

156307

4-27-70  
TO DJB

3632

Recorded at request of Utah State Dept. of Survey Fee Paid No  
 Date JUL - 3 1970 at 9 a M. Jean M. Headen Recorder Iron County  
 By Cora J. Hulst, Dep. Book 154 Page 292-295  
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IN THE FIFTH DISTRICT COURT IN AND FOR IRON COUNTY

STATE OF UTAH



STATE OF UTAH, by and through :  
its ROAD COMMISSION,

Plaintiff,

-v-

: FINAL ORDER OF CONDEMNATION

: Civil No. 4889

MAX J. THORLEY, a single man,  
 ROBERT J. THORLEY, a single  
 man, JUNE D. LARSEN, a woman,  
 formerly JUNE D. THORLEY, a  
 widow, MAX J. THORLEY, Executor  
 of the Estate of Sage J. Thorley,  
 deceased, and FEDERAL LAND BANK  
 of BERKELEY,

: Project No. I-15-2(12)57  
 Parcel Nos. 6:A, 6:E, 6:2E,  
 and 6:3E  
 Total Payment: \$97,346.14

Defendants.

It appearing to the court and the court now finds  
 that heretofore, on the 17th day of February, 1970, 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, Max J. Thorley, a  
 single man, Robert J. Thorley, a single man, June D. Larsen, a  
 woman, formerly June D. Thorley, a widow, Max J. Thorley, executor  
 of the Estate of Sage J. Thorley, deceased, and Federal Land  
 Bank of Berkeley, together with all interest required 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 re-  
 quired to be given, and all and singular the law in the premises  
 being given by the court understood and fully considered.

THIS INSTRUMENT CHECKED WITH

- JUDGMENT
- REGULATIONS
- RESOLUTIONS
- MAPS

DATE 27 April 70  
 BY DJB

# 15-6307

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the parcels of land hereinafter described are hereby taken and condemned in fee simple title, as to Parcel No. 6:A and for easement rights as to Parcel Nos. 6:E, 6:2E and 6:3E for the purpose 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 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 Iron County, State of Utah, and thereupon the property interests hereinafter referred to and set forth shall vest in fee simple title as to Parcel No. 6:A and for easement rights as to parcel Nos 6:E, 6:2E and 6:3E 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 as to Parcel No. 6:A and for easement rights as to parcel Nos. 6:E, 6:2E and 6:3E in the plaintiff, all of such property being situated in Iron County, State of Utah, and is more particularly described as follows:

Parcel No. 15-2:6:A

A parcel of land in fee for a freeway known as Project No. 15-2, being part of an entire tract of property, in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  and the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 15, T. 36 S., R. 11 W., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning on the south boundary line of said entire tract at a point 120.0 ft. perpendicularly distant easterly from the center line of said project which point is 64.65 rods south and approximately 175 ft. west from the center of said Section 15; thence N. 0°34'03.7" E. 2278.4 ft. to the southerly right of way line of 2nd South Street of Cedar City, Utah; thence Westerly 240 ft., more or less, along said right of way line to a point 120.0 ft. perpendicularly distant westerly from said center line of project; thence S. 0°34'03.7" W. 1060 ft.,

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more or less, to a point opposite said center line at Engineer Station 847+00; thence S. 2°28'37" W. 300.17 ft.; thence S. 0°34'03.7" W. 920 ft., more or less, to said south boundary line of said entire tract; thence East 250 ft., more or less, to the point of beginning. The above described parcel of land contains 12.798 acres, more or less.

Together with any and all rights or easements, exclusive of access, appurtenant to the remaining portion of said entire tract of property by reason of the location thereof with reference to said freeway. Such remaining property shall abut upon and have access to and from existing county roads and city streets.

Parcel No. 15-2:6:E

An easement upon part of an entire tract of property in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 15, T. 36 S., R. 11 W., S.L.B.&M. in Iron 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. 15-2.

Said part of an entire tract is a parcel of land adjoining westerly the westerly no access line of said project being 50.0 ft. wide, 25.0 ft. on each side of the following described center line:

Beginning at a point 155.0 ft. perpendicularly distant westerly from the center line of said project opposite Engineer Station 838+00, said point being approximately 748 ft. south and 446 ft. west from the NE. corner of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; thence N. 0°34'03.7" E. 600.42 ft.; thence N. 2°28'37" E. 99.64 ft. The above described parcel of land contains 0.804 acre.

Parcel No. 15-2:6:2E

An easement upon parts of an entire tract of property in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  and in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 15, T. 36 S., R. 11 W., S.L.B.&M. in Iron County, Utah, for the purpose of constructing and maintaining thereon a drainage facility and appurtenant parts thereof incident to the construction of a freeway known as Project No. 15-2.

Said parts of an entire tract are two parcels of land described as follows:

A parcel of land adjoining easterly the easterly no access line of said project being 30.0 ft. wide, 15.0 ft. on each side of the following described center line:

Beginning at a point 135.0 ft. perpendicularly distant easterly from the center line of said project opposite Engineer Station 842+00, said point being approximately 349 ft. south and 159 ft. west from the NE. corner of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; thence N. 0°34'03.7" E. 400.0 ft.

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ALSO:

A parcel of land adjoining westerly the westerly no access line of said project being 30.0 ft. wide, 15.0 ft. on each side of the following described center line:

Beginning at a point 135.0 ft. perpendicularly distant westerly from the center line of said project opposite Engineer Station 847+70, said point being approximately 223 ft. north and 431 ft. west from the SE. corner of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ ; thence N. 0°34'03.7" E. 990 ft., more or less, to the northerly boundary line of said entire tract.

The above described parcels of land contain 0.957 acre, more or less.

Parcel No. 15-2:6:3E

An easement upon part of an entire tract of property in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 15, T. 36 S., R. 11 W., S.L.B.&M. in Iron County, Utah, for the purpose of constructing and maintaining thereon a drainage facility and appurtenant parts thereof incident to the construction of a freeway known as Project No. 15-2.

Said part of an entire tract is a parcel of land adjoining easterly the easterly No-Access-Line of said project, being 30.0 ft. wide, 15.0 ft. on each side of the following described center line:

Beginning on the south boundary line of said entire tract at a point 135.0 ft. perpendicularly distant easterly from the center line of the Median of said project at Engineer Station 834+81.7, said point also being 64.65 rods south and approximately 160 ft. west from the center of said Section 15; thence N.00°34'03.7" E. 718.3 ft. to a point 135.0 ft. perpendicularly distant easterly from said center line at Engineer Station 842+00. The above described parcel of land contains 0.49 acre, more or less.

Dated this 17<sup>th</sup> day of June, 1970.

*James P. McCune*  
DISTRICT JUDGE

STATE OF UTAH  
County of Iron

I, Clair Hulet, County Clerk and ex-officio Clerk of the Fifth Judicial District Court in and for Iron County, hereby certify that the foregoing is a full, true and correct copy of the original **FINAL ORDER OF CONDEMNATION,**

**Civil No. 4889,**  
now on file and of record in my office.  
Witness my hand and the seal of my said office in Parowan, Iron County, Utah this.....  
**18th** day of June, 1970

*Clair Hulet*  
Clerk of District Court  
Iron County, Utah

*Carmel S Hulet*  
Deputy Clerk