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RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
11/17/2020 11:47 AM
FEE \$0.00 Pgs: 6
DEP RT REC'D FOR UTAH DEPT OF TRAN
SPORTATION

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RETURNED
NOV 17 2020

11-505-0013at

**IN THE SECOND JUDICIAL DISTRICT COURT
IN AND FOR DAVIS COUNTY, STATE OF UTAH**

UTAH DEPARTMENT OF TRANSPORTATION,
Plaintiff

vs.

CANYON CREEK SUBDIVISION, LLC,
nka CANYON CREEK HOMEOWNERS
ASSOCIATION, a Utah Corporation; HOLLIE ANN
SCHILLEMANN; SCOTT THOMAS SCHULTZ and
ERIN SUE SCHULTZ, Trustees; CORY ROBERT
CHRISTENSEN and SHAUNA FORD
CHRISTENSEN; CALVIN D. POTTER, JR and
TRACY M. POTTER; DANIEL R. LEININGER and
JENILEE S. LEININGER; MATSON H. BAILEY
and JENNIFER A. BAILEY; MICHELLE JENSEN;
CHRIS M. RECORD and CATHERINE J.
RECORD; ROBERT L. NIELSEN and HAE SOOK
NIELSEN, Trustees; ANDREW J. McDERMONT;
KEIJI KAY MATSUMURA and GERALDINE O.
MATSUMURA, Trustees; and JOHN DOES, 1 -5,

Defendants.

**LIS PENDENS
REQUEST FOR NOTICE**

Project No. S-0089(406) 398
Parcel Nos. S-0089:500B; S-0089:500B:E

Affecting Tax ID No. 11-505-0013

Civil No. 200700863

Judge Robert J. Dale

Tier 2

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 defendant to acquire for public use the real property described in Exhibit A attached hereto.

REQUEST FOR NOTICE

Pursuant to Utah Code section 57-1-26, the Utah Department of Transportation requests that a copy of any notice of default and a copy of notice of sale under any trust deed filed of record regarding the described property, be mailed to William H Christensen, Assistant Attorney General at 160 East 300 South, 5th Floor, P.O. Box 140857, Salt Lake City, Utah 84114-0857.


DATED October 20, 2020.

SEAN D. REYES
Utah Attorney General


Justin G. Jensen
William H. Christensen
Assistant Attorneys General
Attorney for Plaintiff UDOT

STATE OF UTAH)
) §
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 20th day of October, 2020 by
JUSTIN G. JENSEN.


Notary Public

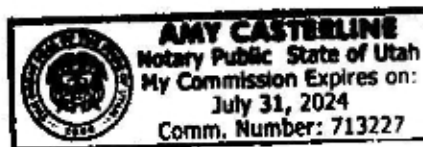


Exhibit A

CO*S-0089*500B, 500B:E

CONDEMNATION RESOLUTION
HIGHWAY PROJECT NO. S-0089(406)398
UD-89; Farmington to I-84

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 from the Canyon Creek Estates Homeowners Association appearing on the records of the Davis County Recorder as the title holder of the Subject Property and by making offers to purchase the Subject Property to the various interest holders that may have an interest in that Association and/or in the Subject Property and/or Canyon Creek Subdivision. 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 Davis County, Utah and described as:

Tax Id No. 11-505-0013 *pt*

Parcel No. S-0089:500B

A parcel of land in fee, being part of an entire tract of property situate in Parcel A, Canyon Creek Estates Subdivision, according to the official plat thereof, recorded May 17, 2002, as Entry No. 1754446 in Book 3046 at Page 751 in the office of the Davis County Recorder, situate in the NW1/4 SW1/4 of Section 24, Township 4 North, Range 1 West, Salt Lake Base and Meridian, for the widening of existing US-89, known as Project No. S-0089(406)398. The boundaries of said parcel of land are described as follows:

Beginning at the northwest corner of said Parcel A; and running thence N.85°14'21"E. 20.84 feet along the northerly boundary line of said Parcel A to the northeasterly corner of said Parcel A; thence S.30°23'00"E. 121.77 feet along said easterly boundary line to a point 363.93 feet radially distant easterly from the US-89 right of way control line of said Project, opposite approximate Engineers Station 1244+24.62; thence S.01°54'07"E. 60.90 feet to the southwesterly boundary line of said Parcel A at a point 362.90 feet radially distant easterly from the US-89 right of way control line of said Project, opposite approximate Engineers Station 1243+60.15; thence along said southwesterly boundary line the following three (3) courses and distances: (1) N.30°23'00"W. 147.34 feet to a point of curvature of a curve to the right with a radius of 71.00 feet; (2) thence northerly along said curve with an arc length of 34.76 feet, chord bears N.16°24'47"W. 34.42 feet; (3) thence N.01°52'00"W. 4.06 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 4,367 square feet in area or 0.100 acre.

(Note: Rotate above bearings 00°20'52" clockwise to equal Highway bearings)

CO*S-0089*500B, 500B:E

CONDEMNATION RESOLUTION
HIGHWAY PROJECT NO. S-0089(406)398
UD-89; Farmington to I-84

Parcel No. S-0089:500B:E

A temporary easement, upon part of an entire tract of property situate in Parcel A, Canyon Creek Estates Subdivision, according to the official plat thereof, recorded May 17, 2002, as Entry No. 1754446 in Book 3046 at Page 751 in the office of the Davis County Recorder, situate in the NW1/4 SW1/4 of Section 24, Township 4 North, Range 1 West, Salt Lake Base and Meridian, for the purpose of constructing cut and/or fill slopes and appurtenant parts thereof to facilitate the construction of US-89, known as Project No. S-0089(406)398. 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 owner(s) 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 are described as follows:

Beginning at the intersection of the easterly boundary line of said Parcel A and the easterly frontage road right of way line of said Project, which point is 121.77 feet S.30°23'00"E. from the northeast corner of said Parcel A; and running thence S.30°23'00"E. 10.48 feet along said easterly boundary line to a point 368.81 feet radially distant easterly from the US-89 right of way control line of said Project, opposite approximate Engineers Station 1244+14.79; thence S.01°54'07"E. 60.90 feet to the southwesterly boundary line of said Parcel A at a point 367.69 feet radially distant easterly from the US-89 right of way control line of said Project, opposite approximate Engineers Station 1243+50.28; thence N.30°23'00"W. 10.48 feet along said southwesterly boundary line to said easterly frontage road right of way line of said Project; thence N.01°54'07"W. 60.90 feet along said easterly 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 part of an entire tract contains 304 square feet in area or 0.007 acre.

(Note: Rotate above bearings 00°20'52" clockwise to equal Highway bearings)

CO*S-0089*500B, 500B:E

CONDEMNATION RESOLUTION
HIGHWAY PROJECT NO. S-0089(406)398
UD-89; Farmington to I-84

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 9th day of October, 2020.

Digitally signed by Charles A. Stormont

Charles A. Stormont

Date: 2020.10.09 15:56:53
-06'00'

Director of Right of Way
Utah Department of Transportation