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RECEIVED  
SALT LAKE COUNTY  
*[Signature]*

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6612532  
04/07/97 09:28 AM\*\*NO FEE\*\*  
NANCY WORKMAN  
RECORDER, SALT LAKE COUNTY, UTAH  
UTAH ST-DEPT OF TRANSPORTATION  
REC BY:B ROME DEPUTY - MP

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

UTAH DEPARTMENT OF TRANSPORTATION,	)	ORDER OF IMMEDIATE OCCUPANCY
	)	
Plaintiff,	)	
	)	Project No. STP-0068(9)47
vs.	)	Parcel Nos. 66, 66:E, 66:2E
	)	
VONDA K. CAINE, Trustee of the	)	
Vonda K. Caine Trust,	)	Civil No. 970900537 CD
	)	
Defendant.	)	Judge Glenn K. Iwasaki

Having read the Stipulation entered into between the parties and the pleadings on file in this cause and good cause appearing therefore,

IT IS HEREBY ORDERED AND ADJUDGED, that the Plaintiff has the right of eminent domain and that the purpose for which the

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premises are sought by this action is public in nature and that the property is needed for that use.

IT IS FURTHER ORDERED that the Plaintiff be and is hereby permitted and authorized to occupy the premises belonging to the Defendant above-named subject to the provisions hereinafter contained. The premises are sought for highway or highway related purposes. All of the property interests or other rights as required by the Plaintiff herein, and the property belonging to the Defendant as affected thereby are particularly set out and described in the Complaint on file in this action, and in the condemnation resolution filed in this action, a copy of which is hereto annexed, and the Plaintiff is hereby permitted to take possession of said properties of said Defendant after having complied with the conditions contained in this Order, and to continue the possession of the same pending further hearing and trial on the issues that may be raised in this action and to do such work thereon as may be required for the purposes for which said premises are sought to be condemned.

IT IS FURTHER ORDERED that the Plaintiff shall relocate the Defendant's driveway in its existing location within the temporary easement area. Plaintiff or its contractor shall not use the temporary easement located on the Defendant's property for any purposes other than to re-establish her driveway. The Plaintiff shall relocate Defendant's irrigation diversion box in a location and manner that will allow Defendant to irrigate her remaining property in a manner equal to how it was done prior to the construction of Plaintiff's project. Defendant shall be provided reasonable access to and from her property during construction of Plaintiff's project.

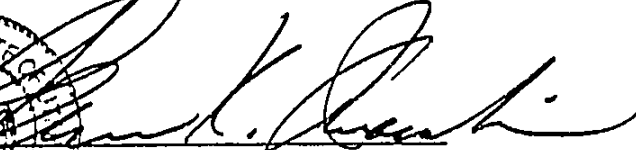
IT IS FURTHER ORDERED that before taking possession of the Defendant's property as herein provided, the Plaintiff shall deposit with the Clerk of the Court the full amount of its approved appraisal (\$7,350) for the use and benefit of the Defendant.

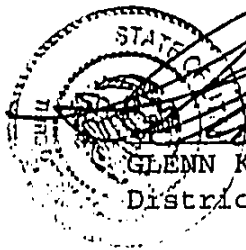
IT IS FURTHER ORDERED that on receipt of said moneys the Clerk of this Court shall remit the same to the Defendant or her counsel. The withdrawal of said funds by the Defendant shall be without prejudice to Defendant's claim for greater compensation for

the taking of the property and property interests by the Plaintiff  
or damages to her remaining property.

DATED this 14<sup>th</sup> day of March, 1997.

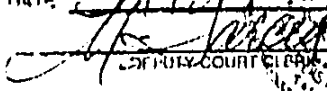
BY THE COURT:

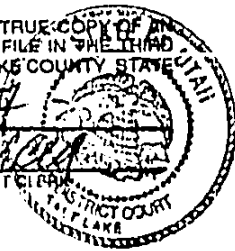
  
GLENN K. IWASAKI  
District Court Judge



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

3-19-97  
  
CLERK OF DISTRICT COURT  
SALT LAKE COUNTY  
STATE OF UTAH



CONDEMNATION RESOLUTION  
HIGHWAY PROJECT NO. STP-0068(9)47  
Redwood Road 9000 South to 7800 South

RESOLVED, by the Utah Department of Transportation, hereinafter referred to as the Department, that it finds and determines and hereby declares that:

The public interest and necessity required the acquisition, construction and completion by the State of Utah acting through the Department, of a public improvement, namely a State Highway. The public interest and necessity require the acquisition and immediate occupancy, for said public improvement, of the real property, or interest in real property, hereinafter described.

Said proposed state highway is planned and located in a manner which will be most compatible with the greatest public good and the least private injury as provided by Title 27, Chapter 12, Section 96, Utah Code Annotated 1953 as amended.

BE IT FURTHER RESOLVED by said Department that the Attorney General of Utah shall be requested, on behalf of said Department:

To acquire, in the name of the Department, the said hereinafter described real property, or interests in real property, by condemnation in accordance with the provisions of the Statutes and of the Constitution of Utah relating to eminent domain;

To prepare and prosecute such proceeding or proceedings in the proper court having jurisdiction thereof as are necessary for such acquisition;

To obtain, from said court, an order permitting said Department to take immediate possession and use of said real property, or interests in real property, for highway purposes, or purposes incidental thereto.

BE IT FURTHER RESOLVED that the State Finance Director shall be requested, on behalf of said Department:

To prepare State Warrant in the amount of the approved appraisal of each parcel of real property, or interest in real property set forth and described herein; payee to be the Clerk of the District Court of the County wherein the real property is located, for the use and benefit of the landowners and/or lien holder as described herein;

That a tender to the landowners of a sum equal to the fair market value of the property to be acquired for rights of way herein shall be made prior to issuance of Order of Immediate Occupancy.

The real property, or interest in real property, which the Department is by this resolution authorized to acquire for said public use, is situate in the County of Salt Lake, State of Utah, Highway Project No. STP-0068(9)47, and is described as follows:

SK 7637 PG0092

## HIGHWAY PROJECT NO. STP-0068(9)47

RECORDED OWNER: Vonda K. Caine (Trustee)  
of the (Vonda K. Caine Trust)  
ADDRESS: 8669 south Redwood Road  
West Jordan, Utah 84088

LIEN HOLDERS: None of record

APPROVED APPRAISAL: \$7,350.00

Parcel No. 0068:66

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

Beginning at the Northwest corner of said entire tract, which point is 120.701 m South from the North Quarter corner of said Section 3; thence N 89°44'00" E 16.155 m along the north boundary line of said entire tract to a point 16.155 m perpendicularly distant easterly from the centerline of said project; thence South 30.555 m along a line parallel to the west boundary line of said entire tract to the south boundary line of said entire tract; thence West 16.155 m along said south boundary line to the Southwest corner of said entire tract; thence North 30.480 m along said west boundary line to the point of beginning. The above described parcel of land contains 493.0 square meters, of which 306.8 square meters are now occupied by the existing highway. Balance 186.2 square meters in area.

(Note: Rotate above bearings 00°11'18" clockwise to equal highway bearings.)

(Note: To obtain distances in feet, divide above distances by 0.3048, and to obtain area in square feet, multiply above area by 10.764.)

SK 7637 PG0093

## HIGHWAY PROJECT NO. STP-0068(9)47

Parcel No. 0068:66:E

A perpetual easement upon part of an entire tract of property in the NW~~NE~~ of Section 3, T.3S., R.1W., S.L.B.&M., in Salt Lake County, Utah, for the purpose of constructing thereon an irrigation pipeline, gas pipeline, water pipeline, telephone cable, and electric power lines and appurtenant parts thereof incident to the widening and grading of Redwood Road known as Project No. 0068.

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

Beginning at the intersection of the Northerly boundary line of said entire tract and the east right of way line of said project, which point is 120.701 m south and 16.155 m east from the North Quarter corner of said Section 3; thence N 89°44'00" E 3.005 m along said northerly boundary line to a point 19.160 m perpendicularly distant easterly from the centerline of said project; thence South 17.317 m along a line parallel to the west boundary line of said entire tract; thence East 0.340 m to a point 19.500 m perpendicularly distant easterly from said centerline at Engineer Station 1+476.000; thence South 5.000 m along a line parallel to said west boundary line; thence West 0.340 m to a point 19.160 m perpendicularly distant easterly from the centerline at Engineer Station 1+471.000; thence South 8.253 m along a line parallel to said west boundary line to the south boundary line of said entire tract; thence West 3.005 m along said south boundary line to said easterly right of way line; thence North 30.555 m along said easterly right of way line to the point of beginning.

The above described part of an entire tract of land contains 93.5 square meters.

(Note: Rotate above bearings 00°11'18" clockwise to equal highway bearings.)

(Note: To obtain distances in feet, divide above distances by 0.3048, and to obtain area in square feet, multiply above area by 10.764.)

After said utilities are constructed on the above described part of an entire tract 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 utilities and appurtenant parts thereof.

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## HIGHWAY PROJECT NO. STP-0068(9)47

Parcel No. 0068:66:2E

A temporary easement, upon part of an entire tract of property, in the NW-NE¼ of Section 3, T.3S., R.1W., S.L.B.&M., in Salt Lake County, Utah, to facilitate the construction of driveways, parking areas, and appurtenant parts thereof incident to the widening of Redwood Road known as Project No. 0068.

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

Beginning at a point on the easterly perpetual easement line of said project, at a point 19.160 m perpendicularly distant easterly from the centerline of said project at Engineer Station 1+492.000, said point of beginning is approximately 121.928 m south and 19.160 m east from the North Quarter corner of said Section 3; thence East 15.840 m to a point 35.000 m perpendicularly distant easterly from said centerline; thence South 7.000 m; thence West 15.840 m; thence North 7.000 m to the point of beginning.

The above described part of an entire tract of land contains 110.9 square meters.

(Note: Rotate above bearings 00°11'18" clockwise to equal highway bearings.)

(Note: To obtain distances in feet, divide above distances by 0.3048, and to obtain area in square feet, multiply above area by 10.764.)

The hereinabove temporary easement shall expire upon the completion of the construction of said project or 5 years after the date of the execution of the within instrument, whichever first occurs.

After said driveways and/or parking area facilities are constructed on the above described part of an entire tract 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 facilities and appurtenant parts thereof.

Prepared by TLB January 2, 1997

SK7637PG0095



FILED DISTRICT COURT  
Third Judicial District

MAR 10 1997

By *Deborah*  
Deputy Clerk

DONALD S. COLEMAN - Bar No. 0695  
Assistant Attorney General  
JAN GRAHAM -- Bar No. 1231  
Attorney General  
ATTORNEYS FOR PLAINTIFF  
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TELEFAX: (801) 366-0352

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

UTAH DEPARTMENT OF TRANSPORTATION,	)	ORDER OF IMMEDIATE OCCUPANCY
	)	
Plaintiff,	)	
	)	Project No. STP-9999(158)
vs.	)	Parcel No. 4
	)	
WAGSTAFF INVESTMENTS, A Utah	)	
Limited Partnership,	)	Civil No. 970900782 CD
	)	
Defendant.	)	Judge Stephen L. Henroid

Plaintiff's Motion for an Order of Immediate Occupancy having been submitted to the Court for decision, together with a Memorandum and an Affidavit and no objection thereto having been filed by the Defendant and the Court having determined from the pleadings that the Plaintiff has the right of eminent domain, and that the purpose for which the premises sought by the Complaint herein to be

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condemned is a public purpose and that the immediate occupancy of said premises is necessary and proper,

NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED, that the Plaintiff is hereby authorized to occupy the property of the Defendant, which is sought by this action for highway purposes, all such property interests or other rights as required by the Plaintiff are set out and described in resolution attached as Exhibit A to Plaintiff's Complaint, a copy of which is attached hereto. The Plaintiff is hereby permitted to take immediate possession of said property of the Defendant as described in Plaintiff's Complaint and to continue possession thereof pending further hearing or trial on the issues that may be raised in this action and to do such work thereon as may be required for the purposes for which said premises are sought to be condemned.

IT IS FURTHER ORDERED that during construction of the project and pending the hearing on the issues presented, that prior to the destruction or removal of any fence on or along the property condemned, the Plaintiff shall make adequate provisions for a fence along the right-of-way so as to provide fencing protection to the

properties affected hereby at least equal to that now provided for each of such properties.

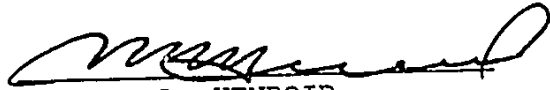
IT IS FURTHER ORDERED that pending further hearing or trial on the issues that may be presented in this action, the Defendant and its agents, servants and employees are hereby enjoined from interfering with Plaintiff's occupation of the property, or in the doing of such work thereon as may be required for the purposes for which it is sought to condemn the said property as set forth in said Complaint.

This Order shall not be effective until the Plaintiff herein has deposited with the Clerk of the Court, for the use and benefit of the Defendant parties in interest herein, the full dollar amount of Plaintiff's approved appraisal of the Defendant's property to be acquired in this action.

IT IS FURTHER ORDERED that on receipt of said moneys, the Clerk of this Court shall remit the same to the appropriate Defendant in the percentage and portion to which each is entitled.

DATED this 10 day of March, 1997.

BY THE COURT:

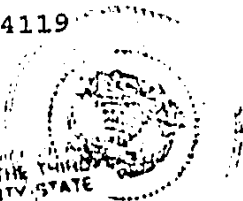


STEPHEN L. HENROID  
District Court Judge

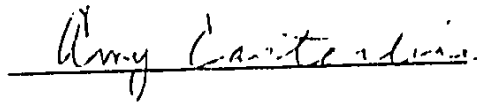
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing  
ORDER OF IMMEDIATE OCCUPANCY was mailed, postage prepaid, this 26<sup>th</sup>  
day of February, 1997, to:

Jerry L. Wagstaff  
Agent of Service for  
Wagstaff Investments  
3115 West 2100 South  
West Valley, UT 84119



CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE  
ORIGINAL DOCUMENT ON FILE IN THE THIRD  
DISTRICT COURT SALT LAKE COUNTY STATE  
OF UTAH  
DATE 03/19/97  
A. Yocum  
CLERK OF COURT



CONDEMNATION RESOLUTION  
HIGHWAY PROJECT NO. STP-9999(158)  
7800 South (SR-48) & 3200 West

RESOLVED, by the Utah Department of Transportation, hereinafter referred to as the Department, that it finds and determines and hereby declares that:

The public interest and necessity required the acquisition, construction and completion by the State of Utah acting through the Department, of a public improvement, namely a State Highway. The public interest and necessity require the acquisition and immediate occupancy, for said public improvement, of the real property, or interest in real property, hereinafter described.

Said proposed state highway is planned and located in a manner which will be most compatible with the greatest public good and the least private injury as provided by Title 27, Chapter 12, Section 96, Utah Code Annotated 1953 as amended.

BE IT FURTHER RESOLVED by said Department that the Attorney General of Utah shall be requested, on behalf of said Department:

To acquire, in the name of the Department, the said hereinafter described real property, or interests in real property, by condemnation in accordance with the provisions of the Statutes and of the Constitution of Utah relating to eminent domain;

To prepare and prosecute such proceeding or proceedings in the proper court having jurisdiction thereof as are necessary for such acquisition;

To obtain, from said court, an order permitting said Department to take immediate possession and use of said real property, or interests in real property, for highway purposes, or purposes incidental thereto.

BE IT FURTHER RESOLVED that the State Finance Director shall be requested, on behalf of said Department:

To prepare State Warrant in the amount of the approved appraisal of each parcel of real property, or interest in real property set forth and described herein; payee to be the Clerk of the District Court of the County wherein the real property is located, for the use and benefit of the landowners and/or lien holder as described herein;

That a tender to the landowners of a sum equal to the fair market value of the property to be acquired for rights of way herein shall be made prior to issuance of Order of Immediate Occupancy.

The real property, or interest in real property, which the Department is by this resolution authorized to acquire for said public use, is situate in the County of Salt Lake, State of Utah, Highway Project No. STP-9999(158), and is described as follows:

## HIGHWAY PROJECT NO. STP-9999(158)

RECORDED OWNER: Wagstaff Investments, A Utah Limited Partnership

ADDRESS: 3115 West 2100 South  
West Valley, Utah 84119

LIEN HOLDER: None of record

APPROVED APPRAISAL: \$18,400.00

Parcel No. 9999:4

A parcel of land in fee being part of an entire tract of property, situate in the NW1/4 NW1/4 of Section 33, T. 2 S., R 1 W., S.L.B. & M., in Salt Lake County, for the widening of the intersection of 7800 South Street (SR-48) and 3200 West Street in West Jordan City, known as project No. STP-9999(158).

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

Beginning at the Northwest corner of said entire tract, which point is 10.06 meters North 89°29'00" East along the Section line of said Section 33, and 16.31 meters South 00°31'00" East, from the Northwest corner of said Section 33, thence North 89°29'00" East 7.80 meters, to a point 16.31 meters perpendicularly distant southerly from the control line of said 7800 South Street (SR-48) at Engineers Station 10+167.86; thence South 36°24'18" West 8.09 meters, to a point 13.00 meters perpendicularly distant easterly from the control line of said 3200 West Street at Engineers Station 1+127.23; thence South 00°31'00" East 48.40 meters, more or less to the southerly boundary line of said entire tract; thence South 89°58'10" West, 2.94 meters; thence North 00°31'00" West 54.87 meters to the point of beginning. The above described parcel of land contains 177.20 square meters.

(Note: To obtain distance in feet, divide above distances by 0.3048. Multiply above area by 10.7639 to obtain square feet.)

Prepared By RHJ 1-14-97

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