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Page 1-5-B

569922

IN THE SECOND DISTRICT COURT IN AND FOR DAVIS COUNTY

STATE OF UTAH

UTAH DEPARTMENT OF
TRANSPORTATION, (formerly
known as Utah State Road
Commission),

Plaintiff,

-vs-

SETH L. STEWART and
ALEXIA N. STEWART, his
wife,

Defendants.

FINAL ORDER OF CONDEMNATION

Civil No. 18939

Project No. I-15-7(21)320

Parcel No. 49B:A

TOTAL PAYMENT: \$2,000.00

Abstracted
 Indexed
 Entered

 Platted
 On Margin
 Compared

It appearing to the Court and the Court now finds that heretofore, on the 24th day of June, 1980, this Court made and entered its Judgment on Stipulation 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, Seth L. Stewart and Alexia N. Stewart, his wife, together with all interest 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 parcel of land hereinafter described is hereby taken and condemned

THIS INSTRUMENT CHECKED WITH

JUDGMENT
STIPULATIONS
RESOLUTIONS
MAPS

DATE *7/15/80*
BY *P.V.W.F.K.*

*n/w Inst. dec.
Enc. made*

AGREES YES NO

in fee simple title as to Parcel No. 49B:A, for the purpose described and set forth in the plaintiff's Complaint, i.e., for the use of the plaintiff, 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 County Recorder of Davis County, State of Utah, and thereupon the property interests hereinafter referred to and set forth shall vest in the plaintiff. The following is a description of the property so ordered and condemned as hereinabove provided, which is hereby vested in the plaintiff, all of such property being situated in Davis County, State of Utah, and is more particularly described as follows:

Parcel No. 15-7:49B:A

The owners of an entire tract of property situate in Lot 1 of Block 5, Plat B, Kaysville Townsite Survey, in Section 34, T. 4 N., R. 1 W., S.L.B.&M., in Davis County, Utah, do hereby release and relinquish to the State Road Commission of Utah, any and all rights of access over and across the south and a portion of the west boundary lines of said entire tract, which south boundary line is the north right of way line of the existing 200 North Street. Said south and west boundary lines and said north right of way line are described as follows:

Beginning at the SE. corner of said Block 5; thence West 1.95 chains; thence North 52 ft., more or less, along said west boundary line, to a point 90.0 ft. perpendicularly distant northeasterly from the center line of Ramp No. 2 of said project.

DATED this 17th day of July, 1980.

BY THE COURT:

/s/ Duffy Palmer
DISTRICT JUDGE

STATE OF UTAH
COUNTY OF DAVIS
I, THE UNDERSIGNED, CLERK OF THE DISTRICT COURT OF DAVIS COUNTY, UTAH DO HEREBY CERTIFY THAT THE ANNEXED AND FOREGOING IS A TRUE AND FIEL COPY OF AN ORIGINAL DOCUMENT ON FILE IN MY OFFICE AS SUCH CLERK.
WITNESS MY HAND AND SEAL OF SAID OFFICE
THIS 17 DAY July 1980
DORNEY W. WALKER, CLERK
BY Duffy Palmer DEPUTY

DONALD S. COLEMAN
 Assistant Attorney General
 Attorney for Plaintiff
 115 State Capitol
 Salt Lake City, Utah 84114
 Telephone: 533-6684

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

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UTAH DEPARTMENT OF TRANSPORTATION, (formerly known as Utah State Road Commission),	:	
Plaintiff,	:	STIPULATION FOR JUDGMENT
vs.	:	Civil No. 18939
SETH L. STEWART and ALEXIA N. STEWART, his wife,	:	Project No. I-15-7(21)320 Parcel No. 49B:A
Defendants.	:	

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The parties in the matter above entitled, the plaintiff through its attorney, Donald S. Coleman, Assistant Attorney General, and the defendants through their attorney, Glen E. Fuller; and with respect to the issues in this cause now pending before the Court, agree and stipulate as follows, to-wit:

1. The State of Utah, acting through its Department of Transportation (heretofore known as its Road Commission), has heretofore filed its Complaint to acquire, by eminent domain, the property and property interests of these defendants located in Davis County, State of Utah, said property being more particularly described in said Complaint here on file as Parcel No. 49B:A.

2. The State of Utah has the right to condemn and acquire the property and property interests of these defendants in said parcel for a public use.

3. The use to which the condemned premises herein are to be placed by the State of Utah is one public in nature, and the public highway facility for which the property condemned herein is to be devoted is designed and located in a manner most compatible with the greatest public good and the least private injury.

4. Just compensation is due from the plaintiff to these defendants for the acquisition of their interests in the property condemned by the plaintiff herein and for such damages to other property as may be recoverable under law by virtue of the acquisition as defined in the Complaint.

5. Just compensation for the interests of these defendants in the condemned premises, together with all damages as provided by law (less improvements caused to be placed upon defendants' remaining properties and a modification of the extent of the access rights being acquired upon the subject properties remaining), is the sum of \$2,000.00; that as to said sum the plaintiff has heretofore paid to the defendants the entire amount.

6. By virtue of the payment of the foregoing amount, together with other good and valuable consideration acknowledged by defendants as having been received, the respective parties hereto stipulate and agree that Judgment and Final Order of Condemnation may be entered as follows:

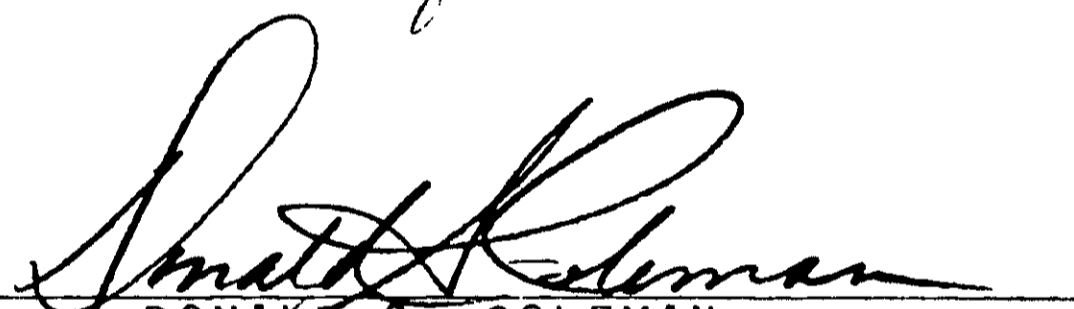
Defendants, as owners of an entire tract of property situate in Lot 1 of Block 5, Plat B, Kaysville Townsite Survey, in Section 34, T. 4 N., R. 1 W., S.L.B. & M. in Davis County, Utah, do hereby release and relinquish to the Department of Transportation (heretofore known as the Road Commission) of the State of Utah, any and all rights of motor vehicle access over and across the south and a portion of the west boundary lines of said entire tract, which south boundary line is the north right-of-way line of the existing 200 North Street. Said south and west boundary lines and said north right-of-way line are described as follows:


Beginning at the S.E. corner of said Block 5; thence West 1.95 chains; thence North 52 feet, more or less, along said west boundary line, to a point 90.0 ft. perpendicularly distant northeasterly from the center line of Ramp No. 2 of said project.

7. It is further stipulated and agreed that if the defendants or their successors in interest cease to use the property which is above described for residential purposes, the plaintiff may install fencing along its non-access line the full length of defendants' south boundary line.

8. The rights and obligations of the parties hereto as set forth in this Stipulation, the Judgment to be entered pursuant hereto and the Final Order of Condemnation are to supersede and replace the terms of the Order of Occupancy dated April 16, 1974, heretofore recorded on April 30, 1974, found in Book 538, page 646.

DATED this 10th day of June, 1980.


DONALD S. COLEMAN
Assistant Attorney General
Attorney for Plaintiff


GLEN E. FULLER
Attorney for Defendants