

FILED
JUL 26 2012
SECOND
DISTRICT COURT

REC'D JUL 20 2012

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RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
01/16/2013 03:35 PM
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DEP RT REC'D FOR UTAH DEPT OF TRAN
SPORTATION

IN THE SECOND JUDICIAL DISTRICT COURT IN AND FOR
DAVIS COUNTY, BOUNTIFUL DEPARTMENT, STATE OF UTAH

<p>UTAH DEPARTMENT OF TRANSPORTATION,</p> <p style="text-align: right;">Plaintiff,</p> <p>vs.</p> <p>COALT, INC.,</p> <p style="text-align: right;">Defendant.</p>	<p style="text-align: center;">FINAL JUDGMENT OF CONDEMNATION</p> <p style="text-align: center;">Project No. SP-0067(1)0 Parcel Nos. 84, 84:A, 84:2A, and 84:W Affecting Tax ID Nos: 06-079-0002 and 06-079-0004</p> <p style="text-align: center;">Civil No. 010800875</p> <p style="text-align: center;">Judge Glenn R. Dawson</p>
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The Court having reviewed the Stipulation and Joint Motion for Final Judgment of Condemnation entered into between the Plaintiff Utah Department of Transportation ("UDOT") and Defendant Coalt, Inc. ("Owner"), it now appearing that the parties have settled and resolved the issues arising in this action, and UDOT having agreed to tender all payments as required by law, inclusive of damages and interest, and the Owner having agreed to accept such payments,

and being fully advised and for good cause appearing, and incorporating the terms of the Stipulation;

IT IS HEREBY ORDERED ADJUDGED AND DECREED:


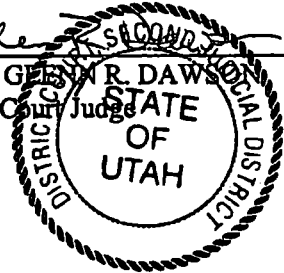
1. UDOT is awarded a Final Judgment of Condemnation for acquisition of the real property more specifically described in the attached Resolution (the "Condemned Property") for the public purpose described in the Complaint. All other claims between or among the parties specific to this action are dismissed, with prejudice and on the merits, each of the parties to bear their own fees and costs.
2. Just compensation for the Condemned Property shall be \$3,250,000.00, made payable to Coalt, Inc. UDOT has previously deposited \$1,900,000 with the Court. Interest on the difference from September 11, 2001 on Parcels 84, 84:A, and 84:2A and from March 21, 2002 on parcel 84:W totals \$1,138,837.40 as of July 11, 2012. Owner has acknowledged receipt of full payment of just compensation, including interest.
3. The Court directs the Clerk of the Court to disperse all remaining funds held by the Court in this action by check payable to Coalt, Inc. and delivered to Michael R. Carlston, of the law firm Snow, Christensen & Martineau, as counsel for the Owner.
4. Owner retains all water rights appurtenant to the Condemned Property, but to the extent the Owner cannot obtain approval to change the place of use of the water rights to other property, Owner shall relinquish such remaining water rights, if any, to UDOT. The parties shall

cooperate with respect to the filing of any applications or other matters necessary to obtain change application approval and to properly reflect ownership of the water rights.

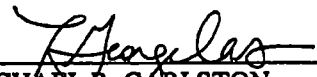
5. A copy of this Final Judgment of Condemnation shall be recorded with the Davis County Recorder's Office and thereupon the rights and interests of Owner in the Condemned Property shall vest in UDOT for the purposes specified in the Complaint.

ORDERED this 25th day of July, 2012.

BY THE COURT:


JUDGE G. R. DAWSON
District Court Judge


Approved as to Form:


MICHAEL R. CARLSTON
TAMMY B. GEORGELAS
Attorney for Defendant Coalt, Inc.

STATE OF UTAH }
COUNTY OF DAVIS } SS

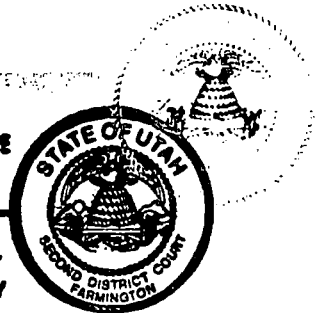
I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE ORIGINAL ON FILE IN MY OFFICE

DATED THIS 8 DAY OF Jan, 2013

ALYSON E. BROWN
CLERK OF THE COURT

BY  DEPUTY

(11 Pages)



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **FINAL JUDGMENT OF CONDEMNATION** was mailed, first class postage prepaid, on this 19 day of July, 2012, to the following:

Michael R. Carlston
SNOW CHRISTENSEN & MARTINEAU
10 Exchange Place, 11th Floor
Post Office Box 45000
Salt Lake City, Utah 84145
Attorney for Defendant Coalt, Inc.

Carl E. Kingston
3212 South State Street
Salt Lake City, UT 84115
Attorney for Defendant Alan W. Jenkins


Secretary

CO*0067*84, 84:A, 84:W, 84:2A

CONDEMNATION RESOLUTION
HIGHWAY PROJECT N^o SP-0067(1)0
Legacy Parkway I-215 to US-89
Limited Access

- I. The Utah Department of Transportation (UDOT) has determined:
 - A. That the public interest and necessity require the acquisition and immediate occupancy of the real property, or interest in real property, described in this Resolution;
 - B. That the real property, or interest in real property described herein, is needed for a state transportation purpose, as defined in Utah Code Ann. § 72-5-102, and is planned and located in a manner most compatible with the greatest public good and the least private injury, in accordance with Utah Code Ann. § 78-34-5; and
 - C. That the real property, or interest in real property included herein, where if sought for the purpose of mitigating the impacts of construction, reconstruction, alteration, or maintenance on state highways, or the mitigation of impacts from public transportation projects, is subject to acquisition under S.B. 256, Transportation Amendments (2001 General Session of the Utah Legislature), UDOT having already determined that public interest and necessity require the desired mitigation.
- II. UDOT requests that the Attorney General of Utah:
 - A. Acquire, in UDOT's name, the real property, or interest in real property, described in this Resolution, pursuant to the applicable eminent domain laws and statutes of the State of Utah;
 - B. Prosecute or undertake appropriate legal action as necessary in a court of proper jurisdiction for the purpose of acquiring the real property, or interest in real property sought by this Resolution;
 - C. Obtain an order permitting UDOT to take immediate possession and use of the real property, or interest in real property, or for incidental purposes described herein.
- III. UDOT requests that the State Finance Director:
 - A. Prepare a state warrant in the amount of the approved appraisal of each parcel of real property, or interest in real property, set forth and described in this Resolution, with the payee to be the Clerk of the District Court for the County in which the property is located, for the use and benefit of the landowners or lien holders as described in this Resolution;
 - B. Tender to the landowners a sum equal to the fair market value of the property to be acquired in exchange for rights-of-way before issuance of an Order of Immediate Occupancy.
- IV. The real property, or interest in real property which UDOT is authorizing for acquisition, is located in Davis County and described below.

HIGHWAY PROJECT N^o SP-0067(1)0

RECORDED OWNER: Coalt Inc.
ADDRESS: 53 West Angelo Avenue
Salt Lake City, UT 84115
LIEN HOLDER: (None of Record)
APPROVED APPRAISAL: \$1,900,000.00

AFFECTING TAX ID N^o 06-079-0002, 06-079-0004

Parcel N^o 0067:84 *06-079-0002*

A parcel of land in fee for a frontage road incident to the construction of a freeway known as Project No. 0067, being part of an entire tract of property, situate in the SW¹/₄NE¹/₄, the NW¹/₄NE¹/₄ and the NE¹/₄NW¹/₄ of Section 27, T. 2 N., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning in the north boundary line of said entire tract at a point 6.096 m (20 ft.) south and 0.675 m (2.21 ft.) east from the North Quarter corner of said Section 27 as monumented with a county Brass Cap; and running thence S 39°17'04" W 59.310 m (194.59 ft.); thence S 17°07'11" W 31.339 m (102.82 ft.) to a point of tangency with a 160.000 m (524.93 ft.) radius curve to the left; thence Southerly 49.749 m (163.22 ft.) along the arc of said curve (Note: Chord to said curve bears S 8°12'44" W for a distance of 49.549 m (162.56 ft.)); thence S 0°41'43" E 124.290 m (407.78 ft.) to a point of tangency with a 160.000 m (524.93 ft.) radius curve to the left; thence Southerly 81.326 m (266.82 ft.) along the arc of said curve to a point of curve to tangent (Note: Chord to said curve bears S 15°15'24" E for a distance of 80.453 m (263.95 ft.)); thence S 29°49'04" E 199.457 m (654.39 ft.) to a point of tangency with a 240.000 m (787.40 ft.) radius curve to the right; thence Southerly 137.083 m (449.75 ft.) along the arc of said curve to a point of curve to tangent (Note: Chord to said curve bears S 13°27'17" E for a distance of 135.227 m (443.66 ft.)); thence S 2°54'30" W 13.758 m (45.138 ft.) to the south boundary line of said entire tract; thence East 20.051 m (65.784 ft.), more or less, along said south boundary line; thence N 2°54'50" E 12.674 m (41.581 ft.) to a point of tangency with a 260.000 m (853.02 ft.) radius curve to the left; thence Northerly 148.531 m (487.31 ft.) along the arc of said curve (Note: Chord to said curve bears N 13°27'07" W for a distance of 146.520 m (480.71 ft.)); thence N 29°49'04" W 199.457 m (654.39 ft.) to a point of tangency with a 140.000 m (459.32 ft.) radius curve to the right; thence Northerly 71.160 m (233.46 ft.) along the arc of said curve (Note: Chord to said curve bears N 15°15'24" W for a distance of 70.397 m (230.96 ft.)); thence N 0°41'43" W 124.290 m (407.78 ft.) to a point of tangency with a 140.000 m (459.32 ft.) radius curve to the right; thence Northerly 45.176 m (148.22 ft.) along the arc of said curve (Note: Chord to said curve bears N 8°32'56" E for a distance of 44.980 m (147.57 ft.)); thence N 17°07'11" E 25.776 m (84.567 ft.); thence N 39°17'04" E 71.758 m (235.43 ft.), more or less, to said north boundary line; thence West 25.842 m (84.784 ft.), more or less, along said north boundary to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation. The above described parcel of land contains 13,953.2 square meters (3.448 acres), more or less.

Together with any and all water rights appurtenant to the above described parcel of land.

(Note: Rotate above bearings 0°01'44" counterclockwise to equal highway bearings.)

HIGHWAY PROJECT N^o SP-0067(1)0

Parcel N^o 0067:84:A

06-079-0002

A parcel of land in fee for a freeway known as Project No. 0067, being part of an entire tract of property, situate in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, the NW $\frac{1}{4}$ NE $\frac{1}{4}$, the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, T. 2 N., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning in the north boundary line of said entire tract at a point 6.096 m (20 ft.) South and 306.896 m (1,006.88 ft.) east from the North Quarter corner of said Section 27; and running thence S 1°52'59" E 149.506 m (490.51 ft.); thence S 85°21'54" E 71.702 m (235.24 ft.); thence S 4°38'11" W 6.400 m (21.00 ft.); thence S 1°12'00" E 58.739 m (192.71 ft.); thence S 6°00'17" E 7.158 m (23.48 ft.); thence S 83°59'42" W 70.509 m (231.33 ft.); thence S 1°52'58" E 42.145 m (138.27 ft.); S 22°28'48" W 154.882 m (508.14 ft.) to a point of tangency with a 308.900 m (1,013.45 ft.) radius curve to the left; thence Southerly 89.829 m (294.71 ft.) along the arc of said curve to a point of curve to tangent (Note: Chord to said curve bears S 14°08'57" W for a distance of 89.513 m (293.68 ft.)); thence S 5°50'16" W 138.970 m (455.94 ft.), more or less, to the southerly boundary line of said entire tract; thence West 101.294 m (332.33 ft.) along said south boundary line; thence N 2°54'50" E 12.674 m (41.581 ft.) to a point of tangency with a 260.00 m (853.02 ft.) radius curve to the left; thence Northerly 148.531 m (487.31 ft.) along the arc of said curve (Note: Chord to said curve bears N 13°27'07" W for a distance of 146.520 m (480.71 ft.)); thence N 29°49'04" W 199.457 m (654.39 ft.) to a point of tangency with a 140.000 m (459.32 ft.) radius curve to the right; thence Northerly 71.160 m (233.46 ft.) along the arc of said curve (Note: Chord to said curve bears N 15°15'24" W for a distance of 70.397 m (230.96 ft.)); thence N 0°41'43" W 124.290 m (407.78 ft.) to a point of tangency with a 140.000 m (459.32 ft.) radius curve to the right; thence Northerly 45.176 m (148.22 ft.) along the arc of said curve (Note: Chord to said curve bears N 8°32'56" E for a distance of 44.980 m (147.57 ft.)); thence N 17°07'11" E 25.776 m (84.57 ft.); thence N 39°17'04" E 71.758 m (235.43 ft.), more or less, to said north boundary line; thence East 280.379 m (919.88 ft.), more or less, along said north boundary line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation. The above described parcel of land contains 169,364.9 square meters (41.851 acres), more or less.

Together with any and all water rights appurtenant to the above described parcel of land.

(Note: Rotate above bearings 0°01'44" counterclockwise to equal highway bearings.)

To enable the Utah Department of Transportation to construct and maintain a public highway as a freeway, as contemplated by Title 27, Chapter 12, Section 96, Utah Code Annotated, 1953, as amended, said highway to consist of inner through traffic lanes and an adjacent recreational trail (for non-motorized vehicle use), the Owners of said entire tract of property hereby release and relinquish to said Utah Department of Transportation any and all rights appurtenant to the remaining property of said Owners by reason of the location thereof with reference to said highway, including, without limiting the foregoing, all rights of ingress to or egress from said Owner's remaining property contiguous to the lands hereby conveyed to or from said highway, to or from said inner lanes.

HIGHWAY PROJECT N^o SP-0067(1)0

Parcel N^o 0067:84:2A

06-079-0002 ; 0004

A parcel of land in fee for a highway incident to the construction of a freeway known as Project No. 0067, being part of an entire tract of property, situate in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, T. 2 N., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning in the east line of said Section 27 at a point 171.840 m (563.78 ft.) south along said east line from the Northeast corner of said Section 27; and running thence N 89°58'16" W 294.250 m (965.39 ft.); thence N 85°21'54" W 127.542 m (418.44 ft.); thence S 4°38'11" W 6.400 m (21.00 ft.); thence S 1°12'00" E 58.739 m (192.71 ft.); thence S 6°00'17" E 7.158 m (23.48 ft.); thence N 83°59'42" E 119.051 m (390.59 ft.); thence N 87°37'29" E 276.781 m (908.07 ft.) to a point of tangency with a 13.600 m (44.62 ft.) radius curve to the right; thence Southeasterly 22.071 m (72.41 ft.) along the arc of said curve to the westerly right of way line of the existing Redwood Road (Note: Chord to said curve bears S 45°52'57" E for a distance of 19.728 m (64.72 ft.)); thence S 89°23'21" E 10.418 m (34.18 ft.), more or less, to said east line of Section 27; thence N 0°26'07" E 51.689 m (169.58 ft.), more or less, along said east line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation. The above described parcel of land contains 20,525.1 square meters (5.072 acres), more or less, of which 533.8 square meters (0.132 acre), more or less, is now occupied within the existing Redwood Road. Balance 19,991.3 square meters (4.940 acres), more or less.

Together with any and all water rights appurtenant to the above described parcel of land.

(Note: Rotate above bearings 0°01'44" counterclockwise to equal highway bearings.)

To enable the Utah Department of Transportation to construct and maintain a public highway as a freeway, as contemplated by Title 27, Chapter 12, Section 96, Utah Code Annotated, 1953, as amended, the Owners of said entire tract of property hereby release and relinquish to said Utah Department of Transportation any and all rights appurtenant to the remaining property of said Owners by reason of the location thereof with reference to said highway, including, without limiting the foregoing, all rights of ingress to or egress from said Owner's remaining property contiguous to the lands hereby conveyed to or from said highway; EXCEPTING and reserving to said Owners, their successors or assigns, the right of access to the nearest roadway of said highway over and across the southerly and northerly right of way lines for two 15.240 m (50.00 ft.) sections, both sections are centered at a point directly opposite Highway Engineer Station 70+600.

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CO*0067*84, 84:A, 84:W, 84:2A

HIGHWAY PROJECT N^o SP-0067(1)0

Parcel N^o 0067:84:W

06 - 079 - 0002

A parcel of land in fee for a wet land facility incident to the construction of a freeway known as Project No. 0067, being part of an entire tract of property, situate in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, T. 2 N., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning in the west line of said Section 27 at a point 6.096 m (20.00 ft.) south from the Northwest corner of said Section 27 as monumented with a county Brass Cap; and running thence S 0°13'32" E (deed of record South) 645.186 m (2,116.75 ft.) along said west section line; thence S 89°59'56" E (deed of record East) 401.950 m (1,318.73 ft.), more or less, to the east line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$; thence N 0°07'19" W (deed of record North) 645.331 m (2,117.23 ft.), more or less, along said east line to a point 6.096 m (20.00 ft.) south from the north line of said Section 27; thence S 89°58'48" W (deed of record West) 403.116 m (1,322.56 ft.), more or less, along a line parallel to said north section line to the point of beginning. The above described parcel of land contains 259,736.8 square meters (64.183 acres), more or less.

Together with any and all water rights appurtenant to the above described tract of land.

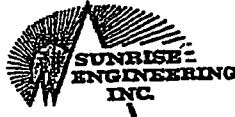
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Property No.: 0067:84

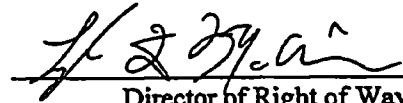
Project No.: SP-0067()0

ACREAGE SUMMARY

OWNER: COALT, INC.

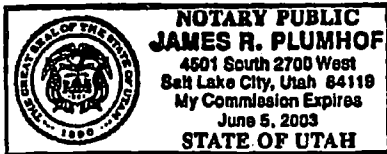
Parcel No.	Net Sq. m.	Sq. ft.	Acres	Exist R/W	Square Meters		
					Owner	Lt.	Rt.
84 :A	169,364.9	#####	41.851	NONE	#####	535,436.7	333,851.2
84	13,953.2	150,192.2	3.448	NONE	869,287.9	521,483.5	333,851.2
84 :W	259,736.8	#####	64.183	NONE	855,334.7	261,746.7	333,851.2
84 :2A	19,991.3	215,186.4	4.940	533.8	595,597.9	261,746.7	313,859.9
COMMENTS:							
Prepared by: BCB 5/28/0	Approved:			Sunrise Engineering, Inc. 12227 S. Business Park Dr., Suite 220 Draper, UT 84020 801-523-0100			
Checked: PLM 6/16/00							
Revised: PLM 5/15/01							

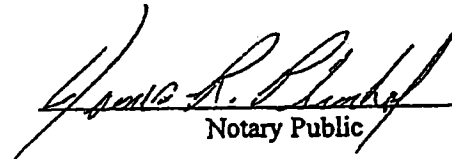
The foregoing Condemnation Resolution is hereby approved by the Director of the Department of Transportation, or his designee, Director of Right of Way of the Department of Transportation pursuant to the provisions of 72-1-202 and 72-1-207, Utah Code Annotated (1998), on this 16 day of May, 2001.



Director of Right of Way
Utah Department of Transportation

On the 16 day of May, A. D. 2001, personally appeared before me Lyle McMillan, who by me duly sworn did say that he is the Director of Right of Way, and he further acknowledged to me that said instrument was signed by him in behalf of said Utah Department of Transportation.





Notary Public