

3095370

CLERK OF DISTRICT COURT
SALT LAKE COUNTY, UTAH
1978

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

Cl. Sterling Evans, Clerk of Dist. Court
A. H. Kavan *Burch*

A.G. 2170

IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR
SALT LAKE COUNTY, STATE OF UTAH

-----oo0oo-----

THE STATE OF UTAH, by and
through the PROVO-JORDAN
RIVER PARKWAY AUTHORITY,

Plaintiff,

vs.

ORDER OF IMMEDIATE
OCCUPANCY

LEON BROWN and LEONE BROWN,
his wife; LEON BROWN FLORAL
COMPANY,

Defendants.

Civil No. C-78-362
Project No. SP-1746
Parcel Nos. 333, 333:1, 335
401 and 403:T

-----oo0oo-----

The plaintiff's motion for an Order of Immediate Occupancy having come on regularly for hearing before the above-entitled Court on the 23rd day of February, 1978, at the hour of 2:00 p.m., and the plaintiff was represented by its attorney, Donald S. Coleman, Assistant Attorney General, the defendants were represented by their attorney, Allen H. Tibbals; it was stipulated by and between the parties that an Order of Occupancy may be entered pursuant to plaintiff's motion as it relates to parcels 401 and 403:T, and that hearing of plaintiff's motion as it relates to parcel Nos. 333, 333:1 and 335 should be continued without date. Based on the aforementioned stipulation and the plaintiff's motion heretofore filed and good cause appearing 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 as described in plaintiff's Complaint as Parcel Nos. 401 and 403:T, which premises are sought for parkway and flood control purposes. A copy of

BOOK 4658 PAGE 511

Recorded at Request of Utah Department of Transportation
at 10:58 m Fee Paid \$ KATIE L. DIXON, Recorder, APR 20 1978
Salt Lake County, Utah, By *E. Wayne Maberry* Dept. Date

plaintiff's condemnation resolution containing a description of said parcels is hereto attached and by reference made a part hereof. 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 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 and 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 the Complaint.

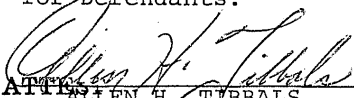
This Order shall not be effective until the plaintiff herein has deposited with the Clerk of the Court for the use and benefit of the defendant parties in interest herein, the full dollar amount of the approved appraisal of the defendants' property contained in parcels 401 and 403:T to be acquired in 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 defendants or their attorney, Mr. Allen H. Tibbals.

DATED this 10 day of March, 1978.

Approved by Counsel
for Defendants:

BY THE COURT:


ATTORNEY ALLEN H. TIBBALS
W. STERLING EVANS
CLERK


DISTRICT JUDGE

BY 
Deputy Clerk

PROJECT NO. SP-1746
PAGE 2

RECORDED OWNER: Leon Brown Floral Company, a Limited Partnership
ADDRESS: c/o Leon Brown, 500 South 1100 West, Salt Lake City, Utah
LIEN HOLDER: None of Record
APPROVED APPRAISAL: \$620,500.00

Parcel No. 1746:401

A parcel of land in fee, being part of an entire tract of property, in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and Lots 6 and 9 of Section 10 and the NW $\frac{1}{4}$ of Section 15, all in T. 1 N., R. 1 W., S.L.B.&M. The boundaries of said parcel of land are described as follows: Beginning at the north $\frac{1}{4}$ corner of said Section 15; thence South 20.305 chains (1340.13 ft.) along the east line of the NW $\frac{1}{4}$ of said Section 15 to the SE corner of said entire tract; thence West 28.70 chains (1894.2 ft.) along the south boundary line to the SE corner of said entire tract; thence Northerly the following nine courses along the westerly boundary line of said entire tract; N. 12°30' E. 2 chains (132 ft.); thence N. 29°00' E. 4.21 chains (277.86 ft.); thence N. 47°30' E. 3 chains (198 ft.); thence N. 29°21'02" E. 184.87 ft.; thence N. 64°28' E. 167.10 ft. along an old fence line; thence N. 11°36' E. 680.00 ft. along an old fence line; thence N. 15°02' W. 473.43 ft. along an old fence line; thence Northeasterly 42.2 rods (696.3 ft.), more or less, along the original West Meander Line of the Jordan River; thence N. 3°00' W. 468 ft. to the southerly bank of the Jordan River; thence Easterly 423 ft. along said bank to the north line of said Lot 9; thence East 550 ft. along said north line to the westerly bank of a drainage canal; thence Southerly the following four courses along said bank, S. 40°20' E. 256.76 ft.; thence S. 23°14'54" E. 477.70 ft.; thence S. 4°07'40" W. 255.52 ft.; thence East 30 ft. to the existing westerly right of way line of Redwood Road; thence S. 3°53' W. 431 ft. along said right of way line to the SE corner of said entire tract; thence West 428.65 ft. along the south line of said Section 10 to the point of beginning.

The above described parcel of land contains 91.49 acres, more or less, of which 2.46 acres, more or less, are now occupied by the Jordan River. Balance 89.03 acres, more or less.

Together with any and all water rights pertaining to the above described parcel of land.

Together with and subject to any and all easements, restrictions, and rights of way appearing of record or enforceable in law and equity.

Parcel No. 1746:403:T

A parcel of land in fee, being all of an entire tract of property, in the SW $\frac{1}{4}$ of Section 10, T. 1 N., R. 1 W., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning on the original Meander Line of the Jordan River at a point 52.77 rods North and 190.41 rods East, more or less, from the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section 9, Township 1 North, Range 1 West, Salt Lake Base and Meridian, and running thence West 700 feet, more or less, to the easterly line of the Freeway known as Highway Project I-215-9, as conveyed by Order of Condemnation recorded in Book 2305 at Page 643 as Entry No. 2068847; thence Southwesterly along the Easterly line of said Freeway 495 feet, more or less, to a point given as being 25.24 rods North of the South line of Section 10, Township 1 North, Range 1 West, Salt Lake Base and Meridian, thence East 700 feet, more or less, to the original Meander Line of the Jordan River, thence Northeasterly 42.2 rods, more or less, along the original West Meander Line of the Jordan River to the point of beginning.

The above described parcel of land contains 8.74 acres, more or less.

Together with any and all water rights pertaining to the above described parcel of land.

Together with and subject to any and all easements, restrictions, and rights of way appearing of record or enforceable in law and equity.

BOOK 4658 PAGE 513

Prepared by ABC, 12-28-77

STATE OF UTAH
COUNTY OF SALT LAKE

I, THE UNDERSIGNED, CLERK OF THE DISTRICT COURT OF SALT LAKE COUNTY, UTAH, DO HEREBY CERTIFY THAT THE ANNEXED AND FOREGOING IS A TRUE AND FULL COPY OF AN ORIGINAL DOCUMENT ON FILE IN MY OFFICE AS SUCH CLERK.

WITNESS MY HAND AND SEAL OF SAID COURT THIS 10 DAY OF March, 1978

W. STERLING EVANS, CLERK
BY *Sydney [Signature]* DEPUTY