and 117:A, and in easement rights as to Parcel Nos. 99:E and 117: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 Nos. 99:A and 117:A and in easement rights as to Parcel Nos. 99:E and 117:E in the plaintiff, all of such property being situated in Summit County, State of Utah, and is more particularly described as follows:

Parcel No. 80-4:99:A

A parcel of land in fee for a freeway known as Project No. 80-4 being part of an entire tract of property situated in the E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 28, T. 2 N., R. 5 E., S.L.M. Said parcel of land is bounded on the westerly side by a line parallel to and 208.0 ft. distant westerly from the center line of survey of said project and bounded on the easterly side, by the westerly right of way line of the Park City Branch of the Union Pacific Railroad. Said center line is described as follows:

Beginning at the intersection of the south boundary line of said entire tract, which boundary line is the center line of an existing county road, and said center line of survey at Engineer's Station 889+96.6 which point is approximately 968 ft. west and 146 ft. south from the NE. corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 28; thence N. 9° 31' W. 300 ft., more or less, to the intersection of said center line of survey at approximate Engineer's Station 892+96 and the north boundary line of said entire tract. The above described parcel of land contains 2.04 acres, more or less, of which 0.12 acre is now occupied by an existing county road. Balance 1.92 acres, more or less.

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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 freeway, and with all abutters rights of access in and to the inner through traffic lanes of said freeway, PROVIDED, however, that such remaining property shall abut upon and have access to a frontage road which will be connected with said inner through traffic lanes only at such points as may be established by public authority.

Parcel No. 80-4:99:E

An easement upon part of an entire tract of property in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, T. 2 N., R. 5 E., S. L. M., in Summit County, Utah, for the purpose of constructing thereon an irrigation facility and appurtenant parts thereof incident to the construction of a freeway known as Project No. 80-4. Said part of entire tract of property is a parcel of land 10.0 ft. wide, 5.0 ft. on each side of the following described center line:

Beginning at a point 55.0 ft. perpendicularly distant easterly from the center line of the Park City Branch of the Union Pacific Railroad opposite Highway Engineers Station 891+40 of said project, which point of beginning is approximately 1350 ft. north and 830 ft. west from the SE. corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$; thence southerly 150 ft., more or less, along a line parallel to said railroad center line to the northerly right of way line of an existing county road.

The above described parcel of land contains 0.03 acre, more or less.

Parcel No. 80-4:117:A

A parcel of land in fee for a freeway known as Project No. 80-4 being part of an entire tract of property situated in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, T. 2 N., R. 5 E., S. L. M. Said parcel of land is bounded on the westerly side by a line parallel to and 194.0 ft. distant westerly from the center line of survey of the eastbound lane of said project and bounded on the easterly side by the westerly right of way line of the Park City Branch of the Union Pacific Railroad. Said center line is described as follows:

Beginning at the intersection of the south boundary line of said entire tract and said center line of survey at Engineers Station 962+16, which point is approximately 648 ft. east and 392 ft. north from the SW. corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$; thence N. 8° 31' W. 651 ft., more or less, to the intersection of said center line of survey approximately at Engineers Station 968+67 and the north boundary line of said entire tract. The above described parcel of land contains 3.61 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 freeway, and with all abutters rights of access in and to the inner through traffic lanes of said freeway, PROVIDED, however, that such remaining

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property shall abut upon and have access to a frontage road which will be connected with said inner through traffic lanes only at such points as may be established by public authority.

Parcel No. 80-4:117:E

An easement upon part of an entire tract of property in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, T. 2 N., R. 5 E., S. L. M., in Summit County, Utah, for the purpose of constructing thereon a channel change for a drainage facility and appurtenant parts thereof incident to the construction of a freeway known as Project No. 80-4. Said part of entire tract of property is a parcel of land 30.0 ft. wide, 15.0 ft. on each side of the following described center line:

Beginning on the south boundary line of said entire tract at a point 209.0 ft. perpendicularly distant westerly from the center line of survey of the eastbound lane of said project approximately at Engineers Station 962+30 which point is approximately 438 ft. east and 374 ft. north from the SW. corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$; thence N. 8° 31' W. 653 ft., more or less, to the north boundary line of said entire tract. The above described parcel of land contains 0.45 acre, more or less.

Dated this 6th day of Jan., 1967.

S/O. H. Ellett
DISTRICT JUDGE

This pleading was prepared by the Office of the Attorney General of the State of Utah.

Charles M. Pickett
CHARLES M. PICKETT
Assistant Attorney General
236 State Capitol
Salt Lake City, Utah 84114

Plaintiff's Address:

603 State Office Building
Salt Lake City, Utah 84114
State of Utah } ss
County of Summit }

I, Reed D. Pace, Clerk of the District Court in and for Summit County, State of Utah, do hereby certify that the foregoing is a true and correct copy of the Final order of Confirmation in the matter of the entitled # 3388 as the same appears of record and upon file in my office.

IN WITNESS WHEREOF I have here unto set my hand affix the seal of said Court this 17 day of Jan., 1967

Reed D. Pace Clerk

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Clerk