

The Order of the Court is stated below:

Dated: October 18, 2016
01:39:57 PM

/s/ JAMES GARDNER
District Court Judge



Michael G. Barker #6475
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Attorney for Plaintiff

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

DRAPER CITY, a Municipal Corporation,

Plaintiff

v.

DEREK A. COULTER,

Defendant.

**ORDER FOR FINAL JUDGMENT
OF CONDEMNATION**

Case No. 140404026

Judge James Gardner

Based on the stipulation and joint motion of Plaintiff Draper City (the "City") and Defendant Derek Coulter ("Coulter"), it now appearing these parties have settled and resolved the issues raised by the pleadings relating to the property subject to this action and described by metes and bounds in Exhibit A attached hereto (the "Condemned Property"), and the City having agreed to tender all payments as required by law for the Condemned Property, inclusive of damages and interest, and Coulter having agreed to accept such payments, and good cause appearing therefor, it is hereby **ORDERED, ADJUDGED AND DECREED** as follows:

1. The court directs the Clerk of the Court to disperse the funds held by the Court for the benefit of Defendant herein in the amount of \$27,000.00 by check payable and delivered to Derek Coulter at 11576 S. State St., Suite 503, Draper, UT 84020 (or in person) as described in the parties' stipulation and settlement agreement. The City will pay directly to Defendant the sum of \$8,000.00 within 15 days. Total compensation shall be \$35,000.00

2. In consideration and on condition of the payments and consideration described by the parties' Stipulation and Joint Motion for Final Judgment of Condemnation, the City is awarded a Final Judgment of Condemnation for acquisition of the Condemned Property for an authorized and necessary public purpose, namely, widening and reconstructing the existing 13200 South Street (between Fort St. and 1300 East) in the City (the Project"). All other claims or causes of action between or among the parties to this action arising from the Project and the pleadings filed in this action, including any reserved claims, are dismissed, with prejudice on the merits, each of the parties to bear their own attorneys' fees and costs.

3. Pursuant to this Judgment of Condemnation and the authority vested in this Court by Utah Code Ann 78B-6-501, *et seq.* and Utah R. Civ. P. 70, the Court enters judgment in favor of the City and its successors and assigns vesting title and interests to the Condemned Property as particularly described in the attached Exhibit A, which is incorporated herein by reference.

4. It is further ORDERED that 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 fee estate and easement interests in the property described above shall vest in the City for the purposes specified.

APPROVED AS TO FORM

/s/ Derek A. Coulter
Derek A. Coulter
11576 South State Street, Suite 503
Draper, UT 84020

End of Order.

The electronic signature of the Court and the date of entry are affixed to the first page of this Judgment when approved by the Court.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 17th day of October, 2016, a true and correct copy of the foregoing **ORDER FOR FINAL JUDGMENT OF CONDEMNATION** in Case No.140404026 was electronically filed with the Court and that a copy was served by mail to:

Derek A. Coulter
11576 South State Street, Suite 503
Draper, UT 84020

/s/ Erica Hawks
Legal Assistant for Draper City

Exhibit A

LEGAL DESCRIPTION OF TAKING

Right of Way Legal Description

Beginning at a point which lies South 1164.45 feet and West 100.33 feet from the Center of Section 32, Township 3 South, Range 1 East, Salt Lake Base and Meridian, thence South 2 deg 52'04" West 18.54 feet; thence North 88 deg 02'24" West 17.06 feet; thence North 88 deg 56'29" West 25.17 feet; thence 89 deg 48'47" West 24.84 feet; thence North 89 deg 42'32" West 24.42 feet; thence North 89 deg 54'07" West 14.88 feet; thence N 2 deg 53'56" East 18.78 feet; thence South 89 deg 11'01" East 106.37 feet; thence feet to the point of beginning.

Contains 1950.88 square feet

Basis of Bearing: Utah State Plane Coordinate System, Utah Central Zone Nad 1983

Easement Legal Description

Beginning at a point which lies South 1162.97 feet and West 206.70 feet from the Center of Section 32, Township 3 South, Range 1 East, Salt Lake Base and Meridian, thence North 2 deg 53'56" East 15.02 feet; thence South 89 deg 11'01" East 4.74 feet; thence South 2 deg 40'24" West 8.01 feet; thence South 89 deg 11'01" East 71.56 feet; thence North 2 deg 41'55" East 8.01 feet; thence South 89 deg 09'02" East 29.98 feet; thence South 2 deg 41'55" West 7.99 feet; thence South 89 deg 11'01" East 0.05 feet; thence South 2 deg 52'04" West 7.00 feet; thence North 89 deg 11'01" West 106.37 feet to the point of beginning.

Contains 1022.23 square feet

Basis of Bearing: Utah State Plane Coordinate System, Utah Central Zone Nad 1983

