

UTAH DEPT. OF TRANSPORTATION
4501 South 2700 West
Salt Lake City, Utah 84119
ATTN: E.L. McMillen
Roadway Design 4th Floor

DAVID L. WILKINSON
Attorney General
DONALD S. COLEMAN - Bar No. 0695
Chief, Physical Resources
Assistant Attorney General
STEPHEN C. WARD - Bar No. 3384
124 State Capitol
Salt Lake City, Utah 84114
Telephone: (801) 533-6684

MAR 11 1985

David L. Wilkinson

4066995 IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR
SALT LAKE COUNTY, STATE OF UTAH

UTAH DEPARTMENT OF TRANSPORTATION,	:	
Plaintiff,	:	FINAL ORDER OF CONDEMNATION
vs.	:	Civil No. C-83-5444
UNION PARK ASSOCIATES, UNION PARK II ASSOCIATES, THOMAS M. LLOYD, J. ROBERT BONNEMORT, and UTAH LOAN MORTGAGE CORPORATION,	:	Judge Judith Billings
Defendants.	:	Project No. I-415-9(4)297 Parcels No. 126W:A, 126U:A

It appearing to the Court and the Court now finds that heretofore, on the 6th day of November, 1984, this Court made and entered its Judgment in the above-entitled proceeding, and said Judgment is hereby referred to; and

UTAH DEPARTMENT OF TRANSPORTATION
Benjamin Koroligos
Pennil Koroligos

MAR 29 10 48 AM '85

Noted
BOOK 5640 PAGE 2020
MAIL ROOM
RECORDED
SALT LAKE COUNTY,
UTAH

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, Union Park Associates, Union Park II Associates, Thomas M. Lloyd, J. Robert Bonnemort, and Utah Loan Mortgage Coporation, 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 parcels of land hereinafter described are hereby taken and condemned in fee simple title as to Parcels No. 126W:A and 126S:A for the purpose described and set forth in the Plaintiff's Complaint, i.e., for the use of the Plaintiff. Utah Department of Transportation, 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

BOOK 5640 PAGE 2621

property interests hereinafter referred to and set forth shall vest in the Plaintiff, Utah Department of Transportation, 4501 South 2700 West, Salt Lake City, Utah 84119. The following is a description of the property so ordered and condemned as hereinabove provided, which is hereby vested in the Plaintiff, all of such property being situated Salt Lake County, State of Utah, and is more particularly described as follows:

Parcel No. 415-9:126U:A:

Two parcels of land in fee for a connection road incident to the construction of a freeway known as Project No. 415-9, being part of an entire tract of property, situate in the SW¹/₄SE¹/₄ of Section 20 and in the NE¹/₄NE¹/₄ of Section 29, T. 2 S., R. 1 E., S.L.B.&M. The boundaries of said parcels of land are described as follows:

Beginning at the Northwest corner of said entire tract, which point is 1,928.57 ft. west and 127.56 ft. north from the Northeast corner of said Section 29, said Northwest corner is also 764.02 ft. N. 89°52'30" E. along the Section Line and 137.765 ft. N. 16°58' W. from the North Quarter corner of said Section 29; thence S. 16°58' E. 310.25 ft. along the westerly boundary line of said entire tract thence N. 40°10'27" E. 82 ft. more or less, to a point 65.0 ft. radially distant southwesterly from the centerline of said connection road known as "B" Line of said project at Engineer Station 95+00; thence Southeasterly 50.16 ft. along the arc of an 883.51-foot radius curve to the left, to a point opposite Engineer Station 94+53.53 (Note: Tangent to said curve at its point of beginning bears S. 49°49'33" E.); thence S. 53°04'43" E. 567 ft., more or less, along a line parallel to and 65.0 ft. distant southwesterly from said "B" Line to the southeasterly boundary line of said entire tract; thence N. 25°00' E. 101 ft., more or less, along said southeasterly boundary line to a northeasterly boundary line of said entire tract; thence N. 38°40' W. 29.50 ft. along said

northeasterly boundary line to a point 364.21 ft. south and 1268.22 ft. west from said Northeast corner of Section 29; thence N. 57°10' W. 439.96 ft. along a northeasterly boundary line of said entire tract; thence N. 43°00' W. 380.40 ft. along a northeasterly boundary line to the southeasterly limited-access line of the existing Fort Union Boulevard; thence S. 51°21'20" W. (S. 51°36'12" W. highway bearing of said project) 40.00 ft. to the point of beginning. The above described parcel of land contains 1.899 acres, more or less.

ALSO;

Beginning at a south corner of said entire tract, which point is 364.21 ft. south and 1268.22 ft. west from the Northeast corner of said Section 29; thence N. 38°39'59" W. 90 ft., more or less, along a southwesterly boundary line of said entire tract to a point 65.0 ft. perpendicularly distant northeasterly from the centerline of said connection road known as "B" Line; thence S. 53°04'43" E. 117 ft., more or less, along a line parallel to said "B" line to a southerly boundary line of said entire tract; thence S. 89°38'10" W. 37 ft., more or less, to the point of beginning. The above described parcel of land contains 0.030 acre, more or less.

Both parcels contain a total of 1.929 acres, 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 freeway, 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 freeway.

Parcel No. 415-9:126U:A Ref. (As occupied):

Two parcels of land for a connection road incident to the construction of a freeway known as Project No. 415-9, being part of an entire tract of property as occupied, situate in the SW¼SE¼ of Section 20 and in the N¼NE¼ of Section 29, T. 2 S., R. 1 E., S.L.B.&M. The boundaries of said parcels of land are described as follows:

Beginning at the Northwest corner of said entire tract, which point is 1,928.57 ft. west and 127.56 ft. north from the Northeast corner of said Section 29, said Northwest corner is also 764.02 ft. N. $89^{\circ}52'30''$ E. along the north line of said Section 29 and 137.765 ft. N. $16^{\circ}58'$ W. from the North Quarter corner of said Section 29; thence S. $16^{\circ}58'$ E. 310.25 ft. along the westerly boundary line of said entire tract; thence N. $40^{\circ}10'27''$ E. 82 ft., more or less, to a point 65.0 ft. radially distant southwesterly from the centerline of said connection road known as "B" Line of said project at Engineer Station 95+00; thence Southeasterly 50.16 ft. along the arc of an 883.51-foot radius curve to the left, to a point opposite Engineer Station 94+53.53 (Note: Tangent to said curve at its point of beginning bears S. $49^{\circ}49'33''$ E.); thence S. $53^{\circ}04'43''$ E. 546 ft., more or less, along a line parallel to and 65.0 ft. distant southwest-erly from said "B" Line to the northwesterly boundary line of the Salt Lake County property described in that certain Warranty Deed recorded as Entry No. 2232303 in Book 2629 at Page 159 in the office of the Salt Lake County Recorder, Utah; thence N. $24^{\circ}05'$ E. 79 ft., more or less, to the beginning point of said County property described in said Warranty Deed, which point is 394.0 ft. south and 1277.40 ft. west from said Northeast corner of Section 29; thence S. $22^{\circ}37'$ E. 30 ft., more or less, along a fence line to the southeasterly boundary line of said entire tract; thence N. $25^{\circ}00'$ E. 38 ft., more or less, along said southeasterly boundary line to a northeasterly boundary line of said entire tract; thence N. $38^{\circ}40'$ W. 29.50 ft. along said northeasterly boundary line to a point 364.21 ft. south and 1268.22 ft. west from said Northeast corner of Section 29; thence N. $57^{\circ}10'$ W. 439.96 ft. along a northeasterly boundary line of said entire tract; thence N. $43^{\circ}00'$ W. 380.40 ft. along a north-easterly boundary line to the southeasterly limited-access line of the existing Fort Union Boulevard; thence S. $51^{\circ}21'20''$ W. (S. $51^{\circ}36'12''$ W. highway bearing of said project) 40.00 ft. to the point of beginning. The above described parcel of land contains 1.869 acres, more or less.

ALSO;

Beginning at a south corner of said entire tract, which point is 364.21 ft. south and 1268.22 ft. west from the Northeast corner of said Section 29; thence N. $38^{\circ}39'59''$ W. 90 ft., more or less, along a southwesterly boundary line of said entire tract to

a point 65.0 ft. perpendicularly distant northeasterly from the centerline of said connection road known as "E" Line; thence S. $53^{\circ}04'43''$ E. 117 ft., more or less, along a line parallel to said "B" Line to a southerly boundary line of said entire tract; thence S. $89^{\circ}38'10''$ W. 37 ft., more or less, to the point of beginning. The above described parcel of land contains 0.030 acre, more or less.

Both parcels contain a total of 1.899 acres, 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 freeway, 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 freeway.

Parcel No. 415-9:126W:A:

A parcel of land in fee for a connection road incident to the construction of a freeway known as Project No. 415-9, being part of an entire tract of property, in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, and in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29. T. 2 S., R. 1 W., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning at the southeast corner of said entire tract, which point is 364.21 ft. south and 1268.22 ft. west from the Northeast corner of said Section 29; thence N. $57^{\circ}10'$ W. 439.96 ft. along a southwesterly boundary line of said entire tract; thence N. $43^{\circ}00'$ W. 380.40 ft. along a southwesterly boundary line to the southeasterly limited-access line of existing Fort Union Boulevard; thence N. $51^{\circ}21'20''$ E. (N. $51^{\circ}36'12''$ E. equal bearing of said project) 75.51 ft. to a point 69.0 ft. perpendicularly distant southeasterly from the control line of Fort Union Boulevard at Engineer Station 38+43.84; thence Southerly and Southeasterly 54.12 ft. along the arc of a 35.0-foot radius curve to the left, to a point 65.0 ft. perpendicularly distant northeasterly from said connection road known as "B" Line (Note: Tangent to said curve at its point of beginning bears S. $51^{\circ}36'12''$ W.); thence S. $37^{\circ}00'$ E. 49.98 ft. along a line parallel to said "B" Line to a point of tangency with a 753.51-

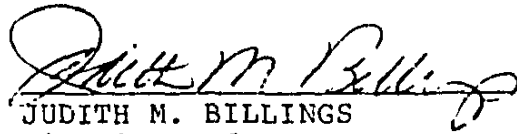
BOOK 5640 PAGE 2625

foot radius curve to the left, opposite "B" Line Engineer Station 96+83.22; thence Southeasterly 211.45 ft. along the arc of said curve; thence S. 53°04'43" E. 426 ft., more or less, to a northeasterly boundary line of said entire tract; thence S. 38°39'59" E. 90 ft., more or less, along said northeasterly boundary line to the point of beginning. The above described parcel of land contains 0.674 acre, more or less.

To enable the Utah Department of Transportation to construct and maintain a public highway as a expressway, as contemplated by Title 27, Chapter 12, Section 96, Utah Code Annotated, 1953, as amended, the Owners hereby release and relinquish to the Utah Department of Transportation any and all rights or easements appurtenant to the Owners remaining property by reason of the location thereof with reference to said highway, including, without limiting the foregoing, all right of ingress to or egress from the Owners' remaining property contiguous to the lands hereby conveyed, to or from said highway. EXCEPTING and reserving to the Owners, successors or assigns, the right of access to the nearest roadway of said highway over and across the northeasterly right-of-way line for one 50.0-foot section, which said section centers at a point directly opposite Highway Engineer Station 92+00.

DATED this 11th day of March, 1985.

BY THE COURT:


JUDITH M. BILLINGS
District Judge

ATTEST
H. DIXON HINDLEY
Clerk

STATE OF UTAH
COUNTY OF SALT LAKE, UTAH
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 AN ORIGINAL DOCUMENT ON FILE IN MY OFFICE AS SUCH CLERK.
WITNESS MY HAND AND SEAL OF SAID COURT THIS 11th DAY OF March, 1985.
- H. DIXON HINDLEY, CLERK
BY [Signature] DEPUTY

BOOK 5640 PAGE 2626