

The Order of the Court is stated below:

Dated: December 01, 2017
08:34:18 AM

/s/ MICHAEL G. ALLPHIN
District Court Judge



RETURNED
DEC 27 2017

JAMES L. WARLAUMONT (#3386)
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STATE OF UTAH
COUNTY OF DAVIS } ss.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE ORIGINAL ON FILE IN MY OFFICE.

DATED THIS 5 DAY OF Dec 20 17

ALYSON E. BROWN
CLERK OF THE COURT

BY: *[Signature]* DEPUTY

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E 3067238 B 6919 P 1093-1099
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
12/27/2017 03:30 PM

IN THE SECOND JUDICIAL DISTRICT COURT

FILE #0-00 Pgs: 7
DEPT RT REC'D FOR UTAH DEPT OF TRANSPORTATION

IN AND FOR DAVIS COUNTY, STATE OF UTAH

<p>UTAH DEPARTMENT OF TRANSPORTATION, Plaintiff, vs. SFP-C LIMITED PARTNERSHIP; and JOHN DOES 1-5, Defendants</p>	<p>FINAL JUDGMENT OF JUST COMPENSATION AND CONDEMNATION Civil No. 170700740 Judge Michael G. Allphin</p>
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The Court, having reviewed the Stipulation and Joint Motion for Entry of Final Judgment of Just Compensation and Condemnation ("Final Judgment") and being fully advised and for good cause appearing,

NOW ORDERS, ADJUDGES AND DECREES that:

- The real property interests hereinafter described (the "Condemned Property") located at or about 1270 North Main Street, Layton, Utah are hereby condemned and acquired by

UDOT for public highway and transportation purposes. UDOT has the right to condemn and acquire the Condemned Property for a public use as described in the Complaint and the highway project for which the Condemned Property is acquired is public in nature.

2. The purpose of this condemnation is a public use authorized by law.

3. SFP-C Limited Partnership (hereinafter "SFP-C") has been regularly served with Summons and Complaint and the Court has subject matter and personal jurisdiction in this matter and for the entry of the Final Judgment.

4. No John Does have been identified as having an interest in the Condemned Property and no John Does are entitled to Just Compensation or damages.

5. All claims and disputes between UDOT and SFP-C that are related to the condemnation and the Project are resolved and the Condemned Property shall vest in UDOT upon the entry of the Final Judgment by the Court and the recording of the Final Judgment in the records of the Davis County Recorder.

6. UDOT shall pay the sum \$191,133.00 to SFP-C upon entry of this Final Judgment by the Court clerk issuing and sending a check in the amount of \$122,500.00 which UDOT has deposited with the Court and by UDOT issuing and sending an additional check in the amount of \$68,633.00. The checks shall be sent by the Court Clerk and by UDOT, via certified mail, to:

David Gibson
Corporate Counsel
Les Schwab Tire Centers
20900 Cooley Rd.
Bend, OR 97701

7. The payments referred to in paragraph 6, totaling \$191,133.00, constitute full and

final payment of just compensation to SFP-C, payment for the Condemned Property, payment for all costs to cure and payment for damages, including any claim arising out of a loss of parking or damages to the remaining property. UDOT shall have no further liability to SFP-C for any claims to just compensation or damages, arising out of or related to this condemnation or the Project, including all claims for interest, expenses and attorneys' fees.

8. A copy of this Final Judgment of Just Compensation and Condemnation shall be filed with the County Recorder of Davis County, State of Utah, and thereupon the rights and interests of SFP-C in the following Condemned Property shall vest in the Plaintiff, Utah Department of Transportation, 4501 South 2700 West, West Valley City, Utah 84119:

Parcel No. I15-7:110B:E

A temporary easement, upon part of an entire tract of property known as part of Lot 4 of the Main Street Commons Subdivision, situate in the NW1/4SW1/4 of Section 17, T.4N., R.1W., S.L.B.&M., in Davis County, Utah, to facilitate the construction roadway improvements, side treatments and appurtenant parts thereof and blending slopes to the construction of the existing 1425 North Street (Midtown Crossing) known as Project No. S-I15-7(329)332. UDOT shall not disturb the tire storage/dumpster area situated on or about the temporary easement.

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(s) 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.

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

Beginning at the northeast corner of said entire tract, which corner is 931.73 feet S.00°03'20"E. along the section line and 783.61 feet N.89°56'40"E. from the West Quarter

Corner of said Section 17, said corner is also approximately 47.91 feet perpendicularly distant southerly from the Midtown Crossing Control Line opposite engineer station 111+77.19; and running thence S.00°05'10"E. 207.78 feet along the easterly boundary line of said entire tract; thence S.89°53'31"W. 30.16 feet; thence N.00°05'19"W. 197.20 feet; thence S.89°54'38"W. 28.70 feet to the northwesterly boundary line of said entire tract; thence N.38°14'49"E. 13.50 feet along said northwesterly boundary line to the northwest corner of said entire tract; thence N.89°54'45"E. 50.51 feet along the northerly boundary line of said entire tract to the point of beginning. The above described part of an entire tract of land contains 6,529 square feet or 0.150 acre in area, more or less.

(Note: Rotate all bearings in the above description 00°20'48" clockwise to obtain highway bearings.)

Parcel No. I15-7:110B:2E

A temporary easement, upon part of an entire tract of property known as part of Lot 4 of the Main Street Commons Subdivision, in the NW1/4SW1/4 and SW1/4SW1/4 of Section 17, T.4N., R.1W., S.L.B.&M., in Davis County, Utah, to facilitate the construction roadway improvements, side treatments and appurtenant parts thereof and blending slopes to the construction of the existing 1425 North Street (Midtown Crossing) known as Project No. S-I15-7(329)332

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(s) 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.

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

Beginning at the southwest corner of said entire tract in the northeasterly right of way line of the existing highway State Route 126 which corner is 1,252.94 feet S.00°03'20"E. along the section line and 479.43 feet N.89°56'40"E. from the West Quarter Corner of said Section 17, said corner is also approximately 50.00 feet perpendicularly distant northeasterly from the SR-126 (Main Street) Control Line opposite engineer station 209+87.14; and running thence N.38°14'49"E. 20.00 feet along the northwesterly boundary line of said entire tract; thence S.51°21'03"E. 213.04 feet to the southeasterly boundary line of said entire tract; thence

S.38°51'57"W. 20.00 feet along said southeasterly boundary line; thence N.51°21'03"W. 212.83 feet along said northeasterly right of way line to the point of beginning. The above described part of an entire tract of land contains 4,259 square feet or 0.098 acre in area, more or less.

(Note: Rotate all bearings in the above description 00°20'48" clockwise to obtain highway bearings.)

Parcel No. I15-7:115:PUE

A public utility easement (P.U.E.), upon part of an entire tract of property known as part of Lot 4 of the Main Street Commons Subdivision, situate in the NW1/4SW1/4 of Section 17, T.4N., R.1W., S.L.B.&M., in Davis County, Utah.

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

Beginning at the northeast corner of said entire tract, which corner is 931.73 feet S.00°03'20"E. along the section line and 783.61 feet N.89°56'40"E. from the West Quarter Corner of said Section 17, said corner is also approximately 47.91 feet perpendicularly distant southerly from the Midtown Crossing Control Line opposite engineer station 111+77.19; and running thence S.00°05'10"E. 10.90 feet along the easterly boundary line of said entire tract; thence N.57°42'22"W. 20.35 feet to a point in the northerly boundary line of said entire tract; thence N.89°54'45"E. 17.19 feet along said northerly boundary line to the point of beginning. The above described part of an entire tract of land contains 94 square feet or 0.002 acre in area, more or less.

(Note: Rotate all bearings in the above description 00°20'48" clockwise to obtain highway bearings.)

This easement permits the construction, replacement, and maintenance of overhead and underground utility facilities including conductors, conduits, pipes, fiber optics and lines of any type, including, but not limited to, those used for electrical service or distribution, irrigation or culinary water, sewer, gas, communications or the transmission of data. This easement also permits the construction, replacement, and maintenance of related utility equipment within easement area, above or below ground, including but not limited to utility poles, terminal boxes and transformers.

9. The parties shall each bear their own expenses, costs and attorney's fees.

***THIS ORDER BECOMES EFFECTIVE ON THE DATE WHEN ELECTRONICALLY
SIGNED BY THE COURT ON THE FIRST PAGE***

APPROVED AS TO FORM AND SUBSTANCE:

DATED this 16th day of November 2017.

PARR BROWN GEE & LOVELESS
*(Electronically signed with permission
from Justin P. Matkin)*

/s/ Justin P. Matkin

JUSTIN P. MATKIN
*Attorney for Defendant SFP-C Limited
Partnership*

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of November 2017 I electronically filed the foregoing **Final Judgment of Just Compensation and Condemnation** with the Court by using the NEF system which electronically notified the following:

Justin P. Matkin
PARR BROWN GEE & LOVELESS
101 South 200 East, Suite 700
Salt Lake City, Utah 84111
Attorneys for Defendant

/s/ James L. Warlaumont