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Book - 10166 Pg - 7971-7982  
Gary W. Ott  
Recorder, Salt Lake County, UT  
PARSON KINGHORN HARRIS  
BY: eCASH, DEPUTY - EF 12 P.

The Order of Court is stated below:

Dated: July 29, 2013  
05:16:49 PM

/s/ Paul G. Maughan  
District Court Judge

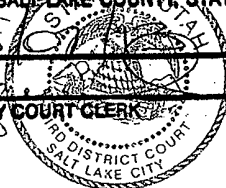


Jeremy R. Cook (#10325)  
PARSONS KINGHORN HARRIS  
A Professional Corporation  
111 East Broadway, 11<sup>th</sup> Floor  
Salt Lake City, Utah 84111  
Telephone: (801) 363-4300  
Facsimile: (801) 363-4378  
*Attorneys for Plaintiff*

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: \_\_\_\_\_

DEPUTY COURT CLERK



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

WEST VALLEY CITY, a municipal  
corporation of the state of Utah,

Plaintiff,

vs.

DECKER LAKE VENTURES, LLC, a  
Utah Limited Liability Company; et al.

Defendants.

FINAL JUDGMENT AND ORDER OF  
CONDEMNATION

SALT LAKE COUNTY PARCEL NOS.  
15-33-129-027, 15-33-129-028,  
15-33-129-038 AND 15-33-129-040

Case No. 090902331  
Honorable Paul G. Maughan

This matter come before the Court upon that certain *Motion for Entry of Judgment and Order of Condemnation* (the "Motion"), filed by plaintiff West Valley City ("Plaintiff"),

through counsel; defendants Heartland West Valley Commercial Limited Partners and Heartland West Valley Commercial Limited Partners II (together “**Heartland**”); and defendant U.S. Bank. The Court having received and considered the Motion, together with the pleadings on file herein; and Plaintiff, Heartland and U.S. Bank having stipulated as to the resolution of Heartland’s and U.S. Bank’s claims related to certain real property located in Salt Lake County, Utah, and identified as Salt Lake County Parcel Nos. 15-33-129-027, 15-33-129-028, 15-33-129-038 and 15-33-129-040 (the “**Property**”); and good cause appearing therefore, it is hereby

**ORDERED, ADJUDGED AND DECREED** as follows:

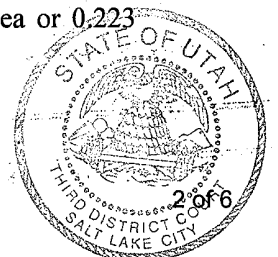
1. That the Motion be and hereby is granted;
2. That fee simple title in the following described property shall vest in the name of **Utah Transit Authority**, a Public Transit District operating under and subject to the provisions of Title 17B, Chapter 1 of the Utah Code and Title 17B, Chapter 2a, Part 8 of the Utah Code, on the date of entry of this Order:

Parcel No. 15-33-129-027:

A parcel of land in fee, for the “West Valley Light Rail Transit” a Utah Transit Authority Project, situate in the NE¼ NW¼ of Section 33, T.1S., R.1W., SLB&M. The boundaries of said parcel of land are described as follow:

Beginning at the northeast corner of the Grantor’s property, said point being S.89°53’20”W. 592.00 feet along the Section line, S.00°00’20”W. 273.95 feet and N.89°53’20”E. 541.97 feet from the North ¼ corner of said Section 33; thence along the boundary of said property the following 4 courses and distances; (1) S.00°00’44”E. 46.05 feet; (2) thence N.89°53’20”E. 17.00 feet; (3) thence S.00°00’44”W. 181.25 feet; (4) thence S.89°53’20”W. 37.23 feet; thence northwesterly 15.21 feet along the arc of a 16.00 foot radius curve to the left, chord bears N.44°36’41”W. 14.64 feet; thence N.00°04’49”E. 101.78 feet; thence N.01°30’43”E. 95.47 feet; thence N.12°43’10”E. 20.14 feet to the north boundary line of said property; thence N.89°53’20”E. 23.45 feet along said north line to the point of beginning.

The above described part of an entire tract contains 9,714 square feet in area or 0.223



acres, of which 3090 square feet or 0.071 acres of land are in the existing right of way of Constitution Boulevard, balance 6,624 square feet or 0.152 acres.

3. That fee simple title in the following described property shall vest in the name of **Utah Transit Authority**, a Public Transit District operating under and subject to the provisions of Title 17B, Chapter 1 of the Utah Code and Title 17B, Chapter 2a, Part 8 of the Utah Code, on the date of entry of this Order:

Parcel No. 15-33-129-028:

A parcel of land in fee, for the "West Valley Light Rail Transit" a Utah Transit Authority Project, situate in the NE¼ NW¼ of Section 33, T.1S., R.1W., SLB&M. The boundaries of said parcel of land are described as follow:

Beginning at the northeast corner of the Grantor's property, said point being S.00°00'44"W. 501.25 feet along the Section line and S.89°53'20"W. 33.00 feet from the North ¼ corner of said Section 33; thence along the boundary of said property the following 2 courses and distances; (1) S.00°00'44"W. 51.84 feet; (2) thence S.89°56'30"W. 36.46 feet; thence N.00°01'07"W. 47.03 feet to the point of tangency of a 16.00-foot radius curve to the left; thence northerly 4.85 feet along the arc of said curve, chord bears N.08°41'43"W. 4.83 feet to the north boundary line of said property; thence N.89°53'20"E. 37.21 feet along said north line to the point of beginning.

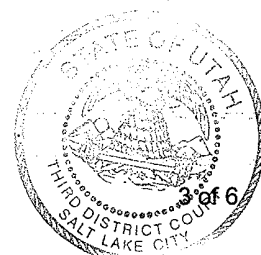
The above described part of an entire tract contains 1,891 square feet in area or 0.043 acres, of which 883 square feet or 0.020 acres of land are in the existing right of way of Constitution Boulevard, balance 1008 square feet or 0.023 acres.

4. That fee simple title in the following described property shall vest in the name of **Utah Transit Authority**, a Public Transit District operating under and subject to the provisions of Title 17B, Chapter 1 of the Utah Code and Title 17B, Chapter 2a, Part 8 of the Utah Code, on the date of entry of this Order:

Parcel No. 15-33-129-038:

A parcel of land in fee, for the "West Valley Light Rail Transit" a Utah Transit Authority Project, situate in the NE¼ NW¼ of Section 33, T.1S., R.1W., SLB&M. The boundaries of said parcel of land are described as follow:

{00171305.RTF /}00171305.RTF



Beginning at the northeast corner of the Grantor's property, said point being S.89°53'20"W. 330.00 feet along the Section line, S.00°00'44"W. 228.00 feet and N.89°53'20"E. 280.00 from the North ¼ corner of said Section 33; thence along the boundary of said property the following 2 courses and distances; (1) S.00°00'44"W. 45.95 feet; (2) thence S.89°53'20"W. 23.45 feet; thence N.12°43'10"E. 35.52 feet; thence N.00°00'52"W. 11.31 feet to the north boundary line of said property; thence N.89°53'20"E. 15.64 feet along said north line to the point of beginning.

The above described part of an entire tract contains 854 square feet in area or 0.020 acres.

5. That fee simple title in the following described property shall vest in the name of **Utah Transit Authority**, a Public Transit District operating under and subject to the provisions of Title 17B, Chapter 1 of the Utah Code and Title 17B, Chapter 2a, Part 8 of the Utah Code, on the date of entry of this Order:

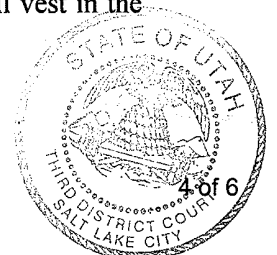
Parcel No. 15-33-129-040:

A parcel of land in fee, for the "West Valley Light Rail Transit" a Utah Transit Authority Project, situate in the NE¼ NW¼ of Section 33, T.1S., R.1W., SLB&M. The boundaries of said parcel of land are described as follow:

Beginning at the southeast corner of the Grantor's property, said point being S.00°00'44"W. 815.12 feet along the Section line and S.89°56'30"W. 33.00 feet from the North ¼ corner of said Section 33; thence along the boundary of said property the following 2 courses and distances; (1) S.89°56'30"W. 167.00 feet; (2) thence N.00°00'44"E. 20.66 feet; thence S.89°59'59"E. 62.43 feet; thence N.00°00'01"E. 6.00 feet; thence East 26.88 feet; thence N.00°08'12"W. 4.03 feet; thence N.89°51'48"E. 25.94 feet; thence N.00°08'06"W. 14.02 feet; thence N.89°51'53"E. 15.96 feet; thence N.27°35'35"E. 9.25 feet; thence N.04°18'23"W. 64.05 feet; thence N.00°01'07"W. 48.25 feet to a point on the north boundary line of said property; thence along the boundary of said property the following 2 courses and distances; (1) N.89°56'30"E. 36.40 feet; (2) thence S.00°00'44"W. 165.00 feet to the point of beginning.

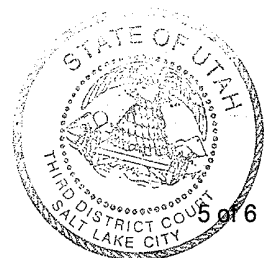
The above described part of an entire tract contains 9,309 square feet in area or 0.214 acres, of which 2,813 square feet or 0.065 acres of land are in the existing right of way of Constitution Boulevard, balance 6,496 square feet or 0.149 acres.

6. That the Right of Way Easement attached hereto as Exhibit "A" shall vest in the



name of the PacifiCorp, an Oregon Corporation, d/b/a Rocky Mountain Power as if fully executed and recorded against the Property.

7. That Plaintiff releases and waives any further right title or interest in any temporary easements sought to be condemned in this case, and such temporary easements are



terminated.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

By The Court:

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Paul G. Maughan  
District Court Judge

**Approved As To Form:**

ANDERSON CALL & WILKINSON

/s/ Kevin E. Anderson (with permission)

Kevin E. Anderson

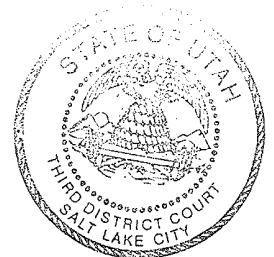
*Attorneys for Heartland West Valley Commercial Limited Partners and  
Heartland West Valley Commercial Limited Partners II*

JONES WALDO HOLBROOK & McDONOUGH, PC

/s/ Vincent C. Rampton (with permission)

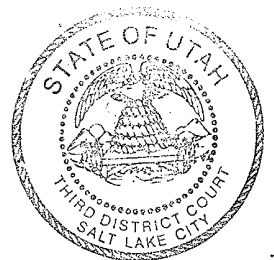
Vincent C. Rampton

*Attorneys for U.S. Bank*



# Exhibit A

[Rocky Mountain Power Right of Way]



## RIGHT OF WAY EASEMENT

For value received, **HEARTLAND WEST VALLEY COMMERCIAL LIMITED PARTNERS**, a Utah limited partnership and **HEARTLAND WEST VALLEY COMMERCIAL LIMITED PARTNERS II**, a Minnesota limited partnership (together "Grantors"), hereby grant to PacifiCorp, an Oregon Corporation, d/b/a Rocky Mountain Power, its successors and assigns ("Grantee"), an easement for a right of way approximately **20** feet in width and **445.6** feet in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of electric power transmission, distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: supporting towers, poles, props, guys and anchors, wires, fibers, cables and other conductors and conduits therefor; and pads, transformers, switches, vaults and cabinets, along the general course now located by Grantee on, over, or under the surface of the real property of Grantor in **Salt Lake County**, State of Utah, more particularly described as follows and as more particularly described and/or shown on Exhibit "A" attached hereto and by this reference made a part hereof:

A right of way described as follows:

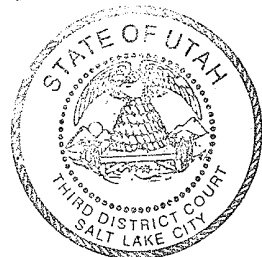
Beginning at a northeast corner of the Grantor's land at a point 228 feet south and 66 feet west, more or less, from the north one quarter corner of Section 33, T.1S., R.1W., S.L.M., thence S.89°53'W. 20.1 feet, more or less, along the north boundary line of said land, thence S.0°31'W. 325.1 feet, more or less, along a line which is 25 feet perpendicularly distant westerly of and adjacent to the centerline of the proposed power line to the south boundary line of said land, thence N.89°56'E. 19.2 feet, more or less, along the south boundary line to the southeast corner of said land, thence N.0°01'W. 51.1 feet, more or less, thence N.44°37'W. 15.7 feet, more or less, thence N.0°05'E. 101.9 feet, more or less, thence N.1°31'E. 95.4 feet, more or less, thence N.12°43'E. 55.7 feet, more or less, thence NORTH 11.3 feet, more or less, along the east boundary line of said land to the point of beginning and being in the NE1/4 of the NW1/4 of said Section 33, containing 0.08 of an acre, more or less.

**Assessor Parcel Nos.: 15-33-129-027, 15-33-129-038, and 15-33-129-028**

Beginning at a northeast corner of the Grantor's land at a point 650 feet south and 70 feet west, more or less, from the north one quarter corner of Section 33, T.1S., R.1W., S.L.M., thence S.89°57'W. 15.9 feet, more or less, along the north boundary line of said land, thence S.2°35'E. 120.5 feet, more or less, along a line which is 25 feet perpendicularly distant westerly of and adjacent to the centerline of the proposed power line to the south boundary line of said land, thence N.89°57'E. 11.0 feet, more or less, along the south boundary line to the southeast corner of said land, thence N.27°36'E. 9.3 feet, more or less, along a southeasterly boundary line of said land, thence N.4°18'W. 64.1 feet and N.0°01'W. 48.5 feet, more or less, along the east boundary line point of beginning and being in the NE1/4 of the NW1/4 of said Section 33, containing 0.04 of an acre, more or less.

**Assessor Parcel No. 15-33-129-040**

Together with the right of access to the right of way from adjacent lands of Grantor for all activities in connection with the purposes for which this easement has been granted; and, except as provided below, together with the present and (without payment therefor) the future right to keep the right



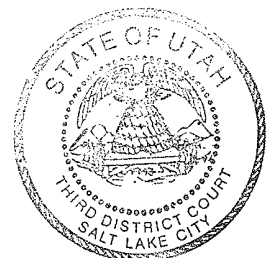


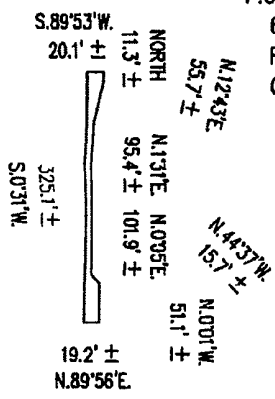
of way clear of all trees, structures, buildings and other hazards which might endanger Grantee's facilities or impede Grantee's activities.

Prior to the time of conveyance of this easement, Grantor installed and currently maintains a commercial building which is partially located within the right of way easement. The location of easement with respect to Grantor's building is shown on Exhibit "B", attached to and made a part of this easement by reference. Grantee's right to use along and under the surface of the easement property is specifically subject to and limited by the building currently existing on the Grantor's property. Grantor agrees that such building or improvements shall not be relocated, rebuilt or modified within the easement area without the prior written approval of Grantee, which approval shall not be unreasonably or untimely withheld. Notwithstanding the foregoing, Grantee acknowledges that normal maintenance work to the building structure may be completed without the written approval of Grantee, so long as such maintenance work does not require access onto the roof of the existing building within the easement area, or use of any ladders, equipment or appendage above the current roof of the existing building within the easement area.

Other than the structure existing on the property, at no time shall Grantor place, use or permit any equipment or material of any kind that exceeds twelve (12) feet in height, excepting that certain commercial building shown on Exhibit B, on or within the boundaries of the right of way. Subject to the foregoing limitations, the surface of the right of way may be used for landscaping, hardscape, parking, and other purposes not inconsistent, as determined by Grantee, with the purposes for which this easement has been granted.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns.



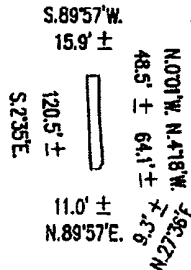


P.O.B. #1 = 228 FEET SOUTH AND 68 FEET WEST, MORE OR LESS, FROM THE NORTH ONE QUARTER CORNER OF SECTION 33.

DETAIL: EASEMENT #1

AREA: 0.08 OF AN ACRE, MORE OR LESS.

PROPERTY SERIAL No.'s 15-33-12-9027  
15-33-12-9028 & 15-33-12-9038  
& 15-33-12-9040



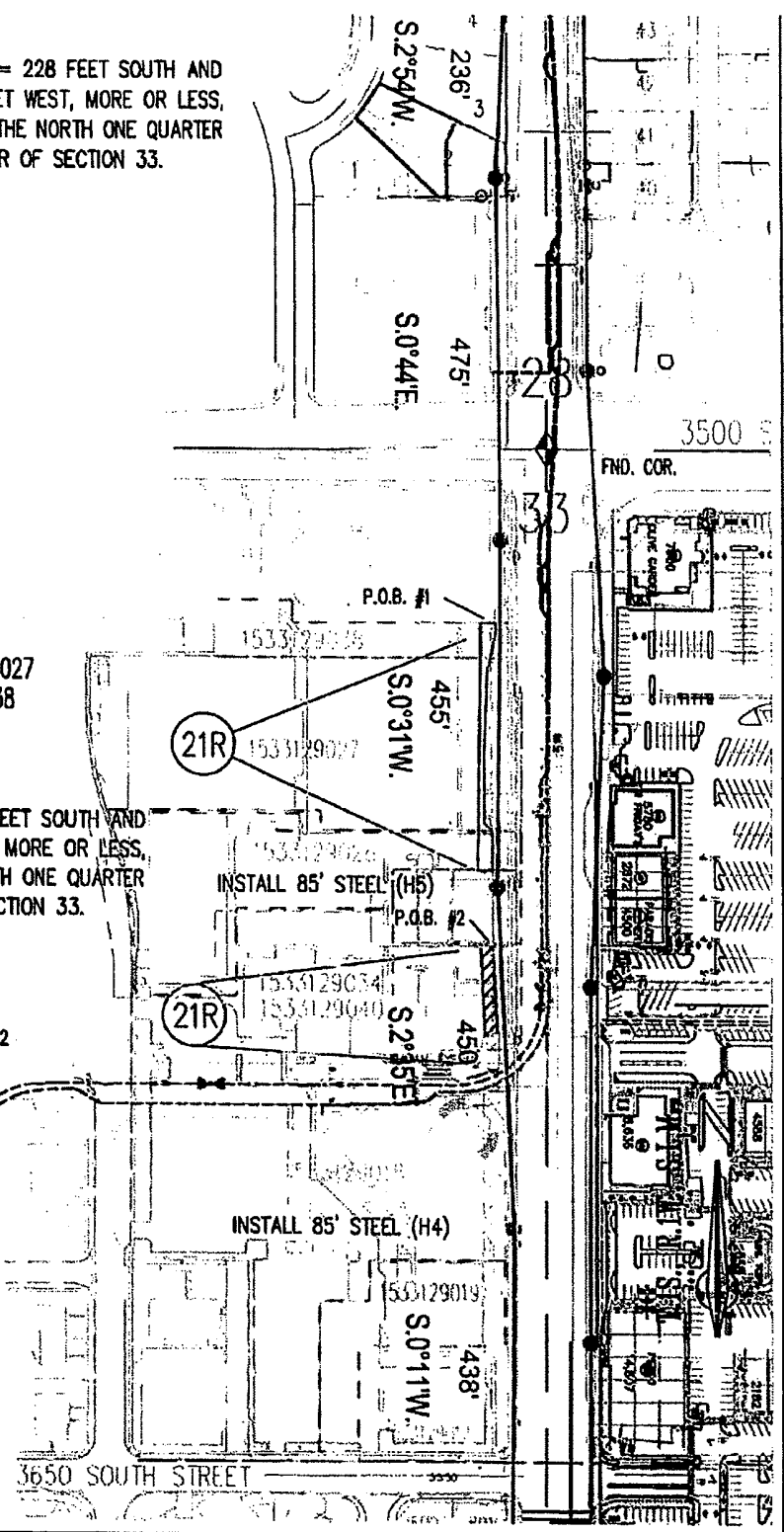
P.O.B. #2 = 650 FEET SOUTH AND 70 FEET WEST, MORE OR LESS, FROM THE NORTH ONE QUARTER CORNER OF SECTION 33.

DETAIL: EASEMENT #2

AREA: 0.04 OF AN ACRE, MORE OR LESS.

TOTAL AREA: 0.53 OF AN ACRE, MORE OR LESS.

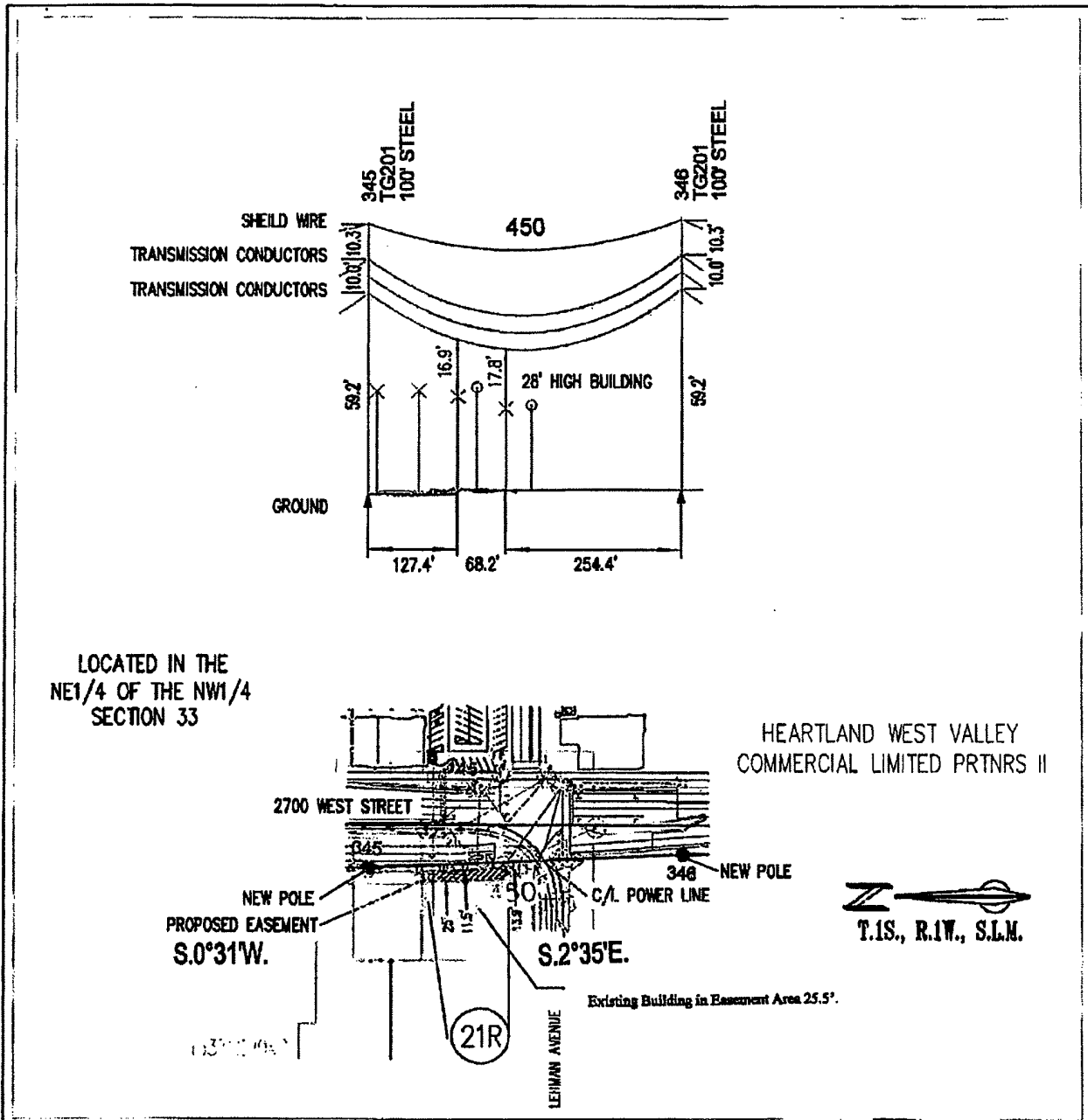
NOTE:  
RIGHT OF WAY WILL BE AS SHOWN ON THIS EXHIBIT AND AS DESCRIBED IN THE EASEMENT DESCRIPTION.



DATE: FEBRUARY 3, 2009
SPONSOR: STEVE D. JENSEN
PROJECT ENGR:
SURVEYED BY: PACIFICORP
DRAWN BY: D. T. Boyd
CHECKED BY: D. T. Boyd

EXHIBIT "A"  
TERMINAL-TAYLORSVILLE 46KV (WEST) TRANSMISSION LINE  
RELOCATION TO ACCOMMODATE UTA LIGHT RAIL LINE FROM  
3100 SOUTH TO 3800 SOUTH ALONG 2700 WEST  
EASEMENT No. 21RA





DATE: SEPTEMBER 4, 2008

SPONSOR: STEVE D. JENSEN

PROJECT ENGR:

SURVEYED BY: PACIFICORP

DRAWN BY: D. T. Boyd

CHECKED BY: D. T. Boyd

PLOT SCALE: 1 = 1

CAD No: C:\DWG\2700 WEST CLEARANCES-21R

EXHIBIT "B"

TERMINAL-TAYLORSVILLE 46KV (WEST) TRANSMISSION LINE  
RELOCATION TO ACCOMMODATE UTA LIGHT RAIL LINE FROM  
3500 SOUTH CONSTITUTION BLVD  
PROFILE FOR EASEMENT No. 21R  
WEST VALLEY CITY, SALT LAKE COUNTY, UTAH



METRO AREA

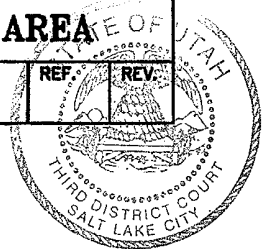
APPROVAL  
DAN J. WATANABE  
MANAGER, ENGRG/ENV

SCALE:  
HOR. 1IN. = 200FT.  
VER. 1IN. = 40FT.

SHEET 1 OF 2

PN 5126637

REF. REV.



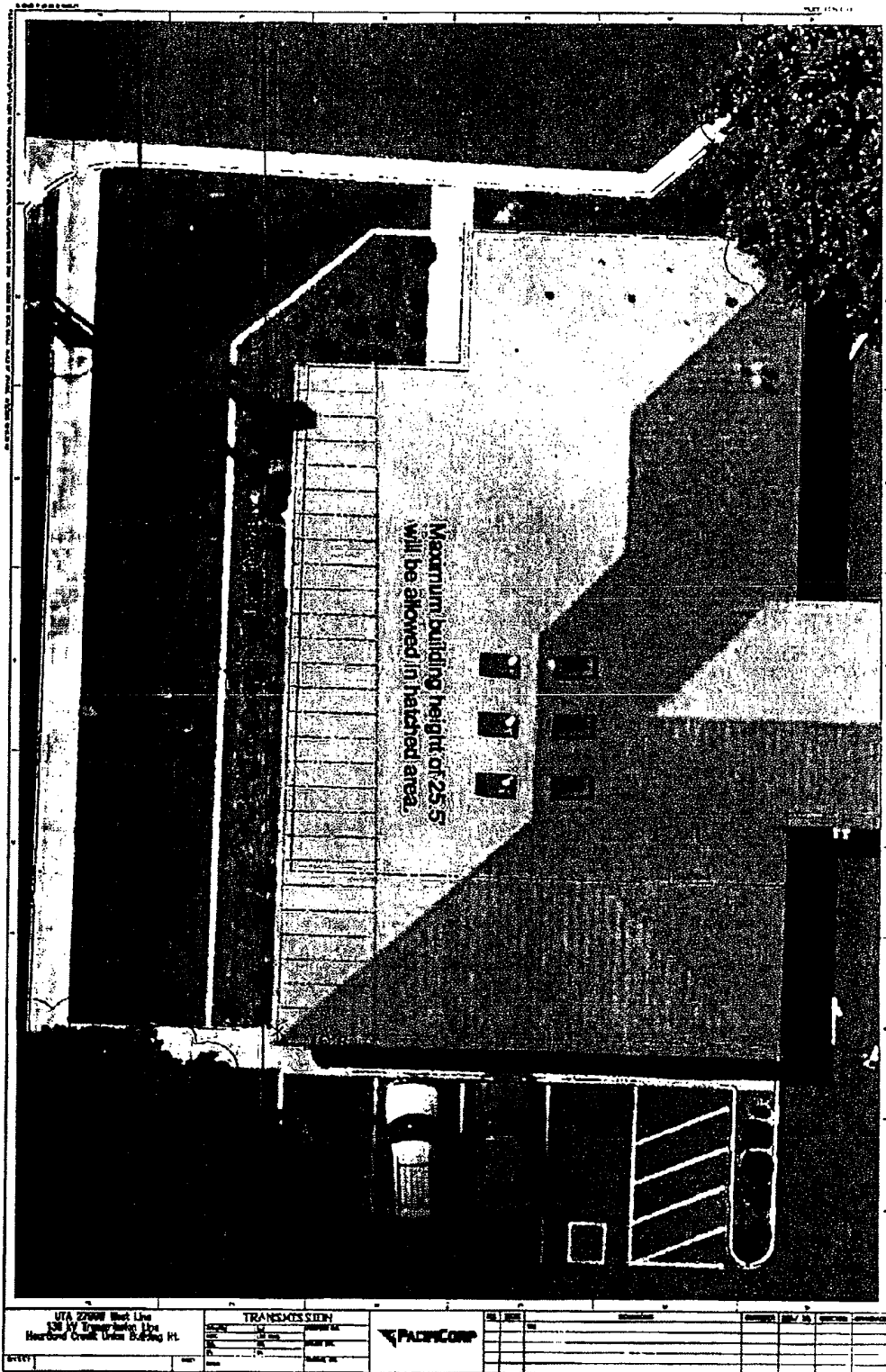


EXHIBIT 'B'  
(SHEET 2 OF 2)

UTA 22000 West Line 130 W. Draper Avenue, 11st Hearford Creek Under Building Pt.		TRANSMITS SHEET NO. 1 DATE 11/11/11 DRAWN BY [blank] CHECKED BY [blank]	PACIFIC CORP 1111 W. 1000 S. SUITE 100 SALT LAKE CITY, UT 84143 TEL: 801-466-1111 FAX: 801-466-1112	SHEET NO. 1 OF 2	PROJECT NO. [blank] DATE [blank]	DRAWN BY [blank] CHECKED BY [blank]
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