

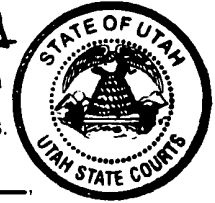
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The Order of the Court is stated below:
Dated: June 13, 2019 /s/ KARA PETTIT
09:53:51 AM District Court Judge



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Assistant Attorney General
SEAN D. REYES (#7969)
UTAH ATTORNEY GENERAL
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Attorneys for Plaintiff

STATE OF UTAH
COUNTY OF Salt Lake City
I hereby certify that the document to
which this certificate is attached is a
full, true and correct copy of the
original filed in the Utah State Courts.
WITNESS my hand and seal
this 13th day of June
20 19
DISTRICT/JUVENILE COURT



[Handwritten Signature] CLERK

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

| | |
|---|--|
| <p>UTAH DEPARTMENT OF TRANSPORTATION, Plaintiff, vs. MICHAEL M. CARLSON; JENNIFER CARLSON; JOSEPH SCOVEL; SALT LAKE COUNTY, a political subdivision of the State of Utah; and JOHN DOES I-IV, Defendants.</p> | <p>FINAL JUDGMENT OF CONDEMNATION AND RELEASE OF FUNDS</p> <p>Project No. SP-15-7(156)293 Parcels 340, 340:Z, 340:E, 340:2E</p> <p>Affecting Tax Id No. 27-24-300-050 and 27-24-300-019</p> <p>Civil No. 100901716</p> <p>Judge Kara Pettit</p> |
|---|--|

The Court, having reviewed the Stipulation and Joint Motion for Final Judgment of
Condemnation and Release of Funds entered into between Plaintiff Utah Department of
Transportation ("UDOT"), Defendant Michael M. Carlson ("Owner"), and Defendant Salt Lake
County, being fully advised and for good cause appearing,

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07/01/2019 09:25 AM \$0.00
Book - 10798 Pg - 3703-3708
RASHELLE HOBBS
RECORDER, SALT LAKE COUNTY, UTAH
UT ST-DEPT OF TRANSPORTATION
BOX 148420 ATT: MONE WARDLE
SLC UT 84114-8420
BY: MBA, DEPUTY - MI 6 P.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The parcels of land hereinafter described below (the "Property") are hereby condemned and acquired by UDOT for public highway and transportation purposes. UDOT has the right to condemn and acquire the Property for a public use as described in the Complaint, Amended Complaint and Second Amended Complaint.

2. The purpose of said condemnation is a public use authorized by law.

3. UDOT shall pay the agreed amount of Two Million Three Hundred Thousand Dollars (\$2,300,000.00) as the just compensation owed to Owner. The total deposit by UDOT into the Court was \$2,764,200.00. The Court has previously released \$2,603,200.00 to Owner.

4. It is FURTHER ORDERED:

a. The remaining amount deposited in the Court will be returned to UDOT. The Clerk of the Court is hereby directed to make check payable to Utah Department of Transportation in the amount of \$161,000.00 and send it to Mark E. Burns, Assistant Utah Attorney General, P.O. Box 140857, Salt Lake City, Utah 84114-0857.

b. UDOT will exchange the parcels of property located at or about 491 West 11400 South, Draper, Utah identified as Tax ID Nos. 27-24-300-017, 27-24-300-052, and 27-24-300-053 as partial consideration for settlement in the amount set forth in ¶ 3 above and shall receive a credit in the amount of \$600,000.00 on the amount owing to Owner as just compensation. UDOT will convey the exchange parcels of property by Quit Claim Deed and the parties will share the costs of closing equally.

c. Owner will pay \$903,200.00 to the Utah Department of Transportation and deliver a check in that amount to counsel Mark E. Burns upon entry of a Final Judgment

of Condemnation. Said amount reflects the \$600,000.00 credit for the property exchange and \$303,200.00 of the amount previously withdrawn from the Court by the Defendant exceeding the final settlement amount set forth in ¶ 3 above.

d. The interest of Salt Lake County is nominal for which no compensation is due. However, UDOT agrees it will pay rollback taxes due to Salt Lake County from UDOT as a result of the condemnation in accordance with applicable law.

5. The payments set forth in paragraph 3 and 4 shall constitute full satisfaction by UDOT of all claims to the Property and for just compensation, damages or other known or unknown claims that were, or could have been asserted by Owner related to this condemnation or UDOT Project SP-15-7(156)293, 11400 South, State Street to Bangerter, New I-15 Interchange.

6. A copy of this Final Judgment of Condemnation shall be filed with the County Recorder of Salt Lake County, State of Utah, and thereupon the rights and interest of the Defendants in the following described real property, situate in Salt Lake County, State of Utah, shall vest in the Plaintiff, Utah Department of Transportation, 4501 South 2700 West, West Valley City, Utah 84119:

Parcel No. 15-7:340

A parcel of land in fee incident to the widening of 11400 South Street, known as Project No. SP-15-7(156)293, being part of an entire tract of property, situate in the NE1/4SW1/4 of Section 24, T. 3 S., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at the northeast corner of said entire tract in the quarter section line of said Section 24, which corner is 617.15 feet S.89°59'54"W. along said quarter section line from the Center Quarter of said section, said corner is also 10.75 feet perpendicularly distant southerly from the control line of said project opposite approximate engineer station 276+99.01; and running thence S.5°23'04"W. 44.35 feet along the easterly boundary line of said entire tract to a point 55.00 feet perpendicularly distant southerly from said control line opposite engineer station 276+96.13;

thence N.88°20'59"W. 299.33 feet along a line parallel with said control line to a point opposite engineer station 273+96.80 at the beginning of a 1945.00-foot radius curve to the left; thence westerly 156.66 feet along the arc concentric with said control line (Note: Chord to said curve is S.89°20'35"W. for a distance of 156.62 feet) to the West boundary line of said entire tract at a point opposite engineer station 272+35.71; thence North 4.32 feet along said West boundary line to the northwest corner of said entire tract in the existing southerly right of way line of 11400 South Street; thence N.89°59'54"E. 82.26 feet to a westerly boundary line of said entire tract; thence N.04°50'06"E. 33.12 feet along said westerly boundary line to a northwest corner of said entire tract in the quarter section line of said section; thence N.89°59'54"E. 374.92 feet along said quarter section line to the point of beginning. The above described parcel of land contains 14,792 square feet in area or 0.340 acre, more or less, of which 12,367 square feet in area or 0.284 acre, more or less is now occupied by the existing 11400 South Street. Balance is 2,425 square feet in area or 0.056 acre, more or less.

(Note: Rotate all bearings in the above description 00°13'55" clockwise to match highway bearings.)

Parcel No. 15-7: 340:Z

A parcel of land in fee incident to the widening of 11400 South Street, known as Project No. SP-15-7(156)293, being part of an entire tract of property, situate in the NE1/4SW1/4 of Section 24, T. 3 S., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at a point in the easterly boundary line of said entire tract, which point is 617.15 feet S.89°59'54"W. along the quarter section line and 44.35 feet S.05°23'04"W. from the Center Quarter of said section 24, said point is also 55.00 feet perpendicularly distant southerly from the control line of said project opposite approximate engineer station 276+96.13; and running thence S.5°23'04"W. 1111.74 feet along the easterly boundary line of said entire tract to the southeast corner of said entire tract; thence N.89°37'36"W. 41.90 feet along the southerly boundary line of said entire tract; thence N.05°40'46"E. 745.55 feet; thence N.08°30'10"E. 228.64 feet; thence N.05°20'20"E. 139.89 feet to a point 55.00 feet perpendicularly distant southerly from said control line opposite engineer station 276+70.50; thence S.88°20'59"E. 25.63 feet along a line parallel with said control line to the point of beginning. The above described parcel of land contains 40,436 square feet in area or 0.928 acre, more or less.

(Note: Rotate all bearings in the above description 00°13'55" clockwise to match highway bearings.)

Parcel No. 15-7: 340:E

A perpetual easement, upon part of an entire tract of property incident to the widening of 11400 South Street, known as Project No. SP-15-7(156)293, situate in the NE1/4SW1/4 of Section 24, T. 3 S., R. 1 W., S.L.B. & M., in Salt Lake County, Utah, to construct, reconstruct,

operate, maintain, relocate, enlarge, alter, and remove electric power lines, communication lines, and related equipment, including supporting towers and poles, guy anchors, conductors, wires, cables and other lines, and all other necessary or desirable equipment, accessories and appurtenances thereto on, over, or under the Easement Area. The boundaries of said part of an entire tract are described as follows:

Beginning at a point 646.93 feet S.89°59'54"W. along the quarter section line and 43.41 feet S.00°00'05"W. from the Center Quarter of said section 24, said point is 55.00 feet perpendicularly distant southerly from the control line of said project opposite approximate engineer station 276+70.50; and running thence S.05°20'20"W. 139.89 feet; thence S.08°30'10"W. 228.64 feet; thence S.05°40'46"W. 745.55 feet to the southerly boundary line of said entire tract; thence N.89°37'36"W. 19.22 feet along said southerly boundary line; thence N.05°20'20"E. 1,113.04 feet; thence S.88°20'59"E. 36.27 feet to the point of beginning. The above described easement contains 27,786 square feet in area or 0.638 acre, more or less.

(Note: Rotate all bearings in the above description 00°13'55" clockwise to match highway bearings.)

Parcel No. 15-7: 340:2E

A perpetual easement, upon part of an entire tract of property, in the NE1/4SW1/4 of Section 24, T. 3 S., R. 1 W., S.L.B. & M, in Salt Lake County, Utah, for the purpose of constructing and maintaining cut and/or fill slopes and appurtenant parts thereof to facilitate the widening of a highway known as Project No. SP-15-7(156)293. The easement includes the right to maintain and continue the existence of said cut and/or fill slopes in the same grade and slope ratio as constructed by UDOT. The easement shall run with the Real Property and shall be binding upon the Grantor and the Grantors successors, heirs and assigns, and includes and conveys all rights of grantor to change the vertical distance or grade of said cut and/or fill slopes. The boundaries of said part of an entire tract are described as follows:

Beginning at a point 646.93 feet S.89°59'54"W. along the quarter section line and 43.41 feet S.00°00'05"W. from the Center Quarter of said section 24, said point is 55.00 feet perpendicularly distant southerly from the control line of said project opposite approximate engineer station 276+70.50; and running thence S.05°20'20"W. 99.21 feet; thence N.88°20'59"W. 64.12 feet; thence N.84°04'54"W. 134.37 feet; thence N.71°39'59"W. 148.39 feet; thence N.00°33'00"W. 45.00 feet to a point in a 1945.00-foot radius non-tangent curve to the right, said point is 55.00 feet radially distant southerly from said control line opposite engineer station 273+20; thence easterly 74.69 feet along the arc of said curve concentric with said control line (Note: Chord to said curve bears S.89°26'59"E. for a distance of 74.68 feet) to a point opposite engineer station 273+96.80; thence S.88°20'59"E. 273.70 feet along a line parallel with said control line to the point of beginning. The above described part of an entire tract contains 28,889 square feet in area or 0.663 acre, more or less.

(Note: Rotate all bearings in the above description 00°13'55" clockwise to match highway

bearings.)

After said cut and/or fill slopes and appurtenant parts thereof are constructed on the above described part of an entire tract at the expense of the Utah Department of Transportation, said Utah Department of Transportation is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said cut and/or fill slopes and appurtenant parts thereof.

7. Each party shall bear its own costs and attorneys' fees.

Approved as to form and substance:

PARR BROWN GEE & LOVELESS

/s/ Justin P. Matkin
Justin P. Matkin
Attorneys for Defendant Michael M. Carlson

Approved as to form and substance:

SIM GIL
District Attorney for Salt Lake County

/s/ Jacque M. Ramos
Jacque M. Ramos
Deputy District Attorney
Attorneys for Defendant Salt Lake County

Approved as to form and substance:

SEAN D. REYES
Utah Attorney General

/s/ Mark E. Burns
Mark E. Burns
Assistant Attorneys General
*Attorneys for Plaintiff
Utah Department of Transportation*

THIS FINAL JUDGMENT OF CONDEMNATION BECOMES EFFECTIVE ON THE DATE WHEN ELECTRONICALLY SIGNED BY THE COURT ON THE FIRST PAGE.