

Office of the Davis County Recorder



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RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
09/13/2017 08:02 AM
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Recorder
Richard T. Maughan
Chief Deputy
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THE UNDERLYING DOCUMENT ATTACHED HERETO IS AN ORIGINAL DOCUMENT SUBMITTED FOR RECORDING IN THE OFFICE OF THE COUNTY RECORDER OF DAVIS COUNTY, UTAH. THE DOCUMENT HAS INSUFFICIENT MARGIN SPACE FOR THE REQUIRED RECORDING ENDORSMENT STAMP. THIS PAGE BECOMES THE FRONT PAGE OF THE DOCUMENT FOR RECORDING PURPOSES.

THE DOCUMENT HEREIN RECORDED IS A ORDER OF OCCUPANCY
(Document Type)

10-029-0007,0077,0096,0097
Tax Serial Number(s)

The Order of the Court is stated below:

Dated: August 22, 2017
03:16:24 PM

/s/ David Hamilton
District Court Judge



JAMES R. SOPER (#3043)
JAMES L. WARLAUMONT (#3386)
Assistant Attorneys General
SEAN D. REYES (#7969)
Utah Attorney General
160 East 300 South, 5th Floor
Post Office Box 140857
Salt Lake City, Utah 84114-0857
jsoper@agutah.gov
jwarlaumont@agutah.gov

STATE OF UTAH
CLERK OF COURT } SS.

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

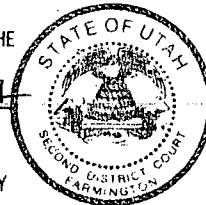
DATED THIS 22 DAY OF Aug 20 17

ALYSON E. BROWN

CLERK OF THE COURT

BY Lynell M. Ball DEPUTY

PAGE 1 OF 13



IN THE SECOND DISTRICT COURT IN AND FOR

DAVIS COUNTY, STATE OF UTAH

UTAH DEPARTMENT OF
TRANSPORTATION,

Plaintiff,

vs.

LAYTON HILLS MALL CMBS, LLC, a
Delaware limited liability company;
CINEMARK U.S.A. INC, a Texas
Corporation; SAUNDERS ADVERTISING
LLC, a Utah limited liability company; and
JOHN DOES 1-25,

Defendants.

ORDER OF OCCUPANCY

Project No. S-I15-7(329)332

Parcel Nos. 115:2C, 115:2E, 115:2PUE,
115:C, 115:E, 115:EC, 115:PUE, 115B:C,
115B:E, 115B:PUE, 115B:2PUE

Affecting Tax ID. Nos. 10-029-0007,
10-029-0077, 10-029-0096, 10-029-0097

Civil No. 170700814

Judge David Hamilton

Discovery Tier 3

The Court having reviewed Plaintiff's Motion for Order of Occupancy, *Pentente Lite* and the Memorandum in Support thereof, and no opposing memorandum having been filed, and for good cause appearing,

IT IS HEREBY ORDERED:

1. That Plaintiff, its contractors and permittees are granted the right to immediately occupy of the following premises, *pendente lite*, and to do whatever construction, relocation of utilities, and other work thereon as may be required in furtherance of the project described in Plaintiff's Complaint in Eminent Domain:

Parcel No. I15-7:115:C

A parcel of land in fee for the widening of the existing 1425 North Street (Midtown Crossing) known as Project No. S-I15-7(329)332, being part of an entire tract of property situate in the NE1/4SW1/4 of Section 17, T.4N., R.1W., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning at a point in the northerly boundary line of said entire tract which is 497.51 feet S.00°09'50"W. along the quarter section line and 574.18 feet N.89°50'10"W. from the Center Quarter Corner of said Section 17, said point is also approximately 32.36 feet perpendicularly distant southerly from the Midtown Crossing Control Line opposite engineer station 125+76.22, and running thence S.85°11'39"W. 176.66 feet to the beginning of a 533.00-foot radius curve to the right at a point opposite engineer station 123+97.87; thence westerly 44.09 feet along the arc of said curve concentric with and 33.00 feet perpendicularly distant southerly from said control line through a delta of 04°44'23" (Note: chord to said curve bears S.87°33'50"W. for a distance of 44.08 feet) to a line parallel with said control line opposite engineer station 123+56.50; thence S.89°56'02"W. 148.28 feet along said parallel line to the beginning of a 300.00-foot radius curve to the left, at a point opposite engineer station 122+08.22; thence westerly 152.84 feet along the arc of said curve concentric with said control line through a delta of 29°11'27" (Note: chord to said curve bears S.75°20'18"W. for a distance of 151.20 feet) to a point in the northeasterly right of way line and N/A line of I-15 which point is 33.00 feet perpendicularly distant southeasterly from said control line; thence N.34°56'32"W. 66.23 feet along said northeasterly right of way line to a point in said northerly boundary line; thence N.89°54'52"E. 552.56 feet along said northerly boundary line to the point of beginning. The above described parcel of land contains 9,611 square feet or 0.221 acre in area, more or less.

(Note: Rotate all bearings in the above description 00°20'45" clockwise to obtain highway bearings.)

Parcel No. I15-7:115:2C

A parcel of land in fee for the widening of the existing 1425 North Street (Midtown Crossing) known as Project No. S-I15-7(329)332, being part of an entire tract of property situate in the NE1/4SW1/4 of Section 17, T.4N., R.1W., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning at a point in the northerly boundary line of said entire tract which is 495.14 feet S.00°09'50"W. along the quarter section line and 30.16 feet N.89°50'10"W. from the Center Quarter Corner of said Section 17, said point is also at 0.00 feet distant from the Layton Hills Parkway Control Line opposite engineer station 802+77.46; and running thence S.00°07'45"W. 70.47 feet along said control line to the beginning of a 200.00-foot radius curve to the right (Note: center bears N.89°52'15"W.); thence southerly 48.61 feet along the arc of said curve through a delta of 13°55'33" (Note: chord to said curve bears S.07°05'31"W. for a distance of 48.49 feet) thence S.89°39'14"W. 22.29 feet to the beginning of a 354.50-foot radius non-tangent curve to the left (Note: center bears N.81°34'20"W.); thence northerly 47.48 feet along the arc of said curve through a delta of 07°40'29" (Note: chord to said curve bears N.04°35'26"E. for a distance of 47.45 feet) to a point 103.80 feet perpendicularly distant southerly from Midtown Crossing control line opposite engineer station 130+96.52; thence N.89°46'44"W. 12.00 feet to the beginning of a 57.50-foot radius non-tangent curve to the left (Note: center bears N.89°46'44"W.); thence northerly 48.10 feet along the arc of said curve through a delta of 47°55'36" (Note: chord to said curve bears N.23°44'32"W. for a distance of 46.71 feet) to the beginning of a 120.50-foot radius compound curve to the left (Note: center bears S.42°17'41"W.); thence northwesterly along the arc of said curve 44.63 feet through a delta of 21°13'22" (Note: chord to said curve bears N.58°19'00"W. for a distance of 44.38 feet) to a point 37.61 feet perpendicularly distant southerly from said control line opposite engineer station 130+28.03; thence N.68°55'41"W. 14.35 feet to a point in said northerly boundary line which point is 32.43 feet perpendicularly distant southerly from said control line; thence N.89°54'52"E. 106.60 feet along said northerly 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 5,128 square feet or 0.118 acre in area, more or less.

(Note: Rotate all bearings in the above description 00°20'45" clockwise to obtain highway bearings.)

Parcel No. I15-7:115:E

A temporary easement, upon part of an entire tract of property, in the NE1/4SW1/4 of Section 17, T.4N., R.1W., S.L.B.&M., in Davis County, Utah, to facilitate the construction roadway improvements, side treatments and appurtenant parts thereof and blending slopes to the construction of the existing 1425 North Street (Midtown Crossing) known as Project No. S-I15-7(329)332.

Non-exclusive use. The easement acquired herein does not convey any right except as stated herein, nor does it prevent Defendant(s) from the use of the real property within the easement so long as such use does not interfere with the purposes for which the easement is being acquired. This easement does not convey the right to use the easement in a manner that would deny any right the Defendant may possess of reasonable access to property outside of the easement.

Duration of easement. The easement shall begin at the time actual construction of said project is commenced at the location of the easement, and shall continue for a period of the three years or until the earlier completion of the project. The easement shall run with the real property and shall be binding on Defendant(s), their successors, heirs and assigns.

Restoration of property. UDOT will restore the real property as nearly as reasonably possible to its condition prior to any material disturbance from construction activities, consistent with project improvements.

The boundaries of said part of an entire tract of land are described as follows:

Beginning at a point in the northerly boundary line of said entire tract which is 497.20 feet S.00°09'50"W. along the quarter section line and 502.79 feet N.89°50'10"W. from the Center Quarter Corner of said Section 17, said point is also approximately 32.56 feet perpendicularly distant southerly from the Midtown Crossing Control Line opposite engineer station 126+48.61; and running thence S.13°13'36"W. 27.00 feet; thence S.89°40'01"W. 109.65 feet; thence S.00°07'41"W. 7.03 feet; thence S.89°44'42"W. 78.14 feet; thence S.84°33'00"W. 44.10 feet; thence S.00°35'36"E. 11.73 feet; thence S.89°39'14"W. 237.33 feet; thence S.56°11'39"W. 93.00 feet to the existing northeasterly right of way line and N/A line of I-15; thence N.34°56'32"W. 58.76 feet along said northeasterly right of way line and N/A line to a point in a 300.00-foot radius non-tangent curve to the right (Note: center bears S.29°15'25"E.) to a point opposite engineer station 120+38.57; thence easterly 152.84 feet along the arc of said curve concentric with and 33.00 feet radially distant N.75°20'18"E. for a distance of 151.20 feet) to a line parallel with said control line opposite engineer station 122+08.22 thence N.89°56'02"E. 148.28 feet along said parallel line to the beginning of a 533.00-foot radius curve to the left, to a point opposite engineer station 123+56.50; thence easterly 44.09 feet along the arc of said curve concentric with said control line through a delta of 04°44'23" (Note: chord to said curve bears N.87°33'50"E. for a distance of 44.08 feet) to a line parallel with said control line opposite engineer station 123+97.87; thence N.85°11'39"E. 176.66 feet along said parallel line to a point in said northerly boundary line of said entire tract; thence N.89°54'52"E. 71.39 feet along said northerly boundary line to the point of beginning. The above described part of an entire tract of land contains 19,167 square feet or said northerly boundary line to the point of beginning. The above described part of an entire tract of land contains 19,167 square feet or 0.440 acre in area, more or less.

(Note: Rotate all bearings in the above description 00°20'45" clockwise to obtain highway bearings.)

Parcel No. I15-7:115:2E

A temporary easement, upon part of an entire tract of property, in the NE1/4SW1/4 of Section 17, T.4N., R.1W., S.L.B.&M., in Davis County, Utah, to facilitate the construction of the existing 1425 North Street (Midtown Crossing) known as Project No. S-I15-7(329)332.

Non-exclusive use. The easement acquired herein does not convey any right except as stated herein, nor does it prevent Defendant(s) from the use of the real property within the easement so long as such use does not interfere with the purposes for which the easement is being acquired. This easement does not convey the right to use the easement in a manner that would deny any right the Defendant may possess of reasonable access to property outside of the easement.

Duration of easement. The easement shall begin at the time actual construction of said project is commenced at the location of the easement, and shall continue for a period of the three years or until the earlier completion of the project. The easement shall run with the real property and shall be binding on Defendant(s), their successors, heirs and assigns.

Restoration of property. UDOT will restore the real property as nearly as reasonably possible to its condition prior to any material disturbance from construction activities, consistent with project improvements.

The boundaries of said part of an entire tract of land are described as follows:

Beginning at a point in the Layton Hills Parkway Control Line which is 613.75 feet S.00°09'50"W. along the quarter section line and 35.97 feet S.89°50'10"E. from the Center Quarter Corner of said Section 17, said point is at approximate engineer station 801+58.38 of said Layton Hills Parkway Control Line; and running thence along said control line the following two (2) courses: (1) thence southerly 2.64 feet along the arc of a 200.00-foot radius curve to the right through a delta of 00°45'21" (Note: chord to said curve bears S.14°25'58"W. for a distance of 2.64 feet); (2) thence S.14°48'38"W. 55.74 feet; thence N.75°11'22"W. 28.97 feet; thence N.11°35'29"E. 68.54 feet; thence N.34°18'35"W. 83.27 feet; thence S.89°56'02"W. 100.98 feet; thence N.00°03'58"W. 8.00 feet; thence S.89°56'02"W. 27.50 feet; thence N.00°03'58"W. 23.53 feet to said northerly boundary line; thence N.89°54'52"E. 104.14 feet along said northerly boundary line to a point 32.43 feet perpendicularly distant southerly from Midtown Crossing control line; thence S.68°55'41"E. 14.35 feet to the beginning of a 120.50-foot radius curve to the right; thence southeasterly 44.63 feet along the arc of said curve through a delta of 21°13'22" (Note: chord to said curve bears S.58°19'00"E. for a distance of 44.38 feet) to the beginning of a 57.50-foot radius compound curve to the right (Note: center bears S.42°17'41"W.); thence southeasterly 48.10 feet along the arc of said curve through a delta of 47°55'36" (Note: chord to said curve bears S.23°44'32"E. for a distance of 46.71 feet) to a point 103.74 feet perpendicularly distant southerly from said control line opposite engineer station 130+84.52; thence S.89°46'44"E. 12.00 feet to the beginning of a 354.50-foot radius non-tangent curve to the right

(Note: center bears N.89°14'48"W.); thence southerly 47.48 feet along the arc of said curve through a delta of 07°40'29" (Note: chord to said curve bears S.04°35'26"W. for a distance of 47.45 feet) to a point 151.09 feet perpendicularly distant southerly from said control line opposite engineer station 130+92.67; thence N.89°39'14"E. 22.29 feet to the point of beginning. The above described part of an entire tract of land contains 7,565 square feet or 0.174 acre in area, more or less.

(Note: Rotate all bearings in the above description 00°20'45" clockwise to obtain highway bearings.)

Parcel No. I15-7:115:EC

A perpetual easement, upon part of an entire tract of property situate, in the NE1/4SW1/4 of Section 17, T.4N., R.1W., S.L.B.&M., in Davis County, Utah, for the purpose of constructing and maintaining thereon highway appurtenances including, but not limited to slopes, and walls to facilitate the construction of Midtown Crossing known as Project No. S-I15-7(329)332. 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 successors, heirs and assigns, and includes and conveys all rights to change the vertical distance or grade of said cut and/or fill slopes.

The boundaries of said part of an entire tract of land are described as follows:

Beginning at a point in the northerly boundary line of said entire tract which is 497.51 feet S.00°09'50"W along the section line and 574.18 feet N.89°50'10"W. from the Center Quarter Corner of said Section 17, said point is also approximately 32.36 feet perpendicularly distant southerly from the Midtown Crossing Control Line opposite engineer station 125+76.22; and running thence S.04°48'21"E. 10.00 feet; thence S.85°11'39"W. 176.66 feet to the beginning of a 543.00-foot radius curve to the right; thence westerly 44.92 feet along the arc of said curve through a delta of 04°44'23" (Note: chord to said curve bears S.87°33'50"W. for a distance of 44.91 feet) S.89°56'02"W. 148.28 feet to the beginning of a 290.00-foot radius non-tangent curve to the left (Note: center bears S.00°03'58"E.); thence westerly along the arc of said curve 146.75 feet through a delta of 28°59'39" (Note: chord to said curve bears S.75°26'12"W. for a distance of 145.19 feet) to the existing easterly highway I-15 right of way line and no access line; thence N.34°56'32"W. 10.05 feet along said easterly highway right of way and no access line to a point in a 300.00-foot radius non-tangent curve to the right (Note: center bears S.29°15'25"E.); thence easterly 152.84 feet along the arc of said curve concentric with and 33.00 feet radially distant southerly from said control line through a delta of 29°11'27" (Note: chord to said curve bears N.75°20'18"E. for a distance of 151.20 feet) to a line parallel with said control line opposite engineer station 122+08.22; thence N.89°56'02"E. 148.28 feet along said parallel line to the beginning of a 533.00-foot radius curve to the left opposite engineer station 123+56.50; thence easterly 44.09 feet along the arc of said curve concentric with said control line through a delta of 04°44'23" (Note: chord to said curve bears N.87°33'50"E. for a distance of 44.08 feet) to a line

parallel with said control line opposite engineer station 123+97.87; thence N.85°11'39"E. 176.66 feet along said parallel line to the point of beginning. The above described part of an entire tract of land contains 5,192 square feet or 0.119 acre in area, more or less.

(Note: Rotate all bearings in the above description 00°20'46" clockwise to obtain highway bearings.)

Parcel No. I15-7:115;PUE

A public utility easement (P.U.E.), upon part of an entire tract of property, situate in the NE1/4SW1/4 of Section 17, T.4N., R.1W., S.L.B.&M., in Davis County, Utah.

The boundaries of said part of an entire tract of land are described as follows:

Beginning at a point in the northerly boundary line of said entire tract which is 497.42 feet S.00°09'50"W. along the quarter section line and 553.58 feet N.89°50'10"W. from the Center Quarter Corner of said Section 17, said point is also approximately 32.57 feet perpendicularly distant southerly from the Midtown Crossing Control Line opposite engineer station 125+97.82; and running thence S.00°05'08"E. 9.11 feet; thence S.83°07'49"W. 66.35 feet; thence S.04°48'21"E. 6.83 feet; thence S.85°11'39"W. 130.13 feet to the beginning of a 553.00-foot radius curve to the right; thence westerly 45.75 feet along the arc of said curve through a delta of 04°44'23" (Note: chord to said curve bears S.87°33'50"W. for a distance of 45.73 feet); thence S.89°56'02"W. 148.28 feet to the beginning of a 280.00-foot radius curve to the left; thence westerly 71.28 feet along the arc of said curve through a delta of 14°35'07" (Note: chord to said curve bears S.82°38'28"W. for a distance of 71.08 feet); thence S.55°03'28"W. 15.88 feet; thence N.35°13'12"W 26.21 feet to a point in a 300.00-foot radius non-tangent curve to the right, to a point opposite engineer station 120+96.67 (Note: center bears S.19°15'36"E.); thence easterly 100.50 feet along the arc of said curve concentric with and 33.00 feet radially distant southerly from said control line through a delta of 19°11'38" (Note: chord to said curve bears N.80°20'13"E. for a distance of 100.03 feet) to a line parallel with said control line opposite engineer station 122+08.22; thence N.89°56'02"E. 148.28 feet along said parallel line to the beginning of a 533.00-foot radius curve to the left, to a point opposite engineer station 123+56.50; thence easterly 44.09 feet along the arc of said curve concentric with said control line through a delta of 04°44'23" (Note: chord to said curve bears N.87°33'50"E. for a distance of 44.08 feet) to a line parallel with said control line opposite engineer station 123+97.87; thence N.85°11'39"E. 176.66 feet along said parallel line to a point in said northerly boundary line; thence N.89°54'52"E. 20.61 feet along said northerly boundary line to the point of beginning. The above described part of an entire tract of land contains 9,177 square feet or 0.211 acre in area, more or less.

(Note: Rotate all bearings in the above description 00°20'45" clockwise to obtain highway bearings.)

This easement permits the construction, replacement, and maintenance of overhead and underground utility facilities including conductors, conduits, pipes, fiber optics and lines of any type, including, but not limited to, those used for electrical service or distribution, irrigation or culinary water, sewer, gas, communications or the transmission of data. This easement also permits the construction, replacement, and maintenance of related utility equipment within easement area, above or below ground, including but not limited to utility poles, terminal boxes and transformers.

Parcel No. I15-7:115:2PUE

A public utility easement (P.U.E.), upon part of an entire tract of property, situate in the NE1/4SW1/4 of Section 17, T.4N., R.1W., S.L.B.&M., in Davis County, Utah.

The boundaries of said part of an entire tract of land are described as follows:

Beginning at a point which is 518.00 feet S.00°09'50"W. along the quarter section line and 92.61 feet N.89°50'10"W. from the Center Quarter Corner of said Section 17, said point is also approximately 55.00 feet perpendicularly distant southerly from the Midtown Crossing Control Line opposite engineer station 130+58.70; and running thence S.89°56'02"W. 37.43 feet; thence N.00°03'58"W. 20.00 feet to a point 35.00 feet perpendicularly distant southerly from said control line opposite engineer station 130+21.27; thence S.68°55'41"E. 7.24 feet to the beginning of a 120.50-foot radius curve to the right; thence southeasterly 35.39 feet along the arc of said curve through a delta of 16°49'39" (Note: chord to said curve bears S.60°30'52"E. for a distance of 35.26 feet) to the point of beginning. The above described part of an entire tract of land contains 424 square feet or 0.010 acre in area, more or less.

(Note: Rotate all bearings in the above description 00°20'45" clockwise to obtain highway bearings.)

This easement permits the construction, replacement, and maintenance of overhead and underground utility facilities including conductors, conduits, pipes, fiber optics and lines of any type, including, but not limited to, those used for electrical service or distribution, irrigation or culinary water, sewer, gas, communications or the transmission of data. This easement also permits the construction, replacement, and maintenance of related utility equipment within easement area, above or below ground, including but not limited to utility poles, terminal boxes and transformers.

Parcel No. I15-7:115B:C

A parcel of land in fee for the widening of the existing 1425 North Street (Midtown Crossing) known as Project No. S-I15-7(329)332, being part of an entire tract of property situate in the NE1/4SW1/4 and NW1/4SE1/4 of Section 17, T.4N., R.1W., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning at a point in the northerly boundary line of said entire tract which is 495.14 feet S.00°09'50"W. along the quarter section line and 30.16 feet N.89°50'10"W. from the Center Quarter Corner of said Section 17, said point is also approximately 0.00 feet perpendicularly distant southerly from the Layton Hills Parkway Control Line opposite engineer station 802+77.46; and running thence N.89°54'52"E. 195.30 feet along said northerly boundary line; thence S.89°27'28"W. 34.83 feet to the beginning of a 256.60-foot radius curve to the left at a point perpendicularly distant southerly from the Midtown Crossing control line opposite engineer station 132+81.71; thence westerly 49.31 feet along the arc of said curve through a delta of 11°00'40" (Note: chord to said curve bears S.83°57'08"W. for a distance of 49.24 feet) to the beginning of a 150.00-foot radius compound curve to the left; thence southwesterly 64.30 feet along the arc of said curve through a delta of 24°33'46" (Note: chord to said curve bears S.66°09'55"W. for a distance of 63.81 feet) to a point 63.47 feet perpendicularly distant southerly from said control line opposite engineer station 131+74.34; thence S.53°53'02"W. 5.49 feet to the beginning of a 37.50-foot radius curve to the left; thence southwesterly 40.28 feet along the arc of said curve through a delta of 61°32'13" (Note: chord to said curve bears S.23°06'56"W. for a distance of 38.37 feet) to a point 101.97 feet perpendicularly distant southerly from said control line opposite engineer station 131+54.80; thence S.74°52'34"W. 16.23 feet to the beginning of a 181.50-foot radius non-tangent curve to the right (Note: center bears N.86°27'24"W.); thence southerly 35.69 feet along the arc of said curve through a delta of 11°16'02" (Note: chord to said curve bears S.09°10'37"W. for a distance of 35.63 feet) to a point 141.36 feet perpendicularly distant easterly from said control line opposite engineer station 131+33.40; thence S.14°48'38"W. 9.87 feet to a point 150.90 feet perpendicularly distant southerly from said control line opposite engineer station 131+30.86; thence S.89°39'14"W. 15.90 feet to the beginning of a 200.00-foot radius non-tangent curve to the left (Note: center bears N.75°56'42"W.); thence northerly 48.61 feet along the arc of said curve through a delta of 13°55'33" (Note: chord to said curve bears N.07°05'31"E. for a distance of 48.49 feet) to a point 0.00 feet perpendicularly distant from Layton Hills Parkway control line opposite engineer station 802+06.99; thence N.00°07'45"E. 70.47 feet to the point of beginning. The above described parcel of land contains 5,030 square feet or 0.116 acre in area, more or less.

(Note: Rotate all bearings in the above description 00°20'45" clockwise to obtain highway bearings.)

Parcel No. I15-7:115B:E

A temporary easement, upon part of an entire tract of property, in the NW1/4SE1/4 and NE1/4SW1/4 of Section 17, T.4N., R.1W., S.L.B.&M., in Davis County, Utah, to facilitate the construction roadway improvements, side treatments and appurtenant parts thereof and blending slopes to the construction of the existing 1425 North Street (Midtown Crossing) known as Project No. S-I15-7(329)332.

Non-exclusive use. The easement acquired herein does not convey any right except as stated herein, nor does it prevent Defendant(s) from the use of the real property within the easement so long as such use does not interfere with the purposes for which the easement is being acquired. This easement does not convey the right to use the easement in a manner that would deny any right the Defendant may possess of reasonable access to property outside of the easement.

Duration of easement. The easement shall begin at the time actual construction of said project is commenced at the location of the easement, and shall continue for a period of the three years or until the earlier completion of the project. The easement shall run with the real property and shall be binding on Defendant(s), their successors, heirs and assigns

Restoration of property. UDOT will restore the real property as nearly as reasonably possible to its condition prior to any material disturbance from construction activities, consistent with project improvements.

The boundaries of said part of an entire tract of land are described as follows:

Beginning at a point in the northerly boundary line of said entire tract which is 613.75 feet S.00°09'50"W. along the quarter section line and 35.97 feet N.89°50'10"W. from the Center Quarter Corner of said Section 17, said point is also at 0.00 feet distant from the Layton Hills Parkway Control Line opposite engineer station 801+58.38; and running thence N.89°39'14"E. 15.90 feet to a point 150.90 feet perpendicularly distant southerly from Midtown Crossing control line opposite engineer station 131+30.86; thence N.14°48'38"E. 9.87 feet to the beginning of a 181.50-foot radius curve to the left; thence northerly 35.69 feet along the arc of said curve through a delta of 11°16'02" (Note: chord to said curve bears N.09°10'37"E. for a distance of 35.63 feet) to a point 106.19 feet perpendicularly distant southerly from said control line opposite engineer station 131+39.12; thence N.74°52'34"E. 16.23 feet to the beginning of a 37.50-foot radius non-tangent curve to the right (Note: center bears N.82°20'49"E.); thence northeasterly 40.28 feet along the arc of said curve through a delta of 61°32'13" (Note: chord to said curve bears N.23°06'56"E. for a distance of 38.37 feet) to a point 66.70 feet perpendicularly distant southerly from said control line opposite engineer station 131+69.90; thence N.53°53'02"E. 5.49 feet to the beginning of a 150.00-foot radius curve to the right; thence northeasterly 64.30 feet along the arc of said curve through a delta of 24°33'46" (Note: chord to said curve bears N.66°09'55"E. for a distance of 63.81 feet) to the beginning of a 256.60-foot

radius compound curve to the right; thence easterly 49.31 feet along the arc of said curve through a delta of $11^{\circ}00'40''$ (Note: chord to said curve bears $N.83^{\circ}57'08''E.$ for a distance of 49.24 feet) to a point 32.62 feet perpendicularly distant southerly from said control line opposite engineer station 132+81.71; thence $N.89^{\circ}27'28''E.$ 34.83 feet to a point in said northerly boundary line of said entire tract which point is 32.33 feet perpendicularly distant southerly from said control line; thence $N.89^{\circ}54'52''E.$ 140.87 feet along said northerly boundary line; thence $S.00^{\circ}06'52''E.$ 13.67 feet; thence $S.89^{\circ}53'08''W.$ 53.38 feet; thence $S.00^{\circ}06'52''E.$ 13.00 feet; thence $S.89^{\circ}56'02''W.$ 139.69 feet; thence $S.65^{\circ}08'14''W.$ 86.36 feet; thence $S.00^{\circ}20'46''E.$ 69.21 feet; thence $S.76^{\circ}42'52''W.$ 20.68 feet; thence $S.67^{\circ}44'22''W.$ 16.53 feet; thence $N.75^{\circ}11'22''W.$ 20.47 feet; thence $S.15^{\circ}27'47''W.$ 44.01 feet; thence $N.75^{\circ}11'22''W.$ 20.00 feet to a point in the Layton Hills Parkway Control Line; thence along said control line the following two (2) courses: (1) thence $N.14^{\circ}48'38''E.$ 55.74 feet to the beginning of a 200.00-foot radius curve to the left (Note: center bears $N.75^{\circ}11'22''W.$); (2) thence northerly 2.64 feet along the arc of said curve through a delta of $00^{\circ}45'21''$ (Note: chord to said curve bears $N.14^{\circ}25'58''E.$ for a distance of 2.64 feet) to the point of beginning. The abovedescribed part of an entire tract of land contains 13,003 square feet or 0.299 acre in area, more or less.

(Note: Rotate all bearings in the above description $00^{\circ}20'45''$ clockwise to obtain highway bearings.)

Parcel No. I15-7:115B:PUE

A public utility easement (P.U.E.), upon part of an entire tract of property, situate in the NE1/4SW1/4 and NW1/4SE1/4 of Section 17, T.4N., R.1W., S.L.B.&M., in Davis County, Utah.

The boundaries of said part of an entire tract of land are described as follows:

Beginning at a point which is 600.36 feet $S.00^{\circ}09'50''W.$ along the quarter section line and 16.64 feet $N.89^{\circ}50'10''W.$ from the Center Quarter Corner of said Section 17, said point is also approximately 137.67 feet perpendicularly distant southerly from the Midtown Crossing Control Line opposite engineer station 131+34.34; and running thence $N.89^{\circ}39'14''E.$ 22.45 feet; thence $S.00^{\circ}20'46''E.$ 16.00 feet; thence $S.89^{\circ}39'14''W.$ 26.74 feet; thence $N.14^{\circ}48'38''E.$ 12.76 feet to the beginning of a 181.50-foot radius curve to the left (Note: center bears $N.75^{\circ}11'22''W.$) to a point 141.36 feet perpendicularly distant southerly from said control line opposite engineer station 131+33.40; thence northerly 3.81 feet along the arc of said curve through a delta of $01^{\circ}12'07''$ (Note: chord to said curve bears $S.14^{\circ}12'34''W.$ for a distance of 3.81 feet) to the point of beginning. The above described part of an entire tract of land contains 393 square feet or 0.009 acre in area, more or less.

(Note: Rotate all bearings in the above description $00^{\circ}20'45''$ clockwise to obtain highway bearings.)

This easement permits the construction, replacement, and maintenance of overhead and

underground utility facilities including conductors, conduits, pipes, fiber optics and lines of any type, including, but not limited to, those used for electrical service or distribution, irrigation or culinary water, sewer, gas, communications or the transmission of data. This easement also permits the construction, replacement, and maintenance of related utility equipment within easement area, above or below ground, including but not limited to utility poles, terminal boxes and transformers.

Parcel No. I15-7:115B:2PUE

A public utility easement (P.U.E.), upon part of an entire tract of property, situate in the NW1/4SE1/4 of Section 17, T.4N., R.1W., S.L.B.&M., in Davis County, Utah.

The boundaries of said part of an entire tract of land are described as follows:

Beginning at a point in the northerly boundary line of said entire tract which is 494.02 feet S.00°09'50"W. along the quarter section line and 227.97 feet S.89°50'10"E. from the Center Quarter Corner of said Section 17, said point is also approximately 32.31 feet perpendicularly distant southerly from the Midtown Crossing Control Line opposite engineer station 133+79.37; and running thence N.89°54'52"E. 17.00 feet along said northerly boundary line; thence S.00°05'08"E. 14.20 feet to the beginning of a 5.00-foot radius curve to the right (Note: center bears S.89°54'52"W.); thence southwesterly 7.85 feet along the arc of said curve through a delta of 89°58'16" (Note: chord to said curve bears S.44°54'00"W. for a distance of 7.07 feet); thence S.89°53'08"W. 7.00 feet to the beginning of a 5.00-foot radius curve to the right; thence northwesterly 7.86 feet along the arc of said curve through a delta of 90°01'44" (Note: chord to said curve bears N.45°06'00"W. for a distance of 7.07 feet); thence N.00°05'08"W. 14.20 feet to the point of beginning. The above described part of an entire tract of land contains 316 square feet or 0.007 acre in area, more or less.

(Note: Rotate all bearings in the above description 00°20'45" clockwise to obtain highway bearings.)

This easement permits the construction, replacement, and maintenance of overhead and underground utility facilities including conductors, conduits, pipes, fiber optics and lines of any type, including, but not limited to, those used for electrical service or distribution, irrigation or culinary water, sewer, gas, communications or the transmission of data. This easement also permits the construction, replacement, and maintenance of related utility equipment within easement area, above or below ground, including but not limited to utility poles, terminal boxes and transformers.

2. Pursuant to Utah Code Ann. § 78B-6-510(2) (West 2009), the Court has taken proof

by affidavit:

- (a) that UDOT's appraised value of the premises sought to be condemned is \$570,500.00;
- (b) that UDOT's appraisal concludes that there will be severance damage of \$40,000 to the remaining tract; and
- (c) that UDOT requires speedy occupancy of said premises to avoid the waste of public resources associated with project interruptions and delay.

3. As a condition precedent to Plaintiff's occupancy under this Order, Plaintiff shall file with the clerk of the court the total appraised value including damages in the sum of \$570,500.00, for the purposes set forth in Utah Code Ann. § 78B-6-510 (West 2009).

ENTERED BY THE COURT EFFECTIVE AS OF THE DATE THE COURT'S STAMP IS AFFIXED TO THE FIRST PAGE OF THIS DOCUMENT.