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IN THE SECOND JUDICIAL DISTRICT COURT IN AND FOR
WEBER COUNTY, STATE OF UTAH

DEPARTMENT OF COMMUNITY AND
ECONOMIC DEVELOPMENT,

Plaintiff,

vs.

CHAD T. HULL and JEAN P. HULL,
Husband and Wife; ROSEMARY E.
OLSEN; and HOWARD KENT, INC.
PROFIT SHARING PLAN,

Defendants.

FINAL ORDER OF CONDEMNATION

NOV 09 2000

Civil No. 960900164 CD

Judge Pamela G. Heffernan

It appearing to the Court and the Court now finds that, on the ____ day of _____, 2000, this Court made and entered its Judgment on Stipulation in the above-entitled proceeding; and

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, together with all interest

E# 1744536 BK2108 PG1724
DOUG CROFTS, WEBER COUNTY RECORDER
29-DEC-00 351 PM FEE \$.00 DEP JPH
REC FOR: DEPT.OF.COMMUNITY.&.ECONOMIC

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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 easements upon the parcels of land hereinafter described (Attachment A) are hereby taken and condemned as land use restrictive easements identified as Parcel Nos. 612 and 518, for the purpose described and set forth in the Plaintiff's Complaint and Amended Complaint, i.e., for the use of the Plaintiff, Utah Department of Community and Economic Development, for restrictive easement 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 Weber County, State of Utah, and thereupon the property interests hereinafter referred to and set forth shall vest in the Plaintiff, Utah Department of Community and Economic Development, 324 South State Street, Suite 500, Salt Lake City, Utah 84111. The following is a description of the property upon which the easements are condemned as hereinabove provided, such easements are hereby vested in the Plaintiff, all of such property being situated in Davis County, State of Utah. The restrictions and

the property subject to the restrictions are more particularly described in Attachment A, hereto.

DATED this 8 day of Nov, 2000.

STATE OF UTAH
COUNTY OF WEBER } SS

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE
ORIGINAL ON FILE IN MY OFFICE

DATED THIS 21st DAY OF Dec 2000

PAMELA CARR

CLERK OF THE COURT

By Francis Stangor



BY THE COURT:

A large, cursive handwritten signature in black ink, appearing to read "Pamela G. Heffernan".

PAMELA G. HEFFERNAN
District Court Judge

E# 1744536 BK2108 PG1726

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing FINAL ORDER OF CONDEMNATION was served by mailing same, first-class postage prepaid, this 26th day of September, 2000, to the following:

David R. Olsen
WILCOX DEWSNUP & KING
Attorney for Defendant Rosemary E. Olsen
2020 Beneficial Life Tower
36 South State Street
Salt Lake City, Utah 84111

Chad T. Hull
Box 5100 57
Mtn. Home, Utah 84051

Jean P. Hull
5625 South 1475 East #1D
Ogden, Utah 84403

Amy Castorini

E# 1744536 BK2108 PG1727

ATTACHMENT A

CONDEMNATION RESOLUTION

HILL AIR FORCE BASE EASEMENT ACQUISITION PROJECT

RESOLVED by the Utah Department of Community and Economic Development, hereinafter referred to as the Department, that it finds and determines and hereby declares that:

The Utah State Legislature enacted Title 63, Chapter 43a, Section 1, et seq., Utah Code Annotated, 1953, as amended, which directs the acquisition by the Department of restrictive easements against certain real properties located near Hill Air Force Base, which easement and real property is more particularly described hereinafter.

BE IT FURTHER RESOLVED by said Department that the Attorney General of Utah shall be requested, on behalf of said Department:

To acquire in the name of the Department the restrictive easement described on the attached page against the real property described on the attached pages by condemnation in accordance with the provisions of the Statutes and of the Constitution of Utah relating to eminent domain.

To prepare and prosecute such proceeding or proceedings in the proper court having jurisdiction thereof as are necessary for acquisition of such restrictive easement.

To obtain from said court an order permitting said Department to obtain said restrictive easement for public purposes.

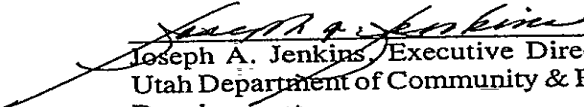
BE IT FURTHER RESOLVED that the State Finance Director shall be requested on behalf of said Department:

To prepare a State Warrant in the amount of the approved appraisal of each restrictive easement; payee to be the Clerk of the District Court of the County wherein the affected real property is located, for the use and benefit of the landowners and/or lien holder as described herein;

That a tender to the landowners of a sum equal to the appraised value of the restrictive easement to be acquired shall be made prior to issuance of an Order of Immediate Occupancy.

The restrictive easement against real property, or interest in real property, which the Department is by this resolution authorized to acquire for said public use, is situated in the County of Weber, State of Utah, and is described on the attached pages.

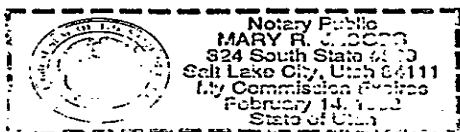
The foregoing Condemnation Resolution is hereby approved by the Director of the Department of Community and Economic Development pursuant to the provisions of 63-49a-1, et seq., Utah Code Annotated, on this 9th day of April, 1996.


Joseph A. Jenkins, Executive Director
Utah Department of Community & Economic
Development

On the 9th day of April, 1996, personally appeared before me Joseph A. Jenkins, who by me duly sworn did say that he is the Executive Director of the Department of Community & Economic Development and he further acknowledged to me that said instrument was signed by him in behalf of said Utah Department of Community & Economic Development.

My Commission Expires: 2-14-98


Notary Public



**LAND USE EASEMENT
(APZ 1)**

The property hereinafter described will by this action be subject to a perpetual Land Use Easement for the purpose of protecting the health and safety of the citizens of Utah and assuring the continued operation of Hill Air Force Base as an active military base, as recited by Section 63-49a-1 et seq; Utah Code Annotated, 1953, as amended. Said easement regulates the use of the land hereinafter described and makes it subject to the following restrictions.

1. Owners of the hereinafter described property (Owners) shall not use or permit any use of said property or any of the air space above said tract of land for any purpose other than the following:

A. INDUSTRIAL-MANUFACTURING

- (1) Lumber and Wood Products
- (2) Furniture and Fixtures
- (3) Paper and Allied Products
- (4) Printing, Publishing
- (5) Food and Kindred Products
- (6) Textile Mill Products
- (7) Rubber and Misc. Plastics
- (8) Stone, Clay and Glass
- (9) Fabricated Metal
- (10) Miscellaneous Manufacturing, except for chemicals, primary metal industry, professional, scientific and controlling instruments, photographic and optical goods, watches and clocks, petroleum refining, apparel and leather-goods manufacturing

B. TRANSPORTATION - COMMUNICATIONS & UTILITIES

- (1) Railroad, Rapid Rail Transit, except for terminals
- (2) Highway and Street Right of Way
- (3) Auto Parking
- (4) Communications, except noise sensitive
- (5) Utilities, except for major above ground transmission lines
- (6) Other Transportation, Communications and Utilities

C. COMMERCIAL - RETAIL TRADE

- (1) Wholesale Trade
- (2) Building Materials - Retail
- (3) Automotive, Marine
- (4) Furniture, Home Furnishings, Retail
- (5) Retail - Trade Food
- (6) Retail - Trade Apparel
- (7) Miscellaneous Retail Trade, except for eating and drinking establishments
- (8) Storage Units

D. PUBLIC AND QUASI PUBLIC SERVICES

- (1) Cemeteries
- (2) Business Services
- (3) Repair Services
- (4) Contract Construction Services

E. OUTDOOR RECREATION

- (1) Golf Course, Riding Stables (without Clubhouse)
- (2) Water Based Recreational
- (3) Nature Exhibition
- (4) Parks
- (5) Miscellaneous Outdoor, except for cultural activities (including churches), public assemblies, auditoriums, concert halls, outdoor music shells, amphitheaters, outdoor sports arenas, spectator sports, amusement and resorts, and group camps

F. RESOURCE PRODUCTION, EXTRACTION AND OPEN SPACE

- (1) Agriculture
- (2) Livestock Farming, Animal Breeding
- (3) Forestry Activities
- (4) Fishing Activities & Related Services
- (5) Mining Activities
- (6) Permanent Open Space
- (7) Water Areas
- (8) Other Resource Extraction and Production

2. No residential dwellings shall be allowed under any of the above mentioned uses.
3. Regardless of those uses shown above as permitted, in no case shall any use be made of any of the above property which will result in any of the following: (a) A concentration of persons having an average density of more than (1) per three hundred (300) square feet of building or outdoor facility space, or (b) A concentration of persons having an overall density greater than ten (10) within a building or buildings or outdoor facilities per acre of land, or (c) A concentration of persons in a number greater than twenty-five (25) per building or outdoor facility.
4. Measures to achieve Noise Level Reduction (NLR) of 30 db or 35 db must be incorporated into the design and construction of occupied portions of all facilities constructed in the 75-80 or 80+LdN areas respectively.
5. Improvements located on the property subject to this easement at the time said easement is executed shall not be required to be removed. Single family dwellings in existence at the time this document is executed shall not be converted into multiple family dwellings.

6. The uses allowed under this easement shall not affect restrictions placed on the property by zoning ordinances and uses which may be permitted in this easement may be prohibited by zoning ordinances. The restrictions of this easement shall not apply to use existing at the time the easement is executed.
7. The Owners, their successors or assigns, shall not construct or place, or cause to be constructed or placed, any improvement upon the property subject to this easement which will exceed a height of 539 feet.
8. Any use made of the property subject to this easement by the Owners, their successors, or assigns, shall be such that no smoke, dust, steam or other substances is released into the airspace which would interfere with pilot vision.
9. The Owners shall not put said property to a use which will produce light emissions, either direct or indirect (reflections), which would interfere with pilot vision or a use which would produce electrical or other emissions which would interfere with aircraft communication systems or navigational equipment.

The description of the tract of land upon which said perpetual easement is to be imposed is as described on the attached pages:

**LAND USE EASEMENT
(APZ 2)**

The property hereinafter described will by this action be subject to a perpetual Land Use Easement for the purpose of protecting the health and safety of the citizens of Utah and assuring the continued operation of Hill Air Force Base as an active military base, as recited by Section 63-49a-1 et seq; Utah Code Annotated, 1953, as amended. Said easement regulates the use of the land hereinafter described and makes it subject to the following restrictions.

1. Owners of the hereinafter described property (Owners) shall not use or permit any use of said property or any of the air space above said tract of land for any purpose other than the following:

A. **RESIDENTIAL - Single Detached Units, subject to density restriction in paragraph 3 below***

B. **INDUSTRIAL-MANUFACTURING**

- (1) Lumber and Wood Products
- (2) Furniture and Fixtures
- (3) Paper and Allied Products
- (4) Printing, Publishing
- (5) Chemicals and Allied Products, subject to density restrictions in paragraph 3 below*
- (6) Rubber and Miscellaneous Plastic Goods, subject to density restrictions in paragraph 3 below*
- (7) Stone, Clay and Glass Products
- (8) Primary Metal Industries
- (9) Fabricated Metal Products
- (10) Food and Kindred Products
- (11) Textile Mill Products
- (12) Miscellaneous Manufacturing, including Primary Metal Industry, Professional, Scientific and Controlling Instruments, Petroleum Refining; Apparel Manufacturing, subject to density restrictions in paragraph 3 below*

C. **TRANSPORTATION - COMMUNICATIONS & UTILITIES**

- (1) Railroad, Rapid Rail Transit
- (2) Highway and Street Right of Way
- (3) Auto Parking
- (4) Communications
- (5) Utilities
- (6) Other Transportation, Communications and Utilities

D. COMMERCIAL - RETAIL TRADE

- (1) Wholesale Trade
- (2) Building Materials - Retail
- (3) Retail Trade - Automotive, Marine, subject to density restrictions in paragraph 3 below*
- (4) Retail Trade - Furniture, Home Furnishings, Retail
- (5) Retail Trade - General Merchandise, subject to density restrictions in paragraph 3 below*
- (6) Retail Trade - Food, subject to density restrictions in paragraph 3 below*
- (7) Retail Trade - Apparel, subject to density restrictions in paragraph 3 below*
- (8) Retail Trade - Other retailing trade, except for eating and drinking establishments subject to density restrictions in paragraph 3 below*
- (9) Storage Units

E. PUBLIC AND QUASI PUBLIC SERVICES

- (1) Cemeteries, except for chapels
- (2) Business Services, subject to density restrictions in paragraph 3 below*
- (3) Repair Services
- (4) Contract Construction Services
- (5) Financial, Insurance and Real Estate Services, subject to density restrictions in paragraph 3 below*
- (6) Personal Services, subject to density restrictions in paragraph 3 below*
- (7) Professional Services, subject to density restrictions in paragraph 3 below*
- (8) Government Services, subject to density restrictions in paragraph 3 below*
- (9) Miscellaneous Services except for Hospitals and Nursing Homes, other Medical Facilities, and Educational Services, subject to density restrictions in paragraph 3 below*

F. OUTDOOR RECREATION

- (1) Golf Course, Riding Stables
- (2) Water Based Recreational
- (3) Nature Exhibition
- (4) Parks, subject to density restrictions in paragraph 3 below*
- (5) Low Density Cultural Activities, including Churches, subject to density restrictions in paragraph 3 below*
- (6) Amusements, subject to density restrictions in paragraph 3 below*

G. RESOURCE PRODUCTION, EXTRACTION AND OPEN SPACE

- (1) Agriculture
- (2) Livestock Farming, Animal Breeding
- (3) Forestry Activities
- (4) Fishing Activities & Related Services
- (5) Mining Activities
- (6) Permanent Open Space
- (7) Water Areas

(8) Other Resource Extraction and Production

2. No more than two (2) residential dwellings per acre shall be allowed under any of the above mentioned uses.
3. For those uses marked with an asterisk (*), the following shall apply: In no case shall any identified use be made of any of the above property which will result in any of the following: (a) The concentration of persons having an average density of more than one (1) per three hundred (300) square feet of building or outdoor facility space, or (b) A concentration of persons having an overall density greater than ten (10) within a building or buildings or outdoor facilities per acre of land, or (c) A concentration of persons in a number greater than twenty-five (25) per building or outdoor facility.
4. Measures to achieve Noise Level Reduction (NLR) of 30 db or 35 db must be incorporated into the design and construction of occupied portions of all facilities constructed in the 75-80 or 80+LdN areas respectively.
5. Improvements located on the property subject to this easement at the time said easement is executed shall not be required to be removed. Single family dwellings in existence at the time this document is executed shall not be converted into multiple family dwellings.
6. The uses allowed under this easement shall not affect restrictions placed on the property by zoning ordinances and uses which may be permitted in this easement may be prohibited by zoning ordinances. The restrictions of this easement shall not apply to use existing at the time the easement is executed.
7. The Owners, their successors or assigns, shall not construct or place, or cause to be constructed or placed, any improvement upon the property subject to this easement which will exceed a height of _____ feet. #518 - 551 ft.
#612 - 545 ft.
8. Any use made of the property subject to this easement by the Owners, their successors, or assigns, shall be such that no smoke, dust, steam or other substances is released into the airspace which would interfere with pilot vision.
9. The Owners shall not put said property to a use which will produce light emissions, either direct or indirect (reflections), which would interfere with pilot vision or a use which would produce electrical or other emissions which would interfere with aircraft communication systems or navigational equipment.

The description of the tract of land upon which said perpetual easement is to be imposed is as described on the attached sheets:

PROPERTY NOS. 612 & 518

RECORDED OWNERS: Chad T. Hull and Jean P. Hull, his wife as Joint Tenants, as to an undivided 1/2 interest and Rosemary E. Olsen, as to the remainder

ADDRESSES: Hull
730 East 4550 South
South Ogden, UT 84403

Olsen
c/o David R. Olsen (Rosemary's
Husband and acting attorney in this
Matter)
Wilcox, Dewsnup & King
36 South State Street, Ste 2020
Salt Lake City, UT 84111

PARTIES IN INTEREST: Deed of Trust to secure a note in the amount of \$29,000 payable to Howard Kent Inc., Profit Sharing Plan, Beneficiary by Trustors Chad T. Hull and Jean P. Hull, pertains to 1/2 interest of Chad T. Hull and Jean P. Hull

LIEN HOLDERS: None of record

APPRAISED VALUE: \$52,000.00

PARCELS NO. 612 AND 518:

THE LAND REFERRED TO IS SITUATED IN THE COUNTY OF WEBER, STATE OF UTAH, AND IS DESCRIBED AS FOLLOWS:

PARCEL NO. 518:

BEGINNING AT A POINT WEST 2026.48 FEET AND NORTH 236.67 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 18, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENCE NORTHWESTERLY 185.71 FEET, MORE OR LESS AND 278.27 FEET; THENCE ALONG A° CURVE TO THE LEFT, HAVING A RADIUS OF 2864.93 FEET, FOR A DISTANCE OF 404.61 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING RADIUS OF 2930.79 FEET, FOR A DISTANCE OF 413 FEET; THENCE N 16°10'00" e 103 FEET; THENCE NORTH 90.00 FEET, MORE OR LESS, TO A 6 INCH WATER LINE; THENCE N 87°26'22" E 463.07 FEET; THENCE S 27°09'51" E 1386.02 FEET; THENCE WEST 546.38 FEET TO THE POINT OF BEGINNING.

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EXCEPTING THAT PORTION LYING WITHIN THE WEBER RIVER.

CONTAINING 12.14 ACRES
HEIGHT RESTRICTION 551 FEET

STATE NO. 612, HULL, PARCEL 612A,
IN THE 65 DECIBEL ZONE, IN APZ 2

PT 07-073-0021 ABST. ONLY

A PART OF THE NORTHEAST QUARTER OF SECTION 19 AND A PART OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; BEGINNING AT A POINT OF INTERSECTION OF THE SOUTH LINE OF SAID SECTION 18, AND THE WESTERLY LINE OF THE UNION PACIFIC RAILROAD COMPANY RIGHT OF WAY, WHICH IS WEST 1320.00 FEET MORE OR LESS, AND NORTHWESTERLY ALONG THE WESTERLY LINE OF THE UNION PACIFIC RAILROAD COMPANY RIGHT OF WAY, 250 FEET AND WEST 79.62 FEET, FROM THE SOUTHEAST CORNER OF SAID SECTION 18; THENCE WEST 546.38 FEET, MORE OR LESS, TO THE NORTHEASTERLY RIGHT OF WAY LINE OF THE INTERSTATE HIGHWAY; THENCE SOUTHEAST ALONG SAID RIGHT OF WAY LINE 204.29 FEET; THENCE SOUTHEAST ALONG SAID RIGHT OF WAY LINE 221.17 FEET; THENCE N 62°50'09" E 433.48 FEET; THENCE N 27°09'51" W 170.47 FEET TO THE POINT OF BEGINNING.

EXCEPTING THAT PORTION LYING WITHIN THE WEBER RIVER.

CONTAINING 1.95 ACRES
HEIGHT RESTRICTION 545 FEET

STATE NO. 612, HULL, PARCEL 612B,
IN THE 65 DECIBEL ZONE, IN APZ 1

PT 07-073-0021 ABST ONLY

A PART OF THE NORTHEAST QUARTER OF SECTION 19 AND A PART OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; BEGINNING AT A POINT OF INTERSECTION OF THE SOUTH LINE OF SAID SECTION 18, AND THE WESTERLY LINE OF THE UNION PACIFIC RAILROAD COMPANY RIGHT OF WAY, WHICH IS WEST 1320.00 FEET, MORE OR LESS, THENCE NORTHWESTERLY ALONG THE WESTERLY LINE OF THE UNION PACIFIC RAILROAD COMPANY RIGHT OF WAY, 250 FEET AND WEST 79.62 FEET AND S 27°09'51" E 170.47 FEET, FROM THE SOUTHEAST CORNER OF SAID SECTION 18; THENCE S 62°50'09" W 433.48 FEET, MORE OR LESS, TO THE NORTHEASTERLY RIGHT OF WAY LINE OF THE INTERSTATE HIGHWAY; THENCE SOUTHEAST ALONG SAID RIGHT OF WAY LINE, 50.77 FEET; THENCE EAST 435.32 FEET; THENCE NORTH 76.47 FEET; THENCE N 27°09'51" W 180.22 FEET TO THE POINT OF BEGINNING.

EXCEPTING THAT PORTION LYING WITHIN THE WEBER RIVER.

CONTAINING 1.32 ACRES
HEIGHT RESTRICTION 539 FEET

Et 1744536 BK2108 PG1738