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09/11/98 11:53 AM**NO FEE**
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UTAH ST-DEPT OF TRANSPORTATION
BUX 148440 ATT: J.R. PLUMHOF
SLC, UT 84114-8440
REC BY:A GARAY ,DEPUTY - MP

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FILED DISTRICT COURT
Third Judicial District

JUL 13 1998

Debra D. Wright
SALT LAKE COUNTY
CLERK OF COURT

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

UTAH DEPARTMENT OF
TRANSPORTATION,

Plaintiffs,

vs.

GEORGE E. SHOWELL and CAROLYN
SHOWELL, as Trustees of the GEORGE E.
SHOWELL FAMILY TRUST; and UTAH
POWER AND LIGHT COMPANY,

Defendants.

FINAL ORDER OF CONDEMNATION

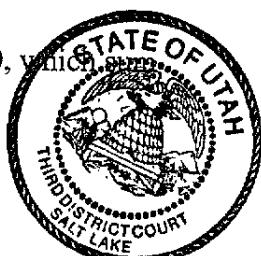
Project SP-0154(9)1
Parcel Nos. 16:A, 16:C, 16:E,
16:2E

Case No. 970903406 CD

Judge Homer F. Wilkinson

It appearing to the Court and the Court now finds that on the _____ day of _____, 1998, this Court 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 Judgment, the Plaintiff did pay Judgment to the Defendants, the sum of \$90,000.00, which sum



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includes any and all interest required by Judgment to be paid. Any remaining amount of the Judgment that has been paid into Court and not previously been withdrawn, is released to the Defendants; and

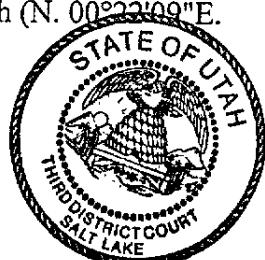
It further appearing to the Court that the Plaintiff has made all payments as required by law and order of this Court, no bond was required, and being fully advised,

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the parcels of land identified as parcel nos. 16:A, 16:C, 16:E and 16:2E are hereby taken and condemned in fee simple title for highway purposes, and described as follows:

Parcel No. 0154:16:A

A parcel of land in fee for an expressway known as Project No. 0154, being a part of an entire tract of property, situate in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, T.4 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, which point is 302.723 meters N.89°51'00"W. (N.89°30'42"W. highway bearing) along the Quarter Section line from the Center of said Section 4, and running thence South (S.00°21'39"W. highway bearing) 27.816 meters along the easterly boundary line of said entire tract to a point 22.860 meters perpendicularly distant southerly from the centerline of said project; thence N.79°06'43"W. (highway bearing) 102.636 meters along a line parallel to and 22.860 meters perpendicularly distant southerly from said centerline to the westerly boundary line of said entire tract; thence North (N. 00°22'09"E.



highway bearing) 9.288 meters along said westerly boundary line to the northwest corner of said entire tract; thence S.89°51'00"E. (S.89°30'42"E. highway bearing) 100.908 meters to the point of beginning.

The above described parcel of land contains 1,872.0 square meters (20,150 sq. ft.) in area of which 1,015.0 square meters (10,925 sq. ft.) in area are now occupied by an existing road.

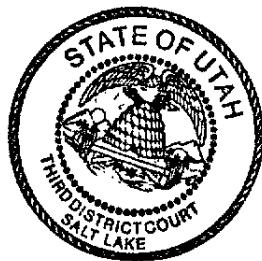
The balance is 857.0 square meters (9,225 sq. ft.) in area.

(Note: The basis of bearing of the above description is S.89°30'42"E. between the monumented West Quarter corner and the Center of said Section 4 based upon the Utah State Plane Coordinate System Modified.)

(Note: To obtain distances in feet, divide above metric values by 0.3048.)

To enable the Utah Department of Transportation to construct and maintain a public highway as an expressway, 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.

The Utah Department of Transportation does not have rights of ingress to or egress from property of the owner that is not a part of this condemnation proceeding.



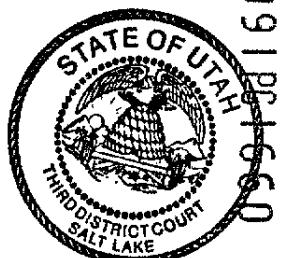
Parcel No. 0154:16:C

A parcel of land in fee for a frontage road incident to the construction of an expressway known as Project No. 0154, being part of an entire tract of property situate in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, T. 4S., R. 1W., S.L.B.&M. The boundaries of said parcel are described as follows:

Beginning at the intersection of the westerly boundary line of said entire tract and the southerly right-of-way and limited-access line of said project, which point is 403.630 meters N.89°51'00"W. (N.89°30'42"W. highway bearing) along the Quarter Section line and 9.288 meters South (S.00°22'09"W. highway bearing) from the Center of said Section 4, and running thence S.79°06'43"E. (highway bearing) 21.081 meters along said southerly right-of-way and limited-access line to the northerly extension of a line parallel to and 10.058 meters perpendicularly distant easterly from the centerline of 13800 South Frontage Road A of said project; thence S.00°22'09"W. (highway bearing) 290.193 meters along said parallel line to the southerly boundary line of said entire tract; thence N.89°51'00"W. (N.89°32'45"W. highway bearing) 20.726 meters along said southerly boundary line to the southwest corner of said entire tract; thence North (N.00°22'09"E. highway bearing) 294.011 meters along the westerly boundary line of said entire tract to the point of beginning.

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The above described parcel of land contains 6,054.2 square meters (65,167 sq. ft.) in area of which 1.6 square meters (17 sq. ft.) in area are now occupied by an existing road. Balance is 6,052.6 square meters (65,150 sq. ft.) in area.



(Note: The basis of bearing of the above description is S.89°30'42"E. between the monumented West Quarter corner and the Center of said Section 4 based upon the Utah State Plane Coordinate System Modified.)

(Note: To obtain distances in feet, divide above metric values by 0.3048.)

Parcel No. 0154:16:E

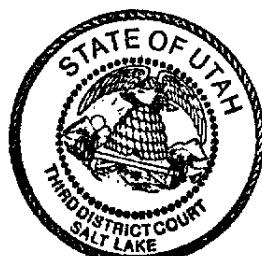
A temporary easement, upon part of an entire tract of property situate in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, T.4 S., R.1 W., S.L.B.&M., in Salt Lake County, Utah, to accommodate the construction of cut and/or fill slopes and appurtenant parts thereof incident to the construction of an expressway known as Project No. 0154.

Said part of an entire tract is a strip of land 8.000 meters wide, adjoining easterly the following described portion of the easterly right-of-way line of 13800 South Frontage Road A:

Beginning at a point 382.860 meters N. 89°51'00"W. (N.89°30'42"W. highway bearing) along the Quarter Section line and 21.230 meters South (S.00°29'18" W. highway bearing) from the Center of said Section 4, and running thence S.00°22'09"W. (highway bearing) 282.057 meters to the southerly boundary line of said entire tract.

The above described strip of land contains 2,250.6 square meters (24,225 sq.ft.) in area.

(Note: The basis of bearing of the above description is N.89°30'42"W. between the existing monuments of the West Quarter corner and the Center of said Section 4 based upon the Utah State Plane Coordinate System Modified.)



(Note: To obtain distances in feet, divide above metric values by 0.3048.)

After cut and/or fill slopes is/are constructed on the above described part of an entire tract at the expense of said Utah Department of Transportation, said Utah Department of Transportation is 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.

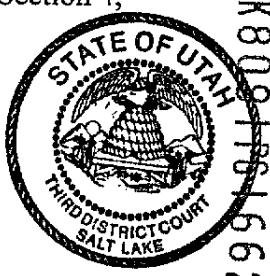
The herein above temporary easement shall expire upon the completion of said cut and/or fill slopes, or 3 years after the date of execution of the within instrument, whichever occurs first.

Parcel No. 0154:16:2E

A perpetual easement, upon part of an entire tract of property situate in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, T.4 S., R.1 W., S.L.B.&M., in Salt Lake County, Utah, for the purpose of constructing and maintaining thereon utilities and appurtenant parts thereof incident to the construction of an expressway known as Project No. 0154.

Said part of an entire tract is a strip of land 8.000 meters wide, adjoining southerly the following described portion of the southerly right-of-way and limited-access line of said project.

Beginning at the intersection of the southerly right-of-way and limited-access line of said project and the easterly right-of-way line of said 13800 South Frontage Road A, which point is 382.877 meters N.89°51'00"W. (N.89°30'42"W. highway bearing) along the Quarter Section line and 13.094 meters South (S.00°29'18"W. highway bearing) from the Center of said Section 4,



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and running thence S.79°06'43"E. (highway bearing) 81.556 meters to the easterly boundary line of said entire tract.

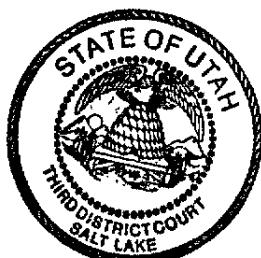
The above described strip of land contains 652.4 square meters (7,023 sq. ft.) in area.

(Note: The basis of bearing of the above description is N.89°30'42"W. between the existing monuments of the West Quarter corner and the Center of said Section 4 based upon the Utah State Plane Coordinate System Modified.)

(Note: To obtain distances in feet, divide above metric values by 0.3048.)

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said use is a public use and a use authorized by law.

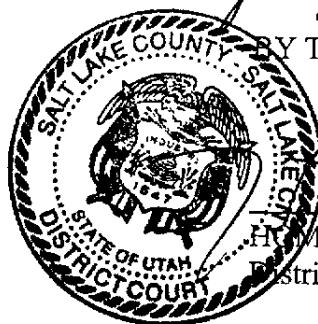
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a copy of this Final Order of Condemnation be filed with the County Recorder of Salt Lake County, State of Utah,



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and thereupon the property interests referred to and set forth, shall vest in the Plaintiff, Utah
Department of Transportation, 4501 South 2700 West, Salt Lake City, Utah 84119.

DATED this 23 day of July, 1998.



THOMAS F. WILKINSON
District Court Judge

APPROVED AS TO FORM:

Dale F. Gardiner

Attorney for Defendants

George E. Showell and Carolyn Showell,
as Trustees of the George E. Showell
Family Trust

I CERTIFY THAT THIS IS A TRUE COPY OF AN
ORIGINAL DOCUMENT FILED IN THE THIRD
DISTRICT COURT, SALT LAKE COUNTY, STATE
OF UTAH.

DATE: 7/23/98

Theresa M. O'Donnell
DEPUTY COURT CLERK

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CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing FINAL ORDER OF CONDEMNATION was served by mailing the same, first class postage prepaid, this 20 day of July, 1998, to the following:

Dale F. Gardiner
Attorney for Defendants
George E. Showell and Carolyn Showell,
as Trustees of the George E. Showell
Family Trust
O'Rorke & Gardiner, LLC
6965 Union Park Center, Suite 450
Midvale UT 84047-6045

Rosemary Richardson
Attorney for Utah Power & Light Company
1407 West North Temple
P.O. Box 899
Salt Lake City UT 84116

Donna Griggs