

FILED DISTRICT COURT
Third Judicial District

JUL 12 2005

SALT LAKE COUNTY
By R. J. [Signature]
Deputy Clerk

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RECORDER, SALT LAKE COUNTY, UTAH
UT ST-DEPT OF TRANSPORTATION
BOX 148420 ATT: JR BAIRD
SLC UT 84114-8420
BY: SBM, DEPUTY - WI 6 P.

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

UTAH DEPARTMENT OF
TRANSPORTATION,

Plaintiff,

vs.

SMITH'S FOOD KING PROPERTIES, INC.;
MCDONALD'S CORPORATION; and
KNIGHT CONSTRUCTION GROUP, INC.,

Defendants.

FINAL ORDER OF CONDEMNATION

Project No. SP-0068(14)47
Parcel Nos. 13, 13:2, 13:E and 13:2E

Affecting Tax ID No. 27-15-202-039

Civil No. 020912622

Judge Sandra Peuler

It appearing to the Court and the Court now finds that pursuant to the law, the Plaintiff did pay said funds to the Defendants; and

It further appearing to the Court that the Plaintiff has made all payments as required by law and order of this Court, and that this is not a cause where any bond was required to be given, and all and singular the law in the premises being given by the Court understood and fully considered,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the parcels of land hereinafter described as hereby taken and condemned in fee simple title identified as Parcel Nos. 13 and 13:2 and a temporary easement identified as 13:E and 13:2E for the purpose described and set forth in the Plaintiff's Complaint, i.e., for the use of the Plaintiff, Utah Department of Transportation, for highway purposes.

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 hereinafter referred to and set forth shall vest in the Plaintiff, Utah Department of Transportation, 4501 South 2700 West, Salt Lake City, Utah 84119. The following is a description of the property condemned as hereinabove provided, which is hereby vested in the Plaintiff, all of such property being situated in Salt Lake County, State of Utah, and the interest acquired and property description is more particularly described as follows:

Parcel No. 0068:13

A parcel of land in fee for the purpose of widening Redwood Road, known as Project No. 0068, being part of an entire tract of property situate in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, T.3 S., R.1 W., SLB&M. The boundaries of said parcel of land are described as follows:

Beginning at a northwest corner of said entire tract, which point is 774.82 feet S. 0°06'05" W. along the Quarter Section line and 33.00 feet S. 89°47'25" E. from the North Quarter Corner of said Section 15, and running thence S. 0°06'05" W. 355.42 feet along the westerly boundary line to the southwest corner of said entire tract; thence S. 89°47'25" E. 29.49 feet along the southerly boundary

line of said entire tract; thence N. 0°04'45" E. 175.71 feet along a line parallel to the centerline of said Redwood Road, to a point 62.08 feet perpendicularly distant easterly from the centerline of said Redwood Road, opposite Engineers Station 503+64.43; thence N. 02°13'00" W. 179.90 feet to the northerly boundary line of said entire tract; thence N. 89°47'25" W. 22.16 feet along said northerly boundary line to the point of beginning.

The above described parcel of land contains 9812 square feet, (0.225 acre) in area, of which 7108 square feet, (0.163 acre), is now occupied by the existing street. Balance 2704 square feet, (0.062 acre).

(Note: Rotate all bearings in the above description 0°11'35" clockwise to equal highway bearings.)

Together with any and all abutters rights of underlying fee to the center of the existing rights of way appurtenant to this conveyance.

Together with any and all water rights appurtenant to the above described tract of land.

Parcel No. 0068:13:2

A parcel of land in fee for the purpose of widening Redwood Road, known as Project No. 0068, being part of an entire tract of property situate in the NW¼NE¼ of Section 15, T.3 S., R.1 W., SLB&M. The boundaries of said parcel of land are described as follows:

Beginning at the northwest corner of said entire tract, which point is 460.24 feet S. 0°06'05" W. along the Quarter Section line and 33.00 feet S. 89°47'25" E. from the North Quarter Corner of said Section 15, and running thence S. 89°47'25" E. 20.00 feet along the northerly boundary line of said entire tract; thence S. 0°04'45" W. 25.00 feet along a line parallel to the centerline of said Redwood Road, to a southerly boundary line of said entire tract, to a point 52.84 feet perpendicularly distant easterly from the centerline of said Redwood Road, opposite Engineers Station 508+33.77; thence N. 89°47'25" W. 20.00 feet along said boundary line to a southwest corner of said entire tract; thence N. 0°06'05" E. 25.00 feet along the westerly boundary line of said entire tract to the point of beginning.

The above described parcel of land contains 500 square feet, (0.012 acre) in area, all of which is now occupied by the existing street. Balance 0 square feet, (0.000 acre).

(Note: Rotate all bearings in the above description 0°11'35" clockwise to equal highway bearings.)

Together with any and all abutters rights of underlying fee to the center of the existing rights of way appurtenant to this conveyance.

Together with any and all water rights appurtenant to the above described tract of land.

Parcel No. 0068:13:E

A temporary easement upon part of an entire tract of property, situate in the NW¼NE¼ of Section 15, T.3 S., R.1 W., SLB&M., for the purpose of constructing cut and/or fill slopes, sidewalks, driveways, and appurtenant parts thereof, to facilitate the widening of Redwood Road, known as Project No. 0068. The boundaries of said part of an entire tract are described as follows:

Beginning at the intersection of the easterly right of way line of said Redwood Road, and a northerly boundary line of said entire tract, which point is 774.82 feet S. 0°06'05" W. along the Quarter Section line and 55.17 feet S. 89°47'25" E. from the North Quarter Corner of said Section 15, and running thence along said easterly right of way line the following two (2) courses and distances; (1) thence S. 02°13'00" E. 179.90 feet to a point 62.08 feet perpendicularly distant easterly from the centerline of said Redwood Road, opposite Engineers Station 503+64.43; (2) thence S. 0°04'45" W. 175.71 feet to the southerly boundary line of said entire tract; thence S. 89°47'25" E. 19.00 feet along said southerly boundary line; thence N. 0°04'45" E. 44.00 feet; thence N. 89°55'15" W. 14.00 feet; thence N. 0°04'45" E. 126.00 feet; thence S. 89°55'15" E. 4.00 feet; thence N. 0°04'45" E. 21.00 feet; thence N. 89°55'15" W. 4.61 feet; thence N. 02°13'00" W. 136.00 feet; thence S. 89°55'15" E. 13.00 feet; thence N. 0°04'45" E. 28.57 feet to the northerly boundary line of said entire tract; thence N. 89°47'25" W. 19.15 feet along said northerly boundary line to the point of beginning.

The above described part of an entire tract contains 2870 square feet, 0.066 acre in area.

(Note: Rotate all bearings in the above description 0°11'35" clockwise to equal highway bearings.)

The hereinabove described temporary easement shall expire upon completion of said project, or 3 years after the date of the execution of the within instrument, whichever first occurs.

After said cut and/or fill slopes, sidewalks, driveways, and appurtenant parts thereof are constructed at the expense of the Utah Department of Transportation, said Utah Department of Transportation is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said cut and/or fill slopes, sidewalks, driveways and appurtenant parts thereof.

Parcel No. 0068:13:2E

A temporary easement upon part of an entire tract of property, situate in the NW¼NE¼ of Section 15, T.3 S., R.1 W., SLB&M., for the purpose of constructing cut and/or fill slopes, sidewalks, driveways, and appurtenant parts thereof, to facilitate the widening of Redwood Road, known as Project No. 0068. The boundaries of said part of an entire tract are described as follows:

Beginning at the intersection of the easterly right of way line of said Redwood Road, and a northerly boundary line of said entire tract, which point is 460.24 feet S. 0°06'05" W. along the Quarter Section line and 53.00 feet S. 89°47'25" E. from the North Quarter Corner of said Section 15, and running thence S. 0°04'45" W. 25.00 feet along said easterly right of way line to a southerly boundary line of said entire tract, to a point 52.84 feet perpendicularly distant easterly from the centerline of said Redwood Road, opposite Engineers Station 508+33.77; thence S. 89°47'25" E. 14.00 feet along said southerly boundary line; thence N. 0°04'45" E. 25.00 feet to the northerly boundary line of said entire tract; thence N. 89°47'25" W. 14.00 feet along said northerly boundary line to the point of beginning.

The above described part of an entire tract contains 350 square feet, 0.008 acre in area.

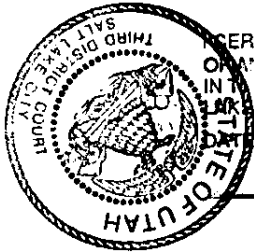
(Note: Rotate all bearings in the above description 0°11'35" clockwise to equal highway bearings.)

The hereinabove described temporary easement shall expire upon completion of said project, or 3 years after the date of the execution of the within instrument, whichever first occurs.

After said cut and/or fill slopes, sidewalks, driveways, and appurtenant parts thereof are constructed at the expense of the Utah Department of Transportation, said Utah Department of Transportation is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said cut and/or fill slopes, sidewalks, driveways and appurtenant parts thereof.

DATED this 11 day of July, 2005.

BY THE COURT:



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

July 12, 2005
Ruthy Cholevas
DEPUTY CLERK

Sandra Peuler
SANDRA PEULER
District Court Judge



CERTIFICATE OF SERVICE

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 24th day of May, 2005, to:

Larry G. Moore
A. Robert Thorup
RAY QUINNEY & NEBEKER
Attorneys for Smith's Food King
36 South State Street, Suite 1400
P.O. Box 45384
Salt Lake City, UT 84145-0385

Amy Costerline
Secretary