

FILED DISTRICT COURT
Third Judicial District

JUN 2 2006

SALT LAKE COUNTY

By _____ Deputy Clerk

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GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
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IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR
SALT LAKE COUNTY, STATE OF UTAH

UTAH DEPARTMENT OF
TRANSPORTATION,

Plaintiff,

vs.

EARLY HOLDINGS, L.L.C.; ZIONS
FIRST NATIONAL BANK,

Defendants.

**FINAL JUDGMENT OF
CONDEMNATION**
(entered upon stipulation)

Project No. HPP-STP-0071(12)0
Parcel Nos. 205:E and 205:2E
Affecting Tax ID #: 28-30-326-028

Civil No. 030922671

Judge Tyrone E. Medley

The Court, having reviewed the Stipulation for Final Judgment of Condemnation entered into by Plaintiff, Utah Department of Transportation ("UDOT"), and Defendant, Early Holdings, LLC, ("Owner"), and being fully advised in the premises and for good cause appearing,

IT IS HEREBY ORDERED ADJUDGED AND DECREED:

1. That the parcels of land hereinafter described are hereby condemned and acquired by UDOT for highway purposes.

2. That the purpose of said condemnation is a public use authorized by law.
3. That Defendants are awarded judgment in the total sum of \$15,900.00, as damages and just compensation for the taking described in the Complaint.
4. That a copy of this Final Judgment of Condemnation shall be filed with the County Recorder of Salt Lake County, State of Utah, and thereupon the rights and interests of Owner in and to the following described property, situated in Salt Lake County, State of Utah, shall vest in the Plaintiff, Utah Department of Transportation, 4501 South 2700 West, Salt Lake City, Utah 84119:

Parcel No. 0071:205:E

A perpetual easement upon part of an entire tract of property, situate in Lot 2, Early Holdings, L.L.C. (Amended) Subdivision, a subdivision in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 3 South, Range 1 East, Salt Lake Base and Meridian, Salt Lake County, Utah for the purpose of constructing and maintaining thereon an irrigation facility, cut and/or fill slopes, and appurtenant parts thereof, incident to the reconstruction of existing highway State Route 71, known as Project No. 0071. The boundaries of said part of an entire tract are described as follows:

Beginning at the Southeast corner of said Lot 2 (Note: said point of beginning is 64.01 feet perpendicularly distant northerly from the centerline of State Route 71 of said project at Engineer Station 291+30.25); and running thence N 89°25'49" W 107.34 ft along the southerly boundary line of said Lot 2 to the Southwest Corner of said Lot 2; thence N 00°11'21" E 6.04 ft along the westerly boundary line of said Lot 2; thence S 89°24'23" E 107.34 ft to the easterly boundary line of said Lot 2; thence S 00°11'21" W 5.99 ft to the point of beginning. The above described part of an entire tract contains 646 square feet or 0.015 acre.

(Note: All bearings in the above description are highway bearings. Rotate above bearings 0°14'21" counter clockwise to match property bearings.)

It is agreed hereby, that the Owners, by consent of the Utah Department of Transportation, shall have the right to lessen but not increase the vertical distance or grade of said cut and/or fill slopes, after said slopes are constructed on the above described lands at the expense of the Utah Department of Transportation, thereafter said Utah Department of Transportation is relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said slopes and appurtenant parts thereof.

After said irrigation facility is constructed on the above described part of an entire tract at the expense of the Utah Department of Transportation, said Utah Department of Transportation is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said public utilities and appurtenant parts thereof.

Parcel No. 0071:205:2E

A temporary easement, upon part of an entire tract of property situate in Lot 2 Early Holdings, L.L.C. (Amended) Subdivision, a subdivision in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 3 South, Range 1 East, Salt Lake Base and Meridian, in Salt Lake County, Utah, for the purpose of reconstructing a driveway incident to the reconstruction of existing highway State Route 71, known as Project No. 0071. The boundaries of said part of an entire tract of property are described as follows:


Beginning at a point approximately 6.04 ft N 00°11'21" E along the westerly boundary line of said Lot 2 from the Southwest Corner of said Lot 2 (Note: said point of beginning is 70.00 feet perpendicularly distant northerly from the centerline of said project as Engineer Station 290+22.86); and running thence N 00°11'21" E 23.55 ft along the westerly boundary line of said Lot 2; thence EAST 35.70 ft; thence SOUTH 23.92 ft; thence N 89°24'23" W 35.77 ft to the point of beginning. The above described parcel of land contains 848 square feet or 0.019 acre.

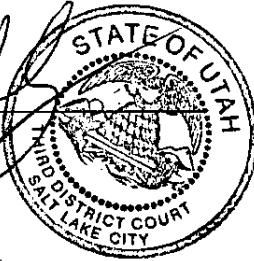
(Note: All bearings in the above description are highway bearings. Rotate above bearings 0°14'21" counter clockwise to match property bearings.)

This easement shall expire upon the completion of the construction of said project or 3 years after the date of the execution of the within instrument, whichever first occurs.

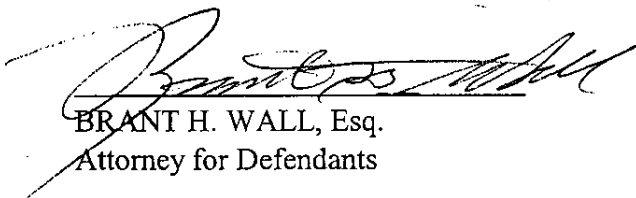
DATED this 2 day of June, 2006.

BY THE COURT:

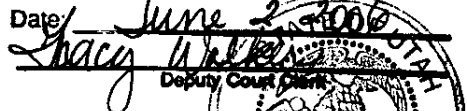

TYRONE E. MEDLEY
District Court Judge



APPROVED AS TO FORM


BRANT H. WALL, Esq.
Attorney for Defendants

I certify that this is a true copy of the docket text in this case on file in the Third District Court, Salt Lake County, State of Utah, as of this date.

Date: June 2, 2006

Stacy Walker
Deputy Court Clerk

