

ENTRY NO. 159888 DATE 3-30-92 TIME 905 FEE 23.00
 RECORDED FOR FOLLOWERS BOOK 240 PAGE 455-466
 RECORDER JOE DEAN HUBER BY: LIZ PARCELL
 PAGE INDEX ABSTRACT PLAT CHECK

FILED IN UNITED STATES DISTRICT COURT, DISTRICT OF UTAH
 FEB 24 1992
 BY MARKUS B. ZIMMER, CLERK
 DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

FW 1761

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	FINAL ORDER OF CONDEMNATION
	:	
vs.	:	
	:	
187.50 ACRES OF LAND, MORE OR LESS, LOCATED IN WASATCH COUNTY, STATE OF UTAH, THE LLOYD A. AND ANNA LEE FORD FAMILY PARTNERSHIP, ET AL., AND ANY UNKNOWN OWNERS,	:	Civil No. 89-C-960J
	:	
Defendants.	:	

The Court having reviewed the Judgment of Just Compensation submitted in this matter by the United States of America and Defendants 187.50 Acres of land, more or less, located in Wasatch County, State of Utah, the Lloyd A. and Anna Lee Ford Family Partnership, et al., and good cause therefor appearing; it is hereby

ORDERED that, a final Judgment of Just Compensation having been entered in this case on the 19th day of February, 1992, a copy of which is attached hereto, this Order shall constitute a Final Order of Condemnation of the property described in Schedule B hereto; and it is hereby

FURTHER ORDERED that the Clerk of the Court and the County Recorder of Wasatch County, State of Utah, shall be authorized to file and record this Order, with its attachments, as a Final

Order of Condemnation, title to the property described in said Schedule B having previously vested in the United States of America under the provisions of the Declaration of Taking Act, 40 U.S.C. § 258a-f (the Amended Declaration of Taking in this matter having been recorded in the office of the Wasatch County Recorder on the 5th day of May, 1991, as Entry No. 155948, in Book 229, at pages 178-89).

Dated this 24th day of February, 1992.

BY THE COURT:

temporary absence of

Daniel Winder on the
BRUCE S. JENKINS
Chief Judge

I hereby certify that the annexed document is a true and correct copy of the original on file in this office.

ATTEST:

Deputy Clerk

By: *M. Bair*
Deputy Clerk

Date: *2/24/92*

FILED
UNITED STATES
DISTRICT COURT
DISTRICT OF UTAH
FEB 23 4 12 PM '92
MARCUS E. ZIMMER

BY UTAH
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

JUDGMENT OF
JUST COMPENSATION

vs.

187.50 ACRES OF LAND, MORE
OR LESS, LOCATED IN WASATCH
COUNTY, STATE OF UTAH, THE
LLOYD A. AND ANNA LEE FORD
FAMILY PARTNERSHIP, ET AL.,
AND ANY UNKNOWN OWNERS,
Defendants.

Civil No. 89-C-960J

The above-entitled matter, having come on for trial on the issue of just compensation due the landowners for the taking by the Government as described in the Amended Complaint and Amended Declaration of Taking on file herein before the Court, the Honorable Bruce S. Jenkins, United States District Judge presiding, on Monday, February 10, 1992, David J. Jordan, United States Attorney, and Stephen J. Sorenson, Assistant U.S. Attorney, appearing as counsel for the plaintiff, and Clark W. Sessions and Cynthia K.C. Meyer of Campbell Maack & Sessions, Salt Lake City, Utah, appearing as counsel for the defendants 187.50 Acres of land, more or less, located in Wasatch County, State of Utah, and the Lloyd A. and Anna Lee Ford Family Partnership, a Utah limited partnership, and a jury of 12 jurors

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and one alternate were empaneled and sworn to try the issue of just compensation.

Opening statements by counsel were made, whereupon both parties thereafter submitted testimony in their respective cases-in-chief. Witnesses were examined in chief, cross examined, exhibits were introduced and both parties rested their cases at the end of the day on Thursday, February 13, 1992.

On Friday, February 14, 1992, commencing at approximately 9:30 a.m., closing arguments were made by counsel and the Court charged the jury as to the applicable law following which time alternate juror Barbara Jean Cooper was excused. The jury thereupon retired for its deliberations and at approximately 7:00 p.m. on Friday, February 14, 1992, the jury returned the following verdict into open Court:

We, the Jury, duly empaneled in the above-entitled action unanimously find the following:

1. The fair market value of the entire property owned by the defendant comprising 491.99+ acres of land immediately prior to the taking of October 25, 1989, was \$1,100,100.

2. As of the same date, the fair market value of the remaining property, comprising 312.72+ acres immediately after the taking by the government was \$160,841.

3. The just compensation the government must pay to the defendant is (subtract number 2 from number 1) \$939,259.

Dated this 14th day of February, 1992.

/S/ Lyle C. Doane
Foreperson

Whereupon the Court directed that the verdict be filed in the case and ordered the entry of judgment forthwith pursuant to Rule 58, Fed.R.Civ.P.

AND, the Court having considered all and singular the law pertaining to the facts as found by the jury in its verdict and that judgment should be accordingly entered, now therefore, and good cause appearing,

IT IS ORDERED that judgment be and the same is hereby entered in favor of the Lloyd A. and Anna Lee Ford Family Partnership, a Utah limited partnership, and against the United States of America in the sum of \$939,259.00, less the sum of \$405,325.00 tendered and paid by the plaintiff to the Lloyd A. and Anna Lee Ford Family Partnership on October 27, 1989, or in a deficiency and remaining sum of \$533,934.00, said latter sum to bear interest as provided by law from October 27, 1989 to the date of this judgment, pursuant to 40 U.S.C. § 258 e-1 as amended, and thereafter at the judgment interest rate as

prescribed by 28 U.S.C. § 1961 until the same is paid and satisfied pursuant to law.

DATED this 19 day of February, 1992.

BY THE COURT:

David H. Winder in the

BRUCE S. JENKINS
Chief Judge

temporary absence of

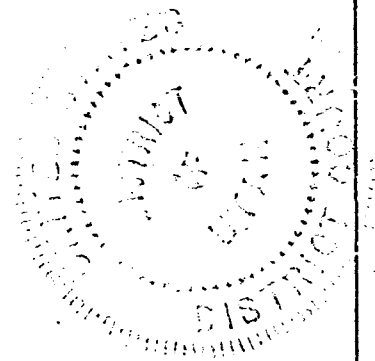
APPROVED AS TO FORM:

Stephen J. Sorenson

STEPHEN J. SORENSON
Assistant United States Attorney

Clark W. Sessions

CLARK W. SESSIONS
Attorneys for Defendants



AMENDED SCHEDULE B

JORDANELLE DAM AND RESERVOIR
WASATCH COUNTY ROUTE A
BONNEVILLE UNIT
CENTRAL UTAH PROJECT

Parcel Nos. JDR-56 and
JDR-RA-12A (174.09 Acres)

Estimated Compensation: \$405,325

Purported Owner

THE LLOYD A. AND ANNA LEE B. FORD FAMILY PARTNERSHIP, ET AL.,
a Utah Limited Partnership
2044 North 420 East
Provo, Utah 84604

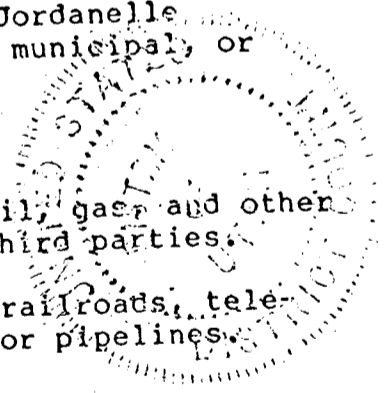
Estate Taken as to JDR-56:

The fee simple title to the lands, tenements, hereditaments, and appurtenances thereto belonging, including improvements and any water and water rights, ditches and ditch rights, reservoirs and reservoir rights appurtenant thereto or used in connection therewith. Save, excepting and reserving therefrom, subject to the following conditions, the coal, oil, gas, and other subsurface minerals, if any, owned by the Defendant in all of said lands. The right to prospect for and remove the said minerals from all said lands shall be exercised so as not to interfere with the construction, operation, and maintenance of the Bonneville Unit, Central Utah Project, and all necessary precautions, as may be determined by the Secretary of the Interior, or his duly-authorized representative, acting for and on behalf of the United States, shall be taken to prevent the pollution or affect the quality of the water to be stored in Jordanelle Reservoir, whether it is to be used for irrigation, municipal, or miscellaneous purposes.

Sand and gravel are not reserved to the Defendant.

Save, excepting and reserving therefrom the coal, oil, gas, and other subsurface minerals reserved to or outstanding in third parties.

Also, subject to existing rights-of-way for roads, railroads, telephone lines, transmission lines, ditches, conduits or pipelines.



AMENDED SCHEDULE B (Continued)

Also, the revestment of Parcel No. JDR-56X is subject to a perpetual restrictive easement wherein no single or multiple dwelling units, and no sewage treatment facilities, including but not limited to septic tanks, leach fields, settling ponds, or any other facility for the treatment, receipt, or retention of sewage, shall be constructed within Parcel No. JDR-56X on any slope exceeding thirty per cent (30%) in grade or within three hundred (300.0) feet of any slope exceeding thirty per cent (30%) in grade.

Legal Description:

PARCEL NO. JDR-56 (Fee Title)

A parcel of land in the East Half (E½) of Section Thirty-five (35), Township Two (2) South, Range Five (5) East, Salt Lake Meridian, Wasatch County, Utah, more particularly described as follows:

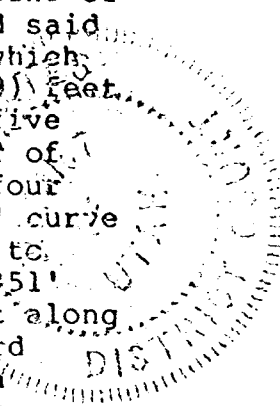
South Half of the Northeast Quarter (S½NE¼), also the North Half of the Southeast Quarter (N½SE¼), and the North Half of the South Half of the Southeast Quarter (N½S½SE¼).

EXCLUDED FROM THE ABOVE PARCEL NO. JDR-56 the following described lands: (State Road Commission of Utah)

Right-of-way for highway known as Project No. S-240 across the Defendant's land in the South Half of the Northeast Quarter (S½NE¼) of Section Thirty-five (35), Township Two (2) South, Range Five (5) East, Salt Lake Meridian. Said right-of-way is contained within a parcel of land One Hundred Twenty-five (125.0) feet wide, Seventy-five (75.0) feet on the northerly side and Fifty (50.0) feet on the southerly side of the centerline of survey of said project. Said centerline is described as follows:

Beginning at the intersection of the West boundary line of said South Half of the Northeast Quarter (S½NE¼) and said centerline of survey at Engineer's Station 189+76, which point is approximately Five Hundred Sixty-two (562.0) feet North and approximately Twenty-six Hundred Seventy-five (2675.0) feet East from the West Quarter (W¼) corner of said Section 35; thence easterly Two Hundred Sixty-four and One Tenth (264.1) feet along the arc of a 02°00' curve to the right to a point of curve to spiral, tangent to said curve at the point of beginning bears North 81°51' East; thence easterly One Hundred Forty (140.0) feet along the arc of a One Hundred Forty (140.0)-foot ten-chord spiral for a 02°00' curve to the right; thence North 88°32' East One Hundred Twenty-nine and Three Tenths

BY: S.S. Urban Name
10/19/90 Date



AMENDED SCHEDULE B (Continued)

Legal Description (Continued):

(129.3) feet to a point of tangency with a spiral; thence easterly One Hundred (100.0) feet along the arc of a One Hundred (100.0)-foot ten-chord spiral for a $01^{\circ}30'$ curve to the left; thence easterly Three Hundred Thirty-one and One Tenth (331.1) feet along the arc of said $01^{\circ}30'$ curve to a point of curve to spiral; thence easterly One Hundred (100.0) feet along the arc of a One Hundred (100.0)-foot ten-chord spiral for said $01^{\circ}30'$ curve to the left; thence North $82^{\circ}04'$ East Two Hundred Sixty-six and Four Tenths (266.4) feet to a point of tangency with a spiral; thence easterly One Hundred Forty (140.0) feet along the arc of a One Hundred Forty (140.0)-foot ten-chord spiral for a $02^{\circ}00'$ curve to the right; thence southeasterly Twelve Hundred Thirty (1230.0) feet, more or less, along the arc of said $02^{\circ}00'$ curve to the intersection of said center-line of survey at Engineer's Station 216+77 and the East boundary line of said Section 35, which point is approximately Twenty-one Hundred Fifty-eight (2158.0) feet South along said East boundary line of Section 35 from the Northeast corner of said Section 35, as shown on the official map of said project on file in the office of the State Road Commission of Utah, containing Seven and Seventy Hundredths (7.70) acres, more or less.

ALSO EXCLUDED FROM THE ABOVE PARCEL NO. JDR-56 the following described land:

Parcel No. JDR-54A

Beginning at a point which is South on the East line of Section 35, Nineteen Hundred Forty-one and Sixty-one Hundredths (1941.61) feet and South $86^{\circ}24'$ West Four Hundred Sixty-seven and One Hundredth (467.01) feet, and South $89^{\circ}56'23''$ West Sixteen Hundred Ninety-one and Forty-one Hundredths (1691.41) feet from the point where the East line of Section 35, Township 2 South, Range 5 East, Salt Lake Meridian, intersects the southerly line of the highway to Kamas and Heber, Utah; thence North $00^{\circ}08'16''$ West Five Hundred Eighty-five and Sixteen Hundredths (585.16) feet; thence South $89^{\circ}56'23''$ West Five Hundred Twenty-one (521.0) feet; thence South $00^{\circ}18'16''$ East Five Hundred Eighty-five and Sixteen Hundredths (585.16) feet; thence North $89^{\circ}56'23''$ East Five Hundred Twenty-one (521.0) feet to the point of beginning, containing Seven (7.0) acres, more or less.

AMENDED SCHEDULE B (Continued)

ALSO EXCLUDED FROM THE ABOVE PARCEL NO. JDR-56 the following described land South of Wasatch County Route A:

PARCEL NO. JDR-56X

Beginning at a point which lies North $00^{\circ}27'$ West Six Hundred Sixty-one and Four Tenths (661.4) feet along the section line from the Southeast corner of said Section 35; said point has U.S.C. & G.S. plane grid coordinates North 824,730.82 and East 2,045,195.54; thence South $89^{\circ}32'$ West Twenty-three Hundred Nine and Seven Tenths (2309.7) feet to a point on the South right-of-way boundary of Wasatch County Route A, Parcel 12 (JDR-RA-12); the next seven (7) courses lie along said boundary line; thence North $69^{\circ}07'$ East Fifty-three and Six Tenths (53.6) feet; thence South $88^{\circ}31'$ East Three Hundred and Seven Tenths (300.7) feet; thence North $89^{\circ}45'$ East Three Hundred Twenty-three and Eight Tenths (323.8) feet; thence North $82^{\circ}20'$ East Three Hundred Thirty-three and Two Tenths (333.2) feet; thence North $59^{\circ}40'$ East Three Hundred Thirty-six and Seven Tenths (336.7) feet; thence North $41^{\circ}11'$ East Three Hundred feet; thence North $71^{\circ}54'$ East Eight Hundred Fifty-three and Five Tenths (853.5) feet to the East line of Section 35; thence South $00^{\circ}27'$ East along said section line Six Hundred Ninety-nine and Four Tenths (699.4) feet to the point of beginning, containing Thirteen and Forty-one Hundredths (13.41) acres, more or less.

Total area in Parcel No. JDR-56 is Two Hundred (200.0) acres: EXCLUDING State Highway which is Seven and Seventy Hundredths (7.70) acres; ALSO EXCLUDING Parcel No. JDR-54A, which is Seven (7.0) acres, more or less; ALSO EXCLUDING Parcel No. JDR-56X which is Thirteen and Forty-one Hundredths (13.41) acres, more or less.

Total net acreage in Parcel No. JDR-56 is One Hundred Seventy-one and Eighty-nine Hundredths (171.89) acres, more or less.

Based on the Utah Coordinate System, Central Zone, established by the United States Coast and Geodetic Survey the Southeast corner of said Section 35 has plane grid coordinates North 824,069.44 and East 2,045,200.75.

Ground distances in the foregoing description can be converted to U.S.C. & G.S. grid distances by multiplying by the combination factor 0.999677.

AMENDED SCHEDULE B (Continued)

AND ALSO,

Estate Taken as to JDR-RA-12A:

The fee simple title to the lands, tenements, hereditaments, and appurtenances thereto belonging, including improvements and any water and water rights, ditches and ditch rights, reservoirs and reservoir rights appurtenant thereto or used in connection therewith. Save, excepting and reserving therefrom, subject to the following conditions, the coal, oil, gas, and other subsurface minerals, if any, owned by the Defendant in all of said lands. The right to prospect for and remove the said minerals from all said lands shall be exercised so as not to interfere with the construction, operation, and maintenance of the Bonneville Unit, Central Utah Project.

Sand and gravel are not reserved to the Defendant.

Save, excepting and reserving therefrom the coal, oil, gas, and other subsurface minerals reserved to or outstanding in third parties.

Also, subject to existing rights-of-way for roads, railroads, telephone lines, transmission lines, ditches, conduits or pipelines.

Legal Description:

PARCEL NO. JDR-RA-12A (Fee Title)

Right-of-way for highway known as Wasatch County Route A over that portion of the Defendant's land located in the North Half of the Southwest Quarter of the Southwest Quarter of the Southeast Quarter (N $\frac{1}{2}$ SW $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$) of Section Thirty-five (35), Township Two (2) South, Range Five (5) East, Wasatch County, Utah, which described portion lies outside of the Bureau of Reclamation's management boundary, containing Two and Twenty Hundredths (2.20) acres, more or less, and being more particularly described in the Right-of-Way Plans for Wasatch County Route A on file in Wasatch County Surveyor's Office.

Parcel No. JDR-RA-12A contains a total of Two and Twenty Hundredths (2.20) acres, more or less.

Parcel Nos. JDR-56 and JDR-RA-12A contain a total net acreage of One Hundred Seventy-four and Nine Hundredths (174.09) acres, more or less.

In order to construct and maintain a public highway as an expressway, as contemplated by Title 27, Chapter 12, Section 96, Utah Code Annotated, 1953, as amended, the Defendant hereby agrees to release and

AMENDED SCHEDULE B (Continued)

relinquish to the United States, or its assigns, any and all rights of ingress to or egress from the Defendant's remaining property and re-vested property (JDR-56X) contiguous to the Wasatch County Route A highway right-of-way known as Parcel No. JDR-RA-12A. As to Parcel No. JDR-56X: The United States agrees to reserve to the Defendant, his successors or assigns, the right of access to the nearest roadway of said highway over and across the right-of-way line to the right of said highway for one 16-foot opening, which said opening centers approximately at a point directly opposite Highway Engineer Station 365+40.00.

