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STATE ROAD COMMISSION

BOOK 2705 PAGE 254

HAZEL TAGGART CHASE, Recorder Salt Lake County, Utah

Dep. Date

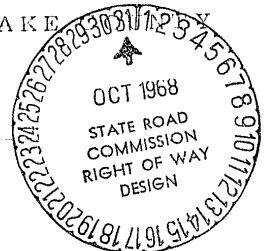
FILED IN CLERK'S OFFICE
Salt Lake County Utah

SEP 25 1968

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W. Sterling Evans, Clerk 3rd Dist. Court
By /s/ Jay Holt
Deputy Clerk

IN THE DISTRICT COURT OF SALT LAKE
STATE OF UTAH



STATE OF UTAH, by and through)
its ROAD COMMISSION,)
Plaintiff,)
vs.)
REALTY ASSOCIATED INVESTORS;)
PRISREY INVESTMENT COMPANY;)
and INTERSTATE INDUSTRIAL)
PARK,)
Defendants.)

ORDER OF
IMMEDIATE OCCUPANCY
Civil No. 181895
Project No. S-0144 (6)
Parcel No. 17:A

The Plaintiff's Motion for an Order of Immediate Occupancy having come on regularly for hearing before the above entitled court on the 25th day of September, 1968, at the hour of 9:30 o'clock A. M., and it having been shown to the satisfaction of said court that notice of such motion has been given to the Defendants above named in the manner prescribed by law; and the court having heard the evidence offered by the Plaintiff in support of such motion and having determined that the Plaintiff has the right of eminent domain, and that the purpose for which the premises sought by the Complaint herein to be condemned is a public purpose and that the immediate occupancy of said premises is necessary and proper.

NOW, 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 above named, which premises are sought for highway purposes or concerning which premises, easements or other rights for highway

VICTOR G. SAGERS
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purposes are sought, all such property easements or other rights as required by the Plaintiff herein, and the property belonging to the Defendants as affected thereby being particularly set out and described in the Complaint on file in this action, and in the condemnation resolution filed in this action, a copy of which is hereto annexed, and 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 that during construction of the project and pending the hearing on the issues presented, the Plaintiff shall protect any private drains now crossing the proposed highway right of way, and further, that prior to the destruction or removal of any fence on or along the property condemned, the Plaintiff shall make adequate provisions for a fence along the highway right of way so as to provide fencing protection to the properties affected hereby at least equal to that now provided for each of such properties.

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 or 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 said 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, a sum equal to 75 per cent of the approved appraisal of the

Defendants' property 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 appropriate Defendants in the percentage and ratio to which they are entitled.

Dated this 25th day of September, 1968.

BY THE COURT:

ATTEST
W. STERLING EVANS
CLERK
BY /s/ Jay Holt
Deputy Clerk

/s/ Stewart M. Hanson
DISTRICT JUDGE
(Seal)

Mailed a copy of the foregoing Order of Immediate Occupancy to Realty Associated Investors, one of the Defendants in the above entitled matter, c/o Frank G. Fister, Trustee, 359 South Main Street, Salt Lake City, Utah; also mailed a copy thereof to Prisbrey Investment Company, one of the Defendants in the above entitled matter, at 2015 South 26th East, Salt Lake City, Utah; and mailed a copy thereof to Interstate Industrial Park, one of the Defendants in the above entitled matter, c/o Frank G. Fister, President, 359 South Main Street, Salt Lake City, Utah, this 25th day of September, 1968.

/s/ Victor G. Sagers

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 THE ORIGINAL DOCUMENT ON FILE IN MY OFFICE AS SUCH CLERK. WITNESS MY HAND AND SEAL OF SAID COURT THIS 25th DAY OF September, 1968.
W. STERLING EVANS, CLERK
BY W. Sterling Evans DEPUTY

CONDEMNATION RESOLUTION CO*0144*17:A
HIGHWAY PROJECT NO. S-0144(6)
45th South, I-15 to East Bank of Jordan River

RESOLVED, by the State Road Commission of Utah that it finds and determines and hereby declares that:

The public interest and necessity require the acquisition, construction and completion by the State of Utah acting through the State Road Commission, of a public improvement, namely a State Highway. The public interest and necessity require the acquisition and immediate occupancy, for said public improvement, of the real property, or interests in real property, hereinafter described.

Said proposed state highway is planned and located in a manner which will be most compatible with the greatest public good and the least private injury, and has been heretofore designated as a limited-access facility, as provided by Title 27, Chapter 12, Section 96, Utah Code Annotated 1953 as amended.

BE IT FURTHER RESOLVED by this Commission that the Attorney General of Utah shall be instructed and requested, on behalf of this Commission:

To acquire, in the name of the State Road Commission of Utah, the said hereinafter described real property, or interests in real property, by condemnation in accordance with the provisions of the Statutes and of the Constitution of Utah relating to eminent domain;

To prepare and prosecute such proceeding or proceedings in the proper court having jurisdiction thereof as are necessary for such acquisition;

To obtain, from said court an order permitting said Commission to take immediate possession and use of said real property, or interests in real property, for highway purposes, or purposes incidental thereto.

BE IT FURTHER RESOLVED that the State Finance Director shall be instructed and requested, on behalf of this Commission:

To prepare State Warrant in a sum equal to 75% of the approved appraisal of each parcel of real property, or interest in real property set forth and described herein; payee to be the Clerk of the District Court of the County wherein the real property is located, for the use and benefit of the landowner and/or lien holder as described herein;

That a tender to the landowner of a sum equal to at least 75% of the fair market value of the property to be acquired for rights of way herein shall be made prior to issuance of the Order of Immediate Occupancy;

That the payment contemplated herein shall be without prejudice to landowner.

The real property, or interests in real property, which the State Road Commission is by this resolution authorized to acquire for said public use, is situate in the County of Salt Lake, State of Utah, Highway Project No. S-0144(6), and is described as follows:

CO*0144*17:A

RECORDED OWNER: Realty Associated Investors
 c/o Frank G. Fister, Trustee
 ADDRESS: 359 South Main, Salt Lake City, Utah
 LIEN HOLDER: Prsbrey Investment Co.
 ADDRESS: 2015 So. 26th East, Salt Lake City, Utah
 CONTRACT PURCHASER: Interstate Industrial Park
 c/o Frank G. Fister, President
 ADDRESS: 359 South Main, Salt Lake City, Utah
 Approved Appraisal \$460.00
 Amount to be tendered landowner at time
 Order of Immediate Occupancy is granted \$345.00
Parcel No. 0144:17:A

A parcel of land for a ramp road incident to the construction of an expressway known as Project No. 0144, being part of an entire tract of property, in Lot 2, Block 11, Ten Acre Plat 'A', Big Field Survey. The boundaries of said parcel are described as follows:

Beginning at the intersection of the westerly no-access line of a highway known as Project I-15 and the north property line of a highway known as Project No. S-0144, which point is 55.0 feet northerly along the east line of said Lot 2 from the center line of survey of said highway known as Project S-0144, said point also being 115.44 feet north from the SE. corner of said Lot 2; thence North-erly 20.8 feet, along said east line of Lot 2; thence S. 81°22'10" W. (Highway Bearing) 129 feet, more or less, to the westerly boundary line of said entire tract; thence Southeasterly 2 feet, more or less, along said westerly boundary line to said north property line of Project S-0144; thence Easterly 126.15 feet along said north property line to the point of beginning. The above described parcel of land contains 0.03 acre, more or less.

Together with any and all rights or easements appurtenant to the remaining portion of said entire tract of property by reason of the location thereof with reference to said expressway, including without limiting the foregoing, all rights of ingress to or egress from said remaining portion contiguous to the lands hereby conveyed, to or from said expressway.

Prepared by DUB, 8-23-68