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

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UTAH DEPARTMENT OF  
TRANSPORTATION,

Plaintiff

vs.

DEE'S, INC., a Utah corporation; TITUS  
FOODS, INC., a Utah corporation;  
TERRATRON, INC., a Delaware corporation;  
TERRATRON MIDWEST, INC., a Wisconsin  
corporation; ZIONS FIRST NATIONAL  
BANK, a national association; and JOHN DOE  
1 - 10,

Defendant(s)

**LIS PENDENS**

Project No. S-0085(9)  
Parcel Nos. 9022, 9022:2E, 9022:3E, and  
9022:E  
Affecting Tax ID No. 14-26-476-039

Civil No. 190904578

Judge Mark Kouris

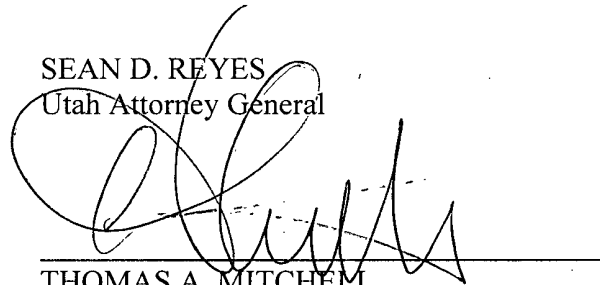
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NOTICE OF PENDENCY OF EMINENT DOMAIN PROCEEDING

PLEASE TAKE NOTICE that an eminent domain proceeding has been commenced in the above-entitled court by the above-named Plaintiff against the above-named Defendants to acquire for public use the real property described in Exhibit A attached hereto.

DATED this 11 day of June 2019.

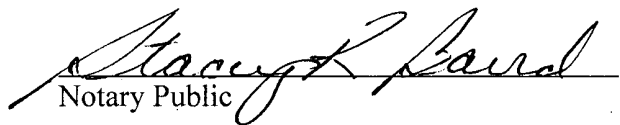
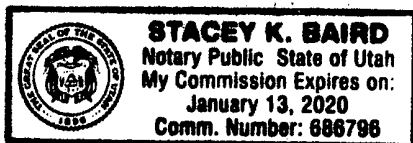
SEAN D. REYES  
Utah Attorney General



THOMAS A. MITCHELL  
Assistant Attorney General  
*Attorney for Plaintiff*

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF SALT LAKE    )

The foregoing instrument was acknowledged before me this 11 day of June 2019 by  
THOMAS A. MITCHELL.



Notary Public

# **EXHIBIT A**

CONDEMNATION RESOLUTION  
HIGHWAY PROJECT NO. S-0085(9)  
SR-85, MVC; 4100 South to SR-201

I. The Utah Department of Transportation (UDOT) has determined that the following described property ("Subject Property") is necessary for a state transportation purpose as defined in Utah Code Ann. § 72-5-102. UDOT has been unable to acquire the Subject Property after having made reasonable efforts to negotiate for its purchase. Therefore, pursuant to its duty to provide safe transportation systems, UDOT has determined that it is necessary and in the public interest to acquire the Subject Property by condemnation in accordance with applicable law.

II. The Subject Property is located in Salt Lake County, Utah and described as:

Tax Id No. 14-26-476-039

**Parcel No. S-0085:9022**

A parcel of land in fee, for the Mountain View Corridor, being part of an entire tract of property, situate in the SE1/4 SE1/4 of Section 26, T.1S., R.2W., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning at the southeast corner of said entire tract in the intersection of the existing northerly right of way line of the 3500 South Street (SR-171) and the existing westerly right of way line of 5600 West Street (SR-172), which corner is 40.15 feet North along the section line and 53.00 feet West from the Southeast Corner of said Section 26, said corner is also 53.00 feet perpendicularly distant westerly from the 5600 West Street Control Line of said project opposite approximate engineer station 5609+20.35; and running thence N.89°50'35"W. (east by record) 170.00 feet along the northerly right of way line of 3500 South Street (SR-171), which is parallel with the 3500 South Street Right of Way Control Line to the southwest corner of said entire tract; thence North 2.50 feet along the westerly boundary line of said entire tract, to a point 57.50 feet perpendicularly distant northerly from the 3500 South Right of Way Control Line opposite engineer station 3528+75.32; thence S.89°50'35"E. 108.68 feet along a line parallel with said control line to a point opposite engineer station 3529+84.00; thence N.50°40'21"E. 48.89 feet to a point 76.50 feet perpendicularly distant westerly from the 5600 West Street Control Line opposite engineer station 5609+54.00; thence North 149.41 feet along a line parallel with said control line to the northerly boundary line of said entire tract at a point opposite engineer station 5611+03.41; thence S.89°50'35"E. (West by record) 23.50 feet to the northeast corner of said entire tract and the westerly right of way line of 5600 West Street; thence South 183.00 feet along said westerly right of way 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 5,255 square feet or 0.121 acre in area, more or less

(Note: Rotate all bearings in the above description 00°05'00" clockwise to obtain highway bearings.)

CONDEMNATION RESOLUTION  
HIGHWAY PROJECT NO. S-0085(9)  
SR-85, MVC; 4100 South to SR-201

**Parcel No. S-0085:9022:2E**

A temporary easement, upon part of an entire tract of property, situate in the SE1/4 SE1/4 of Section 26, T.1S., R.2W., S.L.B.&M., to facilitate the striping of parking stalls, incident to the construction of the Mountain View Corridor known as Project No. S-0085(9). This easement shall commence upon the beginning of actual construction on the property and shall continue only until project construction on the property is complete, or for three (3) years, whichever first occurs. The easement shall be non-exclusive such that the Grantor may use the property at any time in a manner which does not interfere with construction activities. The boundaries of said part of an entire tract of land are described as follows:

Beginning at a point on the northerly boundary line of said entire tract, which is 40.15 feet North along the section line and 53.00 feet West and 183.00 feet North and 142.83 feet N.89°50'35"W. (West by record) from the Southeast Corner of said Section 26, said point is 238.00 feet perpendicularly distant northerly from the 3500 South Street Right of Way Control Line opposite engineer station 3529+02.00; and running thence S.00°09'25"W. 79.50 feet; thence S.89°50'35"E. 20.50 feet along a line parallel with said control line; thence S.00°09'25"W. 89.00 feet; thence N.89°50'35"W. 20.00 feet along a line parallel with said control line; thence N.00°09'25"E. 10.00 feet; thence N.89°50'35"W. 27.24 feet along a line parallel with said control line to the westerly boundary line of said entire tract to a point 79.50 feet perpendicularly distant northerly from said control line opposite engineer station 3528+75.26; thence North 158.50 feet along said westerly boundary line to said northerly boundary line; thence S.89°50'35"E. (West by record) 27.17 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 6,092 square feet or 0.140 acre in area, more or less.

(Note: Rotate all bearings in the above description 00°05'00" clockwise to obtain highway bearings.)

CONDEMNATION RESOLUTION  
HIGHWAY PROJECT NO. S-0085(9)  
SR-85, MVC; 4100 South to SR-201

**Parcel No. S-0085:9022:3E**

A temporary easement, upon part of an entire tract of property, situate in the SE1/4 SE1/4 of Section 26, T.1S., R.2W., S.L.B.&M., to facilitate the striping of parking stalls, incident to the construction of the Mountain View Corridor known as Project No. S-0085(9). This easement shall commence upon the beginning of actual construction on the property and shall continue only until project construction on the property is complete, or for three (3) years, whichever first occurs. The easement shall be non-exclusive such that the Grantor may use the property at any time in a manner which does not interfere with construction activities. The boundaries of said part of an entire tract of land are described as follows:

Beginning at a point which is 40.15 feet North along the section line and 53.00 feet West and 183.00 feet North and 39.50 feet N.89°50'35"W. and 26.45 feet South from the Southeast Corner of said Section 26, said point is 92.50 feet perpendicularly distant westerly from the 5600 West Street Right of Way Control Line opposite engineer station 5610+77.00; and running thence South 116.00 feet along a line parallel with said control line; thence West 35.50 feet to a point 128.00 feet perpendicularly distant westerly from said control line opposite engineer station 5609+61.00; thence North 116.00 feet along a line parallel with said control line; thence East 35.50 feet 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 4,118 square feet or 0.095 acre in area, more or less.

(Note: Rotate all bearings in the above description 00°05'00" clockwise to obtain highway bearings.)

CONDEMNATION RESOLUTION  
HIGHWAY PROJECT NO. S-0085(9)  
SR-85, MVC; 4100 South to SR-201

**Parcel No. S-0085:9022:E**

A temporary easement, upon part of an entire tract of property, situate in the SE1/4 SE1/4 of Section 26, T.1S., R.2W., S.L.B.&M., to facilitate the construction of roadway improvements, side treatments and appurtenant parts thereof and blending slopes, incident to the construction of the Mountain View Corridor known as Project No. S-0085(9). This easement shall commence upon the beginning of actual construction on the property and shall continue only until project construction on the property is complete, or for three (3) years, whichever first occurs. The easement shall be non-exclusive such that the Grantor may use the property at any time in a manner which does not interfere with construction activities. The boundaries of said part of an entire tract of land are described as follows:

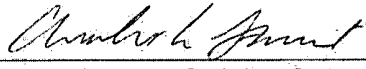
Beginning at a point in the northerly boundary line of said entire tract, which point is 40.15 feet North along the section line and 53.00 feet West and 183.00 feet North and 23.50 feet N.89°50'35"W. from the Southeast Corner of said Section 26, said point is 76.50 feet perpendicularly distant westerly from the 5600 West Street Right of Way Control Line opposite engineer station 5611+03.41; and running thence South 149.41 feet along a line parallel with said control line; thence S.50°40'21"W. 48.89 feet; thence N.89°50'35"W. 108.68 feet along a line parallel with the 3500 South Street Control line to the westerly boundary line of said entire tract; thence North 22.00 feet along said westerly boundary line to a point 79.50 feet perpendicularly distant northerly from the 3500 South Street Right of Way Control Line opposite engineer station 3528+75.26; thence S.89°50'35"E. 27.24 feet along a line parallel with said control line; thence S.00°09'25"W. 10.00 feet; thence S.89°50'35"E. 67.79 feet along a line parallel with said control line; thence North 25.95 feet along a line parallel with the 5600 West Street Right of Way Control Line; thence East 35.50 feet; thence North 142.45 feet along a line parallel with said control line to said northerly boundary line of said entire tract; thence S.89°50'35"E. (West by record) 16.00 feet 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 5,061 square feet or 0.116 acre in area, more or less.

(Note: Rotate all bearings in the above description 00°05'00" clockwise to obtain highway bearings.)


CONDEMNATION RESOLUTION  
HIGHWAY PROJECT NO. S-0085(9)  
SR-85, MVC; 4100 South to SR-201

The foregoing Condemnation Resolution is hereby approved by the Director of the Utah Department of Transportation, or his designee, the Director of Right of Way for the Utah Department of Transportation pursuant to the provisions of Utah Code Ann. § 72-1-202 and 72-1-207, (1998), on this 30<sup>th</sup> day of May, 2019.

  
\_\_\_\_\_  
Director of Right of Way  
Utah Department of Transportation

State of Utah  
County of Salt Lake

On the 30 day of May, 2019, personally appeared before me Charles A. Stormont 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

