

**FILED DISTRICT COURT**  
Third Judicial District

JUN 27 2012

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

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**GARY W. OTT**  
RECORDER, SALT LAKE COUNTY, UTAH  
UT ST-DEPT OF TRANSPORTATION  
BOX 148420 ATT: MONE WARDLE  
SLC UT 84114-8420  
BY: SAM, DEPUTY - MA 9 P.

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RANDY S. HUNTER (#9084)  
Assistant Attorney General  
MARK L. SHURTLEFF (#4666)  
Utah Attorney General  
160 East 300 South, 5th Floor  
P.O. Box 140857  
Salt Lake City, Utah 84114-0857  
Telephone: (801) 366-0353  
randyhunter@utah.gov  
Attorneys for Plaintiff

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

UTAH DEPARTMENT OF  
TRANSPORTATION,

Plaintiff,

vs.

HCPI/UTAH, LLC; BOYER DESERET  
SPRINGS, L.C.; THE BOYER COMPANY,  
L.C.; LANDMARK TITLE COMPANY as  
Trustee; and HEALTH CARE PROPERTY  
INVESTORS, INC., as Beneficiary,

Defendants.

**FINAL JUDGMENT OF  
CONDEMNATION**

Project No. F-0154  
Parcel Nos. 1, 1:2E, 1:3E, 1:E  
Affecting Tax ID No. 21-05-126-015

Civil No. 110906757

Judge Sandra Peuler

The Court having reviewed the Stipulation and Joint Motion for Final Judgment of  
Condemnation entered into between the Plaintiff Utah Department of Transportation ("UDOT")  
and Defendants HCPI/Utah, LLC, Boyer Deseret Springs, L.C., Landmark Title Company as  
Trustee, and Health Care Property Investors, Inc., as Beneficiary (collectively the "Defendants")

and being fully advised and for good cause appearing, and incorporating the terms of the Stipulation;

**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 the just compensation for the land condemned is as follows:
  - a. The full amount of just compensation owed to Defendants for the taking of the Condemned Property including any severance damages or other claims for damages prior to the date hereof is **THREE HUNDRED EIGHTY ONE THOUSAND, FORTY DOLLARS AND FIFTEEN CENTS (\$381,040.15)** (the "Just Compensation")
  - b. Defendant HCPI/Utah, LLC is entitled to withdraw \$227,000 from Court upon entry of the Final Order of Condemnation and UDOT shall pay directly to HCPI/Utah, LLC the remainder of Just Compensation in the amount of \$154,040.15.
5. That a copy of this Final Judgment of Condemnation shall be recorded with the Salt Lake County Recorder's Office and thereupon the right and interests of Owner in the following described condemned property shall vest in Plaintiff Utah Department of

Transportation, 4501 South 2700 West, Salt Lake City, Utah 84119:

The condemned property conveyed by this Final Judgment of Condemnation is described as follows:

**Parcel No.0154:1**

A parcel of land in fee incident to the construction of Project No. F-0154(57)14, being part of an entire tract of property situate in the NE1/4NW1/4 of Section 5, T.2S., R.1W., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning at a point in the northerly boundary line of said entire tract in the southerly right of way line of 4100 South Street which is 495.00 feet S.89°53'25"W. along the section line and 53.00 feet S.00°06'35"E. and 32.64 feet S.89°53'25"W. from the North Quarter Corner of said Section 5, said point is approximately 51.19 feet perpendicularly distant southerly from the control line of said 4100 South Street of said project opposite engineer station 45+15.75, and running thence S.18°13'59"W. 25.08 feet to a line parallel with and 75.00 feet perpendicularly distant southerly from said control line opposite engineer station 45+07.85; thence S.89°52'30"W. 40.93 feet along said parallel line to a point opposite engineer station 44+66.92; thence N.14°17'47"W. 21.66 feet to a point 54.00 feet perpendicularly distant southerly from said control line opposite engineer station 44+61.62; thence N.85°58'02"W. 13.79 feet to a line parallel with and 53.00 feet perpendicularly distant southerly from said control line opposite engineer station 44+47.86; thence S.89°52'30"W. 41.36 feet along said parallel line to a point opposite engineer station 44+06.50; thence S.00°07'30"E. 4.50 feet to a line parallel with and 57.50 feet perpendicularly distant southerly from said control line opposite engineer station 44+06.50; thence S.89°52'30"W. 12.00 feet along said parallel line to a point opposite engineer station 43+94.50; thence N.00°07'30"W. 4.50 feet to a line parallel with and 53.00 feet perpendicularly distant southerly from said control line opposite engineer station 43+94.50; thence S.89°52'30"W. 38.01 feet along said parallel line to a point opposite engineer station 43+56.49; thence S.38°36'55"W. 28.21 feet to a line parallel with and 75.00 feet perpendicularly distant southerly from said control line opposite engineer station 43+38.84; thence S.89°52'30"W. 50.36 feet along said parallel line to a point opposite engineer station 42+88.48; thence N.48°29'29"W. 6.02 feet to a line parallel with and 71.00 feet perpendicularly distant southerly from said control line opposite engineer station 42+83.98; thence S.89°52'30"W. 220.43 feet along said parallel line to a point opposite engineer station 40+63.55; thence N.87°05'13"W. 113.22 feet to a line parallel with and 65.00 feet perpendicularly distant southerly from said control line opposite engineer station 39+50.49; thence S.89°52'30"W. 60.29 feet

along said parallel line to a point the easterly right of way and limited access line of the existing highway State Route 154 (Bangerter Highway) opposite engineer station 38+90.20, said point is also 91.70 feet perpendicularly distant easterly from the control line of Bangerter Highway of said project opposite engineer station 515+45.71; thence N.44°57'53"E. 19.79 feet along said easterly right of way and limited access line to said southerly right of way line; thence N.89°53'25"E. 611.54 feet along said southerly right of way line to the point of beginning.

The above described parcel of land contains 9,966 square feet in area or 0.229 acre, more or less.

(Note: All bearings in the above description equal highway bearings.)

Together with any and all abutter's rights of underlying fee to the center of the existing right-of-way appurtenant to this conveyance.

**Parcel No.0154:1:E**

A temporary easement, upon part of an entire tract of property, in the NE1/4NW1/4 of Section 5, T.2S., R.1W., S.L.B.&M., in Salt Lake County, Utah, to facilitate the construction of Project No. F-0154(57)14.

**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 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 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 the intersection of the southerly right of way line of 4100 South Street and the west line of Free Country Estates Subdivision (a subdivision filled in the Office of the Salt Lake

County Recorder in Book 77 on Page 83) 495.00 feet S.89°53'25"W. along the section line and 53.00 feet S.00°06'35"E. from the North Quarter Corner of said Section 5, said point is also approximately 51.20 feet perpendicularly distant southerly from the control line of 4100 South Street of said project opposite engineer station 45+48.40, and running thence S.00°06'35"E. 7.20 feet along said west line of Free Country Estates Subdivision; thence S.89°52'30"W. 29.77 feet; thence S.18°13'59"W. 22.76 feet; thence S.89°52'30"W. 48.43 feet; thence N.14°17'47"W. 22.28 feet; thence S.89°52'30"W. 46.07 feet; thence S.00°07'30"E. 4.19 feet; thence S.89°52'30"W. 21.99 feet; thence N.00°07'30"W. 4.19 feet; thence S.89°52'30"W. 30.94 feet; thence S.38°36'55"W. 25.78 feet; thence S.00°07'30"E. 14.00 feet; thence S.89°52'30"W. 65.00 feet; thence N.00°07'30"W. 16.50 feet; thence S.89°52'30"W. 145.02 feet; thence S.00°07'30"E. 18.50 feet; thence S.89°52'30"W. 82.00 feet; thence N.00°07'30"W. 21.53 feet; thence S.89°49'51"W. 168.34 feet to a westerly corner of said entire tract in the easterly right of way and limited access line of the existing highway State Route 154 (Bangerter Highway); thence N.44°57'53"E. 11.47 feet along said easterly right of way and limited access line to a line parallel with said control line; thence N.89°52'30"E. 60.29 feet along said parallel line; thence S.87°05'13"E. 113.22 feet to a line parallel with said control line; thence N.89°52'30"E. 220.43 feet along said parallel line; thence S.48°29'29"E. 6.02 feet to a line parallel with said control line; thence N.89°52'30"E. 50.36 feet along said parallel line; thence N.38°36'55"E. 28.21 feet to a line parallel with said control line; thence N.89°52'30"E. 38.01 feet along said parallel line; thence S.00°07'30"E. 4.50 feet to a line parallel with said control line; thence N.89°52'30"E. 12.00 feet along said parallel line; thence N.00°07'30"W. 4.50 feet to a line parallel with said control line; thence N.89°52'30"E. 41.36 feet along said parallel line; thence S.85°58'02"E. 13.79 feet; thence S.14°17'47"E. 21.66 feet to a line parallel with said control line; thence N.89°52'30"E. 40.93 feet along said parallel line; thence N.18°13'59"E. 25.08 feet to said southerly right of way line; thence N.89°53'25"E. 32.64 feet along said southerly right of way line to the point of beginning. The above described part of an entire tract of land contains 6,276 square feet in area or 0.144 acre, more or less.

**Parcel No.0154:1:2E**

A perpetual easement, upon part of an entire tract of property, in the NE1/4NW1/4 of Section 5, T.2S., R.1W., S.L.B.&M., in Salt Lake County, Utah, for the purpose of constructing and maintaining thereon public utilities and appurtenant parts thereof including, but not limited to ATMS fiber optic conduit, electrical service and distribution lines, culinary and irrigation water facilities; and highway appurtenances including, but not limited to slopes, street and signal lighting facilities, directional and traffic information signs to facilitate the construction of the existing highway State Route 154 known as Project No. F-0154(57)14.

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

Beginning at the northeast corner of said entire tract in the southerly right of way line of the existing 4100 South Street which corner is 495.00 feet S.89°53'25"W. and 53.00 feet S.00°06'35"E. from the North Quarter Corner of said Section 5, said corner is also approximately 51.20 feet perpendicularly distant southerly from the control line of said project opposite engineer station 45+48.40; and running thence S.00°06'35"E. 18.91 feet along the easterly boundary line of said entire tract; thence S.86°00'29"W. 39.90 feet; thence N.18°13'59"E. 22.77 feet to a point in said southerly right of way line which point is 51.19 feet perpendicularly distant southerly from said control line; thence N.89°53'25"E. 32.64 feet along said southerly right of way line to the point of beginning. The above described part of an entire tract of land contains 729 square feet or 0.017 acre in area, more or less.

(Note: All bearings in the above description equal highway bearings.)

The Owners, by consent of the Utah Department of Transportation, shall have the right to lessen but not to increase the vertical distance or grade of said cut and/or fill slopes. At no time shall the Owners, place, use or permit any equipment or material of any kind that exceeds twelve (12) feet in height, light any fires, place or store any flammable materials (other than agricultural crops), on or within the boundaries of the easement.

**Parcel No.0154:1:3E**

A perpetual easement, upon part of an entire tract of property, in the NE1/4NW1/4 of Section 5, T.2S., R.1W., S.L.B.&M., in Salt Lake County, Utah, for the purpose of constructing and maintaining thereon public utilities and appurtenant parts thereof including, but not limited to ATMS fiber optic conduit, electrical service and distribution lines, culinary and irrigation water facilities; and highway appurtenances including, but not limited to slopes, street and signal lighting facilities, directional and traffic information signs to facilitate the construction of the existing highway State Route 154 known as Project No. F-0154(57)14.

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

Beginning at a point which is 495.00 feet S.89°53'25"W. and 53.00 feet S.00°06'35"E. and 32.64 feet S.89°53'25"W. and 25.08 feet S.18°13'59"W. and 31.76 feet S.89°52'30"W. from the North Quarter Corner of said Section 5, said point is also approximately 75.00 feet perpendicularly distant southerly from the control line of said project opposite engineer station 44+76.10; and running thence S.86°00'29"W. 348.00 feet; thence N.88°42'56"W. 225.16 feet; thence N.84°20'31"W. 21.84 feet to the easterly right of way and limited access line of the existing

highway State Route 154; thence N.00°04'40"W. 17.63 feet along said easterly right of way line to a northwest corner of said entire tract; thence N.44°57'53"E. 11.47 feet along said easterly right of way and limited access line to a line parallel with and 65.00 feet perpendicularly distant southerly from said control line opposite engineer station 38+90.20; thence N.89°52'30"E. 60.29 feet along said parallel line to a point opposite engineer station 39+50.49; thence S.87°05'13"E. 113.22 feet to a line parallel with and 71.00 feet perpendicularly distant southerly from said control line opposite engineer station 40+63.55; thence N.89°52'30"E. 220.43 feet along said parallel line to a point opposite engineer station 42+83.98; thence S.48°29'29"E. 6.02 feet to a line parallel with and 75.00 feet perpendicularly distant southerly from said control line opposite engineer station 42+88.48; thence N.89°52'30"E. 50.36 feet along said parallel line to a point opposite engineer station 43+38.84; thence N.38°36'55"E. 28.21 feet to a line parallel with and 53.00 feet perpendicularly distant southerly from said control line opposite engineer station 43+56.49; thence N.89°52'30"E. 38.01 feet along said parallel line to a point opposite engineer station 43+94.50; thence S.00°07'30"E. 4.50 feet to a line parallel with and 57.50 feet perpendicularly distant southerly from said control line opposite engineer station 43+94.50; thence N.89°52'30"E. 12.00 feet along said parallel line to a point opposite engineer station 44+06.50; thence N.00°07'30"W. 4.50 feet to a line parallel with and 53.00 feet perpendicularly distant southerly from said control line opposite engineer station 44+06.50; thence N.89°52'30"E. 41.36 feet along said parallel line to a point opposite engineer station 44+47.86; thence S.85°58'02"E. 13.79 feet to a point 54.00 feet perpendicularly distant southerly from said control line opposite engineer station 44+61.62; thence S.14°17'47"E. 21.66 feet to a line parallel with and 75.00 feet perpendicularly distant southerly from said control line opposite engineer station 44+66.92; thence N.89°52'30"E. 9.17 feet along said parallel line to the point of beginning. The above described part of an entire tract of land contains 13,933 square feet or 0.320 acre in area, more or less.

(Note: All bearings in the above description equal highway bearings.)

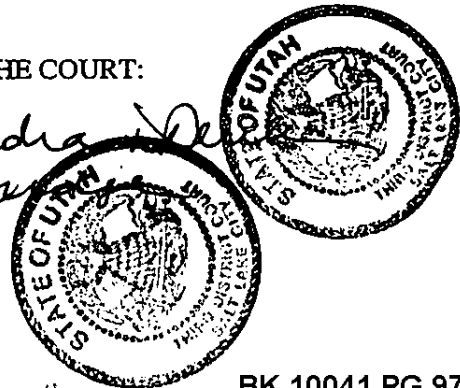
The Owners, by consent of the Utah Department of Transportation, shall have the right to lessen but not to increase the vertical distance or grade of said cut and/or fill slopes. At no time shall the Owners, place, use or permit any equipment or material of any kind that exceeds twelve (12) feet in height, light any fires, place or store any flammable materials (other than agricultural crops), on or within the boundaries of the easement.

DATED this 26 day of June, 2012.

BY THE COURT:

Final Judgment of Condemnation THIS IS A TRUE COPY OF AN ORIGINAL DOCUMENT ON FILE IN THE THIRD DISTRICT COURT, SALT LAKE COUNTY, STATE OF UTAH.

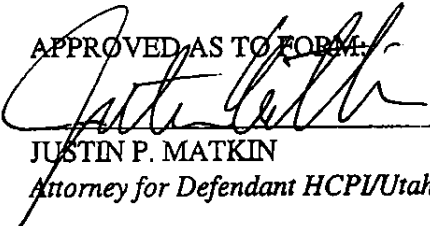
DATE: June 27, 2012  
Ruthy Galapas  
 DEPUTY COURT CLERK



BK 10041 PG 9754

  
SANDRA PEULER  
District Court Judge

APPROVED AS TO FORM:

  
JUSTIN P. MATKIN  
*Attorney for Defendant HCPI/Utah, LLC*

APPROVED AS TO FORM:

  
JEFFREY J. JENSEN  
*Attorney for Defendant Landmark Title Company*

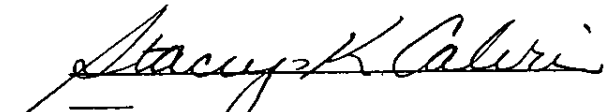


**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **FINAL JUDGMENT OF CONDEMNATION** was served by mail, postage prepaid, this 25<sup>th</sup> day of June, 2012 on:

Justin P. Matkin  
PARR BROWN GEE & LOVELESS  
185 South State Street, Suite 800  
Salt Lake City, Utah 84111  
*Attorney for Defendant HCPI/Utah LLC*

Jeffrey J. Jensen  
675 East 2100 South, #200  
Salt Lake City, Utah 84106  
*Attorney for Defendant Landmark Title*

  
Legal Secretary