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Salt Lake County, Utah

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MAY 15 1984  
H. Dixon Hindley, Clerk 3rd Dist. Court  
By: *[Signature]*  
Deputy Clerk

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

SALT LAKE COUNTY, a body :  
corporate and politic of :  
the State of Utah, :

Plaintiff, :

-vs-

FINAL JUDGMENT  
OF  
CONDEMNATION

RONALD D. PERRY and LINDA :  
PERRY, his wife, RICHARD W. :  
PERRY and BABETTE PERRY, his :  
wife, NAVALCO, UTAH BANK AND :  
TRUST, H. FRED HANSEN, :  
CONSTANCE W. HANSEN, VALLEY :  
MORTGAGE CORPORATION and :  
CYCLE CITY, INC., :

Civil No. C-82-7609

Defendants. :

It appearing to the Court and the Court now finds that heretofore on the 14<sup>th</sup> day of May, 1984, the above Court made and entered a Judgment of Just Compensation on Stipulation in the above condemnation proceeding and said Judgment is hereby referred to; and,

It appearing to the Court and the Court now finds that pursuant to law and said Judgment, plaintiff paid said Judgment in full and that a Satisfaction of Judgment therefor has been

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filed for record herein; and, all and singular the Court understanding and having fully considered the facts, the Agreement and Stipulation entered into by the parties and filed for record herein, and, the law applicable in said condemnation proceeding:

Now, therefore, it is ORDERED, ADJUDGED and DECREED that the parcel of defendants' property hereinafter particularly described as Parcel 163:C (Revised) is hereby taken and condemned in the name of Salt Lake County in fee simple absolute; the parcel of defendants' property hereinafter particularly described as Parcel 163:EC is hereby taken and condemned in the name of Salt Lake County as a permanent retaining wall easement, all of which aforesaid parcels are taken and condemned for the widening and improvement of 3900 South Street, a public highway in Salt Lake County, Utah.

It is further ORDERED, ADJUDGED and DECREED that the use for which said property of defendants is being taken and condemned by plaintiff herein is a public use and a use authorized by law.

It is further ORDERED, ADJUDGED and DECREED that a copy of this Final Judgment of Condemnation be filed for record with the County Recorder of Salt Lake County, State of Utah, whereupon said property of defendants in Salt Lake County, State of Utah, being taken and condemned by plaintiff and hereinafter particularly described shall thereupon vest in the name of plaintiff Salt Lake County as the case may be either in fee simple absolute or as a permanent retaining wall easement for the purposes above set forth. The following are the particular legal descriptions of defendants' said property being taken and condemned by plaintiff

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and to vest in the name of Salt Lake County either in fee simple absolute or as a permanent retaining wall easement, namely:

FEE TAKE - PARCEL 163:C (Revised)

Part of an entire tract of property, in the NE 1/4 SW 1/4 of Section 33, T. 1 S., R. 1 E., S.L.B. & M., Salt Lake County, Utah. The boundaries of said part of an entire tract of land are described as follows:

Beginning at a point at the intersection of the monument lines of Highland Drive and 3900 South Street, a said point being South 872.85 feet (Deed) and West 429 feet (Deed) from the center of said Section 33 and running thence South 89°57'40" East 41.31 feet to the Northwest corner of said entire tract which is the true point of beginning; thence South 89°57'40" East 121.85 feet along the monument line of 3900 South Street which is also the North property line of said entire tract, to the Northeast corner thereof; thence South 14°24'30" East 44.40 feet along the East property line; thence North 89°57'40" West 84.18 feet to a point of a 30.0 foot radius curve to the left (bearing to the center South 0°02'20" West); thence Southwesterly 23.44 feet along the arc of said curve; thence South 49°05'05" West 8.59 feet; thence South 01°12'49" West 22.91 feet to the East right-of-way line of Highland Drive; thence North 14°24'30" West 82.86 feet along the East right-of-way line of Highland Drive to the point of beginning.

The above described parcel of land contains 0.128 acre less that portion contained in 3900 South Street of 0.092 acre, leaving a remaining balance of 0.035 acre more or less.

PERMANENT EASEMENT - PARCEL 163:EC

A perpetual easement, upon part of an entire tract of property, in the Northeast quarter, Southwest quarter of Section 33, T. 1 S., R. 1 E., S.L.B. & M., in Salt Lake County, Utah, for the purpose of constructing thereon

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a retaining wall and appurtenant parts thereon incident to the construction of a highway known as Project No. CR-220(9).

Said parcel of an entire tract is described as follows:

Beginning at the Northeast corner of the grantor's property which corner is in the right-of-way line of 3900 South Street and is distant South 915.97 feet and West 254.79 feet from the Center of said Section 33 and running thence South 14°24'30" East 15.49 feet along the East line of said entire tract; thence North 89°57'40" West 10.33 feet; thence North 14°24'30" West 15.49 feet to the right-of-way line of 3900 South Street; thence South 89°57'40" East 10.33 feet along said right-of-way line to the point of beginning.

The above described parcel of land contains 0.004 acre more or less.

It is further ORDERED, ADJUDGED and DECREED that as an integral part of the above-captioned condemnation proceeding defendants Perry, their successors and assigns, are hereby granted a perpetual license to enter upon plaintiff's property between the retaining wall on plaintiff's right-of-way and the building on said defendants' property to enable said defendants to service and maintain defendants' alarm system which has been installed on the fence on said retaining wall and for the further purpose of allowing said defendants ingress and egress to enable them to service, maintain and repair the gas meter, electric meter, sewer cleanout boxes, and the exterior of the existing buildings, placing signs thereon and/or other uses not inconsistent with plaintiff's use of the property being taken and condemned herein, and, in all events subject to plaintiff's paramount ownership of its said property.

It is further ORDERED, ADJUDGED and DECREED that the temporary construction easements condemned by plaintiff in connection with this project, have been paid for in full, and their use has terminated, and they are no longer necessary as part of this project, and plaintiff claims nothing further with respect to the said temporary construction easements.

It is further ORDERED, ADJUDGED and DECREED that both plaintiff and defendants and their successors and assigns are to have all rights agreed to and granted them pursuant to the provisions of paragraphs 8, 9 and 19 of the "Stipulation Pertaining to Immediate Occupancy of Premises" entered into by the parties and filed for record in the above case.

DATED this 14<sup>th</sup> day of May, 1984.

BY THE COURT:

JUDGMENT APPROVED:

*[Signature]*  
JAMES A. McINTOSH  
Attorney for Defendants

*[Signature]*  
District Judge

ATTEST  
H. DIXON HINDLEY  
Clerk  
By *[Signature]*  
Deputy Clerk

STATE OF UTAH )  
COUNTY OF SALT LAKE ) SS  
I, THE UNDERSIGNED, CLERK OF THE DISTRICT COURT OF SALT LAKE COUNTY, UTAH, DO HEREBY CERTIFY THAT THE ENNEKED AND FOREGOING IS TRUE AND FULL COPE OF AN ORIGINAL DOCUMENT ON FILE IN MY OFFICE AS SUCH CLERK. WITNESS MY HAND AND SEAL OF SAID COURT THIS 15 DAY OF 1984.  
H. DIXON HINDLEY, CLERK  
By *[Signature]* DEPUTY

KATIE L. DIXON  
RECORDER  
SALT LAKE COUNTY,  
UTAH

MAY 15 9 23 AM '84

S Co. Attorney  
REQ OF \_\_\_\_\_  
S \_\_\_\_\_ DEP \_\_\_\_\_

*[Signature]*

*No Fee*

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