

11696118  
8/1/2013 9:36:00 AM \$23.00  
Book - 10165 Pg - 310-315  
Gary W. Ott  
Recorder, Salt Lake County, UT  
PARSON KINGHORN HARRIS  
BY: eCASH, DEPUTY - EF 6 P.

The Order of Court is stated below:

Dated: July 29, 2013  
05:16:49 PM

/s/ Paul G. Maughan  
District Court Judge



STATE OF UTAH )  
COUNTY OF SALT LAKE ) ss.

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 30 DAY OF July, 2013  
CLERK OF THE DISTRICT COURT

BY: Heidi Van Jaars DEPUTY



Jeremy R. Cook (#10325)  
PARSONS KINGHORN HARRIS  
A Professional Corporation  
111 East Broadway, 11<sup>th</sup> Floor  
Salt Lake City, Utah 84111  
Telephone: (801) 363-4300  
Facsimile: (801) 363-4378  
*Attorneys for Plaintiff*

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

WEST VALLEY CITY, a municipal  
corporation of the state of Utah,  
Plaintiff,

vs.

DECKER LAKE VENTURES, LLC, a  
Utah Limited Liability Company; et al.

Defendants.

FINAL JUDGMENT AND ORDER OF  
CONDEMNATION

SALT LAKE COUNTY PARCEL NOS.  
15-33-129-027, 15-33-129-028,  
15-33-129-038 AND 15-33-129-040

Case No. 090902331  
Honorable Paul G. Maughan

This matter come before the Court upon that certain *Motion for Entry of Judgment and Order of Condemnation* (the "Motion"), filed by plaintiff West Valley City ("Plaintiff"),

through counsel; defendants Heartland West Valley Commercial Limited Partners and Heartland West Valley Commercial Limited Partners II (together "**Heartland**"); and defendant U.S. Bank. The Court having received and considered the Motion, together with the pleadings on file herein; and Plaintiff, Heartland and U.S. Bank having stipulated as to the resolution of Heartland's and U.S. Bank's claims related to certain real property located in Salt Lake County, Utah, and identified as Salt Lake County Parcel Nos. 15-33-129-027, 15-33-129-028, 15-33-129-038 and 15-33-129-040 (the "**Property**"); and good cause appearing therefore, it is hereby

**ORDERED, ADJUDGED AND DECREED** as follows:

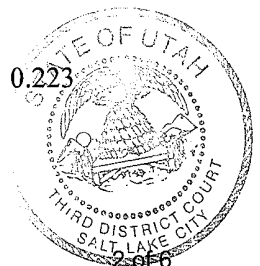
1. That the Motion be and hereby is granted;
2. That fee simple title in the following described property shall vest in the name of **Utah Transit Authority**, a Public Transit District operating under and subject to the provisions of Title 17B, Chapter 1 of the Utah Code and Title 17B, Chapter 2a, Part 8 of the Utah Code, on the date of entry of this Order:

Parcel No. 15-33-129-027:

A parcel of land in fee, for the "West Valley Light Rail Transit" a Utah Transit Authority Project, situate in the NE¼ NW¼ of Section 33, T.1S., R.1W., SLB&M. The boundaries of said parcel of land are described as follow:

Beginning at the northeast corner of the Grantor's property, said point being S.89°53'20"W. 592.00 feet along the Section line, S.00°00'20"W. 273.95 feet and N.89°53'20"E. 541.97 feet from the North ¼ corner of said Section 33; thence along the boundary of said property the following 4 courses and distances; (1) S.00°00'44"E. 46.05 feet; (2) thence N.89°53'20"E. 17.00 feet; (3) thence S.00°00'44"W. 181.25 feet; (4) thence S.89°53'20"W. 37.23 feet; thence northwesterly 15.21 feet along the arc of a 16.00 feet radius curve to the left, chord bears N.44°36'41"W. 14.64 feet; thence N.00°04'49"E. 101.78 feet; thence N.01°30'43"E. 95.47 feet; thence N.12°43'10"E. 20.14 feet to the north boundary line of said property; thence N.89°53'20"E. 23.45 feet along said north line to the point of beginning.

The above described part of an entire tract contains 9,714 square feet in area or 0.223



acres, of which 3090 square feet or 0.071 acres of land are in the existing right of way of Constitution Boulevard, balance 6,624 square feet or 0.152 acres.

3. That fee simple title in the following described property shall vest in the name of **Utah Transit Authority**, a Public Transit District operating under and subject to the provisions of Title 17B, Chapter 1 of the Utah Code and Title 17B, Chapter 2a, Part 8 of the Utah Code, on the date of entry of this Order:

Parcel No. 15-33-129-028:

A parcel of land in fee, for the "West Valley Light Rail Transit" a Utah Transit Authority Project, situate in the NE¼ NW¼ of Section 33, T.1S., R.1W., SLB&M. The boundaries of said parcel of land are described as follow:

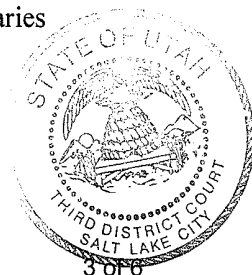
Beginning at the northeast corner of the Grantor's property, said point being S.00°00'44"W. 501.25 feet along the Section line and S.89°53'20"W. 33.00 feet from the North ¼ corner of said Section 33; thence along the boundary of said property the following 2 courses and distances; (1) S.00°00'44"W. 51.84 feet; (2) thence S.89°56'30"W. 36.46 feet; thence N.00°01'07"W. 47.03 feet to the point of tangency of a 16.00-foot radius curve to the left; thence northerly 4.85 feet along the arc of said curve, chord bears N.08°41'43"W. 4.83 feet to the north boundary line of said property; thence N.89°53'20"E. 37.21 feet along said north line to the point of beginning.

The above described part of an entire tract contains 1,891 square feet in area or 0.043 acres, of which 883 square feet or 0.020 acres of land are in the existing right of way of Constitution Boulevard, balance 1008 square feet or 0.023 acres.

4. That fee simple title in the following described property shall vest in the name of **Utah Transit Authority**, a Public Transit District operating under and subject to the provisions of Title 17B, Chapter 1 of the Utah Code and Title 17B, Chapter 2a, Part 8 of the Utah Code, on the date of entry of this Order:

Parcel No. 15-33-129-038:

A parcel of land in fee, for the "West Valley Light Rail Transit" a Utah Transit Authority Project, situate in the NE¼ NW¼ of Section 33, T.1S., R.1W., SLB&M. The boundaries of said parcel of land are described as follow:



Beginning at the northeast corner of the Grantor's property, said point being S.89°53'20"W. 330.00 feet along the Section line, S.00°00'44"W. 228.00 feet and N.89°53'20"E. 280.00 from the North ¼ corner of said Section 33; thence along the boundary of said property the following 2 courses and distances; (1) S.00°00'44"W. 45.95 feet; (2) thence S.89°53'20"W. 23.45 feet; thence N.12°43'10"E. 35.52 feet; thence N.00°00'52"W. 11.31 feet to the north boundary line of said property; thence N.89°53'20"E. 15.64 feet along said north line to the point of beginning.

The above described part of an entire tract contains 854 square feet in area or 0.020 acres.

5. That fee simple title in the following described property shall vest in the name of **Utah Transit Authority**, a Public Transit District operating under and subject to the provisions of Title 17B, Chapter 1 of the Utah Code and Title 17B, Chapter 2a, Part 8 of the Utah Code, on the date of entry of this Order:

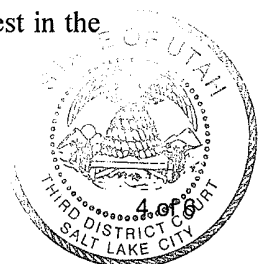
Parcel No. 15-33-129-040:

A parcel of land in fee, for the "West Valley Light Rail Transit" a Utah Transit Authority Project, situate in the NE¼ NW¼ of Section 33, T.1S., R.1W., SLB&M. The boundaries of said parcel of land are described as follow:

Beginning at the southeast corner of the Grantor's property, said point being S.00°00'44"W. 815.12 feet along the Section line and S.89°56'30"W. 33.00 feet from the North ¼ corner of said Section 33; thence along the boundary of said property the following 2 courses and distances; (1) S.89°56'30"W. 167.00 feet; (2) thence N.00°00'44"E. 20.66 feet; thence S.89°59'59"E. 62.43 feet; thence N.00°00'01"E. 6.00 feet; thence East 26.88 feet; thence N.00°08'12"W. 4.03 feet; thence N.89°51'48"E. 25.94 feet; thence N.00°08'06"W. 14.02 feet; thence N.89°51'53"E. 15.96 feet; thence N.27°35'35"E. 9.25 feet; thence N.04°18'23"W. 64.05 feet; thence N.00°01'07"W. 48.25 feet to a point on the north boundary line of said property; thence along the boundary of said property the following 2 courses and distances; (1) N.89°56'30"E. 36.40 feet; (2) thence S.00°00'44"W. 165.00 feet to the point of beginning.

The above described part of an entire tract contains 9,309 square feet in area or 0.214 acres, of which 2,813 square feet or 0.065 acres of land are in the existing right of way of Constitution Boulevard, balance 6,496 square feet or 0.149 acres.

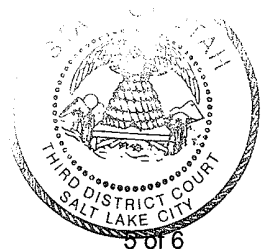
6. That the Right of Way Easement attached hereto as Exhibit "A" shall vest in the



name of the PacifiCorp, an Oregon Corporation, d/b/a Rocky Mountain Power as if fully executed and recorded against the Property.

7. That Plaintiff releases and waives any further right title or interest in any temporary easements sought to be condemned in this case, and such temporary easements are

{00171305.RTF /}00171305.RTF



terminated.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

By The Court:

---

Paul G. Maughan  
District Court Judge

**Approved As To Form:**

ANDERSON CALL & WILKINSON

/s/ Kevin E. Anderson (with permission)

Kevin E. Anderson

*Attorneys for Heartland West Valley Commercial Limited Partners and  
Heartland West Valley Commercial Limited Partners II*

JONES WALDO HOLBROOK & McDONOUGH, PC

/s/ Vincent C. Rampton (with permission)

Vincent C. Rampton

*Attorneys for U.S. Bank*

