

FILED DISTRICT COURT
Third Judicial District

JUL 10 2012

SALT LAKE COUNTY
By *Kathy Gates*
Deputy Clerk

BARBARA H. OCHOA (#4102)
JOHN M. ZIDOW (#10626)
Assistant Utah Attorneys 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
Email: bochoa@utah.gov
jzidow@utah.gov
Attorneys for Plaintiff

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GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
UT ST-DEPT OF TRANSPORTATION
BOX 148420 ATT: NONE WARDLE
SLC UT 84114-8420
BY: SAM, DEPUTY - MA 6 P.

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

UTAH DEPARTMENT OF
TRANSPORTATION,

Plaintiff,

vs.

S.A. MCDOUGAL, LLC, a Utah limited
liability company; KEN S. OLSON, an
individual; and LIBERTY VENTURES, LC;

Defendants.

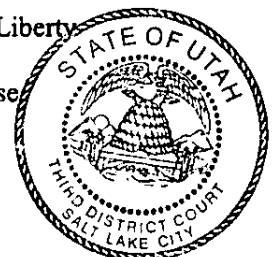
**FINAL JUDGMENT OF
CONDEMNATION**
(entered upon stipulation)

Project No. F-0068(45)33
Parcels. 83, 83:E, and 83:3
Affecting Tax ID Nos.:33-22-100-012, 33-
22-100-021

Civil No. 080924287

Judge Sandra N. Peuler

The Court, having reviewed the Stipulation and Motion for Final Judgment of
Condemnation and Satisfaction of Judgment between Plaintiff Utah Department of
Transportation ("UDOT") and Defendants, S.A. McDougal, LLC, Ken S. Olson and Liberty
Ventures, LC (Defendants), and being fully advised in the premises and for good cause
appearing,



IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The parcels of land described in the Amended Complaint and hereinafter described in Paragraph No. 5 ("Subject Property") are hereby condemned and acquired by UDOT for highway purposes.
2. The purpose of said condemnation is a public use authorized by law and the Subject Property is necessary to that public use.
3. Pursuant to Utah Code Ann. § 78B-6-511, the Court finds that just compensation for the Defendants' interests in the Subject Property for purposes of this condemnation proceeding is \$637,600.00, including any and all damages as may be recoverable by law by reason of UDOT's acquisition of the Subject Property, including interest, attorney fees, and costs.
4. Defendants have previously received the sum of \$457,600.00 pursuant to the Court's Order Disbursing Funds, dated October 13, 2009, and have additionally received \$180,000 from UDOT. The total sum of said payments being \$637,600.00 and representing total just compensation, including any and all damages, due for Defendants' interests in the Subject Property described in the Amended Complaint and hereinafter described in Paragraph No. 5, including interest, attorney fees and costs, in full satisfaction of this Final Judgment of Condemnation.
5. A copy of this Final Judgment of Condemnation 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:

Parcel No.0068:83

A parcel of land in fee for the purpose of constructing thereon a roadway known as Project No. 0068, being part of an entire tract of property situate in the NE1/4NW1/4 of Section 22, T. 4 S, R. 1 W, S.L.B. & M. The boundaries of said parcels of land are described as follows:

Beginning at the intersection of the existing westerly right of way line of SR-068 as shown on the right of way plans for Project S-0136, on file in the office of the Utah Department of Transportation, and the west line of the NE1/4NW1/4 also known as the 40-acre line of said Section 22; which is 1323.52 ft., S. 89°43'48" E. along the north line of the NW1/4 of said Section 22 to the NW corner of the NE1/4 of the NW1/4 of said Section 22; thence 164.51 ft., S.00°13'50"W. along the 40-acre line of said Section 22; And running thence S.19°25'43"E., 588.68 ft. along said existing westerly right of way line; thence S.13°43'05"E., 85.60 ft. along said existing westerly right of way line to a point 78.18 ft. perpendicularly distant westerly from the centerline of said project No. 0068, opposite Engineer Station 888+79.37; thence N.19°50'11"W., 578.64 ft.; thence N.16°59'39"W., 68.01 ft., to the 40-acre line of said Section 22; which is 79.56 ft. perpendicularly distant westerly from the centerline of said project No. 0068, opposite Engineer Station 895+25.94; thence N.00°13'50"E., 28.97 ft. along said 40-acre line to the point of beginning.

The above described parcel of land contains 6,651 square feet in area or 0.153 acres, more or less.

Parcel No.0068:83:E

A perpetual twenty (20) foot wide sanitary sewer easement, upon part of an entire tract of property, situate in the NE1/4NW1/4 of Section 22, T.4 S., R.1W., S.L.B.&M., for the purpose of constructing, maintaining, operating, repairing, inspecting, protecting, installing, removing and replacing sewer pipelines, valves, valve boxes and other sewer transmission and distribution structures and facilities, hereinafter called the FACILITIES, incident to the widening of an existing roadway known as Project No. 0068. The boundaries of said twenty (20) foot wide strip upon said entire tract are described as being 10 feet on either side of the following described centerline:

Commencing at the North Quarter corner of said Section 22; and running thence N 89°43'38" W along the North line of said Northwest Quarter of Section 22, a distance of 1060.66 feet; thence S 00°16'22" W, a distance of 976.74 feet to a point on the westerly right of way line of Redwood Road and true Point of Beginning; thence S 02°18'59" W, a distance of 179.74 feet; thence S 41°38'10" E, 166.81 feet to a point on the westerly right of way line of Redwood Road and Point of Terminus, said point being N 89°43'38" W along the North line of said Northwest Quarter of Section 22, a distance of 955.66 feet and S 00°16'22" W, a distance of 1280.51 feet from the North Quarter corner of said Section 22. The sidelines of said easement are to be shortened or lengthened to terminate at said westerly right of way line of Redwood Road.

The above described part of an entire tract contains 6931 square feet in area or 0.159 acres, more or less.

TO HAVE AND HOLD the same unto the GRANTEE, its successors and assigns, with the right of ingress and egress in the GRANTEE, its officers, employees, agents and assigns to enter upon the above-described property with such equipment and vehicles as is necessary to construct, install, maintain, operate, repair, inspect, protect, remove and replace the FACILITIES. During construction periods, GRANTEE and its contractors may use such portion of GRANTORS' property along and adjacent to the right-of-way and easement as may be reasonably necessary in connection with the construction or repair of the FACILITIES. The contractor performing the work shall restore all property, through which the work traverses, to as near its original condition as is reasonably possible. GRANTORS shall have the right to use the above-described property except for the purposes for which this right-of-way and easement is granted to the GRANTEE, provided such use shall not interfere with the FACILITIES or with the discharge and conveyance of sewage through the FACILITIES, or any other rights granted to the GRANTEE hereunder.

GRANTORS shall not build or construct, or permit to be built or constructed, any building or other improvement over or across this right-of-way and easement nor change the contour thereof without the written consent of GRANTEE. This right-of-way and easement grant shall be binding upon, and inure to the benefit of, the successors and assigns of the GRANTORS and the successors and assigns of the GRANTEE, and may be assigned in whole or in part by GRANTEE.

Parcel No.0068:83:3

A parcel of land in fee for the purpose of constructing thereon a roadway known as Project No. 0068, being part of an entire tract of property situate in the NE1/4NW1/4 and SE1/4NW1/4 of Section 22, T. 4 S, R. 1 W, S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the existing easterly right of way line of SR-68 as shown on the right of way plans for Project S-0136, on file in the office of the Utah Department of Transportation, which is 1101.51 ft., N. 89°43'38" W. along the north line of the NW1/4 of said Section 22 and 354.07 ft., S. 00°16'22" W. from the North Quarter corner of said Section 22; and running thence N. 70°35'06" E., 6.77 ft. to a point 82.00 ft. perpendicularly distant easterly from the centerline of said project No. 0068, opposite Engineer Station 893+00.00; thence S. 19°24'54" E., 511.53 ft.; thence N. 70°35'06" E., 101.73 ft.; thence S. 19°24'54" E., 213.50 ft.; thence S. 70°35'06" W., 108.33 ft. to said existing easterly right of way line of SR-068 and a point 75.41 ft. perpendicularly distant easterly from the centerline of said project No. 0068, opposite Engineer Station 885+74.96; thence N. 19°25'43" W., along said existing easterly right of way line, 725.03 ft. to the point of beginning.

The above described parcel of land contains 26,564 square feet in area or 0.610 acres, more or less.

Also

Beginning at the intersection of the existing easterly right of way line of SR-68 as shown on the right of way plans for Project S-0136, on file in the office of the Utah Department of Transportation, which is 815.37 ft., N. 89°43'38" W. along the north line of the NW1/4 of said Section 22 and 1153.17 ft., S. 00°16'22" W. from the North Quarter corner of said Section 22; and running thence N. 66°21'28" E., 58.63 ft. to a point 133.91 ft. perpendicularly distant easterly from the centerline of said project No. 0068, opposite Engineer Station 884+55.53; thence N. 54°38'34" E., 56.85 ft.; thence N. 42°55'40" E., 152.32 ft.; thence N. 62°36'58" E., 71.14 ft.; thence N. 19°24'54" W., 14.39 ft.; thence N. 56°58'15" E., 218.28 ft.; thence S. 28°18'19" E., 237.19 ft. to a point 642.74 ft. perpendicularly distant easterly from the centerline of said project No. 0068, opposite Engineer Station 883+83.14; thence S. 60°02'16" W., 170.70 ft.; thence S. 52°37'49" W., 282.83 ft.; thence S. 73°21'14" W., 122.54 ft.; thence S. 19°25'43" E., 348.12 ft.; thence S. 70°34'17" W., 8.00 ft. to said existing easterly right of way line of SR-068 and a point 75.56 ft. perpendicularly distant easterly from the centerline of said project No. 0068, opposite Engineer Station 879+22.51; thence N. 19°25'43" W., along said existing easterly right of way line, 528.70 ft. to the point of beginning.

The above described parcel of land contains 125,799 square feet in area or 2.888 acres, more or less.


(Note: All bearings and distances based upon the Utah State Plane Coordinate System of 1983 at ground, Utah Central Zone based upon Utah Department of Transportation

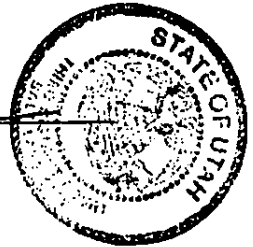
Survey Control Sheets for Federal Aid Project STP-0068(42)26 SR-68 Redwood Road, Bangerter Hwy to Saratoga Springs Environmental Assessment Study dated February 8, 2008).

6. The Defendants shall collectively and individually hold UDOT harmless for any claims between or among the Defendants as against any other Defendant arising out of or relating in any way to this action, including the distribution of just compensation pursuant to this Final Judgment of Condemnation.

SO ORDERED this 9 day of July, 2012.

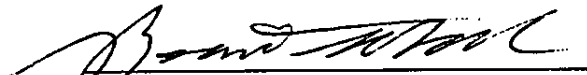
BY THE COURT:


Honorable Sandra N. Peuler
District Court Judge



APPROVED AS TO FORM:

WALL & WALL, P.C.


BRANT H. WALL
Attorneys for Defendants

