

7NF

The Order of the Court is stated below:

Dated: May 13, 2019
02:15:39 PM

/s/ RICHARD MCKELVIE
District Court Judge



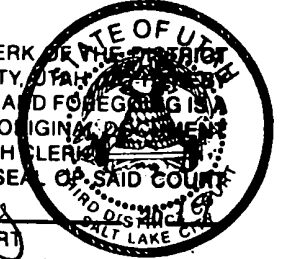
JODY K BURNETT (0499)
ROBERT C. KELLER (4861)
SNOW CHRISTENSEN & MARTINEAU
10 Exchange Place, Suite 1100
P. O. Box 45000
Salt Lake City, Utah 84145-5000
Telephone: (801) 521-9000
Facsimile: (801) 363-0400
jkb@scmlaw.com
rck@scmlaw.com

STATE OF UTAH)
COUNTY OF SALT LAKE) ss.

I, THE UNDERSIGNED, CLERK OF THE DISTRICT COURT OF SALT LAKE COUNTY, UTAH, CERTIFY THAT THE ANNEXED AND FORWARDED IS A TRUE AND FULL COPY OF AN ORIGINAL FILED ON FILE IN MY OFFICE AS SUCH CLERK.

WITNESS MY HAND AND SEAL OF SAID COUNTY THIS 13 DAY OF May 2019
CLERK OF THE DISTRICT COURT

BY: *Ally McKig* DEPUTY



Attorneys for and Counter-defendant Draper City

IN THE THIRD JUDICIAL DISTRICT COURT FOR SALT LAKE COUNTY

STATE OF UTAH

<p>DRAPER CITY, a municipal corporation, Plaintiff and Counter-defendant, v.</p>	<p>FINAL JUDGMENT OF CONDEMNATION</p>
<p>BOGCESS-DRAPER COMPANY, LLC, a Utah Limited Liability Company, Defendant and Counterclaimant.</p>	<p>Civil No. 110907816 Judge Richard McKelvie</p>

Based on the stipulation and joint motion of Plaintiff and Counter-defendant Draper City (the "City") and Defendant and Counterclaimant Boggess-Draper Company, LLC ("Boggess-Draper"), it now appearing that the parties have settled and resolved the issues raised by the pleadings relating to the property subject to this action and described by metes and bounds in Exhibit A attached hereto (the "Condemned Property"), and the City having agreed to tender all payments as required by law for the Condemned Property, inclusive of damages and interest, and Boggess-Draper having agreed to accept

12991499
05/20/2019 12:30 PM #0-00
Book - 10782 Pg - 5563-5569
RASHELLE HOEBS
RECORDER, SALT LAKE COUNTY, UTAH
DRAPER CITY RECORDER
1020 E PIONEER RD
DRAPER CITY UT 84020
BY: NUA, DEPUTY - 01 7 P.

such payments, and good cause appearing therefor, it is hereby:

ORDERED, ADJUDGED AND DECREED as follows:

1. In consideration and on condition of the payments and consideration described by the parties' Stipulation and Joint Motion for Final Judgment of Condemnation, the City is awarded a Final Judgment of Condemnation for acquisition of the Condemned Property for an authorized and necessary public purpose, namely the construction, operation and maintenance of a public roadway known as the Lone Peak Parkway ("the Project"). All other claims or causes of action between or among the parties to this action arising from the Project and the pleadings filed in this action, including any reserved claims, are dismissed, with prejudice and on the merits, each of the parties to bear their own attorneys' fees and costs.

2. Pursuant to this Final Judgment of Condemnation and the authority vested in this Court by Utah Code Ann. §§ 78B-6-501, *et seq.* and Utah R. Civ. P. 70, the Court enters judgment in favor of the City and its successors and assigns vesting title and interests to the Condemned Property as particularly described in the attached Exhibit A, which is incorporated herein by reference.

3. It is further **ORDERED** 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 fee estate and easement interests in the Condemned Property described in Exhibit A shall vest in the City for the purposes specified.

APPROVED AS TO FORM

MITCHELL BARLOW AND MANFIELD, P.C.

/s/ Robert Mansfield)

(Signed with Permission via E-Mail Dated May 1, 2019)

ROBERT E. MANSFIELD

MEGAN E. GARRETT

Attorneys for Defendant and Counterclaimant Boggess-Draper Company, LLC

End of Judgment Text.

The electronic signature of the Court and the date of entry are affixed to the first page of this Judgment.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the **FINAL JUDGMENT OF CONDEMNATION** in Case No. 110907816 before the Third Judicial District Court for Salt Lake County, State of Utah, was served upon the parties listed below via electronic notification on the 3rd day of May, 2019.

Counsel for Defendant

Robert E. Mansfield
Megan E. Garrett
MITCHELL, BARLOW & MANSFIELD
Boston Building
Nine Exchange Place, Suite 600
Salt Lake City, Utah 84111
rmansfield@mbmlawyers.com
mgarrett@mbmlawyers.com

/s/ Zachary B. Hoddy

Legal Assistant

EXHIBIT A

To Final Judgment of Condemnation

Fee Take Property Descriptions

Road North Parcel

All that land being part of the southeast quarter of Section 24, Township 3 South, Range 1 West, Salt Lake Base and Meridian more particularly described as follows:

Beginning at the south line of UDOT Parcel No. 15-7:26:A, Project No. SP-15-7(156)293; as dedicated in Final Judgment of Condemnation Recorded January 12, 2006 as Entry No. 9609606, in Book 9243, at Page 2743, official records, and the west line of the proposed Lone Peak Parkway, said point being S89°46'15"E Grid (NAD 83 (1994) Utah Central Zone) along the north line of said quarter section, a distance of 558.99 feet, and S00°00'00"W 130.40 feet from the northwest corner of the southeast quarter of said

Section 24, being marked by a county brass cap; thence S89°40'09" E 94.82 feet, to the east line of said Lone Peak Parkway, thence along said east line the following two (2) courses: 1) S00°40'43"E 202.04 feet, and 2) S03°42'42"E 182.93 feet, to the northwesterly line of the Jordan and Salt Lake Canal; thence along said northwesterly line the following two (2) courses: 1) S18°23'51"W 106.41 feet, and 2) S20°40'59"W 96.73 feet, to the west line of said Lone Peak Parkway; thence along said west line the following two (2) courses: 1) N03°42'42"W 369.61 feet, and 2) N04°46'51"W 208.48 feet, to the point of beginning.

Contains 0.92 acres, more or less.

Road South Parcel

All that land being part of the southeast quarter of Section 24, Township 3 South, Range 1 West, Salt Lake Base and Meridian more particularly described as follows:

Beginning at a point on the southeasterly line of the Jordan and Salt Lake Canal recorded in an instrument on March 11, 1882, in Book S, at Page 745, official records, and the east line of the proposed Lone Peak Parkway and the westerly line of the Utah Power and Light corridor, said point being S89°46'15"E Grid (NAD 83 (1994) Utah Central Zone) along the north line of said quarter section, a distance of 672.14 feet, and S00°00'00"W 703.09 feet from the northwest corner of the southeast quarter of said section 24, being marked by a county brass cap; thence along said east line of Lone Peak Parkway the following two (2) courses: 1) S00°03'46"W 34.94 feet; and 2) S09°07'42"E 422.60 feet, to the south line of the Boggess-Draper Co., LLC tract per warranty deed recorded August 7, 1998 as Entry No. 7050744, in Book 8059, at Page 1114 and the Bush and Gudgeall Record of Survey recorded as S99-09-0620; thence N89°46'16"W along said south line 74.83 feet, to the west line of said Lone Peak Parkway; thence N09°01'17"W along said west line 310.25 feet, to the southeasterly line of said canal; thence along said southeasterly line the following two (2) courses: 1) N23°15'13"E 32.43 feet, and 2) N20°40'59"E 123.65 feet, to the point of beginning.

Contains 0.64 acres, more or less.

Sliver Parcel

All that land being part of the southeast quarter of Section 24, Township 3 South, Range 1 West, Salt Lake Base and Meridian more particularly described as follows:

Beginning at a point on the proposed east line of Lone Peak Parkway, and southerly line of 11400th Street as shown on the UDOT Project No. SP-15-7(156)293, said point being S89°46'15"E Grid (NAD 83 (1994) Utah Central Zone) along the north line of said quarter section a distance of 558.99 feet, an S00°00'00"W 130.40 feet, and S89°40'09"E 94.82 feet, from the northwest corner of the southeast quarter of said Section 24, being marked by a county brass cap; thence along said southerly line the following two (2) courses: 1) N00°19'17"E 8.21 feet, and 2) N39°24'30"E 29.85 feet to the west line of the Utah Power & Light corridor conveyed by that certain warranty deed recorded July 2, 1975 as Entry No. 2722262, in Book 3905, at Page 165 official records;

thence S00°03'46"W along said west line 402.85 feet, to the northwesterly line of the Jordan Salt Lake Canal as conveyed in an instrument on March 11, 1882, Book S, Page 745 of official records; thence along said northwesterly line S18°23'51"W 13.68 feet, to the easterly line of said Lone Peak Parkway; thence along said easterly line the following two (2) courses: 1) N03°42'42"W 182.93 feet, and 2) N00°40'43"W 202.04 feet, to the point of beginning.

Contains 0.13 acres, more or less.

Perpetual Easement Property Descriptions

North Slope Perpetual Easement

A 15 foot wide easement for slope and public utility easement purposes, being part of the southeast quarter of Section 24, Township 3 South, Range 1 West, Salt Lake Base and Meridian more particularly described as follows:

Beginning at the south line of UDOT Parcel No. 15-7:26:A, Project No. SP-15-7(156)293, as dedicated in final judgment of condemnation recorded January 12, 2006 as Entry No. 9609606, in Book 9243, at Page 2743, official records, and the west line of the proposed Lone Peak Parkway, said point being S89°46'15"E Grid (NAD 83 (1994) Utah Central Zone) along the north line of said quarter section, a distance of 558.99 feet, and S00°00'00"W 130.40 feet from the northwest corner of the southeast quarter of said Section 24, being marked by a county brass cap; thence along said west line the following two (2) courses: 1) S04°46'51"E 208.48 feet, and 2) S03°42'42"E 369.61 feet, to the northwesterly line of the Jordan and Salt Lake Canal conveyed in an instrument on March 11, 1882, in Book S, at Page 745, official records; thence S20°40'59"W along said line 36.32 feet; thence N03°42'42" W 402.54 feet; thence N04°46'51"W 228.00 feet, to the south line of said UDOT parcel; thence S42°07'21"E along said line 24.73 feet, to the point of beginning.

Contains 0.21 acres, more or less.

South Slope Perpetual Easement

A 15 foot wide easement for slope and public utility easement purposes, being part of the southeast quarter of Section 24, Township 3 South, Range 1 West, Salt Lake Base and Meridian more particularly described as follows:

Beginning at a point on the south line of the Boggess-Draper Co., LLC tract, per warranty deed recorded August 7, 1998 as Entry No. 7050744, in Book 8059, at Page 1114 and the Bush and Guggell Record of Survey recorded as S99-09-0620, said point being S89°46'15"E Grid (NAD 83 (1994) Utah Central Zone) along the north line of said quarter section, a distance of 664.31 feet, and S00°00'00"W 1155.01 feet from the northwest corner of the southeast quarter of said Section 24, being marked by a county brass cap; thence N89°46'16"W along said line 15.20 feet; thence N09°01'17"W 284.06 feet, to the southeasterly line of the Jordan and Salt Lake Canal conveyed in an instrument on March 11, 1882, in Book S, at Page 745, official records; thence

N23°15'13"E along said line 28.09 feet to the west line of the proposed Lone Peak Parkway; thence S09°01'17"E along said line 310.25 feet, to the point of beginning.

Contains 0.10 acres, more or less.

Temporary Construction Easement Descriptions

AREA 1

A parcel of land situate in the Southeast Quarter of Section 24, Township 3 South, Range 1 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point on the west line of Lone Peak Parkway said point being South 89°46'13" East 614.52 feet along the quarter section line and South 855.84 feet from the Center of Section 24, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and running; thence South 9°01'32" East 303.12 feet along the west line of said Lone Peak Parkway; thence North 89°46'13" West 272.98 feet; thence North 42°57'02" East 278.65 feet; thence North 20°39'34" East 100.80 feet to the point of beginning.

Contains 35,507 square feet.

AREA 2

A parcel of land situate in the Southeast Quarter of Section 24, Township 3 South, Range 1 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point on the west line of Lone Peak Parkway said point being South 89°46'13" East 534.34 feet along the quarter section line and South 1.03.40 feet from the Center of Section 24, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and running; thence South 42°07'52" East 36.57 feet along the west line of said Lone Peak Parkway; thence South 89°40'09" East 2.02 feet along the west line of said Lone Peak Parkway; thence South 3°41'50" East 582.40 feet along the west line of said Lone Peak Parkway; thence South 20°39'34" West 217.27 feet; thence South 42°57'02" West 172.57 feet; thence North 47°02'58" West 20.60 feet; thence North 39°19'03" East 181.02 feet; thence North 18°38'30" East 92.57 feet; thence North 7°25'29" East 117.19 feet; thence North 2°59'48" East 130.69 feet; thence North 5°37'59" East 89.77 feet; thence North 6°32'43" West 83.11 feet; thence North 5°53'33" West 94.43 feet; thence North 3°20'06" West 183.90 feet to the point of beginning.

Contains 28,683 square feet.

[End of Exhibit A]