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The Order of the Court is stated below:

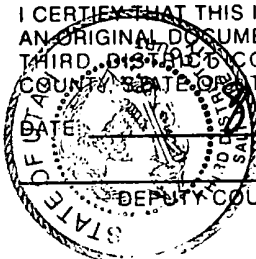
Dated: August 08, 2019  
09:43:24 AM

/s/ MARK KOURIS  
District Court Judge



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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.



*[Handwritten Signature]*  
DEPUTY COURT CLERK

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08/28/2019 03:19 PM #0-00  
Book - 10822 Pg - 3654-3656 A-D  
RASHELLE HOBBS  
RECORDER, SALT LAKE COUNTY, UTAH

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

<p>UTAH DEPARTMENT OF TRANSPORTATION,</p> <p style="text-align: right;">Plaintiff</p> <p>vs.</p> <p>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,</p> <p style="text-align: right;">Defendant(s)</p>	<p><b>ORDER OF IMMEDIATE OCCUPANCY</b></p> <p>Project No. S-0085(9) Parcel Nos. 9022, 9022:2E, 9022:3E, and 9022:E Affecting Tax ID No. 14-26-476-039</p> <p>Civil No. 190904578</p> <p>Judge Mark Kouris</p>
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UT ST-DEPT OF TRANSPORTATION  
BOX 148420 PRT: NONE WARELE  
SLC UT 84114-8420  
BY: MRP, DEPUTY - WI & P. 7

The Court having read the Plaintiff's Motion for Order of Immediate Occupancy and the Parties' Stipulation and Joint Motion for Order of Occupancy and good cause appearing, IT IS  
**HEREBY ORDERED:**

**NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED**

as follows:

1. UDOT's Motion for Order of Immediate Occupancy is granted.
2. The Plaintiff Utah Department of Transportation is an agency of the State of Utah with the power of eminent domain.
3. The Plaintiff Utah Department of Transportation is entitled to condemn the parcels of real property, identified by Parcels Nos. 9022, 9022:2E, 9022:3E, and 9022:E, under Project No. S-0085(9), SR-85, MVC; 4100 South to SR-201 ("Subject Property"), and more particularly described in the Project ROW Plans attached to the Complaint as Exhibit "A," respectively, and incorporated herein by this reference, is necessary for state transportation purposes as defined in Utah Code Ann. § 72-5-102 (2001).
4. The public use for which the power of eminent domain is being exercised in this matter is for highway and highway-related purposes authorized under Utah Code Ann. §§ 72-5-101 *et. seq.* and 78B-6-501 *et. seq.*
5. For purposes of UDOT's *Motion for Order of Immediate Occupancy* only, and pursuant to Utah Code Ann. Section 78B-6-510(2), the Subject Property has been appraised by an independent appraiser for the appraised value of \$1,186,600.00. UDOT has offered to purchase the Subject Property for at least the amount of the appraised value.
6. After entry, this Order shall be effective when UDOT deposits with the Clerk of the Court the administrative valuation of the Subject Property interests being condemned in the sum of One Million One Hundred Eight-Six Thousand Six Hundred Dollars (\$1,186,600.00) for the purposes set forth in Utah Code Ann. § 78B-6-510.



7. UDOT, its agents, contractors, assignees and permittees are granted the right to immediate occupancy subject only to the limitation described in Paragraph 6, of the Subject Property Parcels No. 9022, 9022:2E, 9022:3E, and 9022:E, as more fully described below, pending litigation, and to do whatever testing, 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**.

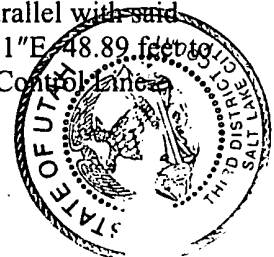
8. The Subject Property is part of a larger tract identified by the Salt Lake County Recorder as Tax Parcel Id No. 14-26-476-039, which Defendant Dee's Inc., ("Dee's" or "Owner" ) owns and/or in which Defendants Terratron Midwest, Inc., Titus Foods, Inc. and Terratron, Inc. ("Lessee") may claim a leasehold, possessory interest and is more particularly described as follows:

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.)

**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.)



**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.

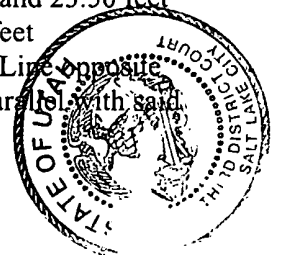
The above described parcel of land contains 4,118 square feet or 0.095 acre in area, more or less.

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

**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.

9. Entry of this Order is pending full adjudication on the merits and no claims or defenses are waived by its entry, including the right to contest the amount of just compensation to be paid for the condemned property and determination of any severance damages.

10. After UDOT's deposit of the funds in accordance with this Order, such deposited funds may be released by the Clerk of Court to the respective Defendants upon motion and further order of this Court.

**ORDER BECOMES EFFECTIVE ON THE DATE WHEN ELECTRONICALLY  
SIGNED BY THE COURT ON THE FIRST PAGE**

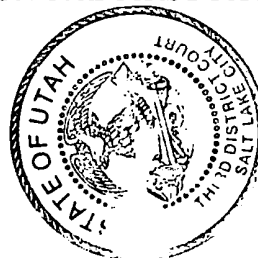
APPROVED AS TO FORM:

KIRTON McCONKIE

/s/ David M. Wahlquist

DAVID M. WAHLQUIST

Attorney for Defendant Dee's, Inc.



(Electronically signed with permission)

