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**SEP 27 2007**

**FILED**  
**JUL - 2 2007**  
**SECOND**  
**DISTRICT COURT**

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RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
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DEPT REC'D FOR UTAH DEPT OF TRANSPORTATION

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

**UTAH DEPARTMENT OF**  
**TRANSPORTATION,**

**Plaintiff,**

vs.

**FLYING U PROPERTIES II, LC, and**  
**PIONEER LEGACY PROPERTIES II, LC,**

**Defendants.**

**FINAL JUDGMENT OF**  
**CONDEMNATION**

Project No. SP-0067(1)0  
Parcel No. 0067:253:A  
Affecting Tax Id. No. 08-052-0195

Civil No. 010700301

Judge Darwin C. Hansen

The Court, having reviewed the Stipulation for Judgment entered into by Plaintiff, Utah Department of Transportation ("UDOT"), and Defendants, Flying U Properties II, LC, and Pioneer Legacy Properties II, LC ("Owners"), and being fully advised in the premises and for good cause appearing,

Final Judgment of Condemnation



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**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 a copy of this Final Judgment of Condemnation shall be filed with the County Recorder of Davis County, State of Utah, and thereupon the rights and interests of the Owners 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. 0067:253:A**

A parcel of land in fee for the widening of an expressway State Route 89 known as Project No. 0067, being part of an entire tract of property, situate in the SE¼NW¼ of Section 13, T. 3 N., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning in the easterly highway right of way and limited-access line of said existing expressway at the Northwest corner of said entire tract, which point is 193.129 m (633.63 ft.) N 0°07'38" E along the Quarter Section line and 287.606 m (943.59 ft.) S 89°31'23" W (deed of record S 88°59'55" W) from the center of said Section 13 as monumented with a county Brass Cap; and running thence S 21°24'40" E (deed of record S 21°12' E) 84.795 m (278.20 ft.), more or less, along said easterly highway right of way and limited-access line to a northeasterly frontage road right of way line of record; thence Southeasterly 34.171 m (112.11 ft.) along said northeasterly frontage road right of way line, along the arc of a 22.860 m (75.00 ft.) radius curve to the right (Note: Chord to said curve bears S 64°09'34" E for a distance of 31.077 m (101.96 ft.)); thence S 21°30'58" E 5.377 m (17.64 ft.); thence S 89°14'22" E (deed of record S 89°06' E) 14.241 m (46.72 ft.) along the southerly boundary line of said entire tract; thence N 17°23'24" W 10.560 m (34.65 ft.); thence N 67°59'33" W 14.319 m (46.98 ft.) to a point designated as Point "A"; thence N 18°36'36" W 77.487 m (254.22 ft.); thence S 67°56'32" W 6.372 m (20.91 ft.);

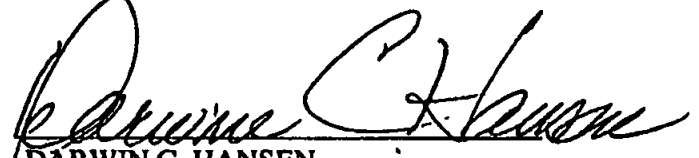
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thence Northerly 12.300 m (40.35 ft.), more or less, along the arc of a 1,509.848 m (4,953.57 ft.) radius curve to the left (Note: Chord to said curve bears N 22°10'32" W for a distance of 12.300 m (40.35 ft.)) to the northerly boundary line of said entire tract to a point designated as Point "B"; thence S 89°31'23" W (deed of record S 88°59'55" W) 23.429 m (76.87 ft.), more or less, along said northerly boundary line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation. The above described parcel of land contains 2,438.6 square meters (0.603 acre), more or less.

To enable the Utah Department of Transportation to construct and maintain a public highway as an expressway, as contemplated by Title 72, Chapter 6, Section 117, Utah Code Annotated, 1998, as amended, the Owners of said entire tract of property hereby release and relinquish to said Utah Department of Transportation any and all rights appurtenant to the remaining property of said Owners by reason of the location thereof with reference to said highway, including, without limiting the foregoing, all rights of ingress to or egress from said Owner's remaining property contiguous to the lands hereby conveyed to or from said highway between designated Point "A" and Point "B".

DATED this 27 day of June 2007.

BY THE COURT:

  
DARWIN C. HANSEN  
District Court Judge

APPROVED AS TO FORM:

  
MATTHEW V. HESS  
Attorney for Defendants

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 24 DAY OF Sept 20 07

ALYSON E. BROWN  
CLERK OF THE COURT

BY Alyson Brown DEPUTY

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