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RECORDER, SALT LAKE COUNTY, UTAH
UT ST-DEPT OF TRANSPORTATION
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SLC UT 84114-8440
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FILED DISTRICT COURT
Third Judicial District

MAY 23 2003

By GARY W. OTT
SALT LAKE COUNTY
Deputy Clerk

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Final Order of Condemnation @J

970900304 JD12834366 JD
FISHBACK TRUST U

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

UTAH DEPARTMENT OF
TRANSPORTATION,

Plaintiff,

vs.

FISHBACK TRUST UDT; CHARLES J.
FISHBACK, Trustee; K-MART
CORPORATION, Lessee; EAGLE
HARDWARE & GARDEN, INC.,
Sublessee; STATE STREET BANK &
TRUST CO., Successor in Trust;
MASSACHUSETTS MUTUAL LIFE
INSURANCE CO., Lender; SALT LAKE
COUNTY TREASURER,

Defendants.

FINAL ORDER OF CONDEMNATION

Project No. SP-15-7(104)297
Ref. No. I-15-7(116)304
Parcel Nos. 9D, 11, 11:2, 11:E, and 11:2E

Tax ID No. 27-01-401-006

Civil No. 970900304 CD

Judge William B. Bohling

It appearing to the Court and the Court now finds that pursuant to the law, the Plaintiff
did pay said funds 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, 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,

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. 11, 11:2, and 9D, and easement interests upon the Defendants' remaining property identified as Parcel Nos. 11:E and 11:2E. 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. 15-7:9D

A parcel of land in fee for the widening of 9000 South Street incident to the reconstruction of a freeway known as Project No. 15-7, being part of an entire tract of property

situate in the SW¼NE¼ of Section 1, T. 3S., R. 1W., S.L.B.& M. The boundaries of said parcel of land are described as follows:

Beginning at a Northeast Corner of said entire tract at a point which is 411.792 meters (1351.022 feet) N.89°59'19"W. along the center section line and 17.969 meters (58.955 feet) north and 44.806 meters (147.00 feet) S.89°53'55"W. From the East Quarter Corner of said Section 1; (Note: said point of beginning is also 485.556 meters (1593.03 feet) S.89°55'00"W. along the monument line and 10.202 meters (33.47 feet) south from an existing monument in the intersection of 9000 South Street and State Street.); and running thence South 0.527 meters (1.73 feet) along an east boundary line of said entire tract; thence Westerly 55.763 meters (182.95 feet) along the arc of a 1983.000-meter (6505.91-foot) radius curve to the left (Note: Chord to said curve bears S.86°30'28"W. for a distance of 55.761 meters (182.94 feet)) to a point of tangency; thence S.85°42'08"W. 27.700 meters (90.88 feet); thence Westerly 18.137 meters (59.51 feet) along the arc of a 2018.450-meter (6622.21-foot) radius curve to the right; (Note: Chord to said curve bears S.87°23'34"W. for a distance of 18.137 meters (59.51 feet)) to the existing southerly right of way line of 9000 South Street; thence N.60°45'46"E. 4.379 meters (14.37 feet) along said existing southerly right of way line; thence N.87°07'53"E. 93.471 meters (306.66 feet) along said existing southerly right of way line; thence N.89°53'53"E. 4.223 meters (13.85 feet) along said existing southerly right of way line to the point of beginning. The above described parcel of land contains 129.0 square meters (1388 square feet).

(Note: Rotate above bearings 00°13'52" clockwise to equal highway bearings.)

(Note: To convert meters to feet, divide metric distances by 0.3048. Multiply square meters by 10.7639 to obtain square feet)

Parcel No. 15-7:11

A parcel of land in fee for a connector road incident to the reconstruction of a freeway known as Project No. 15-7, being part of an entire tract of property situate in the NW¼SE¼ of Section 1, T.3 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 of property which point is 411.791 meters N. 89°59'19" W. (by deed, but S. 89°59'37" W. by measurement) along the Quarter Section line and 17.162 meters (by deed, but 17.029 meters by measurement) south from the East Quarter Corner of said Section 1; and running thence South 171.723 meters along the east boundary line of said entire tract to the Southeast corner of said entire tract; thence West 16.027 meters along the south boundary line of said entire tract to a point which is 7.950 meters radially

distant northwesterly from the centerline of said connector road known as Monroe South Street of said project at Engineer Station 15+420.830; thence Northeasterly 25.261 meters along the arc of a 82.050-meter radius curve to the left concentric with said centerline (Note: Chord to said curve bears N. 23°50'19" E. for a distance of 25.161 meters) to the westerly right of way line of Monroe Street (Note: said westerly right of way line being the westerly edge of the existing concrete sidewalk along the westerly side of said Monroe Street) at a point opposite Engineer Station 15+448.538; thence N. 00°02'37" W. 148.708 meters along said westerly right of way line to a north boundary line of said entire tract; thence East 5.971 meters along said north boundary line to the point of beginning. The above described parcel of land contains 1115.1 square meters of which 1014.2 square meters is now occupied by the existing road. Balance 100.9 square meters.

Together with any and all abutter's rights of underlying fee to the center of the existing right-of-way appurtenant to this conveyance.

(Note: Rotate above bearings 00°14'57" clockwise to equal highway bearings.)

(Note: To obtain distance in feet, divide above distances by 0.3048. Multiply above areas by 10.7639 to obtain square feet.)

Parcel No. 15-7:11:E

A temporary construction easement, upon part of an entire tract of property, situate in the NW¼SE¼ of Section 1, T. 3 S., R. 1 W., S.L.B. & M., in Salt Lake County, Utah, for the purpose of constructing thereon drive approaches and cut and/or fill slopes and appurtenant parts thereof for a connector road incident to the reconstruction of a freeway known as Project No. 15-7. The boundaries of said part of an entire tract are described as follows:

Beginning at the intersection of the north boundary line of said entire tract and the westerly right of way line of Monroe Street, said westerly right of way line being the westerly edge of the existing concrete sidewalk along the westerly side of said Monroe Street, at a point 411.791 meters N. 89°59'19" W. (by deed, but S. 89°59'37" W. by measurement) and 17.162 meters (by deed, but 17.029 meters by measurement) south and 5.971 meters west from the East Quarter Corner of said Section 1; and running thence S. 00°02'37" E. 148.708 meters along said right of way line to a point which is 7.950 meters radially distant westerly from the centerline of said connector road known as Monroe South Street of said project at Engineer Station 15+448.538; thence Southwesterly 25.261 meters along the arc of a 82.050-meter curve to the right concentric with said centerline (Note: Chord to said curve bears S. 23°50'19" W. for a distance of 25.161 meters) to a point in the south boundary line of said entire tract opposite Engineer Station 15+420.830; thence West 52.698 meters along said south boundary line; thence

North 15.000 meters; thence East 45.000 meters; thence N. 01°46'48" E. 57.798 meters; thence N. 88°13'12" W. 8.000 meters; thence N. 01°46'48" E. 65.000 meters; thence S. 88°13'12" E. 8.000 meters; thence N. 01°46'48" E. 34.000 meters to the north boundary line of said entire tract; thence East 12.883 meters along said north boundary line to the point of beginning. The above described part of an entire tract of property contains 3772.4 square meters.

(Note: Rotate above bearings 00°14'57" clockwise to equal highway bearings.)

(Note: To obtain distance in feet, divide above distances by 0.3048. Multiply above areas by 10.7639 to obtain square feet.)

This easement shall expire upon the completion of the construction of said project or 5 years after the date of the execution of the within instrument, whichever first occurs.

Parcel No. 15-7:11:2E

A perpetual easement, upon part of an entire tract of property, situate in the NW¼SE¼ of Section 1, T. 3 S., R. 1 W., S.L.B.& M., in Salt Lake County, Utah, for the purpose of constructing thereon a retaining wall and appurtenant parts thereof for a connector road incident to the reconstruction of a freeway known as Project No. 15-7. The boundaries of said part of an entire tract are described as follows:

Beginning in the south boundary line of said entire tract of property at a point 411.791 meters N. 89°59'19" W. (by deed, but S. 89°59'37" W. by measurement) along the Quarter Section line and 188.885 meters (by deed, but 188.752 meters by measurement) south and 16.027 meters west from the East Quarter Corner of said Section 1, said point of beginning being 7.950 meters radially distant northwesterly from the centerline of said connector road known as Monroe South Street at Engineer Station 15+420.830; and running thence West 1.765 meters along said south boundary line; thence N. 28°54'51" E. 11.834 meters; thence S. 65°05'22" E. 1.523 meters to a point which is 7.950 meters radially distant northwesterly from said centerline at Engineer Station 15+433.000; thence Southwesterly 11.095 meters along the arc of an 82.050-meter radius curve to the right concentric with said centerline (Note: Chord to said curve bears S. 28°47'04" W. for a distance of 11.087 meters) to the point of beginning. The above described part of an entire tract of property contains 19.0 square meters.

(Note: Rotate above bearings 00°14'57" clockwise to equal highway bearings.)

(Note: To obtain distance in feet, divide above distances by 0.3048. Multiply above areas by 10.7639 to obtain square feet.)

After said retaining wall is 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 thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said retaining wall and appurtenant parts thereof.

Parcel No. 15-7:11:2

A parcel of land in fee for a connector road incident to the reconstruction of a freeway known as Project No. 15-7, being part of an entire tract of property situate in the NW¼SE¼ of Section 1, T. 3 S., R. 1 W., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the southerly boundary line of said entire tract and the existing westerly right of way line of said connector road (Monroe Street) at a point 7.950 meters (26.08 feet) radially distant northwesterly from the centerline of said connector road at Engineer Station 15+420.830, said point of beginning is 411.791 meters (1351.02 feet) N. 89°59'19" W. (by deed but S. 89°59'37" W. by measurement) along the Quarter Section Line, 188.885 meters (619.70 feet) (by deed but 188.752 meters (619.27 feet) by measurement) south and 16.027 meters (52.58 feet) west from the East Quarter Corner of said Section 1; and running thence West 2.183 meters (7.16 feet) along said southerly boundary line to a point which is 9.779 meters (32.08 feet) radially distant northwesterly from said centerline at Engineer Station 15+419.509; thence Northerly 34.349 meters (112.69 feet) along the arc of 80.221-meter (263.19-foot) radius nontangent curve to the left (Note: Chord to said curve bears N. 21°14'00" E. for a distance of 34.087 meters (111.83 feet), central angle equals 24°31'58") concentric with said centerline to said existing westerly right of way line at a point opposite Engineer Station 15+458.045; thence along said existing right of way line the following two (2) courses and distances: (1) S. 0°02'37" E. 8.758 meters (28.73 feet); thence (2) Southwesterly 25.261 meters (82.88 feet) along the arc of a 82.050-meter (269.19-foot) radius nontangent curve to the right (Note: Chord to said curve bears S. 23°50'19" W. for a distance of 25.161 meters (82.55 feet), central angle equals 17°38'23") to the point of beginning. The above described parcel of land contains 53.9 square meters (580 square feet) in area.

(Note: Rotate above bearings 0°14'57" clockwise to equal Monroe Street design bearings.)

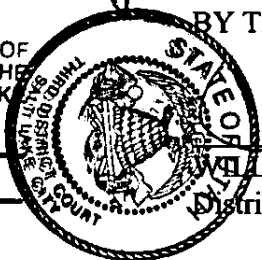
(Note: To convert meters to feet, divide metric distances by 0.3048. Multiply square meters by 10.7639 to obtain square feet)

DATED this 22 day of May, 2003.

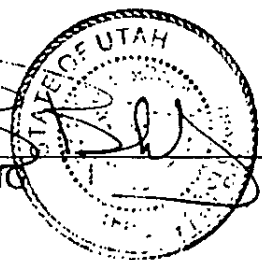
I CERTIFY THAT THIS IS A TRUE COPY OF AN ORIGINAL DOCUMENT ON FILE IN THE THIRD DISTRICT COURT, SALT LAKE COUNTY, STATE OF UTAH.

DATE: 8-13-03
Damon
DEPUTY COURT CLERK

BY THE COURT:



William B. Bohling
WILLIAM B. BOHLING
District Court Judge



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 15 day of May, 2003, to:

David J. Smith
VAN COTT, BAGLEY, CORNWALL & McCARTHY
Attorneys for Defendants, Fishback Trust UDT,
Charles J. Fishback, Trustee
50 South Main Street, Suite 1700
Salt Lake City, Utah 84144-0450