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THIRD DISTRICT COURT  
2003 FEB 13 PM 3:20  
SALT LAKE COUNTY  
BY \_\_\_\_\_  
DEPUTY CLERK~~

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**FILED DISTRICT COURT**  
Third Judicial District

FEB 26 2003

SALT LAKE COUNTY  
By \_\_\_\_\_ Deputy Clerk

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

UTAH DEPARTMENT OF  
TRANSPORTATION,

Plaintiff,

vs.

RODNEY K. WILKERSON; and ZIONS  
BANK,

Defendants.

FINAL ORDER OF CONDEMNATION

Project No. SP-0071(12)1  
Parcel Nos. 19, 19:E and 19:2E

Civil No. 020904913

Judge Roger A. Livingston

It appearing to the Court and the Court now finds that pursuant to the law, the Plaintiff did pay the sum of \$5,450 to Defendant Wilkerson; 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 cause 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,

BK8757PG5447

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the parcels of land hereinafter described as hereby taken and condemned in fee simple title identified as Parcel Nos. 19, 19:E, and 19:2E for the purpose described and set forth in the Plaintiff's Complaint, i.e., for the use of the Plaintiff, Utah Department of Transportation, for highway 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 Salt Lake County, State of Utah, and thereupon the property interests hereinafter referred to and set forth shall vest in the Plaintiff, Utah Department of Transportation, 4501 South 2700 West, Salt Lake City, Utah 84119. The following is a description of the property condemned as hereinabove provided, which is hereby vested in the Plaintiff, all of such property being situated in Salt Lake County, State of Utah, and the interest acquired and property description is more particularly described as follows:

**Parcel No. 0071:19**

A parcel of land in fee for the purpose of widening 12300 South Street, known as Project No. 0071, being part of an entire tract of property situate in the W $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 25, T.3 S., R.1 W., SLB&M. The boundaries of said parcel of land are described as follows:

Beginning at the northwest corner of said entire tract, which point is 1804.60 feet West and 1597.67 feet (Record: 1600.50 feet, more or less, and in some deeds as 1576.00 feet) N. 1° 51'00" W. and 572.78 feet (Record: 593.88 feet) West from the Southeast Corner of the Southwest Quarter of said Section 25; and running thence South 33.00 feet along the westerly boundary line of said entire tract, to a point 56.49 feet radially distant southerly from the

centerline of said 12300 South Street, opposite Engineers Station 217+43.73; thence East 118.75 feet to the easterly boundary line of said entire tract; thence North 33.00 feet along said easterly boundary line to the northeast corner of said entire tract; thence West 118.75 feet along the northerly boundary line of said entire tract to the point of beginning. The above described parcel of land contains 3919 square feet (0.090 acres) in area, all of which is now occupied by the existing street. Balance 0 square feet (0.000 acres) in area.

(Note: Rotate all bearings in the above description 0°16'02" clockwise to equal highway bearings.)

**Parcel No. 0071:19:E**

A perpetual easement, upon part of an entire tract of property situate in the W½SW¼ of Section 25, T.3 S., R.1 W., SLB&M., for the purpose of constructing thereon public utilities, and appurtenant parts thereof, to facilitate the widening of 12300 South Street, known as Project No. 0071. The boundaries of said part of an entire tract are described as follows:

Beginning at the intersection of the southerly right of way line of said 12300 South Street and the westerly boundary line of said entire tract, which point is 56.49 feet radially distant southerly from the centerline of said 12300 South Street, opposite Engineers Station 217+43.73, which point is also 1804.60 feet West and 1597.67 feet (Record: 1600.50 feet, more or less, and in some deeds as 1576.00 feet) N. 1°51'00" W. and 572.78 feet (Record: 593.88 feet) West and 33.00 feet South from the Southeast Corner of the Southwest Quarter of said Section 25; and running thence East 118.75 feet along said southerly right of way line to the easterly boundary line of said entire tract; thence South 7.00 feet along said easterly boundary line; thence West 118.75 feet to the westerly boundary line of said entire tract; thence North 7.00 feet along said westerly boundary line to the point of beginning. The above described part of an entire tract contains 831 square feet (0.019 acres) in area.

(Note: Rotate all bearings in the above description 0°16'02" clockwise to equal highway bearings.)

After said public utilities are constructed on the above described lands at the expense of the Utah Department of Transportation, said Utah Department of Transportation is thereafter relieved of any further claim or demand for costs, damages, or maintenance charges which may accrue against said public utilities and appurtenant parts thereof.

**Parcel No. 0071:19:2E**

A temporary easement, upon part of an entire tract of property situate in the W½SW¼ of Section 25, T.3 S., R.1 W., SLB&M., for the purpose of constructing thereon cut and/or fill slopes, driveway, and appurtenant parts thereof, to facilitate the widening of 12300 South Street, known as Project No. 0071. The boundaries of said part of an entire tract are described as follows:

Beginning at a point which is 1804.60 feet West and 1597.67 feet (Record: 1600.50 feet, more or less, and in some deeds as 1576.00 feet) N. 1°51'00" W. and 572.78 feet (Record: 593.88 feet) West and 40.00 feet South and 61.17 feet East from the Southeast Corner of the Southwest Quarter of said Section 25; and running thence East 22.00 feet; thence South 5.00 feet; thence West 22.00 feet; thence North 5.00 feet to the point of beginning. The above described part of an entire tract contains 110 square feet (0.003 acres) in area.


(Note: Rotate all bearings in the above description 0°16'02" clockwise to equal highway bearings.)

The hereinabove described temporary easement shall expire upon completion of said project, or 3 years after the date of the execution of the within instrument, whichever first occurs.

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

DATED this 26<sup>th</sup> day of February, 2003.

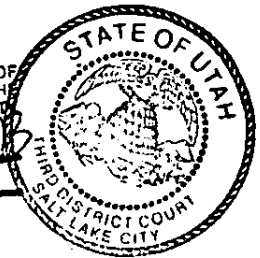
BY THE COURT:

  
\_\_\_\_\_  
ROGER A. LIVINGSTON  
District Court Judge

Final Order of Condemnation  
Civil No. 020904913 CD  
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I CERTIFY THAT THIS IS A TRUE COPY OF  
AN ORIGINAL DOCUMENT ON FILE IN THE  
THIRD DISTRICT COURT, SALT LAKE COUNTY,  
STATE OF UTAH.

DATE: March 7, 2003  
\_\_\_\_\_  
DEPUTY COURT CLERK



BK8757PG5450

CERTIFICATE OF SERVICE

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 13 day of February, 2003, to the following:

Rodney K. Wilkerson  
679 West 12300 South  
Draper, UT 84020



8571061  
03/18/2003 10:17 AM NO FEE  
Book - 8757 Pg - 5447-5451  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
UT ST-DEPT OF TRANSPORTATION  
BOX 148440 ATT: J.R. PLUMHOF  
SLC UT 84114-8440  
BY: ROJ, DEPUTY - MA 5 P.