

Entry No. 5699 Book 2067
 RECORDED 11-16-88 at 3:48 P.M. Page 277
 REQUEST of Glen Fuller, Betty
Betty L. Green, Morgan Co. Recy
2302 W. Morgan Co. Recy

DAVID L. WILKINSON
 Attorney General
 DONALD S. COLEMAN -- Bar No. 0695
 Chief, Condemnation Section
 Physical Resources Division
 STEPHEN C. WARD -- Bar No. 3384
 Assistant Attorney General
 124 State Capitol
 Salt Lake City, Utah 84114
 Telephone: (801) 538-1017

STATE OF UTAH }
 COUNTY OF MORGAN } ss.
 I, JANIS WIDDISON, County Clerk and Ex-Officio Clerk
 of the State of Utah, do hereby certify that the
 foregoing is a true and correct copy of the original
 Final Order of Condemnation
 at a public hearing held at the County Courthouse in Morgan,
 City, Utah, on the 27th day of
 IN WITNESS WHEREOF, I have hereunto set my hand and
 affixed the seal of said County on the 27th day of
 October, 1988.
 By: Janis Widdison Deputy Clerk

IN THE SECOND JUDICIAL DISTRICT COURT IN AND FOR
 MORGAN COUNTY, STATE OF UTAH

UTAH DEPARTMENT OF TRANSPORTATION,	:	
	:	
Plaintiff,	:	FINAL ORDER OF CONDEMNATION
	:	
vs.	:	Civil No. 2384
	:	Judge Rodney S. Page
WARNER FAMILY LIMITED PARTNERSHIP, c/o Paul F. Warner and Beverly P. Warner, his wife; MORGAN COUNTY TREASURER,	:	Project No. NS-365(2) Parcels No. 4, 4:S, 4:2S, and 5:E
Defendants.	:	

It appearing to the Court and the Court now finds that heretofore, on the 15th day of July 1988, this Court made and entered its Judgment on Stipulation in the above-entitled proceeding, 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, Warner Family Limited Partner-

ship, and Defendant, Morgan County Treasurer, having never answered (but the Warners agree to submit a release from Morgan County), 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 is hereby taken and condemned in fee simple title identified as Parcels No. 4, 4:S, 4:2S, and a perpetual easement in and to Parcel 4:5E for the purposes described and set forth in the Plaintiff's Complaint, Utah Department of Transportation, 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 Recorder of Morgan County, State of Utah, and thereupon the property interests hereinafter referred to and set forth shall vest in the Plaintiff, Utah Department of Transportation, 4501 South 2700 West, Salt Lake City, Utah 84119. The following is a description of the property condemned as hereinabove provided, which is hereby vested in the Plaintiff, all of such property being

situated in Morgan County, State of Utah, and is more particularly described as follows:

Parcel No. 365:4

A parcel of land in fee for a highway known as Project No. 365, being part of an entire tract of property, situate in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 24, the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23 all in T. 5 N., R. 1 E., S.L.B.&M., the boundaries of which are described as follows:

Beginning in the easterly line of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 26 at a point 269.79 ft. S. 0°17'11" W. along said easterly line from the Northeast corner of said Section 26, as monumented by a 7/8" inside diameter aluminum tube with a mound of stones at its base; and running thence N. 50°14'45" E. 272.84 ft. to a point 100.00 ft. radially distant northwesterly from the control line of said project at Engineer Station 23+42.30; thence Northerly 527.61 ft. along the arc of a 718.51-foot radius curve to the left concentric with said control line (Note: Tangent to said curve at its point of beginning bears N. 41°56'41" E.; thence N. 8°25'47" W. 327.96 ft. to a point 100.00 ft. perpendicularly distant westerly from said control line at Engineer Station 32+93.35; thence N. 12°22'42" W. 1306.65 ft. parallel with said control line; thence N. 41°11'58" W. 518.59 ft. to a point 350.00 ft. perpendicularly distant westerly from said control line at Engineer Station 50+54.35; thence Northerly 459.64 ft. along the arc of a 3214.79-foot radius curve to the right concentric with said control line (Note: Tangent to said curve at its point of beginning bears N. 12°22'42" W.); thence N. 20°48'59" E. 591.49 ft. to a point 100.00 ft. perpendicularly distant westerly from said control line at Engineer Station 60+00.00; thence N. 4°11'11" W. 273.58 ft. parallel with said control line to the point of tangency with a 7,539.44-foot radius curve to the left concentric with said control line; thence Northerly 307.37 ft. along the arc of said curve to a point in the north line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 23, also the northerly boundary line of said entire tract, at a point 100.00 ft. radially distant westerly from said control line at Engineer Station 65+85.01; thence S. 89°20'28" E. 201.54 ft. along said north line to a point 100.00 ft. radially distant easterly from said control line; thence Southerly 164.61 ft. along the arc of a 7739.44-foot radius curve to the right concentric with said control line (Note: Tangent to said curve at its point of beginning bears S. 6°20'08" E.) to a point in the east line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 23, being also an easterly boundary line of said entire tract, at a point 100.00 ft. radially distant

easterly from said control line at Engineer Station 63+97.67; thence S. 0°32'40" W. 1342.28 ft. along said east line; thence S. 9°20'20" E. 132.00 ft. along an easterly boundary line of said entire tract; thence S. 29°57'20" E. 485.78 ft. along an easterly boundary line to a point 100.00 ft. perpendicularly distant easterly from said control line at Engineer Station 44+71.05; thence S. 12°22'42" E. 1177.70 ft. parallel with said control line; thence S. 8°10'45" E. 370.62 ft. to a point 100.00 ft. radially distant easterly from said control line at Engineer Station 29+43.35; thence Southerly 674.48 ft. along the arc of a 918.51-foot radius curve to the right concentric with said control line (Note: Tangent to said curve at its point of beginning bears S. 0°07'42" E.); thence S. 49°59'43" W. 370.62 ft. to a point 100.00 ft. perpendicularly distant southwesterly from said control line at Engineer Station 19+92.30; thence S. 54°11'41" W. 488.91 ft.; thence S. 11°33'44" W. 206.95 ft. to a point 225.00 ft. radially distant southeasterly from said control line at Engineer Station 13+16.09; thence Southwesterly 156.39 ft. along the arc of a 920.92-foot radius curve to the left concentric with said control line (Note: Tangent to said curve at its point of beginning bears S. 45°26'41" W.) to a point on the southerly boundary line of said entire tract; thence N. 15°49'20" W. 304.61 ft. along said southerly boundary line; thence S. 87°37'40" W. 203.20 ft. along said southerly boundary line to a point 175.00 ft. radially distant northwesterly from said control line at Engineer Station 11+77.14; thence Northeasterly 160.18 ft. along the arc of a 1320.92-foot radius curve to the right concentric with said control line (Note: Tangent to said curve at its point of beginning bears N. 38°29'49" E.); thence N. 62°32'50" E. 379.84 ft. to a point 100.00 ft. perpendicularly distant northwesterly from said control line at Engineer Station 16+66.09; thence N. 54°11'41" E. 326.21 ft. parallel with said control line; thence N. 50°14'45" E. 55.12 ft. to the point of beginning. The above described parcel of land contains 27.83 acres. All bearings in the above description are highway bearings.

(Note: All highway bearings and distances in the above description are based on the Utah State Plane Coordinate System.)

Parcel No. 365:4 (Reference)

A parcel of land in fee for a highway known as Project No. 365, being part of an entire tract of property, situate in the NE¼NE¼ of Section 26, the NW¼NW¼ of Section 25, the W¼SW¼ of Section 24, the NE¼SE¼ and the SE¼NE¼ of Section 23 all in T. 5 N., R. 1 E., S.L.B.&M., the boundaries of which are described as follows:

Beginning in the easterly line of the NE¼NE¼ of said

Section 26 at a point 269.79 ft. S. $0^{\circ}17'11''$ W. along said easterly line from the Northeast corner of said Section 26, as monumented by a $7/8$ " inside diameter aluminum tube with a mound of stones at its base; and running thence N. $50^{\circ}14'45''$ E. 272.84 ft. to a point 100.00 ft. radially distant northwesterly from the control line of said project at Engineer Station 23+42.30; thence Northerly 527.61 ft. along the arc of a 718.51-foot radius curve to the left concentric with said control line (Note: Tangent to said curve at its point of beginning bears N. $41^{\circ}56'41''$ E.; thence N. $8^{\circ}25'47''$ W. 327.96 ft. to a point 100.00 ft. perpendicularly distant westerly from said control line at Engineer Station 32+93.35; thence N. $12^{\circ}22'42''$ W. 1306.65 ft. parallel with said control line; thence N. $41^{\circ}11'58''$ W. 518.59 ft. to a point 350.00 ft. perpendicularly distant westerly from said control line at Engineer Station 50+54.35; thence Northerly 459.64 ft. along the arc of a 3214.79-foot radius curve to the right concentric with said control line (Note: Tangent to said curve at its point of beginning bears N. $12^{\circ}22'42''$ W.); thence N. $20^{\circ}48'59''$ E. 591.49 ft. to a point 100.00 ft. perpendicularly distant westerly from said control line at Engineer Station 60+00.00; thence N. $4^{\circ}11'11''$ W. 273.58 ft. parallel with said control line to the point of tangency with a 7,539.44-foot radius curve to the left concentric with said control line; thence Northerly 285.47 ft. along the arc of said curve to an existing boundary fence line at a point 100.00 ft. radially distant westerly from said control line at Engineer Station 65+62.84; thence N. $87^{\circ}55'49''$ E. 200.55 ft. along said boundary fence to a point 100.00 ft. radially distant easterly from said control line; thence Southerly 152.35 ft. along the arc of a 7739.44-foot radius curve to the right concentric with said control line (Note: Tangent to said curve at its point of beginning bears S. $6^{\circ}14'42''$ E.) to a point in the east line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 23, being also the easterly boundary line of said entire tract at a point 100.00 ft. radially distant easterly from said control line at Engineer Station 63+97.67; thence S. $0^{\circ}32'40''$ W. 1305.15 ft. along said east line to an existing boundary fence at a point 31.79 ft. radially distant from said control line at Engineer Station 51+01.63; thence S. $8^{\circ}05'33''$ E. 164.27 ft. along said boundary fence; thence S. $29^{\circ}58'32''$ E. 475.24 ft. along said boundary fence to a point 100.00 ft. perpendicularly distant easterly from said control line at Engineer Station 44+85.34; thence S. $12^{\circ}22'42''$ E. 1191.99 ft. parallel with said control line; thence S. $8^{\circ}10'45''$ E. 370.62 ft. to a point 100.00 ft. radially distant easterly from said control line at Engineer Station 29+43.35; thence Southerly 674.48 ft. along the arc of a 918.51-foot radius curve to the right concentric with said control line (Note: Tangent to said curve at its point of beginning bears S. $0^{\circ}07'42''$ E.); thence S. $49^{\circ}59'43''$ W. 370.62

ft. to a point 100.00 ft. perpendicularly distant southeasterly from said control line at Engineer Station 19+92.30; thence S. 54°11'41" W. 488.91 ft.; thence S. 11°33'44" W. 206.95 ft. to a point 225.00 ft. radially distant southeasterly from said control line at Engineer Station 13+16.09; thence Southwesterly 156.39 ft. along the arc of a 920.92-foot radius curve to the left concentric with said control line (Note: Tangent to said curve at its point of beginning bears S. 45°26'41" W.) to a point on the southerly boundary line of said entire tract; thence N. 15°49'20" W. 304.61 ft. along said southerly boundary line; thence S. 87°37'40" W. 203.20 ft. along said southerly boundary line to a point 175.00 ft. radially distant northwesterly from said control line at Engineer Station 11+77.14; thence Northeast-erly 160.18 ft. along the arc of a 1320.92-foot radius curve to the right concentric with said control line (Note: Tangent to said curve at its point of beginning bears N. 38°29'49" E.); thence N. 62°32'50" E. 379.84 ft. to a point 100.00 ft. perpen- dicularly distant northwesterly from said control line at Engineer Station 16+66.09; thence N. 54°11'41" E. 326.21 ft. parallel with said control line; thence N. 50°14'45" E. 55.12 ft. to the point of beginning. The above described parcel of land contains 27.77 acres. All bearings in the above description are highway bearings.

(Note: All highway bearings and distances in the above description are based on the Utah State Plane Coordinate System.)

Parcel No. 365:5:E

A perpetual easement, upon part of an entire tract of property, in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, T. 5 N., R. 1 E., S.L.B.&M., in Morgan County, Utah, for the purpose of providing access to an adjoining tract of property incident to the construction of a highway known as Project No. 365.

Said part of an entire tract is a strip of land abutting easterly the easterly right-of-way line of said project. The boundaries of said strip of land is more particularly described as follows:

Beginning in said easterly right-of-way line at a point 100.00 ft. perpendicularly distant easterly from the control line of said project at Engineer Station 36+29.24, said point of beginning is 1084.14 ft. N. 0°32'40" E. (highway bearing) along the west line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 457.47 ft. S. 89°43'51" E. (highway bearing) from the Southwest corner of said Section 24 as monumented by a 7/8" inside diameter aluminum tube with a mound of stones at its base; and running thence N. 76°02'37" W. (highway bearing) 55.00 ft.; thence N. 45°53'10" E. (highway bearing)

79.62 ft.; thence N. 76°02'37" E. (highway bearing) 100.00 ft.; thence N. 35°49'19" E. (highway bearing) 175.84 ft. to the north boundary fence line of said entire tract; thence S. 89°46'20" E. (highway bearing) 314.56 ft. along said north boundary fence line; thence S. 5°56'15" E. (highway bearing) 69.69 ft.; thence S. 84°03'45" W. (highway bearing) 217.44 ft.; thence S. 35°49'19" W. (highway bearing) 151.44 ft.; thence S. 76°02'37" W. (highway bearing) 195.34 ft.; thence S. 40°26'31" W. (highway bearing) 161.49 ft. to said easterly right-of-way line; thence N. 12°22'42" W. (highway bearing) 154.07 ft. along said easterly right-of-way line to the point of beginning. The above described strip of land contains 1.72 acres, more or less.

(Note: All highway bearings and distances in the above description are based on the Utah State Plane Coordinate System.)

After said access is provided on the above described part of an entire tract at the expense of said Utah Department of Transportation, said Utah Department of Transportation is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said access and appurtenant parts thereof.

Parcel No. 365:4:8

A parcel of land in fee situate in the NW¼SW¼ of Section 24, T. 5 N., R. 1 E., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning in the south line of said NW¼SW¼ at a point 1320.43 ft. surveyed distance (1320 ft. deed distance) N. 0°32'40" E. along the west line of the SW¼SW¼ of said Section 24 and 403.25 ft. S. 89°46'20" E. along said south line from the Southwest corner of said Section 24 as monumented by a 7/8" inside diameter aluminum tube with a mound of stones at its base; and running thence N. 12°22'42" W. 599.35 ft. along the easterly right-of-way line of the existing State Highway known as Project No. 365; thence S. 29°57'20" E. 99.22 ft. along an easterly boundary line; thence S. 16°15'13" E. 520.52 ft. along an easterly boundary line to said south line; thence N. 89°46'20" W. 66.75 ft. along said south line to the point of beginning. The above described parcel of land contains 0.59 acre.

(Note. All highway bearings and distances in the above description are based on the Utah State Plane Coordinate System.)

Parcel No. 365:4:8 (Reference)

Beginning in the south line of said NW¼SW¼ at a point

1320.43 ft. surveyed distance (1320 ft. deed distance)
N. 0°32'40" E. along the west line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section
24 and 403.25 ft. S. 89°46'20" E. along said south line from the
Southwest corner of said Section 24 as monumented by a 7/8"
inside diameter aluminum tube with a mound of stones at its base;
and thence N. 12°22'42" W. 613.64 ft. along the easterly right-
of-way line of the existing State Highway known as Project No.
365 to an existing boundary fence line; thence S. 29°58'32" E.
107.60 ft. along said boundary fence line; thence S. 16°23'30" E.
527.91 ft. along said boundary fence line to a point in said
south line; thence N. 89°46'20" W. 71.19 ft. along said south
line to the point of beginning. The above described parcel of
land contains 0.64 acre.

All bearings in the above description are highway
bearings.

(Note: All highway bearings and distances in the above
description are based on the Utah State Plane Coordinate System.)

Parcel No. 365:4:25

A parcel of land in fee situate in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of
Section 23, T. 5 N., R. 1 E., S.L.B.&M. The boundaries of which
are described as follows:

Beginning at the Northeast corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said
Section 23 at a point 1320.43 ft. S. 0°32'40" W., from the North-
east corner of said Section 23 as monumented by a 12"x9"x6" sand-
stone; thence S. 0°32'40" W., 163.59 ft. along the east line of
said SE $\frac{1}{4}$ NE $\frac{1}{4}$; thence Northerly 164.61 ft. following the easterly
right-of-way line of the existing State Highway known as Project
No. 365 along the arc of a 7739.44-foot radius curve to the left
(Note: Tangent to said curve at its point of beginning bears N.
5°07'01" W.) to the north line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$; thence S.
89°20'28" E. 17.98 ft. along said north line to the point of
beginning. The above described parcel of land contains 0.03
acre. All bearings in the above description are highway bear-
ings.

(Note: All highway bearings and distances in the above
description are based on the Utah State Plane Coordinate System.)

The lands of Defendant contiguous to the subject high-
way shall have appurtenant access rights and openings thereto for
their use and benefit, as follows:

BOOK M 67 PAGE 2 B 4

West side of highway:

1-16 ft. opening at Station 25+12
3-66 ft. openings at Stations 35+00, 45+50, 65+22

East side of highway:

1-32 ft. opening at 22+80
2-66 ft. openings at (a) Station 18+50 and (b) between
Stations 27+00 and 27+25

"B" road to Jones' property:

1-14 ft. opening (North side) at Station 12+14, and
1-66 ft. opening (East end of road) at Station 18+00

DATED this 26th day of October, 1988.

BY THE COURT:

/s/ Rodney S. Page
RODNEY S. PAGE
District Judge

BOOK M 6 7 PAGE 2 8 5