

The Order of the Court is stated below:

Dated: October 07, 2016
08:42:33 AM

/s/ Su Chon
District Court Judge

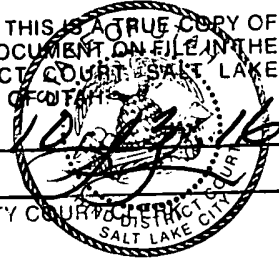


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I CERTIFY THAT THIS IS A TRUE COPY OF
AN ORIGINAL DOCUMENT ON FILE IN THE
THIRD DISTRICT COURT, SALT LAKE
COUNTY, STATE OF UTAH.

DATE: _____

DEPUTY CLERK OF DISTRICT COURT
SALT LAKE COUNTY



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

UTAH DEPARTMENT OF
TRANSPORTATION,

Plaintiff,

vs.

CAMDEN, L.C., a Utah Limited Liability
Company; WORLD ENTERPRISES, a
Nevada Corporation; and HP
MANAGEMENT GROUP, LLC, dba
HOPPERS GRILL AND BREWING
COMPANY MIDVALE,

Defendants.

**FINAL JUDGMENT OF
CONDEMNATION**

Project No. F-0071(40)13

Parcel Nos. 108, 108:AC, 108:E

Affecting Tax Id. Nos. 22-29-104-006, 22-29-
104-007, and 22-29-104-008

Civil No. 160902090

Judge Su Chon

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GARY W. OTT

RECORDER, SALT LAKE COUNTY, UTAH

UT ST-DEPT OF TRANSPORTATION

BOX 148420 ATT: JASON HENLEY

S LC UT 84114-8420

BY: EEA, DEPUTY - MA 8 P.

The Court, having reviewed the Stipulation and Joint Motion for Entry of Final Judgment of Condemnation between Plaintiff, Utah Department of Transportation ("UDOT"), and Defendants, Camden, L.C., ("Camden"), World Enterprises, Inc. ("World") and HP Management Group, LLC dba Hoppers Grill and Brewing Company ("Hoppers") (Camden and World are referred to collectively as "Owners" and Hoppers is referred to as "Tenant" herein), and being fully advised in the premises and for good cause appearing,

IT IS HEREBY ORDERED ADJUDGED AND DECREED:

1. The interests of the Owners and Tenant in the parcel of land hereinafter described in Paragraph No. 10 ("Subject Property") are hereby condemned and acquired by UDOT for highway purposes.
2. The purpose of said condemnation is a public use authorized by law and the Subject Property is necessary to that public use.
3. Pursuant to Utah Code Ann. § 78B-6-511, the Court finds that just compensation for the Owners' and Tenant's interest in the Subject Property for purposes of this condemnation proceeding is \$76,000.00, including any and all damages as may be recoverable by law by reason of UDOT's acquisition of the Subject Property, including all claims existing prior to the date hereof for damages of any nature arising out of the construction of the highway project for which the Subject Property is being acquired, and for any and all other claims arising out of this action, including interest, attorney fees, and costs.
4. Pursuant to Utah Code Ann. § 78B-6-511, the Court finds that just compensation for the Defendant Camden, L.C.'s interest in the Subject Property for purposes of this condemnation proceeding is \$38,000.00, including any and all damages as may be recoverable by law by reason of UDOT's acquisition of the Subject Property, including all claims existing prior to the date hereof for



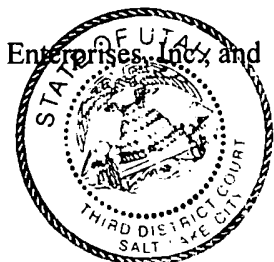
damages of any nature arising out of the construction of the highway project for which the Subject Property is being acquired, and for any and all other claims arising out of this action, including interest, attorney fees, and costs.

5. Pursuant to Utah Code Ann. § 78B-6-511, the Court finds that just compensation for the Defendant World Enterprises, Inc.'s interest in the Subject Property for purposes of this condemnation proceeding is \$38,000.00, including any and all damages as may be recoverable by law by reason of UDOT's acquisition of the Subject Property, including all claims existing prior to the date hereof for damages of any nature arising out of the construction of the highway project for which the Subject Property is being acquired, and for any and all other claims arising out of this action, including interest, attorney fees, and costs.

6. The Court finds the interest of Defendant HP Management Group, LLC, dba Hoppers Grill and Brewing Company to be "de minimis" and based on the party's Stipulation for Final Judgment, the Court further finds it is just and reasonable that HP Management Group, LLC receive no distribution or payment from the proceeds of the compensation amount of \$76,000.00 approved by the Court hereunder.

7. UDOT has heretofore deposited with the Court the sum of \$67,750.00 for and on behalf of Owners and Tenant, which amount remains on deposit with the Court. Upon entry of the Final Judgment of Condemnation, the Clerk of the Court should issue a check made payable to Camden, L.C., and its counsel, Justin P. Matkin, Parr Brown Gee & Loveless, in the sum of \$38,000.00. This check should be mailed to Justin P. Matkin, Parr Brown Gee & Loveless, 101 South 200 East, Suite 700, Salt Lake City, Utah 84111.

8. The Clerk of the Court should issue a second check made payable to World Enterprises, Inc., and



its counsel, David E. Kingston, in the sum of \$29,750.00. This check should be mailed to David E. Kingston, 3212 South State Street, Salt Lake City, Utah 84115.

9. UDOT shall prepare and deliver a separate and additional payment of \$8,250.00 to World Enterprises, Inc. and its counsel, David E. Kingston, 3212 South State Street, Salt Lake City, Utah 84115, upon entry by the Court of this Final Judgment of Condemnation.

10. Each party shall bear its respective attorney's fees and costs incurred in this litigation.

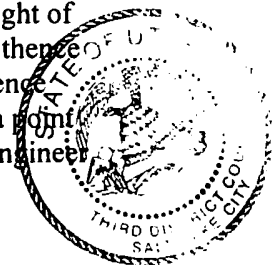
11. A copy of this Final Judgment of Condemnation shall be filed with the County Recorder of Salt Lake County, State of Utah, and thereupon the rights and interests of Defendants in and to the following described property, situated in Salt Lake County, State of Utah, shall vest in the Plaintiff, Utah Department of Transportation, pursuant to Utah Code Ann. § 78B-6-516:

Tax Id No. 22-29-104-006, 22-29-104-007, 22-29-104-008:

Parcel No. 0071:108

A parcel of land in fee incident to the widening of the existing intersection of State Route 71 (900 East Street) and Fort Union Boulevard known as Project No. F-0071(40)13, being part of an entire tract of property situate in the NE1/4NW1/4 of Section 29, T.2S., R.1E., S.L.B. & M., Salt Lake County, Utah. The boundaries of said parcel of land are described as follows:

Beginning at the northeast corner of said entire tract, and the intersection of the existing southerly right of way line and limited access line of Fort Union Boulevard and the existing westerly right of way line of 900 East Street (SR-71), said point is 339.80 feet East and 775.06 feet South from the Northwest Corner of the East half of the Northwest Quarter of said Section 29, said Northwest Corner of the East half of the Northwest Quarter is 52.06 feet (52.20 feet by record) S.89°52'49"W. along the Section line from the North Quarter Corner of said Section 29, said point is also 53.00 feet perpendicularly distant westerly from the 900 East Street Control Line opposite approximate engineer station 107+54.36; and running thence S.00°04'40"W. 161.20 feet parallel with said control line and along said existing westerly right of way line to the existing northerly right of way line of North Union Avenue; thence S.43°17'20"W. 14.58 feet along said existing northerly right of way line; thence S.86°30'00"W. 12.54 feet along said existing northerly right of way line to a point 75.50 feet perpendicularly distant westerly from said control line opposite engineer



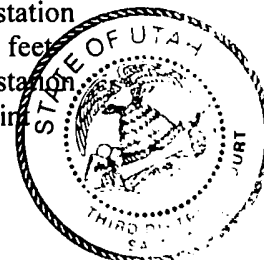
station 105+81.75; thence N.64°33'47"E. 12.19 feet to a point 64.50 feet perpendicularly distant westerly from said control line opposite engineer station 105+87.00; thence N.23°04'18"E. 17.92 feet to a line parallel with and 57.50 feet perpendicularly distant westerly from said control line opposite engineer station 106+03.50; thence N.00°04'40"E. 49.50 feet along said parallel line to a point opposite engineer station 106+53.00; thence S.89°55'20"E. 1.00 feet to a line parallel with and 56.50 feet perpendicularly distant westerly from said control line; thence N.00°04'40"E. 58.99 feet along said parallel line to a point opposite engineer station 107+12.00; thence N.08°53'01"W. 19.24 feet to a point 59.50 feet perpendicularly distant westerly from said control line opposite engineer station 107+31.00; thence N.51°02'27"W. 29.13 feet to a point 66.00 feet perpendicularly distant southerly from said control line opposite engineer station 19+06.00; thence N.00°01'00"E. 5.04 feet to the existing southerly right of way line and limited access line of Fort Union Boulevard at a point 60.97 feet perpendicularly distant southerly from the Fort Union Boulevard Control Line opposite engineer station 19+06.41; thence S.89°59'00"E. 29.18 feet along said existing southerly right of way line and limited access line to the point of beginning. The above described parcel of land contains 1,153 square feet in area or 0.027 acre, more or less.

(Note: Rotate all bearings in the above description 00°14'37" clockwise to obtain highway bearings.)

Parcel No. 0071:108:AC

A parcel of land in fee incident to the widening of the existing intersection of State Route 71 (900 East Street) and Fort Union Boulevard known as Project No. F-0071(40)13, being part of an entire tract of property situate in the NE1/4NW1/4 of Section 29, T.2S., R.1E., S.L.B. & M., Salt Lake County, Utah. The boundaries of said parcel of land are described as follows:

Beginning at a point in the existing southerly right of way line of Fort Union Boulevard, said point is 339.80 feet East and 775.06 feet South and 29.18 feet N.89°59'00"W. from the Northwest Corner of the East half of the Northwest Quarter of said Section 29, said Northwest Corner of the East half of the Northwest Quarter is 52.06 feet (52.20 feet by record) S.89°52'49"W. along the Section line from the North Quarter Corner of said Section 29, said point is also 60.97 feet perpendicularly distant southerly from the Fort Union Boulevard Control Line opposite approximate engineer station 19+06.41; and running thence S.00°01'00"W. 5.04 feet to a point 66.00 feet perpendicularly distant southerly from said control line opposite engineer station 19+06.00; thence N.89°46'11"W. 41.15 feet to a point 62.50 feet perpendicularly distant southerly from said control line opposite engineer station 18+65.00; thence N.04°38'40"W 2.30 feet to a line parallel with and 60.20 feet perpendicularly distant southerly from said control line opposite engineer station 18+65.00; thence S.85°21'32"W. 70.00 feet along said parallel line to a point



opposite engineer station 17+95.00; thence S.88°33'49"W. 80.62 feet to the existing southerly right of way line and limited access line of Fort Union Boulevard at a point 55.69 feet perpendicularly distant southerly from said control line opposite engineer station 17+14.50; thence N.85°21'20"E. 127.09 feet along said existing southerly right of way line and limited access line; thence S.89°59'00"E. 65.03 feet along said existing southerly right of way line and limited access line to the to the point of beginning. The above described parcel of land contains 680 square feet in area or 0.016 acre, more or less.

(Note: Rotate all bearings in the above description 00°14'37" clockwise to obtain highway bearings.)

To enable Salt Lake County to construct and maintain a public highway as a (freeway/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 Salt Lake County 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 Owners' remaining property contiguous to the lands conveyed, to or from said highway.

Parcel No. 0071:108:E

A temporary easement, upon part of an entire tract of property, in the NE1/4NW1/4 of Section 29, T.2S., R.1E., S.L.B. & M., in Salt Lake County, Utah, to facilitate the construction of driveway and roadway improvements, side treatments and appurtenant parts thereof and blending slopes, incident to the intersection improvements of State Route 71 (900 East Street) and Fort Union Boulevard known as Project No. F-0071(40)13.

Non-exclusive use. The easement acquired herein does not convey any right except as stated herein, nor does it prevent Defendant(s) from the use of the real property within the easement so long as such use does not interfere with the purposes for which the easement is being acquired. This easement does not convey the right to use the easement in a manner that would deny any right the Defendant may possess of reasonable access to property outside of the easement.

Duration of easement. The easement shall begin at the time actual construction of said project is commenced at the location of the easement, and shall continue for a period of the three years or until the earlier completion of the project. The easement shall run with the real property and shall be binding on Defendant(s), their successors, heirs and assigns.

Restoration of property. UDOT will restore the real property as nearly as reasonably



possible to its condition prior to any material disturbance from construction activities, consistent with project improvements.

The boundaries of said part of an entire tract of land are described as follows:

Beginning at a point in the existing northerly right of way line of North Union Avenue, said point is 317.07 feet East and 947.64 feet South from the Northwest Corner of the East half of the Northwest Quarter of said Section 29, said Northwest Corner of the East half of the Northwest Quarter is 52.06 feet (52.20 feet by record) S.89°52'49"W. along the Section line from the North Quarter Corner of said Section 29, said point is also 75.50 feet perpendicularly distant westerly from the 900 East Street Control Line opposite approximate engineer station 105+81.75; and running thence S.86°30'00"W. 27.06 feet along said existing northerly right of way line; thence N.06°19'22"W. 4.46 feet; thence N.86°07'58"E. 29.07 feet; thence N.00°04'40"E. 60.00 feet parallel with said control line; thence S.89°55'42"E. 12.50 feet; thence N.00°04'40"E. 83.55 feet parallel with said control line; thence N.51°02'27"W. 22.67 feet; thence N.89°46'11"W. 43.76 feet; thence N.04°38'40"W. 5.02 feet; thence S.89°46'11"E. 41.15 feet; thence S.51°02'27"E. 29.13 feet; thence S.08°53'01"E. 19.24 feet; thence S.00°04'40"W. 58.99 feet parallel with and 56.50 feet perpendicularly distant westerly from said control line; thence N.89°55'20"W. 1.00 feet; thence S.00°04'40"W. 49.50 feet parallel with and 57.50 feet perpendicularly distant westerly from said control line; thence S.23°04'18"W. 17.92 feet; thence S.64°33'47"W. 12.19 feet to the point of beginning. The above described part of an entire tract contains 1,727 square feet in area or 0.040 acre, more or less.

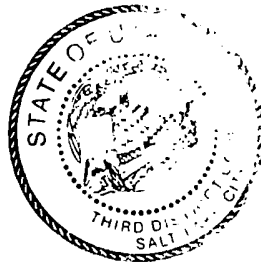
(Note: Rotate all bearings in the above description 00°14'37" clockwise to obtain highway bearings.)

Approved as to Form:

PARR BROWN GEE & LOVELESS
*(Electronically signed with permission from
Justin P. Matkin)*

/s/ Justin P. Matkin
JUSTIN P. MATKIN
Attorney for Defendant Camden, L.C.

ATTORNEY AT LAW
*(Electronically signed with permission from
David E. Kingston)*



/s/ David E. Kingston

Attorney for Defendant World Enterprises

HP MANAGEMENT GROUP, LLC

*(Electronically signed with permission from
Brandon Hargett)*

By: /s/ Brandon Hargett

It's Manager

**ENTERED BY THE COURT EFFECTIVE AS OF THE DATE THE
COURT'S STAMP IS AFFIXED TO THE FIRST PAGE OF THIS DOCUMENT.**

