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By *Lee F. Johnson* Dep. Date

IN THE THIRD DISTRICT COURT IN AND FOR SALT LAKE COUNTY

STATE OF UTAH

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

Plaintiff,

-vs-

ESTATE OF ALMA H. BENNETT, a  
woman, deceased; JAMES H.  
BENNETT, husband of deceased,  
heir; WENDELL B. BENNETT and  
JANE DOE BENNETT, his wife,  
heirs; DONALD W. BENNETT and  
JANE DOE BENNETT, his wife,  
heirs; MARDELLE MAE BROWN,  
heir; BRYANT BENNETT, heir;  
SUSAN BENNETT, heir,

Defendants.:



FINAL ORDER

OF  
CONDEMNATION

Civil No. 165463  
Project No. 1-15-7(3)289  
Parcel Nos. 01-7:433B:1E  
01-7:433B:2E  
\$130.47

It appearing to the court and the court now finds that heretofore, on the 2nd day of September, 1966, 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 Estate of Alma H. Bennett, a woman, deceased; James H. Bennett, husband of deceased, heir; Wendell B. Bennett and Jane Doe Bennett, his wife, heirs; Donald W. Bennett and Jane Doe Bennett, his wife, heirs; Mardelle Mae Brown, heir; Bryant Bennett, heir; Susan Bennett, heir, 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 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 in easement rights as to parcel nos. 433B:1E and 433B:2E 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 Salt Lake County, State of Utah, and thereupon the property interests hereinafter referred to and set forth shall vest in easement rights as to parcel nos. 433B:1E and 433B:2E in the plaintiff. The following is a description of the property so ordered and condemned as hereinabove provided, which is hereby vested in easement rights in the plaintiff, all of such property being situated in Salt Lake County, State of Utah, and is more particularly described as follows:

Parcel No. 01-7:433B:1E

An easement upon part of an entire tract of property in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 25, T. 2 S., R. 1 W., S.L.B.&M. in Salt Lake County, Utah, for the purpose of constructing thereon irrigation and storm drain facilities and appurtenant parts thereof incident to the construction of a freeway known as Project No. 01-7. The boundaries of said part of an entire tract are described as follows:

Beginning on the east boundary line of said entire tract at a point 46.5 ft. perpendicularly distant northerly from the center line of the relocation of 7200 South Street in Midvale, which point is 4.10 chains west and approximately 1229 ft. south along the east boundary line of said entire tract from the NE $\frac{1}{4}$  corner of said Section 25; thence N. 87°13'58" W. 114 ft., more or less, along said northerly right of way line to a point opposite 7200 South Street relocation Engineer Station 10+00; thence N. 49°57'30" W. 16.51 ft.; thence S. 87°13'58" E. 127 ft., more or less, to said east boundary line; thence South 10 ft., more or less, along said east boundary line to the point of beginning. The above described parcel of land contains 0.03 acre, more or less.

Parcel No. 01-7:433B:2E

A temporary work easement upon part of an entire tract of property in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 25, T. 2 S., R. 1 W., S.L.B.&M. in Salt Lake 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. 01-7. The boundaries of said part of an entire tract are described as follows:

Beginning at a point 122.61 ft. perpendicularly distant northerly from the center line of the relocation 7200 South Street at relocation Engineer Station 11+00, which point is approximately 484 ft. west and 1140 ft. south from the NE $\frac{1}{4}$  corner of said Section 25; thence N. 40°02'30" E. 10.0 ft.; thence S. 49°57'30" E. 122.76 ft.; thence N. 87°13'58" W. 16.51 ft.; thence N. 49°57'30" W. 109.77 ft. to the point of beginning. The above described parcel of land contains 0.03 acre, more or less.

Dated this 27th day of October, 1966.

ATTEST, JACOB WEILER, CLERK  
(SEAL) BY W. R. HANSEN,  
Deputy Clerk

/s/ STEWART M. HANSEN  
DISTRICT JUDGE

LYNN R. BROWN  
Assistant Attorney General  
Attorney for Plaintiff  
236 State Capitol  
Salt Lake City, Utah 84114

FILED IN CLERK'S OFFICE  
SALT LAKE COUNTY, UTAH  
OCTOBER 27, 1966  
JACOB WEILER, CLERK 3RD DIST. COURT  
BY W. R. HANSEN, DEPUTY CLERK

STATE OF UTAH

COUNTY OF SALT LAKE

ss.

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I, JACOB WEILER Clerk in and for the County of Salt Lake and Ex-Officio Clerk of the District Court of the Third Judicial District in and for Salt Lake County, State of Utah, do hereby certify that the foregoing is a full, true and correct copy of the original FINAL ORDER OF CONDEMNATION

STATE OF UTAH, by and through  
its ROAD COMMISSION,

Plaintiff

-vs-

No. 163463

ESTATE OF ALMA H. BENNETT, a  
woman, deceased; JAMES H.  
BENNETT, husband of deceased,  
heir; WENDELL B. BENNETT and  
JANE DOE BENNETT, his wife,  
heirs; DONALD W. BENNETT and  
JANE DOE BENNETT, his wife,  
heirs; MADELLE MAE BROWN,  
heir; BRYANT BENNETT, heir;  
SUSAN BENNETT, heir,

Defendants

as appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand

and affixed my official seal, this 3rd

day of November, A. D. 19 66

*Jacob Weiler* Clerk

By \_\_\_\_\_ Deputy Clerk

