

Final Judgment of Condemnation and Withdrawal of Funds



060700507 OAKSTONE LC

**FILED**  
JUN 27 2008  
SECOND  
DISTRICT COURT

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RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
12/01/2008 11:19 AM  
FEE \$0.00 Pgs: 5  
DEPT REC'D FOR UTAH TRANSIT AUTHORITY

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

UTAH DEPARTMENT OF  
TRANSPORTATION,

Plaintiff,

vs.

OAKSTONE L.C., A Utah Limited Liability  
Company, FIRST TRUST NATIONAL  
ASSOCIATION d.b.a. U.S. BANK  
NATIONAL ASSOCIATION, A Minnesota  
Corporation, MOUNTAIN FUEL SUPPLY  
COMPANY d.b.a. QUESTAR GAS  
COMPANY,

Defendants.

**FINAL JUDGMENT OF  
CONDEMNATION AND  
WITHDRAWAL OF FUNDS**

Project No.: SLC/WC Commuter Rail  
Parcel Nos. CLD-3, CLD-3:E  
Tax Id No.: 12-066-0057

Civil No. 060700507

Judge Michael G. Allphin

The Court, having reviewed the Stipulation and Motion for Final Judgment of Condemnation and Withdrawal of Funds executed by Plaintiff, Utah Department of Transportation ("UDOT"), and Defendants, Oakstone, L.C., a Utah Limited Liability Company ("Oakstone"), and First Trust National Association d.b.a. U.S. Bank National Association, a Minnesota

Corporation ("U.S. Bank"), 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 at paragraph No. 4 ("Subject Property") 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 the Clerk of this Court immediately pay to Oakstone the sum of \$50,925.00 previously deposited into the Court by UDOT in this matter; the check made payable to Oakstone, L.C. should be mailed to the following address: Dennis K. Poole 4543 South 700 East #200 Salt Lake City, Utah 84107.
4. That a copy of this Final Judgment of Condemnation and Withdrawal of Funds shall be filed with the County Recorder of Davis County, State of Utah, and thereupon the rights and interests of Defendants in and to the following described property, situated in Davis County, State of Utah, shall vest in the Plaintiff, Utah Department of Transportation, 4501 South 2700 West, Salt Lake City, Utah 84119:

**Parcel No. CLD-3**

A PARCEL OF LAND IN FEE FOR THE "WEBER COUNTY TO SALT LAKE COMMUTER RAIL", A UTAH TRANSIT AUTHORITY PROJECT, BEING PART OF THE GRANTOR'S PROPERTY DEFINED IN THAT CERTAIN SPECIAL WARRANTY DEED, RECORDED DECEMBER 12, 1997, AS ENTRY 1367107, BOOK 2214, PAGE 1115, SITUATE IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF THE OREGON SHORT LINE RAILROAD, AND AT THE SOUTHWEST CORNER OF GRANTOR'S PROPERTY, SAID POINT BEING NORTH 89°46'46" WEST 717.26 FEET ALONG THE SECTION LINE TO SAID EASTERLY RIGHT OF WAY LINE AND NORTH 29°52'27" WEST 781.64 FEET ALONG SAID EASTERLY RIGHT OF WAY LINE FROM THE SOUTHEAST CORNER OF SAID SECTION 12; THENCE NORTH 29°52'27" WEST 428.45 FEET ALONG SAID EASTERLY RIGHT OF WAY LINE TO THE GRANTOR'S WEST PROPERTY CORNER; THENCE NORTH 00°39'00" WEST 14.11 FEET ALONG THE GRANTOR'S WEST PROPERTY LINE; THENCE SOUTH 30°14'12" EAST 446.40 FEET TO THE GRANTOR'S SOUTH PROPERTY LINE; THENCE NORTH 89°47'33" WEST 11.23 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PART OF THE GRANTOR'S PROPERTY CONTAINS 3636 SQUARE FEET OR 0.0835 ACRES.

**Parcel No. CLD-3:E**

A perpetual easement upon part of the Grantor's property in Davis County, State of Utah, for the purpose of constructing and maintaining thereon, a retaining wall structure, incident to the construction and grading of the "Weber County To Salt Lake Commuter Rail", a Utah Transit Authority Project. The boundary of said part of the Grantor's property is described as follows:

PART OF THE GRANTOR'S PROPERTY DEFINED IN THAT CERTAIN SPECIAL WARRANTY DEED, RECORDED DECEMBER 12, 1997, AS ENTRY 1367107, BOOK 2214, PAGE 1115, SITUATE IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF THE GRANTOR'S PROPERTY, SAID POINT BEING NORTH 89°46'46" WEST 717.26 FEET ALONG THE SECTION LINE TO THE EASTERLY RIGHT OF WAY LINE OF THE OREGON SHORT LINE RAILROAD AND NORTH 29°52'27" WEST 781.64 FEET ALONG SAID EASTERLY RIGHT OF WAY LINE TO THE SOUTHWEST CORNER OF THE GRANTOR'S PROPERTY AND SOUTH 89°47'33" EAST 11.23 FEET ALONG THE SOUTH LINE OF THE GRANTOR'S PROPERTY FROM THE SOUTHEAST CORNER OF SAID SECTION 12; THENCE NORTH 30°14'12" WEST 446.40 FEET TO THE GRANTOR'S WEST PROPERTY LINE; THENCE NORTH 00°39'00" WEST 31.96 FEET ALONG SAID WEST LINE; THENCE SOUTH 30°14'05" EAST 483.46 FEET TO THE GRANTOR'S SOUTH PROPERTY LINE; THENCE

NORTH 89°47'33" WEST 18.29 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PART OF THE GRANTOR'S PROPERTY CONTAINS 7333 SQUARE FEET OR 0.1683 ACRES.

SO ORDERED this 17<sup>th</sup> day of June, 2008.

BY THE COURT:

Michael G. Allphin  
MICHAEL G. ALLPHIN  
Second Judicial District Court Judge

APPROVED AS TO FORM:

Dennis K. Poole  
DENNIS K. POOLE  
Attorney for Defendant, Oakstone

APPROVED AS TO FORM:

Milo Steven Marsden  
MILO STEVEN MARSDEN  
Attorney for Defendant, U.S. Bank

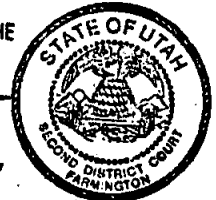
STATE OF UTAH }  
COUNTY OF DAVIS } SS.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE ORIGINAL ON FILE IN MY OFFICE.

DATED THIS 30 DAY OF June, 2008  
ALYSON E. BROWN  
CLERK OF THE COURT

BY Chris Jain DEPUTY

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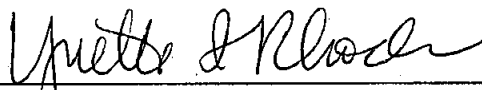


CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **FINAL JUDGMENT OF CONDEMNATION AND WITHDRAWAL OF FUNDS** was mailed, first class, pre-paid postage on the 11<sup>th</sup> day of June, 2008 to the following:

Dennis K. Poole  
4543 South 700 East #200  
Salt Lake City, Utah 84107

Milo Steven Marsden  
Patricia C. Staible  
**DORSEY, WHITNEY, L.L.P.**  
136 South Main, Suite 1000  
Salt Lake City, Utah 84101

  
\_\_\_\_\_  
Legal Secretary