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State of Utah
Dept of Transportation
4501 S 2700 W
PO Box 148380
Salt Lake City, UT 84114

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Attorney for Plaintiff

FILED

AUG 23 2012

4TH DISTRICT
STATE OF UTAH
UTAH COUNTY



ENT 79437:2012 PG 1 of 5
JEFFERY SMITH
UTAH COUNTY RECORDER
2012 Sep 17 4:31 pm FEE 0.00 BY SS
RECORDED FOR UTAH DEPARTMENT OF TRANSPOR

IN THE FOURTH DISTRICT COURT IN AND FOR
UTAH COUNTY, STATE OF UTAH

UTAH DEPARTMENT OF
TRANSPORTATION,

Plaintiff,

vs.

UNIVERSITY MALL SHOPPING CENTER,
L.C.; TITLE WEST TITLE COMPANY as
Trustee; and SUN LIFE ASSURANCE
COMPANY OF CANADA as Beneficiary,

Defendants.

**FINAL JUDGMENT OF
CONDEMNATION
(Upon Stipulation)**

Project No. F-0265(18)3
Parcel No. 5NO:E
Affecting Tax ID No. 57-043-0008
Lot 8, Plat "A"

Civil No. 120300118

Judge Donald J. Eyre

The Court, having reviewed the Stipulation and Joint Motion for Final Judgment of
Condemnation entered into by Plaintiff Utah Department of Transportation ("UDOT"), Defendants
University Mall Shopping Center, L.C. ("University Mall") and Sun Life Assurance Company of
Canada ("Sun Life") and being fully advised in the matter, makes the following Order:

ORDER

1. The property easement described below is property, along with property rights, was owned by Defendants University Mall and Sun Life.
2. The property easement described below is hereby condemned and acquired by UDOT for highway purposes.
3. The purpose of this condemnation of Defendants University Mall's and Sun Life's property easement is for a necessary public use, authorized by law.
4. Defendants University Mall and Sun Life are hereby awarded final judgment in the total amount of Twenty-Two Thousand Fifty Dollars (\$22,050.00), satisfying any and all claims and demands, including condemnation just compensation, damages, applicable interest, attorney fees and costs, which may have been recoverable in this condemnation action.
5. The final judgment amount will be paid as follows:
 - (a) The Court will withdraw UDOT's previously court deposited amount of Twenty-One Thousand Six Hundred Twenty-Five Dollars (\$21,625.00) and make payment by check in that amount to "University Mall Shopping Center L.C.". The check will be mailed to the following:

Chris Mancini, Attorney at Law
Woodbury Corporation
2733 E. Parleys Way, Suite 300
Salt Lake City, Utah 84109
 - (b) UDOT is to make payment by check in the amount of Four Hundred Twenty-Five Dollars (\$425.00) to "Sun Life Assurance Company of Canada and Attorney Bryce Panzer". The check will be mailed to the following:

Bryce Panzer
Blackburn & Stoll, LC
257 East 200 South, Suite 800
Salt Lake City, Utah 84111

6. A copy of this Final Judgment of Condemnation shall be filed with the County Recorder of Utah County, State of Utah; thereupon, any rights and interests of Defendants University Mall and Sun Life in the following described property easement, located in Utah County, State of Utah, shall vest in Plaintiff Utah Department of Transportation, 4501 South 2700 West, Salt Lake City, Utah 84119:

Tax Id No. 57:043:0008

Parcel No. 0265: 5NO:E

A temporary easement, upon part of an entire tract of property in Lot 8, University Mall Subdivision Plat "A", according to the official plat thereof, recorded as Entry No. 19427:2001 Map #8962, in the office of the Utah County Recorder, situate in the NE1/4NE1/4 of Section 26, T.6 S., R.2 E., S.L.B.& M., in Utah County, Utah, for the purpose of constructing thereon roadway improvements, driveways, side treatments and appurtenant parts thereof and blending slopes to facilitate the widening of an expressway, State Route 265 (University Parkway, Orem), known as Project F-0265(18)3.

Non-exclusive use. The easement acquired herein does not convey any right except as stated herein, nor does it prevent Defendant(s) from the use of the real property within the easement so long as such use does not interfere with the purposes for which the easement is being acquired. This easement does not convey the right to use the easement in a manner that would deny any right the Defendant may possess of reasonable access to property outside of the easement.

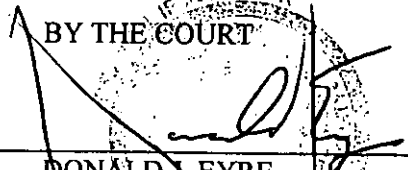
Duration of easement. The easement shall begin at the time actual construction of said project is commenced at the location of the easement, and shall continue for a period of the three years or until the earlier completion of the project. The easement shall run with the real property and shall be binding on Defendant(s), their successors, heirs and assigns.

Restoration of property. UDOT will restore the real property as nearly as reasonably possible to its condition prior to any material disturbance from construction activities, consistent with project improvements.

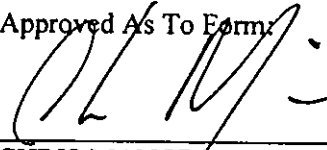
Beginning in the northerly right of way and limited-access line of said State Route 265, at the southwest corner of said Lot 8 (Note: said point is 80.00 feet radially distant northerly from the control line of State Route 265 of said project at approximate Engineer Station 132+30.97); and running thence N. 0°48'32" W. 149.45 feet along the westerly boundary line of said Lot 8; thence N. 89°11'28" E. 30.00 feet; thence S. 0°48'32" E. 156.18 feet to said northerly right of way and limited-access line; thence westerly 30.74 feet along the arc of a spiral which is concentric with and 80.00 feet radially distant northerly from a 400.00 foot ten-chord spiral for a 3°00' curve to the right (Note: Tangent to said spiral at it's point of beginning bears N. 78°30'39" W., Chord bears N. 78°10'14" W. 30.74 feet) along said northerly right of way and limited-access line to the point of beginning. The above described part of an entire tract contains 4,585 square feet or 0.105 acre.

(Note: Rotate above bearings 00°15'08" counterclockwise to equal highway bearings.)

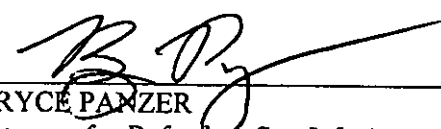
Dated this 23rd day of Aug, 2012.

BY THE COURT

DONALD J. EYRE
District Court Judge

Approved As To Form:


CHRIS MANCINI
Attorney for Defendant University Mall Shopping Center, L.C.

Approved As To Form:


BRYCE PANZER
Attorney for Defendant Sun Life Assurance Company of Canada

I CERTIFY THAT THIS IS A TRUE COPY OF AN ORIGINAL DOCUMENT ON FILE IN THE FOURTH JUDICIAL DISTRICT COURT, UTAH COUNTY, STATE OF UTAH.

DATE: 8/23/12


DEPUTY COURT CLERK

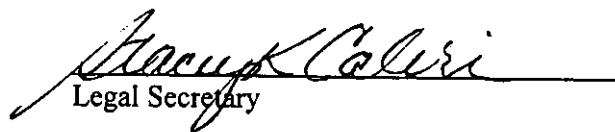
CERTIFICATE OF SERVICE

I hereby certify that on this 20 day of August, 2012, a true and correct copy of this
FINAL JUDGMENT OF CONDEMNATION was mailed via U.S. Mail, postage pre-paid to
the following:

Chris Mancini
Woodbury Corporation
2733 E. Parleys Way, Suite 300
Salt Lake City, Utah 84109
Attorney for University Mall Shopping Center, L.C.

Title West Title Company
Attn: Thomas H. Roberts, Registered Agent
857 North 900 West
Orem, Utah 84057-7701

Bryce Panzer
BLACKBURN & STOLL, LC
257 East 200 South, Suite 800
Salt Lake City, Utah 84111
Attorney for Sun Life Assurance Company of Canada


Legal Secretary