

IN THE SECOND DISTRICT COURT IN AND FOR DAVIS COUNTY

STATE OF UTAH

STATE OF UTAH, by and through its ROAD COMMISSION, Plaintiff,	:	<u>FINAL ORDER OF CONDEMNATION</u> <u>(AS TO DEFENDANTS CARL M.</u> <u>WAHLQUIST AND LUCILLE WAHLQUIST,</u> <u>HIS WIFE)</u>
-vs-		Civil No. 10,085
THELMA BENNETT FLINT, et al., * * * * *	:	Project No. I-15-7(18)326
CARL M. WAHLQUIST and LUCILLE WAHLQUIST, his wife,	:	Parcels No. 210:A, 210:E, and 210K:E
Defendants. :		Total Judgment: \$6,523.41

It appearing to the Court and the Court now finds that heretofore, on the 23rd day of November, 1964, 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, Carl M. Wahlquist and Lucille Wahlquist, his wife, together with interest required by said judgment to be paid; and

It further appearing to the Court that the plaintiff has made all payment 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 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 for the purposes 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 an 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 Davis County, State of Utah, and thereupon the property interests hereinafter referred to and set forth shall vest in fee simple title 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 in the plaintiff, all of such property being situated in Davis County, State of Utah, and is more particularly described as follows:

Parcel No. 15-7:210:A

A parcel of land in fee for a grade separation incident to the construction of highway known as Project No. 15-7, being part of an entire tract of property in the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 28, T. 4 N., R. 1 W., S.L.M. The boundaries of said parcel of land are described as follows:

Beginning at a NE. corner of said entire tract, which point is approximately 1350 ft. east along the north line of said Section 28 and 45 ft. south from the NW $\frac{1}{4}$ corner of said Section 28; thence South 55 ft., more or less, along an east boundary line of said entire tract to a point 90.0 ft. perpendicularly distant southerly from the center line of a county road known as Gentile Street; thence N. 75° 02' W. 188 ft., more or less, to a westerly boundary line of said entire tract; thence Northerly 9 ft., more or less, along said westerly boundary line to the southerly right of way line of said Gentile Street; thence Easterly 183 ft. along said southerly right of way line to the point of beginning. Above described parcel of land contains 0.13 acre, 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 to or egress from said remaining portion contiguous to the lands hereby conveyed, to or from said freeway.

Parcel No. 15-7:210:1E

An easement upon part of an entire tract of property for Kays Creek relocation and appurtenant parts thereof incident to the construction of freeway known as Project No. 15-7 in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, T. 4 N., R. 1 W., S.L.M. in Davis County, Utah. Said part of an entire tract of property is described as follows:

Beginning on the southerly limited access line of said project, at a point 20.0 ft. perpendicularly distant westerly from the center line of said Kays Creek relocation which point is approximately 1244 ft. east and 63 ft. south from the NW.

corner of said Section 28; thence S. $16^{\circ} 46'$ W. 365.0 ft.; thence S. $68^{\circ} 14'$ W. 7 ft., more or less, to a southwesterly boundary line of said entire tract; thence S. $24^{\circ} 55'$ E. 20 ft., more or less, to a northwesterly boundary line of said entire tract; thence S. $65^{\circ} 05'$ W. 100 ft.; thence S. $24^{\circ} 55'$ E. 13 ft., more or less, to a point 20.0 ft. perpendicularly distant southeasterly from said center line; thence N. $68^{\circ} 14'$ E. 122.0 ft.; thence N. $16^{\circ} 46'$ E. 388 ft., more or less, to said southerly limited access line; thence N. $75^{\circ} 02'$ W. 40 ft., more or less, to the point of beginning, containing 0.40 acre, more or less.

ALSO:

A temporary work easement to facilitate the construction of said Keys Creek relocation and appurtenant parts thereof, being two strips of land 10.0 ft. wide adjoining northwesterly the northwesterly boundary lines of the above described part of an entire tract of property and adjoining southeasterly the southeasterly boundary lines of said part of an entire tract, containing 0.20 acre, more or less.

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

Parcel No. 15-7:210K1E

An easement upon part of an entire tract of property in the $N\frac{1}{2}$ NW $\frac{1}{4}$ of Section 28, T. 4N., R. 1 W., S.L.B. & M. in Davis County, Utah, for the purpose of constructing and maintaining thereon a detour road and appurtenant parts thereof incident to the construction of a freeway known as Project No. 15-7.

Said part of an entire tract is two parcels of land, the boundaries of which are described as follows:

Beginning at the intersection of the southerly limited access line of Gentile Street and an east boundary line of said entire tract, which point is approximately 88 ft. south and 1271 ft. west from the $N\frac{1}{2}$ corner of said Section 28; thence South 102 ft., more or less, to a point 190.0 ft. perpendicularly distant southerly from the center line of said Gentile Street; thence N. $75^{\circ} 02'$ W. 105 ft., more or less, to the easterly line of a permanent easement for the relocation of Keys Creek for said project (known as Parcel No. 15-7:210:E); thence N. $16^{\circ} 46'$ E. 100 ft., more or less, to said southerly limited access line; thence S. $75^{\circ} 02'$ E. 75 ft., more or less, to the point of beginning.

ALSO:

Beginning at the intersection of said southerly limited access line and a westerly boundary line of said entire tract, which point is approximately 1414 ft. west and 53 ft. south from the $N\frac{1}{2}$ corner of said Section 28; thence S. $02^{\circ} 02'$ E. 99 ft., more or less, to the westerly line of said permanent easement; thence N. $16^{\circ} 46'$ E. 96 ft., more or less, to said southerly limited access line; thence N. $75^{\circ} 02'$ W. 30 ft., more or less, to the point of beginning.

The above described parcels of land contain 0.24 acre, more or less, of which 0.04 acre, more or less, is included in a temporary construction easement adjoining the above mentioned permanent easement. Balance 0.20 acre, more or less.

This easement shall expire when said detour road is abandoned.

Dated this 29th day of December, 1964.

13/ Thornton K. Swan
JUDGE

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STATE OF UTAH
County of _____

I, _____, County Clerk of the District
Court of the County of _____, State of Utah, in and for the County
of _____, do hereby certify that the foregoing copy of _____

is a true and correct copy of the original record in this office
and is a true and correct copy of the original record of the whole
of the _____ of record in my office and in my custody.

IN WITNESS WHEREOF, I have hereunto set my hand
and seal on this _____ day of _____

John M. Park
JOHN M. PARK
Clerk

Edith H. Hall
Edith H. Hall
Deputy Clerk

Original Filed _____ 1964

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John M. Park, Sheriff of the District
County of ... and for the County
of ...

... of the County of ...
... of the County of ...
... of the County of ...

JOHN M. PARK
SHERIFF

...