



ENT 15627:2018 PG 1 of 6
JEFFERY SMITH
UTAH COUNTY RECORDER
 2018 Feb 15 3:01 pm FEE 0.00 BY DA
 RECORDED FOR UDOT-R/W INSTRUMENTS SECTIO

The Order of the Court is stated below:

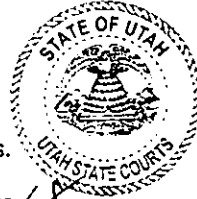
Dated: January 17, 2018
 10:58:15 AM

/s/ **JARED ELDRIDGE**
 District Court Judge



BARBARA H. OCHOA (#4102)
 Assistant Attorney General
 SEAN D. REYES (#7969)
 UTAH ATTORNEY GENERAL
 160 East 300 South, 5th Floor
 P. O. Box 140857
 Salt Lake City, Utah 84114-0857
 bochoa@utah.gov
Attorneys for Plaintiff

STATE OF UTAH
 COUNTY OF *Utah*
 I hereby certify that the document
 to which this certificate is attached
 is a full, true and correct copy of the
 original filed in the Utah State Courts.
 WITNESS my hand and seal
 this *16* day of *Feb*, 20*18*
 DISTRICT/JUVENILE COURT



CLERK

IN THE FOURTH JUDICIAL DISTRICT COURT

IN AND FOR UTAH COUNTY, STATE OF UTAH

<p>UTAH DEPARTMENT OF TRANSPORTATION, Plaintiff, vs. EARL FAMILY CORPORATION, Defendant.</p>	<p>FINAL JUDGMENT OF CONDEMNATION AND SATISFACTION OF JUDGMENT</p> <p>Project No. S-0089(328)335 Parcel Nos. 99, 99:E Affecting Tax ID No. 04:041:0001</p> <p>Civil No. 160300074</p> <p>Judge Jared Eldridge</p>
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The Court, having reviewed the Stipulation for Final Judgment of Condemnation and Satisfaction of Judgment between Plaintiff Utah Department of Transportation (“UDOT”) and Defendant Earl Family Corporation, and being fully advised in the premises and for good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The interests of Earl Family Corporation in the parcels of land 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 Defendant's interest in the Subject Property for purposes of this condemnation proceeding is \$120,000.00.

4. UDOT has heretofore deposited with the Court the sum of \$83,000.00. The Clerk of the Court is directed to pay the amount on deposit to Earl Corporation, a successor to Earl Family Corporation. Counsel for Defendant may pick up the check when it is ready. UDOT has paid an additional \$37,000.00 to Earl Corporation. The total of said payments is \$120,000.00, representing the just compensation due for Defendant's interests in the condemned property.

5. A copy of this Final Judgment of Condemnation and Satisfaction of Judgment shall be filed with the County Recorder of Utah County, State of Utah, and thereupon the rights and interests of Defendant in and to the following described property, situated in Utah County, State of Utah, shall vest in the Plaintiff, Utah Department of Transportation, pursuant to Utah Code Ann. § 78B-6-516:

Affecting Tax ID No. 04:041:0001

Parcel No. 0089:99

A parcel of land in fee for the widening of US-89 (300 South Street) known as Project No. F-0089(328)335, being part of an entire tract situate in Block 44, Plat "A", Provo City Survey of Building Lots, a subdivision in the NE1/4NE1/4 Section 12 Township 7 South, Range 2 East, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows:

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Beginning at the southeast corner of said Block 44; and running thence N.89°39'26"W. (record WEST) 99.00 feet to the southwest corner of said entire tract; thence N.00°20'34"E. (record NORTH) 16.27 feet to a point 57.53 feet perpendicularly distant northerly from the right of way control line of said US-89 (300 South Street) opposite approximate Engineers Station 47+58.68; thence N.87°18'06"E. 51.24 feet thence N.80°29'24"E. 18.20 feet; thence N.45°19'16"E. 42.30 feet to the easterly boundary line of said Block 44; thence S.00°20'34"W. (record SOUTH) 52.04 feet along said easterly boundary line to the point of beginning. The above described parcel of land contains 2379 square feet in area or 0.055 acre.

(Note: The bearings in the above description equal Highway bearings.)

Parcel No. 0089:99:E

A temporary easement, upon part of an entire tract of property, situate in Block 44, Plat "A", Provo City Survey of Building Lots, a subdivision in the NE1/4NE1/4 Section 12 Township 7 South, Range 2 East, Salt Lake Base and Meridian in Utah County, Utah, to facilitate the construction of sidewalks, curb and gutter and appurtenant parts thereof incident to the widening of US-89 (300 South Street) and appurtenant parts thereof, known as Project No. F-0089(328)335.

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 the Defendant 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 the two 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 are described as follows:

Beginning at the intersection of the northerly right of way line of said project and the easterly boundary line of said Block 44, which point is 52.04 feet N.00°20'34"E. (record NORTH) along said easterly boundary line from the southeast corner of said Block 44; and running thence along said northerly right of way line the following three (3) courses and distances: (1) S.45°19'16"W. 42.30 feet; (2) thence S.80°29'24"W. 18.20 feet; (3) thence S.87°18'06"W. 51.24 feet to the westerly boundary line of said entire tract; thence N.00°20'34"E. (record NORTH) 10.47 feet along said westerly boundary line to a point 68.00 feet perpendicularly distant northerly from the right of way control line of said US-89 (300 South Street) opposite approximate Engineers Station 47+58.68; thence N.88°04'01"E. 50.36 feet; thence N.78°14'50"E. 14.32 feet; thence N.45°19'16"E. 49.06 feet to the easterly boundary line of said Block 44 at a point 107.70 feet perpendicularly distant northerly from the right of way control line of said US-89 (300 South Street) opposite approximate Engineers Station 48+57.68; thence S.00°20'34"W. 14.41 feet along said easterly boundary line to the point of beginning.

The above described part of an entire tract contains 1143 square feet in area or 0.026 acre.

(Note: The bearings in the above description equal Highway bearings.)

6. Each party shall bear their own attorney fees and costs herein.

**ENTERED BY THE COURT EFFECTIVE AS OF THE DATE THE
COURT'S STAMP IS AFFIXED TO THE FIRST PAGE OF THIS DOCUMENT.**

Approved as to Form:

/s/ David D. Jeffs

David D. Jeffs

JEFFS & JEFFS

Attorneys for Earl Family Corporation

(electronic signature added with permission)

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