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FIL... COURT
District

APR 07 2000

COUNTY

Deputy Clerk

IMAGED

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

UTAH DEPARTMENT OF
TRANSPORTATION,

Plaintiffs,

vs.

WATERFORD INSTITUTE, INC., a
Delaware Corporation; SALT LAKE
COUNTY TREASURER; FIRST
CHARTER SAVINGS BANK, d/b/a
HERITAGE SAVINGS BANK,
Beneficiary; WAYNE G. PETTY, Trustee;
ZIONS FIRST NATIONAL BANK, Trustee
and Beneficiary; GUARDIAN TITLE,
Trustee; JERRY KEIL HUIH, a/k/a
JERRY K. HUIH, Successor Trustee of the
David H. Huish Living Trust, Beneficiary;
FOUNDERS TITLE COMPANY, Trustee;
SALT LAKE COUNTY WATER
CONSERVANCY DISTRICT,

Defendants.

FINAL ORDER OF CONDEMNATION

Project NH-0209(6)11

Parcel Nos. 14, 14:E, 18, 18:E, 21,
21:E, 21:2E, 29, 29:E,
29:2E

Civil No. 970906891CD

Judge David S. Young

Final Order of Condemnation @J



970906891 JD1247876 WATERFORD INSTI Jv

BK8358PG5986

It appearing to the Court and the Court now finds that on the ____ day of _____, 2000, this Court entered its Judgment on Stipulation in the above-entitled proceeding; and

It appearing to the Court and the Court now finds that pursuant to the law and the Judgment, the Plaintiff did pay Judgment to the Defendant, Waterford Institute, Inc., the sum of \$390,000.00, which sum includes any and all interest required by Judgment to be paid. Any remaining amount of the Judgment that has been paid into Court and not previously been withdrawn, is released to the Defendant; and

It further appearing to the Court that the Plaintiff has made all payments as required by law and order of this Court, no bond was required, and being fully advised,

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the parcels of land identified as Parcel Nos. 14, 14:E, 18, 18:E, 21, 21:E, 21:2E, 29, 29:E, and 29:2E are hereby taken and condemned in fee simple title for highway purposes, and described as follows:

Parcel No. 0209:14

A parcel of land in fee for the widening of a highway known as Project No. 0209, being part of an entire tract of property, situate in the NW¼ NW¼ of Section 9, T. 3 S., R. 1 E., SLB&M. The boundaries of said parcel of land are described as follows:

Beginning at the northwesterly corner of said entire tract which point is 951.40 feet N. 89°54'35" E. from the Northwest Quarter of said Section 9; and running thence S. 1°58'00" W. 72.55 feet along the westerly boundary line of said entire tract to a point 53.00 feet radially

distant southerly from the centerline of said project; thence Easterly 177.72 feet along the arc of a 12,053.00-foot radius curve to the left (chord bears S. 89°57'08"E. 177.72 feet); thence S. 89°57'08" E. 54.00 feet along a line parallel to said centerline to the easterly boundary line of said entire tract; thence N. 0°13'23" E. 73.00 feet along said easterly boundary line to the Northeasterly corner of said entire tract; thence S. 89°54'35" W. 229.6 feet along said northerly boundary line to the point of beginning.

The above described parcel of land contains 0.386 acre more or less, of which 0.279 acre is now occupied by the existing highway. Balance of 4656 square feet in area or 0.107 acre.

(Note: Rotate above bearings 0°14'14" clockwise to equal highway bearings.)

Parcel No. 0209:14:E

A temporary easement, upon part of an entire tract of property, situate in the NW¼ NW¼ of Section 9, T. 3 S., R.1 E., SLB&M, in Salt Lake County, Utah, for the purpose of constructing thereon cut and/or fill slopes and appurtenant parts thereof to facilitate the widening of a highway known as Project No. 0209. The boundaries of said part of an entire tract are described as follows:

Beginning at a point in the westerly boundary line of said entire tract, which is 951.40 feet N. 89°54'35" E. and 72.55 feet S. 01°58'00" W. from the Northwest corner of said Section 9; thence S. 01°58'00" W. 40.00 feet along said westerly boundary line to a point 93.0 feet radially distant southerly from the center line of said project; thence S. 89°18'45" E. 102.00 feet; thence

N. 0° 26'59" E. 20.00 feet to a point 73.0 feet radially distant southerly from the centerline of said project; thence S. 89°48'35" E. 131.00 feet to the easterly boundary line of said entire tract; thence N. 0°08'46" E. 20.0 feet along said easterly boundary line to the southerly right of way line of said project; thence N. 89°57'08" W. 54.00 feet along said southerly right of way line; thence Westerly 177.72 feet along the arc of a 12,053.00-foot radius curve to the right and said southerly right of way line (chord N. 89°57'08" W. 177.72 feet.) to the point of beginning.

The above described temporary easement contains 6724 square feet in area or 0.154 acre. (Note: Rotate above bearings 0°14'14" clockwise to equal highway bearings.)

This easement shall expire upon completion of the construction of said project or 5 years after the date of the execution of the within instrument, whichever first occurs.

After said cut and/or fill slopes and appurtenant parts thereof are 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 cost, damages or maintenance charges which may accrue against said cut and/or fill slopes and appurtenant parts thereof

Parcel No. 0209:18

A parcel of land in fee for the widening of a highway known as Project No. 0209, being part of an entire tract of property, situate in the NW¼ NW¼ of Section 9, T. 3 S., R. 1 E., SLB&M. The boundaries of said parcel of land are described as follows:

Beginning at the Northeasterly corner of said entire tract which point is 53.00 feet South from the Northeast corner of the Northwest Quarter of the Northwest Quarter of said Section 9; and running thence South 20.00 feet along the easterly boundary line of said entire tract to a point 53.00 feet perpendicularly distant southerly from the centerline of said project; thence S. 89°56'16" W. 132.00 feet along a line parallel to said centerline to the westerly boundary line of said entire tract; thence North 20.00 feet along said westerly boundary line to the Northwesterly corner of said entire tract; thence East 132.00 feet along the northerly boundary line of said entire tract to the point of beginning.

The above described parcel of land contains 2631 square feet in area or 0.060 acre.

(Note: Rotate above bearings 0°08'49" clockwise to equal highway bearings.)

Parcel No. 0209:18:E

A temporary easement, upon part of an entire tract of property, situate in the NW¼ NW¼ of Section 9, T. 3 S., R. 1 E., SLB&M, in Salt Lake County, Utah, for the purpose of constructing thereon cut and/or fill slopes and appurtenant parts thereof to facilitate the widening of a highway known as Project No. 0209. The boundaries of said part of an entire tract are described as follows:

Beginning at a point in the easterly boundary line of said entire tract which is 73.00 feet South from the Northeast corner of the Northwest Quarter of the Northwest Quarter of said Section 9; thence South 20.00 feet along said easterly boundary line to a point 93.0 feet

perpendicularly distant southerly from the center line of said project; thence S. 89°56'16" W. 132.0 feet along a line parallel to said center line to the westerly boundary line of said entire tract; thence North 20.00 feet along said westerly boundary line to a point 53.00 feet perpendicularly distant southerly from said center line; thence N. 89°56'16" E. 132.00 feet along a line parallel to said center line to the point of beginning.

The above described temporary easement contains 2640 square feet in area or 0.061 acre. (Note: Rotate above bearings 0°08'49" clockwise to equal highway bearings.)

This easement shall expire upon completion of the construction of said project or 5 years after the date of the execution of the within instrument, whichever first occurs.

After said cut and/or fill slopes and appurtenant parts thereof are 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 cost, damages or maintenance charges which may accrue against said cut and/or fill slopes and appurtenant parts thereof

Parcel No. 0209:21

A parcel of land in fee for the widening of a highway known as Project No. 0209, being part of an entire tract of property, situate in the NE¼ NW¼ of Section 9, T. 3 S., R. 1 E., SLB&M. The boundaries of said parcel of land are described as follows:

Beginning at the Northwesterly corner of said entire tract which point is 1312.37 feet N.89°53'28"E. from the Northwest Corner of said Section 9; thence S.0°13'23"W. 33.00 feet along the westerly boundary line to a southwesterly corner of said entire tract; thence N.89°53'28"E. 50.00 feet to an interior corner of said entire tract; thence S.0°13'23"W. 40.00 feet to a point 53.00 feet perpendicularly distant southerly from the centerline of said project; thence N.89°49'44"E. 619.77 feet along a line parallel to said centerline to the easterly boundary line of said entire tract; thence N.0°13'23"E. 72.38 feet along said easterly boundary line to the northeasterly corner of said entire tract; thence S.89°53'28"W. 669.77 feet along the northerly boundary line of said entire tract to the point of beginning.

The above described parcel of land contains 1.073 acres of which 0.815 acre is now occupied by the existing highway. Balance of 11,238 square feet in area or 0.258 acre.

(Note: Rotate above bearings 0°15'21" clockwise to equal highway bearings.)

Parcel No. 0209:21:E

A temporary construction easement, upon part of an entire tract of property, situate in the NE¼ NW¼ of Section 9, T. 3 S., R.1 E., SLB&M, in Salt Lake County, Utah, for the purpose of constructing thereon cut and/or fill slopes and appurtenant parts thereof to facilitate the widening of a highway known as Project No. 0209. The boundaries of said part of an entire tract are described as follows:

Beginning at the intersection of the Westerly boundary line of said entire tract and the southerly right of way line of said project, which point is 1312.37 feet N.89°53'28"E. And 33.00 feet S.0°13'23"W. and 50.00 feet N.89°53'28"E. and 40.00 feet S.0°13'23"W. from the Northwest corner of said Section 9, which point is also 53.00 feet perpendicularly distant southerly from the centerline of said project opposite Engineers Station 113+62.53; thence S.0°13'23"W. 20.00 feet along the westerly boundary line of said entire tract to a point 73.00 feet perpendicularly distant southerly from said centerline; thence N.89°49'44"E. 619.77 feet along a line parallel to said centerline to the easterly boundary line of said entire tract; thence N.0°13'23"E. 15.00 feet along said easterly boundary line to a point 58.00 feet perpendicularly distant southerly from said centerline at Engineers Station 119+81.83, thence S.89°49'44"W. 493.62 feet along a line parallel to said centerline to a point opposite Engineers Station 114+88.25; thence N.0°10'16"W. 5.00 feet to the southerly right of way line of said project opposite Engineers Station 114+88.32; thence along said right of way line S.89°49'44"W. 126.12 feet to the point of beginning

The above described temporary easement contains 9926 Square feet in area or 0.23 acre.

Rotate the above bearings 0°15'21" clockwise to equal highway bearings.

This easement shall expire upon completion of the construction of said project or 5 years after the date of the execution of the within instrument, whichever first occurs.

After said cut and/or fill slopes and appurtenant parts thereof are 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 cost, damages or maintenance charges which may accrue against said cut and/or fill slopes and appurtenant parts thereof.

Parcel No. 0209:21:2E

A perpetual easement, upon part of an entire tract of property, situate in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 9, T.3S., R.1E., SLB&M., in Salt Lake County, Utah, for the purpose of constructing thereon a retaining wall and appurtenant parts thereof to facilitate the widening of a highway known as Project No. 0209. The boundaries of said easement are described as follows:

Beginning at a point in the southerly right of way line of said project, opposite Engineers Station 119+81.8, which point is 1312.37 feet N.89°53'28"E. and 33.00 feet S.0°13'23"W. and 50.00 feet N.89°53'28"E. and 40.00 feet S.0°13'23"W. and 126.12 feet N.89°49'44"E. from the northwest corner of said Section 9; thence S.0°10'16"E. 5.00 feet to a point 58.00 feet perpendicularly distant southerly from said Centerline; thence N.89°49'44"E. 493.62 feet along a line parallel to said centerline to the easterly boundary line of said entire tract; thence N.0°13'23"E. 5.00 feet along said easterly boundary line to the southerly right of way line of said project; thence along said right of way line S.89°49'44"W. 493.65 feet to the point of beginning.

The above described perpetual easement contains 2468 square feet in area or 0.06 acre.

Rotate the above bearings $0^{\circ}15'21''$ clockwise to equal highway bearings.

Parcel No. 0209:29

A parcel of land in fee for the widening of a highway known as Project No. 0209, being part of an entire tract of property, situate in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, T. 3 S., R. 1 E., SLB&M. The boundaries of said parcel of land are described as follows:

Beginning at a point in the southerly right of way line of 9400 South Street at the northwesterly corner of said entire tract which point is 1982.14 feet N. $89^{\circ}53'28''$ E. and 33.00 feet S. $0^{\circ}13'23''$ W. from the Northwest corner of said Section 9; and running thence S. $0^{\circ}13'23''$ W. 39.34 feet along the westerly boundary line of said entire tract to a point 53.00 feet perpendicularly distant southerly from the centerline of said project; thence N. $89^{\circ}49'44''$ E. 590.98 feet along a line parallel to said center line; thence S. $45^{\circ}55'41''$ E. 28.44 feet to the westerly right of way line of 1700 East Street; thence N. $0^{\circ}13'23''$ E. 58.51 feet along said westerly right of way line to the northeasterly corner of said entire tract; thence S. $89^{\circ}53'28''$ W. 611.48 feet along the northerly boundary line of said entire tract to the point of beginning.

The above described parcel of land contains 24,049 square feet in area or 0.552 acre, more or less.

(Note: Rotate above bearings $0^{\circ}15'21''$ clockwise to equal highway bearings.)

Parcel No. 0209:29:E

A perpetual slope easement, upon part of an entire tract of property, situate in the NE¼ NW¼ of Section 9, T. 3 S., R. 1 E., SLB&M, in Salt Lake County, Utah, for the purpose of constructing thereon cut and/or fill slopes and appurtenant parts thereof to facilitate the widening of a highway known as Project No. 0209. The boundaries of said easement are described as follows:

Beginning at the intersection of the westerly boundary line of said entire tract and the southerly right of way line of said project, which point is 1982.14 feet N. 89°53'28" E. and 72.38 feet S. 0°13'23" W. from the Northwest corner of said Section 9, which point is also opposite Engineers Station 119+81.87; thence S. 0°13'23" W. 15.00 feet along the westerly boundary line of said tract to a point 68.00 feet perpendicularly distant southerly from the center line of said project; thence N. 89°49'44" E. 606.48 feet along a line parallel to said center line to a point opposite Engineers Station 125+88.25; thence N. 45°55'41" W. 21.50 feet to the southerly right of way line of said project; thence S. 89°49'44" W. 590.98 feet along said right of way line to the point of beginning.

The above perpetual easement contains 8981 square feet in area or 0.21 acre.

After said cut and/or fill slopes and appurtenant parts thereof are 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

cost, damages or maintenance charges which may accrue against said cut and/or fill slopes and appurtenant parts thereof

Rotate the above bearings $0^{\circ}15'21''$ clockwise to equal highway bearings.

Parcel No. 0209:29:2E

A temporary construction easement, upon part of an entire tract of property, situate in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 9, T.3S., R.1E., SLB&M, in Salt Lake County, Utah, for the purpose of constructing thereon an access into an existing parking area and appurtenant parts thereof to facilitate the widening of a highway known as Project No. 0209. The boundaries of said easement are described as follows:

Beginning at the southerly line of a perpetual slope easement, which point is 2230.26 feet N. $89^{\circ}53'28''$ E. and 87.07 feet S. $0^{\circ}13'23''$ W. from the Northwest corner of said Section 9, which point is also 68.00 feet perpendicularly distant southerly from the centerline of said project at Engineers Station 122+30; thence S. $0^{\circ}10'16''$ W. 25.00 feet; thence N. $89^{\circ}49'44''$ E. 75.00 feet along a line parallel to said centerline to a point opposite Engineers Station 123+05; thence N. $0^{\circ}10'16''$ E. 25.00 feet to the south line of said easement; thence S. $89^{\circ}49'44''$ W. 75.00 feet along the south line of said easement to the point of beginning.

The above described easement contains 1875 square feet or 0.04 acres.

This easement shall expire upon completion of the construction of said project or 5 years after the date of the execution of the within instrument, whichever first occurs.

After said construction and appurtenant parts thereof are 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 cost, damages or maintenance charges which may accrue against said entrance and appurtenant parts thereof.

Rotate the above bearings 0°15'21" clockwise to equal highway bearings.

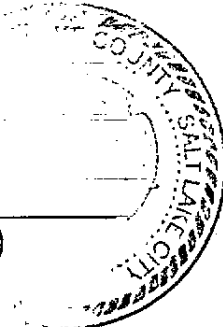
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said use is a public use and a use authorized by law.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a copy of this Final Order of Condemnation be filed with the County Recorder of Salt Lake County, State of Utah, and thereupon the property interests referred to and set forth, shall vest in the Plaintiff, Utah Department of Transportation, 4501 South 2700 West, Salt Lake City, Utah 84119.

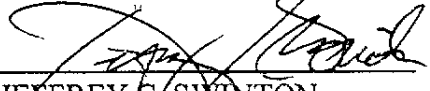
DATED this 7th day of April, 2000.

BY THE COURT:

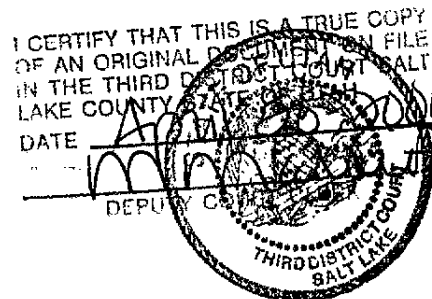

DAVID S. YOUNG
District Court Judge



APPROVED AS TO FORM:


JEFFREY C. SWINTON
Attorney for Defendant
Waterford Institute, Inc.

Final Order of Condemnation
Civil No. 970906891CD



CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing FINAL ORDER OF CONDEMNATION was served by mailing the same, first class postage prepaid, this

29 day of ~~February~~, 2000, to the following:

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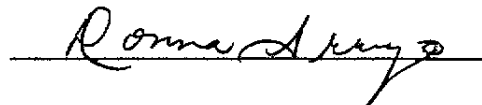
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7628368
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SLC UT 84114-8440
BY: ZJM, DEPUTY - WI 15 P.