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JODY K. BURNETT (A0499)
WILLIAMS & HUNT
257 East 200 South, Suite 500
P.O. Box 45678
Salt Lake City, Utah 84145-5678
Telephone: (801) 521-5678

MARTIN J. PEZELY
MIDVALE CITY ATTORNEY
23 Maple Street
Midvale, Utah 84047
Telephone: (801) 255-1261

Attorneys for Plaintiff

FILED DISTRICT COURT
Third Judicial District

AUG 6 1997

By *M. Jordan*
SALT LAKE COUNTY

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08/08/97 3:46 PM 21.00
NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
WILLIAMS & HUNT
257 E 200 S STE. 500
SLC, UT 84145-5678
REC BY: R JORDAN DEPUTY - WI

IN THE THIRD JUDICIAL CIRCUIT COURT

IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

MIDVALE CITY,

Plaintiff,

v.

LITTLESON, INC., successor through
merger to VALLEY MATERIALS
CORP. and JOHN DOES 1-10,

Defendants.

: FINAL JUDGMENT AND ORDER
: OF CONDEMNATION

: Civil No. 960908542CV

: Judge Anne M. Stirba

Pursuant to the stipulation of the parties and good cause appearing therefor, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

BK 7729 PG 2900

1. That Plaintiff be and is hereby awarded a final judgment and order of condemnation against the defendant for the property described in the Complaint in this matter for right-of-way for road, storm drain and drainage ditch purposes as a public use authorized by law as more fully described below.

2. That a copy of this Final Judgment and Order of Condemnation shall be filed with the County Recorder of Salt Lake County, and thereupon all right, title and interest to the property described below shall vest in Midvale City for the purposes specified, and Littleson, Inc. will no longer have any legal interest in said property except for such legal interests as by law are reserved to servient estates subject to rights-of-way.

The following are descriptions of the property interests condemned for such public purposes and to which plaintiff Midvale City will, from and after the date of this Final Judgment and Order of Condemnation, be the legal owner:

FEE TITLE INTEREST IN THE FOLLOWING DESCRIBED 9.389 ACRE PARCEL FOR ROAD AND HIGHWAY PURPOSES

A parcel of land for a highway known as Project Numbers SP-0048(8)12 and STP-0048(11)12 (Jordan River Boulevard), being part of an entire tract of property situate in the NE 1/2 of Section 26, T2S, R1W, SLB&M. The boundaries of said parcel of land are described as follows:

Beginning at a point in the westerly right-of-way line of 700 West Street, which point is S 0°19'02" W 1133.60 feet along the easterly line of said section and N 89°40'58" W 53.00 feet from the northeast corner of said Section 26; thence S 0°19'02" W 175.00 feet along said westerly right-of-way line; thence N 44°45'17" W 35.31 feet to a point 62.50 feet perpendicularly distant southerly from the centerline of said project; thence N 89°49'37" W 383.77 feet along a line parallel to said centerline, to a point of tangency with a 1335.74 foot radius curve to the right; thence

westerly 704.05 feet along the arc of said curve, concentric with said centerline, thence S 76°59'33" W 36.01 feet; thence N 56°55'28" W 76.00; thence N 10°50'28" W 36.02 feet to a point 62.50 feet radially distant southwesterly from the centerline of said project; thence northwesterly 281.04 feet along the arc of a 1335.74 foot radius curve to the right concentric with said centerline (chord bears N 48°11'39" W 280.52 feet); thence N 42°10'00" W 215.55 feet along a line parallel to said centerline, to a point of tangency with a 1369.90 foot radius curve to the left; thence northwesterly 369.94 feet along the arc of said curve, concentric with said centerline; thence S 75°46'54" W 34.70 feet; thence N 60°16'29" W 76.00 feet; thence N 16°19'51" W 34.70 feet to a point 62.50 feet radially distant southwesterly from the centerline of said project; thence westerly 662.78 feet along the arc of a 1369.90 foot radius curve to the left concentric with said centerline (chord bears N 76°46'13" W 656.33 feet); thence S 89°22'10" W 275.46 feet to the easterly line of the Jordan River; thence northerly along the easterly line of said Jordan River the following four courses: N 23°03'54" W 20.64 feet; thence N 05°48'51" W 28.79 feet; thence N 23°25'57" W 23.55 feet; thence N 06°47'10" W 55.86 feet to a point 62.50 feet perpendicularly distant northerly from the centerline of said project; thence N 89°22'10" E 301.06 feet along a line parallel to said centerline, to a point of tangency with a 1494.90 foot radius curve to the right; thence easterly 729.01 feet along the arc of said curve, concentric with said centerline; thence N 73°45'27" E 35.95 feet; thence S 60°16'29" E 76.00 feet; thence S 14°18'24" E 35.95 feet to a point 62.50 feet radially distant northeasterly from the centerline of said project; thence southeasterly 409.45 feet along the arc of a 1494.90 foot radius curve to the right concentric with said centerline (chord bears S 50°00'48" E 408.17 feet); thence S 42°10'00" E 215.55 feet along a line parallel to said centerline, to a point of tangency with a 1210.74 foot radius curve to the left; thence southeasterly 248.84 feet along the arc of said curve, concentric with said centerline; thence N 79°16'14" E 34.61 feet; thence S 56°55'28" E 76.00 feet; thence S 13°07'10" E 34.61 feet to a point 62.50 feet radially distant northerly from the centerline of said project; thence easterly 632.27 feet along the arc of a 1210.74 foot radius curve to the left concentric with said centerline (chord bears S 74°51'59" E 625.11 feet); thence S 89°49'37" E 384.09 feet; thence N 45°14'43" E 35.40 feet to the point of beginning.

RIGHT-OF-WAY FOR DRAINAGE OUTLET DITCH EASEMENT OVER THE FOLLOWING DESCRIBED 0.886 ACRE PARCEL

A perpetual easement, upon part of an entire tract of property situate in the NW 1/4 NE 1/4 of the NE 1/4 NW 1/4 of Section 26, T2S, R1W, SLB&M, in Salt Lake County, Utah, for the purpose of constructing thereon a drainage outlet ditch and

appurtenant parts thereof incident to the construction of a highway known as Project Numbers SP-0048(8)12 and STP-0048(11)12 (Jordan River Boulevard). The boundaries of said part of an entire tract are described as follows:

Beginning at a point in the southwesterly right-of-way line of said project, opposite Engineer Station 162+62.76, at a point 356.82 feet S 0°19'02" W along the easterly line of said section and 2069.48 feet N 89°40'58" W from the northeast corner of said Section 26; thence S 15°02'07" W 243.66 feet; thence S 89°17'37" W 106.42 feet; thence S 83°59'55" W 531.61 feet; thence West 110.18 feet to the east line of the Jordan River; thence North 40.00 feet along said east line; thence East 108.08 feet; thence N 83°59'55" E 529.27 feet; thence N 83°17'37" E 79.06 feet; thence N 15°02'07" E 221.81 feet to said southerly right-of-way line; thence southeasterly 40.35 feet along the arc of a 1369.90 foot radius curve to the right and southwesterly right-of-way line (chord bears S 67°28'04" E 40.34 feet) to the point of beginning.

RIGHT-OF-WAY FOR STORM DRAIN EASEMENT OVER THE FOLLOWING DESCRIBED 0.383 ACRE PARCEL

A perpetual easement, upon part of an entire tract of property situate in the NE 1/4 of Section 26, T2S, R1W, SLB&M, in Salt Lake County, Utah, for the purpose of constructing thereon a storm drain pipe and appurtenant parts thereof incident to the construction of a highway known as Project Numbers SP-0048(8)12 and STP-0048(11)12 (Jordan River Boulevard). The boundaries of said part of an entire tract are described as follows:

Beginning at a point in the southerly right-of-way line of said project, opposite Engineer Station 180+91.79, at a point 1283.43 feet S 0°19'02" W along the easterly line of said section and 521.64 feet N 89°40'58" W from the northeast corner of said Section 26; thence S 80°03'19" W 234.96 feet; thence N 9°56'41" W 15.00 feet; thence S 80°03'19" W 218.00 feet; thence N 9°56'41" W 40.00 feet; thence N 80°03'19" E 218.00 feet; thence N 9°56'41" W 15.00 feet; thence N 80°03'19" E 14.89 feet to said southerly right-of-way line; thence easterly 231.22 feet along the arc of a 1335.74 foot radius curve to the left and southerly right-of-way line (chord bears S 82°17'58" E 230.93 feet) to the point of beginning.

3. That Littleton, Inc., its successors and assigns shall have the right to relocate the above described Drainage Ditch Easement provided that such relocation shall be at their sole cost and expense and that any such relocation shall not interfere

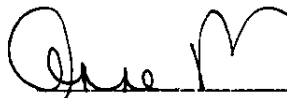
with and shall preserve and continue the purpose, function and operation of the easement.

4. That if at any time in the future the use of the above described fee title interest for road and highway purposes is terminated or abandoned or if use of the above described right-of-way for drainage or storm drain purposes are terminated or abandoned, then the rights and interests condemned as herein provided for the terminated or abandoned purpose shall thereupon revert to Littleton, Inc., its successors or assigns.

5. Upon occurrence of relocation, termination or abandonment of easements as provided in paragraph 3 and 4 above, Midvale City and Littleton, Inc., its successors or assigns shall provide each other with appropriate written and recordable relinquishment and conveyance documents reflecting and memorializing the action that has occurred.

DATED this 6th day of August, 1997.

BY THE COURT:


Anne M. Stirba
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: 8/6/97


DEPUTY COURT CLERK