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RASHELLE HOBBS  
RECORDER, SALT LAKE COUNTY, UTAH  
UT ST-DEPT OF TRANSPORTATION  
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SLC UT 84114-8420  
BY: STA, DEPUTY - WI 9 P.

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**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>PARKWOOD ARIZONA, LLC, an Arizona limited liability company; SALT LAKE CITY, a municipal corporation; and JOHN DOES 1- 10,</p> <p style="text-align: right;">Defendants</p>	<p style="text-align: center;"><b>LIS PENDENS AND REQUEST FOR NOTICE</b></p> <p style="text-align: center;">Project No. F-0172(32)7 Parcel Nos. 103, 103:2E, 103:3E, 103:C, 103:E Affecting Tax ID No. 14-13-100-010</p> <p style="text-align: center;">Civil Number 200900199</p> <p style="text-align: center;">Judge James Gardner</p>
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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.

**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 James L. Warlaumont, Assistant Attorney General at 160 East 300 South, 5th Floor, P.O. Box 140857, Salt Lake City, Utah 84114-0857.

DATED this 21<sup>st</sup> day of January 2020.

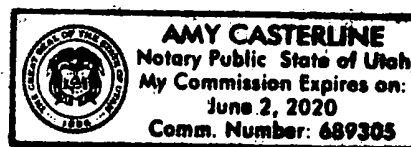
SEAN D. REYES  
Utah Attorney General

  
\_\_\_\_\_  
JAMES L. WARLAUMONT  
Assistant Attorney General  
*Attorney for Plaintiff*

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

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of January 2020 by JAMES L. WARLAUMONT.

  
\_\_\_\_\_  
Notary Public



# **EXHIBIT A**

CONDEMNATION RESOLUTION  
HIGHWAY PROJECT NO. F-0172(32)7  
SR-172; 5600 W. Railroad Crossing

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.'s 14-13-152-001 and 14-13-152-002

**Parcel No. F-0172:103**

A parcel of land in fee for the widening of the existing 5600 West Street (SR-172) known as Project No. F-0172(32)7, being part of an entire tract of property situate in Lots 1 and 2, Landmark Commerce Center Phase 1 and California Avenue Road Dedication plat, recorded as Entry No. 9803753, Book 2006P, Page 222, in the office of the Salt Lake County Recorder and in the NW1/4 SW1/4 of Section 13, T.1S., R.2W., S.L.B.& M. The boundaries of said parcel of land are described as follows:

Beginning at the southwest corner of said Lot 2, which corner is 75.01 feet perpendicularly distant easterly from the 5600 West Street Right of Way Control Line opposite approximate engineer station 35+19.34; and running thence N.00°00'16"W. 59.66 feet along the existing easterly right of way line of 5600 West Street to a point 75.01 feet perpendicularly distant easterly from said control line opposite engineer station 35+79.00; thence S.44°05'24"E. 73.84 feet to a point 49.50 feet perpendicularly distant northerly from the 1730 South Street Right of Way Control Line opposite engineer station 2001+26.50; thence S.00°08'03"E. 6.50 feet to the existing northerly right of way line of 1730 South Street at a point 43.00 feet perpendicularly distant northerly from said control line opposite engineer station 2001+26.50; thence S.89°51'57"W. (S.89°52'14"W. by record) 51.39 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 1,699 square feet in area or 0.039 acre, more or less.

(Note: Rotate all bearings in the above description 00°15'07" clockwise to obtain highway bearings.)

CONDEMNATION RESOLUTION  
HIGHWAY PROJECT NO. F-0172(32)7  
SR-172; 5600 W. Railroad Crossing

**Parcel No. F-0172:103:2E**

A perpetual easement, upon part of an entire tract of property, situate in Lot 2, Landmark Commerce Center Phase 1 and California Avenue Road Dedication plat, recorded as Entry No. 9803753, Book 2006P, Page 222, in the office of the Salt Lake County Recorder and in the SW1/4 NW1/4 of Section 13, T.1S., R.2W., S.L.B.& M., in Salt Lake County, Utah, for the purpose of constructing, maintaining and repairing a storm drain pipe and appurtenant parts thereof to facilitate the widening of 5600 West Street (SR-172) known as Project No. F-0172(32)7. This easement shall run with the Real Property and shall be binding upon the owner, interest holder(s), and their successors, heirs and assigns. The boundaries of said part of an entire tract of property are described as follows:

Beginning at a point in the existing easterly right of way line of 5600 West Street (SR-172), which point is 366.66 feet N.00°00'16"W. from the southwest corner of said Lot 2, said point is also 75.00 feet perpendicularly distant easterly from the 5600 West Street Right of Way Control Line opposite engineer station 38+86.00; and running thence N.00°00'16"W. 10.00 feet along said existing easterly right of way line parallel with said control line to a point opposite engineer station 38+96.00; thence N.89°59'44"E. 19.00 feet; thence S.00°00'16"E. 10.00 feet; thence S.89°59'44"W. 19.00 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 part of an entire tract of property contains 190 square feet in area or 0.004 acre, more or less.

(Note: Rotate all bearings in the above description 00°15'07" clockwise to obtain highway bearings.)

CONDEMNATION RESOLUTION  
HIGHWAY PROJECT NO. F-0172(32)7  
SR-172; 5600 W. Railroad Crossing

**Parcel No. F-0172:103:3E**

A temporary easement, upon part of an entire tract of property, situate in Lots 1 and 2, Landmark Commerce Center Phase 1 and California Avenue Road Dedication plat, recorded as Entry No. 9803753, Book 2006P, Page 222, in the office of the Salt Lake County Recorder and in the NW1/4 SW1/4 and the SW1/4 NW1/4 of Section 13, T.1S., R.2W., S.L.B.&M., in Salt Lake County, Utah, to facilitate the construction of roadway improvements, side treatments and appurtenant parts thereof and blending slopes, incident to the widening of 5600 West Street (SR-172) known as Project No. F-0172(32)7. 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 or parties of interest 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 property are described as follows:

Beginning at a point in the existing easterly right of way line of 5600 West Street (SR-172), which point is 59.66 feet N.00°00'16"W. from the southwest corner of said Lot 2, said point is also 75.01 feet perpendicularly distant easterly from the 5600 West Street Right of Way Control Line opposite engineer station 35+79.00; and running thence N.00°00'16"W. 111.51 feet along said existing easterly right of way line; thence N.89°59'44"E. 17.50 feet; thence N.00°00'16"W. 10.00 feet; thence S.89°59'44"W. 17.50 feet to said existing easterly right of way line; thence N.00°00'16"W. 185.50 feet along said existing easterly right of way line; thence N.89°59'44"E. 19.00 feet; thence N.00°00'16"W. 10.00 feet; thence S.89°59'44"W. 19.00 feet to said existing easterly right of way line; thence N.00°00'16"W. 335.25 feet along said existing easterly right of way line to the northwest corner of said Lot 2 at a point 75.00 feet perpendicularly distant easterly from said control line opposite approximate engineer station 42+31.25; thence N.89°58'48"E. 20.00 feet along the northerly boundary line of said Lot 2; thence S.00°00'16"E. 662.26 feet; thence S.65°45'51"E. 21.92 feet; thence S.39°27'42"E. 30.46 feet; thence S.86°20'11"E. 116.26 feet; thence N.89°51'57"E. 116.00 feet; thence S.87°19'55"E. 190.23 feet; thence S.82°57'53"E. 80.13 feet to the existing northerly right of way line of 1730 South Street; thence S.89°51'57"W. (S.89°52'14"W. by record) 80.00 feet along said existing northerly right of way line; thence N.87°19'32"W. 132.66 feet; thence S.89°51'57"W. 53.00 feet; thence N.83°00'33"W. 80.62 feet; thence S.89°51'57"W. 164.00 feet; thence N.44°05'24"W. 73.84 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 part of an entire tract of property contains 17,416 square feet in area or 0.400 acre, more or less.

(Note: Rotate all bearings in the above description 00°15'07" clockwise to obtain highway bearings.)

CONDEMNATION RESOLUTION  
HIGHWAY PROJECT NO. F-0172(32)7  
SR-172; 5600 W. Railroad Crossing

**Parcel No. F-0172:103:C**

A parcel of land in fee for the widening of the existing 5600 West Street (SR-172) known as Project No. F-0172(32)7, being part of an entire tract of property situate in Lots 1 and 2, Landmark Commerce Center Phase 1 and California Avenue Road Dedication plat, recorded as Entry No. 9803753, Book 2006P, Page 222, in the office of the Salt Lake County Recorder and in the NW1/4 SW1/4 of Section 13, T.1S., R.2W., S.L.B.& M. The boundaries of said parcel of land are described as follows:

Beginning at a point in the existing northerly right of way line of 1730 South Street, which is 51.39 feet N.89°51'57"E. from the southwest corner of said Lot 2, said point is also 43.00 feet perpendicularly distant northerly from the 1730 South Street Right of Way Control Line opposite approximate engineer station 2001+26.50; and running thence N.00°08'03"W. 6.50 feet to a point 49.50 feet perpendicularly distant northerly from said control line opposite engineer station 2001+26.50; thence N.89°51'57"E. 164.00 feet along a line parallel with said control line to a point opposite engineer station 2002+90.50; thence S.83°00'33"E. 80.62 feet to a point 39.50 feet perpendicularly distant northerly from said control line opposite engineer station 2003+70.50; thence N.89°51'57"E. 53.00 feet along a line parallel with said control line to a point opposite engineer station 2004+23.50; thence S.87°19'32"E. 132.66 feet to the existing northerly right of way line of 1730 South Street at a point 33.00 feet perpendicularly distant northerly from said control line opposite engineer station 2005+56.00; thence along said existing northerly right of way line the following three (3) courses: (1) S.89°51'57"W. (S.89°52'14"W. by record) 236.57 feet; thence (2) N.86°19'12"W. (N.86°18'55"W. by record) 150.33 feet; thence (3) S.89°51'57"W. (S.89°52'14"W. by record) 42.93 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 3,222 square feet in area or 0.074 acre, more or less.

(Note: Rotate all bearings in the above description 00°15'07" clockwise to obtain highway bearings.)

CONDEMNATION RESOLUTION  
HIGHWAY PROJECT NO. F-0172(32)7  
SR-172; 5600 W. Railroad Crossing

**Parcel No. F-0172:103:E**

A perpetual easement, upon part of an entire tract of property, situate in Lot 2, Landmark Commerce Center Phase 1 and California Avenue Road Dedication plat, recorded as Entry No. 9803753, Book 2006P, Page 222, in the office of the Salt Lake County Recorder and in the SW1/4 NW1/4 of Section 13, T.1S., R.2W., S.L.B.& M., in Salt Lake County, Utah, for the purpose of constructing, maintaining and repairing a storm drain pipe and appurtenant parts thereof to facilitate the widening of 5600 West Street (SR-172) known as Project No. F-0172(32)7. This easement shall run with the Real Property and shall be binding upon the owner, interest holder(s), and their successors, heirs and assigns. The boundaries of said easement upon part of an entire tract of property are described as follows:

Beginning at a point in the existing easterly right of way line of 5600 West Street (SR-172), which point is 171.16 feet N.00°00'16"W. from the southwest corner of said Lot 2, said point is also 75.00 feet perpendicularly distant easterly from the 5600 West Street Right of Way Control Line opposite engineer station 36+90.50; and running thence N.00°00'16"W. 10.00 feet along said existing easterly right of way line parallel with said control line to a point opposite engineer station 37+00.50; thence N.89°59'44"E. 17.50 feet; thence S.00°00'16"E. 10.00 feet; thence S.89°59'44"W. 17.50 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 easement upon part of an entire tract of property contains 175 square feet in area or 0.004 acre, more or less.

(Note: Rotate all bearings in the above description 00°15'07" clockwise to obtain highway bearings.)



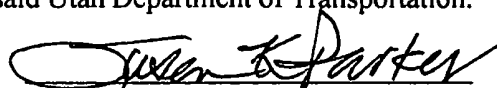
CONDEMNATION RESOLUTION  
HIGHWAY PROJECT NO. F-0172(32)7  
SR-172; 5600 W. Railroad Crossing

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 31<sup>st</sup> day of December, 2019.

  
Director of Right of Way  
Utah Department of Transportation

State of Utah  
County of Salt Lake

On the 31<sup>st</sup> day of December, 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

