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GARY W. OTT

RECORDER, SALT LAKE COUNTY, UTAH

CITY OF DRAPER

1020 E PIONEER RD

DRAPER UT 84020

BY: EPM, DEPUTY - WI 3 P.

FEB 11 2008

Deputy Clerk

Todd J. Godfrey (#6094)
Michael Z. Hayes (#1432)
MAZURAN & HAYES, P.C.
2118 East 3900 South, Suite 300
Salt Lake City, UT 84124-1725
Telephone: (801) 272-8998
Fax: (801) 272-1551

Attorneys for Plaintiff

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

DRAPER CITY, a Utah municipal
corporation,

Plaintiff,

vs.

SHERMAN S. FITZGERALD FAMILY
PARTNERSHIP, LTD.,

Defendant.

FINAL ORDER OF CONDEMNATION

Civil No. 040916080
Judge Joseph C. Fratto, Jr.

Pursuant to the Stipulation and Settlement of the parties, and Satisfaction of Judgment having been filed by the Defendants evidencing payment in full of said Judgment of Just Compensation, the court now enters its Final Order of Condemnation as follows:

1. Plaintiff is hereby awarded all of Defendants' rights, title and interest in and to the following property located within Salt Lake County, State of Utah, which property is more particularly described as follows:

Fee Acquisition

Beginning at the northeast corner of the Grantor's property at a point 1.75 feet S. 00°07'25" W. and 1429.24 feet S. 89°59'55" W. and 128.28 feet S. 89°51'01" W. and 1007.66 feet N. 00°35'07" W. from the Southeast corner of Section 29, Township 3 South, Range 1 East, Salt Lake Base and Meridian, and running thence N. 89°33'38" W. 166.80 feet; thence S. 88°53'22" W. (Westerly, by deed) 394.19 feet, more or less, to the Grantor's westerly boundary line; thence South 26.19 feet along said westerly boundary line to a point on a 3,946-foot radius non-tangent curve to the right; thence Easterly 63.00 feet along the arc of said curve (chord bears N. 87°15'45" E. for a distance of 63.00 feet); thence N. 87°43'11" E. 214.60 feet to a point of tangency with a 7,946-foot radius curve to the right; thence Easterly 283.76 feet along the arc of said curve (chord bears N. 88°44'34" E. for a distance of 283.75 feet) to the Grantor's easterly boundary line; thence N. 00°35'07" W. 16.46 feet along said easterly boundary line to the point of beginning. Containing 11,922 square feet or 0.274 acre, more or less.

(Note: Rotate all bearings in the above description 00°14'39" clockwise to match roadway project bearings.)

2. Also, Plaintiff is hereby awarded a perpetual slope easement over a parcel of property located in Salt Lake County, State of Utah, and described as follows:

Perpetual Easement

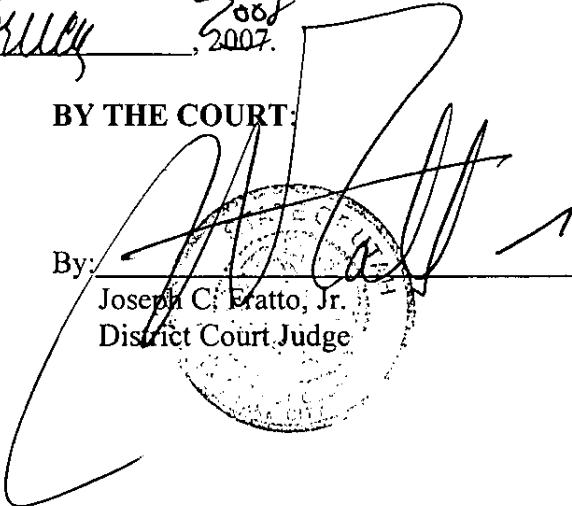
Beginning at a point on the Grantor's easterly boundary line, said point being 1.75 feet S. 00°07'25" W. and 1429.24 feet S. 89°59'55" W. and 128.28 feet S. 89°51'01" W. and 991.20 feet N. 00°35'07" W. from the Southeast corner of Section 29, Township 3 South, Range 1 East, Salt Lake Base and Meridian, and running thence Westerly 283.76 feet along the arc of a 7,946-foot radius curve to the left (chord bears S. 88°44'34" W. for a distance of 283.75 feet) to a point of tangency; thence S. 87°43'11" W. 214.60 feet to a point of tangency with a 3,946-foot radius curve to the left; thence Westerly 63.00 feet along the arc of said curve (chord bears S. 87°15'45" W. for a distance of 63.00 feet) to the Grantor's westerly boundary line. Containing 5,614 square feet or 0.129 acre, more or less.

Plaintiff shall be responsible for maintaining the Perpetual Slope Easement including, but not limited to, landscaping, weed control, mowing and dirt retention.

02LitFitzgeraldFinal Order of Condemnation

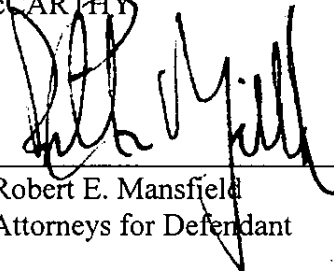
DATED this 13 day of February, ²⁰⁰⁸~~2007~~.

BY THE COURT:

By: 
Joseph C. Fratto, Jr.
District Court Judge

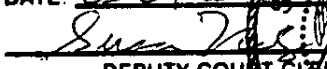
APPROVED AS TO FORM:

VAN COTT BAGLEY CORNWALL
& McCARTHY

By: 
Robert E. Mansfield
Attorneys for Defendant

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

DATE: 03-04-2008


DEPUTY COURT CLERK

