

IN THE DISTRICT COURT OF BOX ELDER COUNTY
STATE OF UTAH

STATE OF UTAH, by and through :
its ROAD COMMISSION, :
Plaintiff, : ORDER OF
-vs- : IMMEDIATE OCCUPANCY
FRANK CHADAZ and ADA F. : Civil No. 10611
CHADAZ, his wife, : Project No. I-80N-5(12)40
Defendants. : Parcel Nos. 128, 128:A and
128:E

The plaintiff's motion for an order of immediate occupancy having come on regularly for hearing before the above-entitled court on the 14TH day of FEB, 1968, 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 having determined that the plaintiff has the right 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 hereto 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 ~~provide~~ *timely provide temporary or permanent* ~~any private~~ *irrigation and drainage systems in lieu of those presently in existence* 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 they are entitled.

Dated this 14th day of Feb, 1968.

[Signature]
DISTRICT JUDGE

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

151 *[Signature]*
CHARLES M. PICKETT
Assistant Attorney General
Attorney for Plaintiff
236 State Capitol Building
Salt Lake City, Utah 84114

STATE OF UTAH)
) SW
County of Box Elder)

I, R. E. DINEN, County Clerk and Ex-officio Clerk of the District Court of the Third Judicial District of the State of Utah, in and for the County of Box Elder, Court of record, do hereby certify that the foregoing copy of *Order of Immediate Disposition* has been by me compared with the original thereof, and do certify in my office that the same is a true and correct copy of the original, and of the whole of said original, as the same appears of record in my office and in my custody.

In witness whereof, I have hereunto set my hand and official seal this 14th day of Feb, A.D., 1968.

File No. 1968-111
Original Filed *[Signature]* 1/7/68

R. E. DINEN
Clerk
[Signature]
Deputy Clerk

HIGHWAY PROJECT NO. 1-80N-5(12)40
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RECORDED OWNERS: Frank Chadaz and Ada F. Chadaz, his wife
 ADDRESS: 1101 West Kain; Tremonton, Utah
 LIEN HOLDERS: None
 Approved appraisal: \$5,025.00
 Amount to be tendered land owner at time
 Order of Immediate Occupancy is granted: \$3,770.00
Parcel No. 80N-5:128

A parcel of land in fee for a frontage road of a freeway known as Project No. 80N-5, being part of an entire tract of property, situate in the SE $\frac{1}{4}$ of Section 9, T. 11 N., R. 3 W., S.L.B.6M. Said parcel of land is bounded on the southwesterly side by a line parallel to and 100.0 ft. distant southwesterly from the center line of said project and bounded on the northeasterly side by a line parallel to and 130.0 ft. distant southwesterly from said center line. The boundaries of said parcel of land are described as follows:

Beginning in the south boundary line of said entire tract of property at a point approximately 684.05 ft. north and 74 ft. west from the SE. corner of said Section 9; thence West 91 ft., more or less, along said south boundary line; thence N. 57°31'30" W. 1177 ft., more or less, along said southwesterly side line; thence East 91 ft., more or less, along the north boundary line of said entire tract of property; thence S. 57°31'30" E. 1177 ft., more or less, along said northeasterly side line, which is along the southwesterly no-access line of said project, to the point of beginning. The above described parcel of land contains 1.35 acres, more or less.

Parcel No. 80N-5:128:A

A parcel of land in fee for a freeway known as Project No. 80N-5, being part of an entire tract of property, in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, T. 11 N., R. 3 W., S.L.B.6M. The boundaries of said parcel of land are described as follows:

Beginning at the SE. corner of said entire tract of property, which point is 684.05 ft. north and 33 ft. west from the SE. corner of said Section 5; thence East 33 ft.; thence North 265 ft., more or less, along said center line to a point 130.0 ft. perpendicularly distant northeasterly from the center line of said project at Engineer Station 2553+03.9; thence N. 57°31'30" W. 704.4 ft. along a line parallel to and 130.0 ft. distant northeasterly from said center line; thence West 465.0 ft. along the north boundary line of said entire tract of property; thence S. 57°31'30" E. 1177 ft., more or less, along a line parallel to and 130.0 ft. distant southwesterly from said center line; thence East 41 ft., more or less, along the east boundary line of said entire tract of property to the point of beginning. The above described parcel of land contains 5.04 acres, more or less, of which 0.21 acre is now occupied by the existing highway. Balance 5.03 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, including, without limiting the foregoing, all rights of ingress from said remaining portion contiguous to the lands hereby conveyed, to or from said freeway.

Parcel No. 80N-5:128:E

An easement, upon part of an entire tract of property, situate in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, T. 11 N., R. 3 W., S.L.B.6M. in Box Elder 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. 80N-5.

HIGHWAY PROJECT NO. 1-SON-5(12)40
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Said part of an entire tract is a strip of land adjoining southwesterly the southwesterly right of way line of a frontage road of said project. Said strip of land is 15.0 ft. wide, 7.5 ft. on both sides of the following described center line:

Beginning in the south boundary line of said entire tract at a point approximately 680 ft. north and 180 ft. west from the SE. corner of said Section 9; thence N. 57° 31' 30" W. 1177 ft., more or less, to a point 187.5 ft. perpendicularly distant southwesterly from the center line of said project at Engineer Station 2564+74.8. Said strip of land contains 0.40 acre, more or less.

ALSO:

An additional strip of land for a temporary work easement to facilitate the construction of said irrigation facility and appurtenant parts thereof. Said additional strip of land is 15.0 ft. wide and is parallel to and adjoins southwesterly the above described strip of land. Said additional strip of land contains 0.40 acre, more or less.