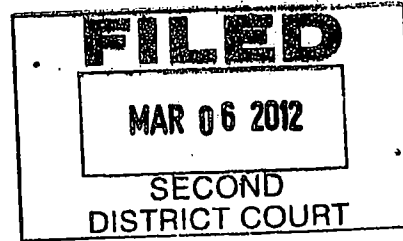


RETURNED
MAR 23 2012

2651076
BK 5485 PG 1104

E 2651076 B 5485 P 1104-1107
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
03/23/2012 04:58 PM
FEE \$0.00 Pgs: 4
DEP RTT REC'D FOR UTAH DEPARTMENT
OF TRANSPORTAT



GARY D. JOSEPHSON (#5299)
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
gjosephson@utah.gov
Attorneys for Plaintiff

IN THE SECOND DISTRICT COURT IN AND FOR
DAVIS COUNTY, STATE OF UTAH

UTAH DEPARTMENT OF
TRANSPORTATION,

Plaintiff,

vs.

L.E. ELLISON FAMILY COMPANY, LLC,
JON M. TITUS and GERI A. TITUS, BART R.
TATTON, TRUSTEE OF THE BART R.
TATTON TRUST DATED 01/17/2001, CRAIG
B. DAY and JUDY L. DAY,

Defendants.

**FINAL JUDGMENT OF
CONDEMNATION**

Project No.: S-15-8-(211)332
Parcel Nos.: 37:1, 37:E1, 37:2, 37:E2,
37:3, 37:E3
Tax Id. Nos.: 10-089-0005, 10-089-0009,
10-089-0070, 10-089-0096

Civil No. 100700348

Judge Thomas L. Kay

The Court, having reviewed UDOT's Motion for Summary Judgment and supporting
Memorandum and being fully advised in the matter, makes the following Order:

ORDER

1. The parcel of land herein described and located at approximately 32 North Main Street, Layton City, Davis County, State of Utah, is hereby condemned and acquired by UDOT for highway purposes.

2. The purpose of this condemnation of Defendants' property is for a necessary public use, authorized by law.

3. The Defendants are hereby awarded judgment in the total amount of \$3,200.00 (Three Thousand Two Hundred Dollars), satisfying all claims and demands of any kind, including condemnation just compensation, any and all damages, applicable interest, attorney fees and costs, which may have been recoverable at law under this condemnation action.

4. The judgment amount of \$3,200.00 is to be paid by UDOT directly to Defendants as follows:

- | | |
|--------------------------------------|------------------|
| (a) L.E. Ellison Family Company, LLC | \$ 800.00 (25%) |
| (b) Jon and Geri Titus | \$ 800.00 (25%) |
| (c) Bart R. Tatton Trust | \$1,600.00 (50%) |

5. UDOT's previous court deposited amount of \$1,825.00 will be withdrawn by the Court and refunded to UDOT in the form of a check made payable to "Utah Department of Transportation" and mailed to Gary D. Josephson, Assistant Attorney General, 160 East 300 South, Post Office Box 140857, Salt Lake City, Utah 84114-0857.

6. A copy of this Final Judgment of Condemnation shall be filed with the county recorder of Davis County, State of Utah, and there upon the rights and interests of Defendants in and to the following described property, situated in Davis County, State of Utah, shall vest in the Plaintiff Utah Department of Transportation, 4501 South 2700 West, Salt Lake City, Utah 84119:

Parcel No.15-8:37

A parcel of land, in fee, for the widening of State Highway SR-126 incident to the realignment of the I-15 interchange known as Project S-15-8(211)332, being part of an entire tract of land situate in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, T4N, R1W, SLB&M, in Davis county Utah, the boundary of said parcel is described as follows:

Beginning on the southerly boundary line of said entire tract at a point 78.27 ft. radially distant southwesterly from the center line of said State Highway SR-126 at Engineer Station 119+81.06, which point is 548.02 feet S. 89°06'21" E. along the south line of said section and 141.43 feet NORTH from the Southwest corner of said Section 21; running thence S. 89°58'02" E. a distance of 4.76 feet along said Defendants southerly property line to the Defendants easterly property line; thence N. 31°09'00" W. a distance of 29.35 feet along said easterly property line to the Defendants northerly property line; thence N. 89°59'55" W. a distance of 4.45 feet along said northerly property line; thence Southeasterly 29.19 feet along the arc of a 3606.43-foot radius curve to the right (Note: Chord bears S. 30°38'49" E. for a distance of 29.19 feet) to said southerly property line to the point of beginning.

All bearings in the above description are Highway Bearings and are based on the Utah State Plane Coordinate System, NAD 83.

The above described parcel contains 115 square feet or 0.003 acre in area.

Parcel No.15-8:37:E

A temporary easement, upon part of an entire tract of property situate in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, T4N, R1W, SLB&M, in Davis County, Utah, for the purpose of constructing cut and/or fill slopes and appurtenant parts thereof necessary for the widening of SR-126 incident to the realignment of the I-15 interchange known as Project S-15-8(211)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 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 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 are described as follows:

Beginning on the southerly boundary line of said entire tract at a point 78.27 ft. radially distant southwesterly from the center line of said State Highway SR-126 at Engineer Station 119+81.06, which point is 548.02 feet S. 89°06'21" E. along the south line of said section and 141.43 feet NORTH from the Southwest corner of said Section 21; running thence Northwesterly 29.19 feet along the arc of 3606.43-foot radius curve to the left (Note: Chord bears N. 30°38'49" W. for a distance of 29.19 feet); thence N. 89°59'55" W. a distance of 11.66 feet along Defendant's northerly property line; thence southeasterly 29.21 feet along the arc of 3596.43-foot radius curve to the right (Note: Chord bears S. 30°44'29" E. for a distance of 29.21 feet); thence S. 89°58'02" E. a distance of 11.60 feet along Defendant's southerly property line to the point of beginning.

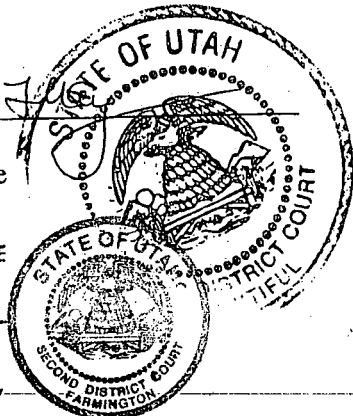
All bearings in the above description are Highway Bearings and are based on the Utah State Plane Coordinate System, NAD 83.

The above described part of an entire tract contains 292 sq. ft. or 0.007 acre in area.

DATED this 2d day of March, 2012.

BY THE COURT:

Thomas L. Kay
THOMAS L. KAY
District Court Judge



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 13 DAY OF March 2012
ALYSON E. BROWN
CLERK OF THE COURT
BY Alyson Brown DEPUTY