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DEC 18 2012

4TH DISTRICT  
STATE OF UTAH  
UTAH COUNTY

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

UTAH DEPARTMENT OF  
TRANSPORTATION,

Plaintiff,

v.

MICRON TECHNOLOGY, INC.,

Defendant.

**FINAL JUDGMENT OF CONDEMNATION**

Project No.: F-0092(12)1

Parcel Nos.: 18:A, 18:E, 18:2E, 19:A, 19:E,  
19:2E, 23:A, 23:E, 25:A, 25:E, 26:A, 26:E,  
26:2E, 48:A, 48:E, 48:2E

Affecting Tax ID Nos.: 11-029-0037, 11-029-  
0038, 11-029-0041, 11-034-0015, 11-034-  
0018

Civil No. 090402697

Judge Claudia Laycock

The Court, having reviewed the parties' Joint Motion for Entry of Final Judgment of  
Condemnation and being fully advised in the matter, IT IS HEREBY ORDERED, ADJUDGED

AND DECREED as follows:

ENT 113302:2012 PG 1 of 19  
JEFFERY SMITH  
UTAH COUNTY RECORDER  
2012 Dec 24 12:51 pm FEE 0.00 BY EO  
RECORDED FOR UTAH DEPARTMENT OF TRAN

1. The following described real property (the "Property"), owned by Defendant Micron Technology, Inc. is hereby condemned and acquired by UDOT.

**Parcel No. 0092:18:A**

A parcel of land in fee, for the widening of highway State Route 92 known as Project F-0092, being part of an entire tract of property, situate in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 32, Township 4 South, Range 1 East, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the existing northerly right of way line of said State Route 92 (Timpanogos Highway) and the westerly boundary line of said entire tract, which point is 921.86 feet S.00°01'08"E. along the Quarter Section line of said Section 32 and 586.23 feet S.87°42'56"E. from the North Quarter corner of said Section 32; and running thence N.00°05'24"W. 40.40 feet along said westerly boundary line of said entire tract (record N.00°05'59"W) to a point 98.53 feet perpendicularly distant northerly from the centerline of said project, opposite approximate Engineer Station 102+23.73; thence N.89°59'46"E. 304.97 feet to a point 102.25 feet radially distant northerly from the centerline of said project, opposite approximate Engineer Station 105+30.04; thence N.83°06'15"E. 292.19 feet to a point 104.01 feet perpendicularly distant northerly from the centerline of said project, opposite approximate Engineer Station 108+41.93; thence N.79°17'24"E. 150.28 feet to a point on the easterly boundary line of said entire tract, said point being 104.01 feet perpendicularly distant northerly from said centerline, opposite approximate Engineer Station 109+92.21; thence S.00°03'00"E. 133.06 feet along said easterly boundary line to said existing northerly right of way line; thence N.87°42'56"W. 743.36 feet along said right of way line to the point of beginning. The above described part of an entire tract contains 53,355 square feet in area or 1.225 acres.

(Note: Rotate above bearings 0°00'14" clockwise to equal highway bearings.)

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; **EXCEPTING** and reserving to said Owners, their successors or assigns, the right of access to

the nearest roadway of said highway over and across the northerly right of way line the easterly 83.78 feet of a 126.00-foot section which said section centers at a point directly opposite Highway Engineer Station 102+45.00.

**Parcel No. 0092:18:E**

A perpetual easement, upon part of an entire tract of property, situate in the NW¼NE¼ of Section 32, Township 4 South, Range 1 East, Salt Lake Base & Meridian, for the purpose of constructing and maintaining thereon public utilities and appurtenant parts thereof including, but not limited to ATMS Fiber Optic conduit, phone/communication lines, electrical service lines, gas lines, and cut and/or fill slopes to facilitate the widening of State Route 92, known as Project F-0092. The easement specifically including the right to maintain and continue the existence of said cut and/or fill slopes in the same grade and slope ratio as constructed by UDOT. The easement includes and conveys all rights of the servient estate owner to change the vertical distance or grade of said cut and/or fill slopes. The boundaries of said part of an entire tract are described as follows:

Beginning at the intersection of the northerly right of way and limited-access line of said project and the westerly boundary line of said entire tract, at a point 98.53 feet perpendicularly distant northerly from the centerline of said project, opposite approximate Engineers Station 102+23.73, which point is 921.86 feet S.00°01'08"E. along the Quarter Section line and 586.23 feet S.87°42'56"E. and 40.40 feet N.00°05'24"W. from the North Quarter corner of said Section 32; and running thence N.00°05'24"W. 30.00 feet along said westerly boundary line (record N.00°05'59"W); thence N.89°59'46"E. 303.21 feet; thence N.83°06'15"E. 289.39 feet; thence N.79°17'24"E. 150.76 feet; thence N.81°44'55"E. 4.14 feet; thence S.00°03'00"E. 30.35 feet to said northerly right of way and limited-access line of said project; thence Westerly along said right of way and limited-access line the following three (3) courses and distances: (1) S.79°17'24"W. 150.28 feet; (2) thence S.83°06'15"W. 292.19 feet; (3) thence S.89°59'46"W. 304.97 feet to the point of beginning. The above described part of an entire tract contains 22,425 square feet in area or 0.515 acre.

(Note: Rotate above bearings 00°00'14" clockwise to equal highway bearings.)

**Parcel No. 0092:18:2E**

A temporary easement, upon part of an entire tract of property, situate in the NW¼NE¼ of Section 32, Township 4 South, Range 1 East, Salt Lake Base & Meridian to facilitate the

widening of State Route 92, known as Project F-0092. This easements shall commence Aug. 11, 2009.

**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 said part of an entire tract is described as follows:

Beginning at a point 128.53 feet perpendicularly distant northerly from the centerline of said project, opposite approximate Engineers Station 102+23.40, which point is 874.83 feet S.00°01'08"E. along the Quarter Section line and 585.76 feet East from the North Quarter corner of said Section 32; and running thence N.00°01'07"E. 226.56 feet along said westerly boundary line (record N.00°05'59"W); thence S.87°53'24"E. 742.95 feet to the easterly boundary line of said property; thence S.00°03'00"E. 135.83 feet along said easterly boundary line; thence S.81°44'55"W. 4.14 feet; thence S.79°17'24"W. 150.76 feet; thence S.83°06'15"W. 289.39 feet; thence S.89°59'46"W. 303.12 feet to the point of beginning. The above described part of an entire tract contains 145,596 square feet in area or 3.342 acres.

(Note: Rotate above bearings 00°00'14" clockwise to equal highway bearings.)

**Parcel No. 0092:19:A**

A parcel of land in fee, for the widening of highway State Route 92 known as Project F-0092, being part of an entire tract of property, situate in the NE¼NE¼ of Section 32, Township 4 South, Range 1 East, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the existing northerly highway right of way line of said State Route 92 (Timpanogos Highway) and the easterly boundary line of said entire tract, which point is 1,026.56 feet S.00°04'39"E. along the Section Line from the Northeast corner of said Section 32; and running thence N.87°47'39"W. 1,329.32 feet along said northerly right of way line to the westerly boundary line of said entire tract; thence N.00°02'37"W. 131.38 feet along said westerly boundary line to a point 104.01 feet perpendicularly distant northerly from said centerline, opposite approximate Engineer Station 109+92.21; thence N.79°17'54"E. 0.83 feet; thence N.81°45'25"E. 256.74 feet to a point 94.44 feet radially distant northerly from said centerline, opposite approximate Engineer Station 112+46.58; thence N.82°17'16"E. 408.22 feet to a point 114.65 feet radially distant northerly from said centerline, opposite approximate Engineer Station 116+40.00; thence S.87°52'54"E. 626.36 feet to the point of tangency of a 9,520.00-foot radius curve to the right, at a point 110.67 feet radially distant northerly from said centerline, opposite approximate Engineer Station 122+60.45; thence Easterly 42.75 feet along the arc of said curve (chord bears S.87°45'31"E. 42.75 feet) to said easterly boundary line also being the east line of said Section 32; thence S.00°04'39"E. 249.47 feet along said Section Line to the point of beginning. The above described parcel of land contains 292,312 square feet in area or 6.711 acres.

Note: Rotate above bearings 0°00'16" counterclockwise to equal highway bearings.)

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; **EXCEPTING** and reserving to said Owners, their successors or assigns, the right of access to the nearest roadway of said highway over and across the northerly right of way line the westerly 63.14 feet of an 139.00-foot section, which said section centers at a point directly opposite Highway Engineer Station 123+09.00.

**Parcel No. 0092:19:E**

A perpetual easement, upon part of an entire tract of property, situate in the NE $\frac{1}{4}$ /NE $\frac{1}{4}$  of Section 32, Township 4 South, Range 1 East, Salt Lake Base & Meridian, for the purpose of

constructing and maintaining thereon public utilities and appurtenant parts thereof including, but not limited to ATMS Fiber Optic conduit, phone/communication lines, electrical service lines, gas lines, and cut and/or fill slopes to facilitate for the widening of State Route 92, known as Project F-0092. The easement specifically including the right to maintain and continue the existence of said cut and/or fill slopes in the same grade and slope ratio as constructed by UDOT. The easement includes and conveys all rights of the servient estate owner to change the vertical distance or grade of said cut and/or fill slopes. The boundaries of said part of an entire tract are described as follows:

Beginning at the intersection of the northerly highway right of way and limited-access line of said project and the easterly boundary line of said entire tract, at a point 110.67 feet radially distant northerly from the centerline of said project, opposite approximate Engineers Station 123+02.70, which point is 777.09 feet S.00°04'39"E. along the Section line from the Northeast corner of said Section 32; and running thence N.00°04'39"W. 50.05 feet along said easterly boundary line; thence Westerly 40.83 feet along the arc of a 9,570.00-foot radius curve to the left (chord bears N.87°45'57"W. 40.83 feet); thence N.87°52'54"W. 630.66 feet; thence S.82°17'16"W. 412.75 feet; thence S.81°45'25"W. 250.59 feet to the westerly boundary line of said entire tract; thence S.00°02'37"E. 50.55 feet along said westerly boundary line to said northerly right of way and limited-access line: thence along said highway right of way and limited-access line the following five (5) courses and distances: (1) N.79°17'54"E. 0.83 feet; (2) thence N.81°45'25"E. 256.74 feet; (3) thence N.82°17'16"E. 408.22 feet; (4) thence S.87°52'54"E. 626.36 feet to the point of tangency of a 9,520.00-foot radius curve to the right; (5) thence Easterly 42.75 feet along the arc of said curve (chord bears S.87°45'31"E. 42.75 feet) to the point of beginning. The above described part of an entire tract contains 66,744 square feet in area or 1.532 acres.

(Note: Rotate above bearings 00°00'16" counterclockwise to equal highway bearings.)

**Parcel No. 0092:19:2E**

A temporary construction easement, upon part of an entire tract of property, situate in the NE¼NE¼ of Section 32, Township 4 South, Range 1 East, Salt Lake Base & Meridian to facilitate the widening of State Route 92, known as Project F-0092. This easement shall commence Aug. 11, 2009.

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 said part of an entire tract is described as follows:

Beginning at a point on the westerly boundary line of said entire tract 153.69 feet perpendicularly distant northerly from the centerline of said project, opposite approximate Engineers Station 110+01.56, which point is 1,327.65 feet S.89°57'23"W. along the Section line and 792.45 feet S.00°02'30"E. from the Northeast corner of said Section 32; and running thence N.00°02'30"W. 115.62 feet along said westerly boundary line; thence S.87°52'54"E. 657.56 feet; thence S.82°17'16"W. 412.75 feet; thence S.81°45'25"W. 250.59 feet to the point of beginning. The above described part of an entire tract contains 37,507 square feet in area or 0.861 acre.

(Note: Rotate above bearings 00°00'16" counterclockwise to equal highway bearings.)

**Parcel No. 0092:23:A**

A parcel of land in fee, for the widening of highway State Route 92 known as Project F-0092, being part of an entire tract of property, situate in the NW¼NW¼ and the NE¼NW¼ of Section 33, Township 4 South, Range 1 East, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the northerly right of way line of said State Route 92 (Timpanogos Highway) and the westerly boundary line of said entire tract, which point is 1,034.52 feet S.00°04'39"E. along the west line of said Section 33 and 24.77 feet S.87°50'00"E from the Northwest corner of said Section 33; and running thence N.00°04'39"W. 257.31 feet along the westerly boundary line of said entire tract to a point 110.68 feet radially distant northerly from the centerline of said project, opposite approximate Engineers Station 123+27.79;

thence Easterly 967.46 feet along the arc of a 9,520.00-foot radius curve to the right (chord bears S.84°34'13"E. 967.04 feet); thence S.81°39'33"E. 810.94 feet; thence S.87°29'01"E. 36.25 feet to the easterly boundary line of said entire tract at a point 80.68 feet perpendicularly distant northerly from said centerline, opposite approximate Engineers Station 141+39.97; thence S.00°02'54"E. 253.10 feet along said easterly boundary line to the northerly right of way line of said SR-92; thence along said northerly right of way line the following four (4) courses and distances; (1) thence Westerly 78.35 feet along the arc of a 5,679.70-foot radius curve to the right (chord bears N.81°25'05"W. 78.35 feet); (2) thence N.81°02'00"W. 750.50 feet to the point of tangency of a 5,779.70-foot radius curve to the left; (3) thence Westerly 686.00 feet along the arc of said curve (chord bears N.84°26'01"W. 685.60 feet); (4) thence N.87°50'00"W. 300.19 feet to the point of beginning. The above described parcel of land contains 443,200 square feet in area or 10.174 acres.

(Note: Rotate above bearings 0°00'16" counterclockwise to equal highway bearings.)

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; **EXCEPTING** and reserving to said Owners, their successors or assigns, the right of access to the nearest roadway of said highway over and across the northerly right of way line the easterly 51.35 feet of an 139.00-foot section, which said section centers at a point directly opposite Highway Engineer Station 123+09.00.

**Parcel No. 0092:23:E**

A perpetual easement, upon part of an entire tract of property, situate in the NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> and the NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Section 33, Township 4 South, Range 1 East, Salt Lake Base and Meridian, for the purpose of constructing and maintaining thereon public utilities and appurtenant parts thereof including, but not limited to ATMS Fiber Optic conduit, phone/communication lines, electrical service lines, gas lines, and cut and/or fill slopes to facilitate for the widening of State Route 92, known as Project F-0092. The easement specifically including the right to maintain and continue the existence of said cut and/or fill slopes in the same grade and slope ratio as constructed by UDOT. The easement includes and conveys all rights of the



servient estate owner to change the vertical distance or grade of said cut and/or fill slopes. The boundaries of said part of an entire tract are described as follows:

Beginning at the intersection of the northerly right of way and limited-access line of said project and the westerly boundary line of said entire tract, at a point 110.68 feet radially distant northerly from the centerline of said project, opposite approximate Engineers Station 123+27.79; which point is 778.18 feet S.00°04'39"E. along the Section line and 24.75 feet N.89°55'21"E. from the Northwest corner of said Section 33; and running thence N.00°04'39"W. 50.05 feet along said westerly boundary line; thence Easterly 974.81 feet along the arc of a 9,570.00-foot radius curve to the right (chord bears S.84°34'38"E. 974.39 feet); thence S.81°39'33"E. 808.40 feet; thence S.87°29'01"E. 31.46 feet to the easterly boundary line of said entire tract; thence S.00°02'54"E. 50.05 feet along said easterly boundary line to the northerly right of way and limited-access line of said project, at a point 80.68 feet perpendicularly distant northerly from said centerline, opposite approximate Engineers Station 141+39.97; thence along said northerly right of way and limited-access line the following three (3) courses and distances; (1) thence N.87°29'01"W. 36.25 feet; (2) thence N.81°39'33"W. 810.94 feet to the point of tangency of a 9,520.00-foot radius curve to the left; thence Westerly 967.46 feet along the arc of said curve (chord bears N.84°34'14"W. 967.04 feet) to the point of beginning. The above described part of an entire tract contains 90,732 square feet in area or 2.083 acres.

(Note: Rotate above bearings 00°00'16" counterclockwise to equal highway bearings.)

**Parcel No. 0092:25:A**

A parcel of land in fee, for the widening of highway State Route 92 known as Project F-0092, being part of an entire tract of property, situate in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 33, Township 4 South, Range 1 East, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows:

Beginning at a point in the north line of a State Road which point is 1,383.21 feet North and 3,483.47 feet West from the East Quarter corner of Section 33, Township 4 South, Range 1 East, Salt Lake Base and Meridian (Basis of Bearing: N.00° 01'41" E. from said corner to the Northeast corner of said Section, being a State Plane Coordinate Bearing); and running thence; N.00°03'10"W. 281.21 feet to a point 80.68 feet perpendicularly distant northerly from the centerline of said project, opposite approximate Engineers Station 141+39.97; thence S.87°29'17"E. 12.03 feet to the easterly boundary line of said entire tract; thence S.00°03'10"E. 283.00 feet; thence N.79°05'15"W. 12.24 feet to the point of beginning. The above described

tract of land contains 3,390 square feet in area or 0.078 acre.

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

**Parcel No. 0092:25:E**

A perpetual easement, upon part of an entire tract of property, situate in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 33, Township 4 South, Range 1 East, Salt Lake Base and Meridian, for the purpose of constructing and maintaining thereon public utilities and appurtenant parts thereof including, but not limited to ATMS Fiber Optic conduit, phone/communication lines, electrical service lines, gas lines, and cut and/or fill slopes to facilitate for the widening of State Route 92, known as Project F-0092. The easement specifically including the right to maintain and continue the existence of said cut and/or fill slopes in the same grade and slope ratio as constructed by UDOT. The easement includes and conveys all rights of the servient estate owner to change the vertical distance or grade of said cut and/or fill slopes. The boundaries of said part of an entire tract are described as follows:

Beginning at the intersection in northerly right of way and limited-access line of said project and the westerly boundary line of said entire tract, at a point 80.68 feet perpendicularly distant northerly from the centerline of said project, opposite approximate Engineers Station 141+39.97, which point is 1,383.21 feet North and 3,483.47 feet West and 281.21 feet N.00°03'10"W. along Section line from the East Quarter corner of Section 33, T4S, R1E, Salt Lake Base and Meridian (Basis of Bearing: N.00°01'41"E. from said corner to the Northeast Corner of said Section); and running thence N.00°03'10"W. 50.05 feet along the westerly boundary line; thence S.87°29'17"E. 12.03 feet; thence S.00°03'10"E. 50.05 feet; thence N.87°29'17"W. 12.03 feet to the point of beginning. The above described part of an entire tract contains 601 square feet in area or 0.014 acres.

**Parcel No. 0092:26:A**

A parcel of land in fee, for the widening of highway State Route 92 known as Project F-

0092, being part of an entire tract of property, situate in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  and the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 33, Township 4 South, Range 1 East, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the existing northerly right of way line of said State Route 92 (Timpanogos Highway) and the easterly boundary line of said entire tract, which point is 403.26 feet S.89°58'38"E. along the north line of said Section 33 and 1,303.41 feet S.04°02'40"E. from the North Quarter corner of said Section 33; and running thence along said existing northerly right of way line the following four (4) courses and distances; (1) N.89°58'01"W. 162.40 feet; (2) thence S.89°13'00"W. 158.00 feet; (3) thence N.87°33'26"W. 155.41 feet; (4) thence N.85°32'56"W. 838.85 feet to the Southwest corner of said entire tract; thence N.00°03'24"W. 242.89 feet along the westerly boundary line of said tract to a point 80.68 feet perpendicularly distant northerly from the centerline of said project, opposite approximate Engineers Station 141+51.72; thence S.87°29'17"E. 955.51 feet to a point 106.60 feet radially distant northerly from said centerline, opposite approximate Engineers Station 151+00.00; thence S.76°45'31"E 151.33 feet to a point 90.00 feet perpendicularly distant northerly from said centerline, opposite approximate Engineers Station 152+50.00; thence S.85°20'33"E 195.40 feet to the easterly boundary line of said entire tract at a point 97.89 feet radially distant northerly from said centerline, opposite approximate Engineers Station 154+45.51; thence S.04°02'40"E. 220.69 feet along said easterly boundary line to the point of beginning. The above described parcel of land contains 330,692 square feet in area or 7.592 acres.

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; **EXCEPTING** and reserving to said Owners, their successors or assigns, the right of access to the nearest roadway of said highway over and across the northerly right of way line for a 184.00-foot section, which said section centers at a point directly opposite Highway Engineer Station 142+65.00.

**Parcel No. 0092:26:E**

A perpetual easement, upon part of an entire tract of property, situate in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  and the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 33, Township 4 South, Range 1 East, Salt Lake Base and Meridian, for the purpose of constructing and maintaining thereon public utilities and appurtenant parts thereof including, but not limited to ATMS Fiber Optic conduit, phone/communication lines, electrical service lines, gas lines, and cut and/or fill slopes to facilitate for the widening of State Route 92, known as Project F-0092. The easement specifically including the right to maintain and continue the existence of said cut and/or fill slopes in the same grade and slope ratio as constructed by UDOT. The easement includes and conveys all rights of the servient estate owner to change the vertical distance or grade of said cut and/or fill slopes. The boundaries of said part of an entire tract are described as follows:

Beginning at the intersection of the northerly right of way and limited-access line of said project and the easterly boundary line of said entire tract at a point 138.09 feet radially distant northerly from the centerline of said project, opposite approximate Engineers Station 154+36.29, which point is 403.26 feet S.89°58'38"E. along the north line of said Section 33 and 1040.99 feet S.04°02'40"E. from the North Quarter corner of said Section 33; and running thence along said northerly right of way line and limited-access line the following two (2) courses and distances; (1) thence S.89°42'00"W. 121.57 feet; (2) thence N.87°29'17"W. 1,173.26 feet to the westerly boundary line of said entire tract; thence N.00°03'24"W. 50.05 feet along said westerly boundary line; thence S.87°29'17"E. 1,174.28 feet; thence N.89°42'00"E. 117.07 feet; thence S.04°02'35"E. 50.11 feet to the point of beginning. The above described part of an entire tract contains 64,656 square feet in area or 1.484 acres.

**Parcel No. 0092:26:2E**

A temporary construction easement, upon part of an entire tract of property, situate in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  and the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 33, Township 4 South, Range 1 East, Salt Lake Base and Meridian to facilitate the widening of State Route 92, known as Project F-0092. This easement shall commence Aug. 11, 2009.

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 said part of an entire tract is described as follows:

Beginning at the intersection of the northerly right of way and limited-access line of said project and the easterly boundary line of said entire tract, at a point 97.89 feet radially distant northerly from the centerline of said project, opposite approximate Engineers Station 154+45.51, which point is 403.26 feet S.89°58'38"E. along the north line of the NE¼ of said Section 33 and 1,082.71 feet S.04°02'40"E. from the North Quarter corner of said Section 33; and running thence along said northerly right of way line and limited-access line the following two (2) courses and distances: (1) N.85°20'32"W. 195.40 feet; (2) thence N.76°45'30"W. 151.33 feet; thence S.87°29'17"E. 217.76 feet; thence N.89°42'00"E. 121.57 feet to said easterly boundary line; thence S.04°02'40"E. 41.73 feet along said easterly boundary line to the point of beginning. The above described part of an entire tract contains 8,602 square feet in area or 0.197 acre.

**Parcel No. 0092:48:A**

A parcel of land in fee, for the widening of highway State Route 92 known as Project F-0092, being part of an entire tract of property, situate in the NE¼NW¼ Section 34, Township 4 South, Range 1 East, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the existing northerly right of way line of said State Route 92 (Timpanogos Highway) and the westerly boundary line of said entire tract, which point is 1,222.77 feet S.89°57'12"W. along the Section line and 1,284.71 feet S.01°24'45"W. from the North Quarter corner of said Section 34; and running thence N.01°24'45"E. 192.42 feet along the westerly boundary line of said entire tract to a point 186.95 feet perpendicularly distant northerly from said centerline, opposite approximate Engineers Station 190+28.75; thence N.89°42'00"E. 991.11 feet to a point 228.23 feet perpendicularly distant northerly from said centerline, opposite approximate Engineers Station 200+19.00; thence N.00°00'39"W. 220.25 feet to the easterly

boundary line of said entire tract established by Survey of Micron recorded as file name 95-0109 in Utah County Surveyors Office; thence S.09°40'00"E. 375.80 feet along said surveyed line to the northerly right of way line of SR-92; thence along said northerly right of way line the following four (4) courses and distances: (1) S.72°05'56"W. 48.52 feet; (2) thence S.88°00'19"W. 679.12 feet; (3) thence S.00°18'40"E. 7.00 feet; (4) thence S.89°41'34"W. 334.06 feet to the point of beginning. The above described parcel of land contains 192,213 square feet in area or 4.413 acres.

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.

**Parcel No. 0092:48:E**

A temporary construction easement, upon part of an entire tract of property, situate in the NE¼NW¼ Section 34, Township 4 South, Range 1 East, Salt Lake Base and Meridian to facilitate the widening of State Route 92, known as Project F-0092. This easement shall commence Aug. 11, 2009.

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 said part of an entire tract is described as follows:

Beginning at the intersection of the northerly right of way and limited-access line of said project and the westerly boundary line of said entire tract at a point 186.95 feet perpendicularly distant northerly from the centerline of said project, opposite approximate Engineers Station 190+28.75, which point is 1,222.77 feet S.89°57'12"W. along the north line of the NW¼ of said Section 34 and 1,091.94 feet S.01°24'45"W. from the North Quarter corner of said Section 34; and running thence N.01°24'45"E. 122.05 feet along said westerly boundary line; thence N.89°42'00"E. 958.06 feet; thence North 274.53 feet to the easterly boundary line of said entire tract established by Survey of Micron recorded as file name 95-0109 in Utah County Surveyors Office; thence S.09°40'00"E. 178.66 feet along said surveyed line to the westerly right of way and limited-access line of Suncrest/Highland Blvd. of said project; thence S.00°00'39"E. 220.25 feet along said westerly right of way and limited-access line to said northerly right of way and limited-access line; thence S.89°42'00"W. 129.11 feet along said northerly right of way and limited-access line thence N.87°21'01"W. 218.51 feet; thence S.88°38'16"W. 606.60 feet to said northerly right of way and limited-access line; thence S.89°42'00"W. 37.28 feet along said northerly right of way and limited-access line to the point of beginning. The above described parcel of land contains 121,683 square feet in area or 2.794 acres.

**Parcel No. 0092:48:2E**

A perpetual irrigation easement, upon part of an entire tract of property, situate in the NE¼NW¼ Section 34, Township 4 South, Range 1 East, Salt Lake Base and Meridian for the purpose of constructing, maintaining and operating an irrigation pipeline and appurtenant parts thereof. The Easement shall run with the Real Property and shall be binding upon the Grantor and the Grantors successors, heirs and assigns. The boundaries of said part of an entire tract are described as follows:

Beginning in the northerly highway right of way and limited-access line of State Route 92, known as Project No. 0092 at a point 222.85 feet perpendicularly distant northerly from the centerline of said project, opposite approximate Engineers Station 198+90.00, which point is 387.71 feet S.89°57'12"W. along the north line of the NW¼ of said Section 34 and 1,088.12 feet South from the North Quarter corner of said Section 34; and running thence S.89°42'00"W. 824.72 feet along said northerly highway right of way and limited-access line; thence N.88°38'16"E. 606.60 feet; thence S.87°21'01"E. 218.51 feet to the point of beginning. The above described part of an entire tract contains 4,637 square feet in area or 0.106 acre.

IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED THAT:

2. The purpose of the condemnation of the Property is for a necessary public use, authorized by law.

3. The Defendant Micron is awarded final judgment in the total amount of FIVE MILLION SEVEN HUNDRED FIFTY-FIVE THOUSAND DOLLARS (\$5,755,000.00) satisfying any and all claims or demands of any kind, from any sources, including claims for condemnation just compensation, severance damages, cost-to-cure damages, and easements, applicable interest, attorney fees and all costs, arising out of UDOT's condemnation of the Property and which may have been recoverable in this condemnation action.

4. In addition to UDOT's previous payment to Micron of Four Million Four Hundred Thirty-Five Thousand Dollars (\$4,435,000.00) to gain immediate occupancy to the Property, UDOT shall pay to Micron the remaining balance of One Million Three Hundred Twenty Thousand (\$1,320,000.00) (the "Remaining Balance").

5. Additionally, as part of the Final Judgment of Condemnation in the related condemnation case styled *Utah Department of Transportation v. IM Flash Technologies, LLC*, Case No. 090402696, UDOT shall pay to Micron, on behalf and direction of IM Flash Technologies, LLC ("IM Flash"); the sum of One Million Seventy-Seven Thousand Four Hundred Two Dollars (\$1,077,402.00) for access, construction, and easement costs associated with the relocation of an access road (referred to as "Road A") to the IM Flash property that, in



part, crosses Micron property.

6. At no cost to Micron, UDOT shall increase the size of the storm drain inlet orifice near what is referred to as Station 134+50, within Drainage Basin 7, as shown on page DR-17-DU3-4, SR-92 drainage plans, to be reasonably compatible with infrastructure, as determined and approved by Lehi City. UDOT shall collaborate with Lehi City as to the extent of inlet orifice upsizing at this location. When the upsizing is complete and accepted by Lehi City, any and all claims or demands of any kind concerning the upsizing will be deemed fully released and discharged.

7. With full payment of both the remaining balance of One Million Three Hundred Twenty Thousand Dollars (\$1,320,000.00) and the additional IM Flash directed payment of One Million Seventy-Seven Thousand Four Hundred Two Dollars (\$1,077,402.00), with the exception of UDOT's obligation to increase the size of the storm drain inlet orifice created by paragraph 6 above (which upsizing will only be deemed fully released and discharged upon completion and acceptance by Lehi City), Micron and UDOT do fully release and forever discharge each other from any and all claims, damages, demands, actions, causes of action or suits of any kind, nature or description whatsoever, known or unknown, foreseen or unforeseen, stated or unstated, which have arisen or could have arisen out of the events generally described in this condemnation action. Also released and discharged are claims for condemnation just compensation, severance damages, cost-to-cure damages, and easements, applicable interest,

attorney fees and all costs arising out of UDOT's condemnation of the Property and which may have been recoverable in this condemnation action.

8. A copy of this Final Judgment of Condemnation shall be filed with the County Recorder of Utah County, State of Utah; thereupon, any and all rights and interests of Defendant Micron in the Property, located in Utah County, State of Utah, shall vest in Plaintiff Utah Department of Transportation, 4501 South 2700 West, Salt Lake City, Utah 84119.

Dated this 17<sup>th</sup> day of Dec., 2012.

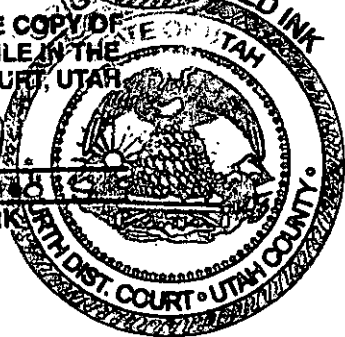
BY THE COURT

*Claudia Laycock*  
CLAUDIA LAYCOCK  
District Court Judge



I CERTIFY THAT THIS IS A TRUE COPY OF AN ORIGINAL DOCUMENT ON FILE IN THE FOURTH JUDICIAL DISTRICT COURT, UTAH COUNTY, STATE OF UTAH

DATE: 12/18/12  
*[Signature]*  
DEPUTY COURT CLERK



**CERTIFICATE OF SERVICE**

I hereby certify that on the \_\_\_\_ day of \_\_\_\_\_, 2012 a true and correct copy of the foregoing **FINAL JUDGMENT OF CONDEMNATION** was mailed via U.S. Mail to the following:

David J. Williams, Attorney at Law  
STOEL RIVES  
201 South Main Street, #1100  
Salt Lake City, Utah 84111

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