



1. Sandy City is hereby awarded an Order of Immediate Occupancy of the property described in the attached Exhibit A sought to be condemned in this action (hereinafter "Property") and is hereby authorized to do such work thereon as may be required for the public improvements and for the purposes for which said premises are sought to be condemned.

2. The proposed use to which the Property is to be applied is a use authorized by law.

3. The taking of the Property by the City is necessary to such use.

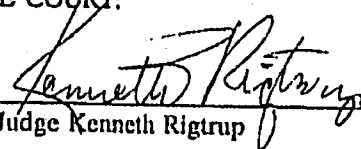
4. The widening of Highland Drive has been located in a manner that is compatible with the greatest public good and the least private injury.

5. Plaintiff has obtained a certified appraisal of the subject property indicating that the fair market value of the property is the sum of \$47,050. Sandy City shall, pursuant to Section 78-34-9 *Utah Code Ann.* and the Stipulation Agreement between the parties, pay 100% of the appraised value to Smith's Food and Drug Centers, Inc. for or on account of the just compensation to be awarded in the proceedings and the receipt thereof shall not waive the claims and defenses reserved in the Stipulation Agreement.

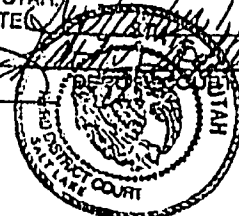
6. The parties shall comply with all other terms and conditions contained in the Stipulation Agreement.

DATED this 1st day of September, 1995.

BY THE COURT:

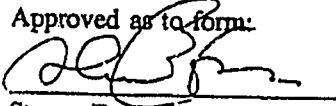
  
Judge Kenneth Rigrup

I CERTIFY THAT THIS IS A TRUE COPY OF / ORIGINAL DOCUMENT ON FILE IN THE THIR DISTRICT COURT, SALT LAKE COUNTY, STATE OF UTAH.  
DATE: September 1, 1995

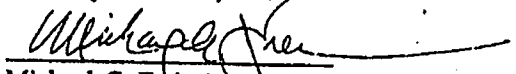


BK 7268 PG 2276

Approved as to form:



Steven E. Tyler  
Attorney for Dee's, Inc.



Michael C. Frei, Attorney for  
Smith's Food & Drug Centers, Inc.

BK7268PG2277

SMITH'S FOOD & DRUG CENTERS, INC.

Parcel 1

A parcel of land in fee for the widening of an existing road, Sandy City 2000 East Street, known as Project No. 2082, being part of an entire tract of property situate in Sandy City in the SW 1/4 SW 1/4 of Section 3, T. 3 S., R. 1 E., S.L.B.& M. The boundaries of said parcel of land are described as follows:

Beginning at a point 53.00 feet N.  $00^{\circ}21'28''$  E. along the section line and 106.00 feet N.  $89^{\circ}56'00''$  E. from the southwest corner of said Section 3, said point being 48.00 feet perpendicularly distant easterly from the centerline of 2000 East Street at Engineer Station 10+59.71, and running thence N.  $00^{\circ}21'28''$  E. 362.40 feet along the existing east right-of-way line to the northerly line of the Grantor's property; thence N.  $89^{\circ}56'00''$  E. 15.50 feet along said northerly line; thence S.  $00^{\circ}21'28''$  W. 322.40 feet along a line 63.5 feet perpendicular easterly and parallel to said centerline of said project; thence southeasterly along the arc of a 40.00-foot radius curve to the left 62.54 feet to the Grantor's southerly property line (Note: Chord to said curve bears S.  $44^{\circ}51'16''$  E. for a distance of 56.36 feet); thence S.  $89^{\circ}56'00''$  W. 55.50 feet to the point of beginning as shown on the official map of said project on file in the office of Sandy City. The above described parcel of land contains 5,967 square feet or 0.137 acre, more or less.

Parcel 2

A perpetual easement, upon part of an entire tract of property situate in Sandy City in the SW 1/4 SW 1/4 of Section 3, T. 3 S., R. 1 E., S.L.B.& M., in Salt Lake County, Utah, for the purpose of constructing and maintaining thereon cut and fill slopes, highway signing, retaining wall, and appurtenant parts thereof incident to the widening of the existing road Sandy City 2000 East Street known as Project No. 2082.

Said part of an entire tract is more particularly described as follows:

Beginning at a point which is 53.00 feet N.  $00^{\circ}21'28''$  E. along the section line and 161.50 feet N.  $89^{\circ}56'00''$  E. from the southwest corner of said Section 3, said point being 103.50 feet perpendicularly distant easterly from the centerline of said 2000 East Street at Engineer Station 10+60.12, and running thence northwesterly along the arc of a 23.50-foot radius curve to the right 62.54 feet (Note: Chord to said curve bears N.  $44^{\circ}51'16''$  W. for a distance of 56.36

feet); thence N. 00°21'28" E. 322.40 feet, more or less, to the Grantor's northerly property line; thence N. 89°56'00" E. 27.45 feet; thence S. 00°21'28" W. 20.89 feet; thence N. 89°38'58" W. 22.45 feet; thence S. 00°21'28" W. 68.40 feet; thence S 89°38'59" E. 22.46 feet; thence S. 00°21'28" W. 40.90 feet; thence N. 89°38'59" W. 22.46 feet; thence S. 00°21'28" W. 192.37 feet; thence S. 44°51'16" E. 56.36 feet to the Grantor's southerly property line; thence S. 89°56'00" W. 5.00 feet along said property line to the point of beginning as shown on the official map of the project on file in the office of Sandy City. The above described part of an entire tract of land contains 3,648 square feet or 0.084 acre, more or less.

**ALSO:**

A temporary work easement to facilitate the construction of said retaining wall and appurtenant parts thereof, being upon a strip of land 5.00 ft. wide and adjoining easterly the above described perpetual easement as shown on the official map of said project on file in the office of Sandy City. Said strip of land contains 2,234 square feet or 0.051 acre, more or less.

The hereinabove temporary work easement shall expire upon the completion of the construction of said retaining wall or 3 years from the date signed, whichever occurs first.