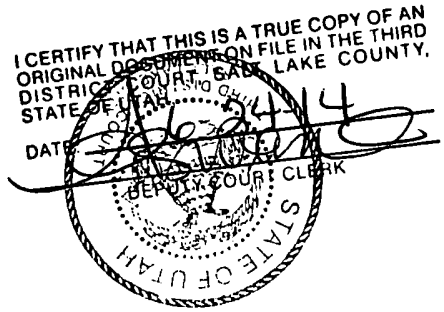


The Order of Court is stated below:

Dated: June 24, 2014
01:56:52 PM

/s/ L. A. Dever
District Court Judge



11877778
07/08/2014 11:26 AM \$0.00
Book - 10244 Pg - 131-139
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH

UT ST-DEPT OF TRANSPORTATION
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SJC UT 84114-8420
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IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR
SALT LAKE COUNTY, STATE OF UTAH

UTAH DEPARTMENT OF
TRANSPORTATION,

Plaintiff,

vs.

BOGGESS-DRAPER COMPANY, LLC, a
Utah limited liability company; DRAPER
CITY, a municipal corporation; SOUTH
JORDAN CITY, a municipal corporation,

Defendants.

**FINAL JUDGMENT OF
CONDEMNATION AND SATISFACTION
OF JUDGMENT
(entered upon stipulation)**

Project No. SP-15-7(156) 293
Parcel Nos. 344, 344:E, 344:2E, 344:3E
Affecting Tax ID No. 27-24-401-004

Civil No. 090921179

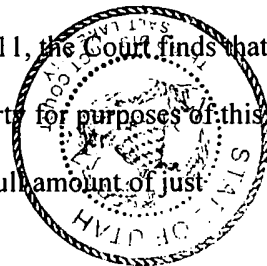
Judge L.A. Dever

The Court, having reviewed and considered the pleadings on file and the Stipulation and Motion for Final Judgment of Condemnation and Satisfaction of Judgment filed by Plaintiff Utah

Department of Transportation (“UDOT”) and Defendant Boggess-Draper Company, LLC (“Boggess-Draper”), by and through their respective counsel, and being fully advised in the premises and for good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

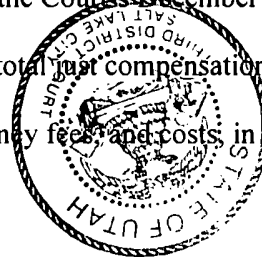
1. That the interests of all Defendants named in this action in the parcel of land hereinafter described at Paragraph No. 7 (“Subject Property”) are hereby condemned and acquired by UDOT for a state transportation purpose.
2. That the state transportation purpose for which the Subject Property is being condemned is UDOT’s Project SP-15-7(156)293, Salt Lake County, Utah (the “Project”), which includes the construction of a new interchange with Interstate 15 at 11400 South Street, the extension of 11400 South Street to Bangerter Highway, and the widening of 11400 South Street, and said Project is a public use authorized by law and that the Subject Property is necessary to that public use.
3. Pursuant to Utah Code Ann. §§ 78B-6-509(2) and 78B-6-511, the Court finds that the sum of \$430,000 represents the total just compensation, including any and all damages, interest, attorney fees, and costs, due for the Subject Property described at Paragraph No. 7, except as expressly reserved in Paragraph 11 of the parties’ Stipulation and Motion for Final Judgment of Condemnation and Satisfaction of Judgment.
4. Pursuant to Utah Code Ann. §§ 78B-6-509(2) and 78B-6-511, the Court finds that just compensation for Boggess-Draper’s interests in the Subject Property for purposes of this condemnation proceeding is \$430,000, which amount constitutes the full amount of just



compensation owed to Boggess Draper for the Subject Property acquired, including any and all damages as may be recoverable by law by reason of UDOT's acquisition of the Subject Property, including all claims existing prior to the date hereof for damages of any nature arising out of the construction of the Project for which the Subject Property is being acquired, and for any and all other claims arising out of this action, including interest, attorney fees, and costs, except as expressly reserved in Paragraph 11 of the parties' Stipulation and Motion for Final Judgment of Condemnation and Satisfaction of Judgment.

5. Defendants Draper City and South Jordan City have each stipulated that their respective interests in the Subject Property are nominal for which no compensation is due for purposes of this condemnation proceeding, and based upon these stipulations and pursuant to Utah Code Ann. §§ 78B-6-509(2) and 78B-6-511, the Court finds that Draper City's and South Jordan City's interests in the Subject Property are nominal for which no compensation is due for purposes of this condemnation proceeding, including for any and all damages as may be recoverable by law by reason of UDOT's acquisition of the Subject Property, including all claims existing prior to the date hereof for damages of any nature arising out of the construction of the Project for which the Subject Property is being acquired, and for any and all other claims arising out of this action, including interest, attorney fees and costs.

6. The Court finds that UDOT has deposited with the Court the sum of \$554,300 for and on behalf of Defendants pursuant to Utah Code § 78B-6-510 and the Court's December 30, 2010 Amended Order of Occupancy, which amount is in excess of the total just compensation provided for herein, including any and all damages, interest, attorney fees, and costs, in full



satisfaction of this Final Judgment of Condemnation and Satisfaction of Judgment. The Defendants are entitled to withdraw up to \$430,000 of this \$554,300 from the Court by filing an appropriate Motion with the Court that is consistent with the findings of this Final Judgment of Condemnation and Satisfaction of Judgment. Similarly, UDOT may withdraw the balance of \$124,300 by filing an appropriate Motion with the Court.

7. That a copy of this Final Judgment of Condemnation and Satisfaction of Judgment shall be filed with the County Recorder of Salt Lake County, State of Utah, and thereupon the rights and interests of Defendants in and to the following described property, situated in Salt Lake County, State of Utah, shall vest in the Plaintiff, Utah Department of Transportation, 4501 South 2700 West, Salt Lake City, Utah 84119 pursuant to Utah Code Ann. § 78B-6-516:

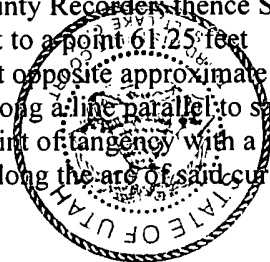
The Subject Property is located in Salt Lake County, Utah and described as:

Tax Id No.: 27-24-401-004

Parcel No.15-7: 344

A parcel of land in fee for the widening of 11400 South Street, incident to the construction of Project No. SP-15-7(156)293, being part of an entire tract of property situate in the NW1/4SE1/4 of Section 24, T. 3 S., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at the Center Quarter Corner of said Section 24 as monumented, which corner is 7.05 feet perpendicularly distant northerly from the design line of said project opposite approximate Engineer Station 283+15.91, and running thence East 521.12 feet along the quarter section line to the northwest corner of that certain tract of land conveyed by that Final Judgment of Condemnation dated the 28th day of November, 2005 and recorded as Entry No. 9609606 in Book 9243 on Pages 2743 to 2476 in the office of the Salt Lake County Recorder thence S. 2°51'39" E. 74.34 feet along the westerly boundary line of said tract to a point 61.25 feet perpendicularly distant southerly from the design line of said project opposite approximate Engineer Station 288+41.04; thence N. 89°58'29" W. 209.92 feet along a line parallel to said design line to a point opposite Engineer Station 286+31.11 and a point of tangency with a 8061.25 foot radius curve to the right; thence westerly 157.61 feet along the arc of said curve



concentric with said design line through a central angle of $1^{\circ}07'13''$, (Note: Chord to said curve bears N. $89^{\circ}24'53''$ W. for a distance of 157.60 feet) to a point opposite Engineer Station 284+74.70; thence N. $84^{\circ}47'45''$ W. 107.90 feet to a point 54.25 feet perpendicularly distant southerly from said design line opposite Engineer Station 283+67.55; thence N. $88^{\circ}20'53''$ W. 50.01 feet along a line parallel to said design line to the westerly boundary line of said entire tract to a point opposite approximate Engineer Station 283+17.54; thence N. $0^{\circ}07'35''$ E. (North by record) 61.32 feet along said westerly boundary line and quarter section line to the point of beginning.

The above described part of an entire tract contains 37,407 square feet in area or 0.859 acre, more or less, of which 7,242 square feet in area or 0.166 acre, more or less, is now occupied by the existing 11400 South Street right of way. Balance 30,165 square feet in area or 0.693 acre, more or less.

(Note: Rotate above bearings $00^{\circ}13'49''$ clockwise to equal highway bearings)

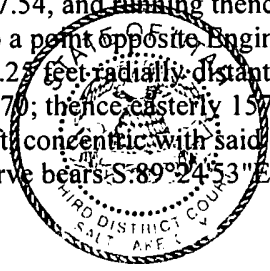
Together with any and all abutter's rights of underlying fee to the center of the existing right-of-way appurtenant to this conveyance.

Parcel No.15-7: 344:E

A perpetual easement upon part of an entire tract of property, in the NW1/4SE1/4 of Section 24, T. 3 S., R. 1 W., S.L.B. & M. for the purpose of constructing cut and/or fill slopes and appurtenant parts thereof to facilitate the widening of 11400 South Street known as Project No. SP-15-7(156)293. The easement includes the right to maintain and continue the existence of said cut and/or fill slopes in the same grade and slope ratio as constructed by UDOT. The easement shall run with the Real Property and shall be binding upon the Defendant and the Defendants successors, heirs and assigns, and includes and conveys all rights of Defendant to change the vertical distance or grade of said cut and/or fill slopes.

The boundaries of said parts of the entire tract are described as follows:

Beginning in the westerly boundary line of said entire tract at a point 61.32 feet S. $00^{\circ}07'35''$ W. (South by record) along the quarter section line from the Center Quarter Corner of said Section 24, as monumented, which point is 54.25 feet perpendicularly distant southerly from the design line of said project, opposite approximate Engineer Station 283+17.54, and running thence S. $88^{\circ}20'53''$ E. 50.01 feet along a line parallel to said design line to a point opposite Engineer Station 283+67.55; thence S. $84^{\circ}47'45''$ E. 107.90 feet to a point 61.25 feet radially distant southerly from said design line opposite Engineer Station 284+74.70; thence easterly 157.61 feet along the arc of a non-tangent 8,061.25 foot radius curve to the left concentric with said design line, through a central angle of $01^{\circ}07'13''$, (Note: Chord to said curve bears S. $89^{\circ}24'53''$ E. for a



distance of 157.60 feet) to a point opposite Engineer Station 286+31.11; thence S.89°58'29"E. 20.39 feet along a line parallel to said design line; thence S.85°37'52"W. 172.92 feet; thence S.87°30'56"W. 124.07 feet; thence S.89°55'26"W. 2.22 feet; thence N.84°09'35"W. 37.09 feet to said westerly boundary line and quarter section line; thence N.00°07'35"E. (North by record) 27.63 feet along said westerly boundary line and quarter section line to the point of beginning.

The above described part of an entire tract contains 5,152 square feet in area or 0.118 acre, more or less.

(Note: Rotate above bearings 0°13'49" clockwise to equal highway bearings.)

Parcel No.15-7: 344:2E

A temporary construction easement upon part of an entire tract of property, in the NW1/4SE1/4 of Section 24, T. 3 S., R. 1 W., S.L.B. & M, in Salt Lake County, Utah, to facilitate the construction of roadway improvements, side treatments and appurtenant parts thereof and blending of slopes, incident to the improvements and grading of 11400 South Street known as Project No. SP-15-7(156)293.

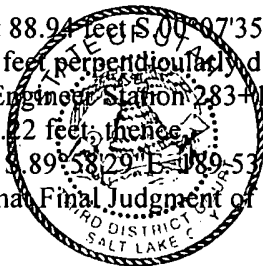
Non – exclusive Use. The easement acquired herein does not convey any right except as stated herein, nor does it prevent Defendant(s) from the use of the real property within the easement so long as such use does not interfere with the purposes for which the easement is being acquired. This easement 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 of land are described as follows:

Beginning in the westerly boundary line of said entire tract at a point 88.94 feet S.00°07'35"W. (South by record) along the quarter section line, which point is 81.87 feet perpendicularly distant southerly from the design line of said project, opposite approximate Engineer Station 283+18.27, and running thence S.84°09'35"E. 37.09 feet; thence N.89°55'26"E. 2.22 feet; thence N.87°30'56"E. 124.07 feet; thence N.85°37'52"E. 172.92 feet; thence S.89°58'29"E. 20.39 feet to a westerly boundary line of that certain tract of land conveyed by that Final Judgment of



Condemnation dated the 28th day of November, 2005 and recorded as Entry No. 9609606 in Book 9243 on Pages 2743 to 2746 in the office of the Salt Lake County Recorder; thence S.02°51'39"E. 6.01 feet along said westerly boundary line; thence N.89°58'29"W. 189.60 feet; thence S.85°37'52"W. 172.79 feet; thence S.87°30'56"W. 131.37 feet; thence S.06°47'08"W. 14.25 feet; thence S.00°07'35"W. 132.54 feet; thence N.89°52'25"W. 30.55 feet to the westerly boundary line of said entire tract and the quarter section line; thence N.00°07'35"E. (North by record) 156.70 feet along said westerly boundary and quarter section line to the point of beginning.

The above described part of an entire tract contains 7,728 square feet in area or 0.177 acre, more or less.

(Note: Rotate above bearings 00°13'49" clockwise to equal highway bearings)

Parcel No.15-7: 344:3E

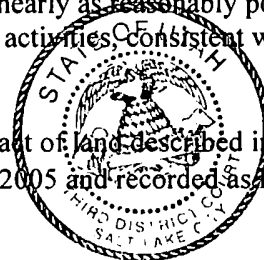
A temporary construction easement upon part of an entire tract of property, in the NW1/4SE1/4 of Section 24, T. 3 S., R. 1 W., S.L.B. & M, in Salt Lake County, Utah, to facilitate the construction of roadway improvements, side treatments and appurtenant parts thereof and blending of slopes, incident to the improvements and grading of 11400 South Street known as Project No. SP-15-7(156)293. The boundaries of said part of an entire tract of land are described as follows:

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.

Beginning at a point in the westerly boundary line of that certain tract of land described in the Final Judgment of Condemnation dated the 28th day of November, 2005 and recorded as Entry



No. 9609606 in Book 9243 on Pages 2743 to 2476 in the office of the Salt Lake County Recorder, which point is 521.12 feet East along the quarter section line and 93.63 feet S. 2°51'39" E. from the Center Quarter Corner, as monumented, of said Section 24, said point is also 80.50 feet perpendicularly distant southerly from the design line of said project, opposite approximate engineer station 288+42.01, and running thence along said boundary line S. 42°21'24" E. 25.34 feet; thence S. 5°00'34" E. 37.26 feet; thence S. 89°46'13" W. 20.10 feet; thence N. 0°13'47" W. 55.92 feet to the point of beginning.

The above described parcel of land contains 848 square feet or 0.019 acre in area more or less.

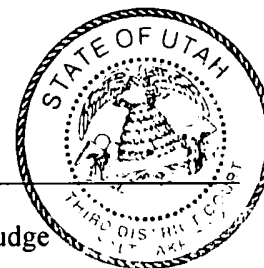
(Note: Rotate above bearings 00°13'49" clockwise to equal highway bearings)

8. This Final Judgment of Condemnation and Satisfaction of Judgment is entered subject to the terms of Paragraph Nos. 11 and 12 of UDOT's and Boggess-Draper's Stipulation and Motion for Final Judgment of Condemnation and Satisfaction of Judgment. Because this Court has found that Boggess-Draper does not own any rights appurtenant along 11400 South Street in its Order Granting Plaintiff's Motion in Limine Regarding Rights Appurtenant and also adopts the remaining terms of UDOT's and Boggess-Draper's Stipulation and Motion for Final Judgment of Condemnation and Satisfaction of Judgment, the Court finds that there is no just reason to delay entering this Final Judgment of Condemnation and Satisfaction of Judgment.

SO ORDERED this ____ day of _____, 2014.

BY THE COURT:

L. A. DEVER
Third District Court Judge



APPROVED AS TO FORM

MITCHELL, BARLOW & MANSFIELD, PC

/s/ Steven J. Joffe

STEVEN J. JOFFEE

Attorneys for Defendant

Boggess-Draper Company, LLC

(Electronic signature added by Charles A. Stormont;
original signature of Steven J. Joffe maintained in
the files of Charles A. Stormont)

