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06-039-0042

STATE OF UTAH }
COUNTY OF DAVIS } ss.

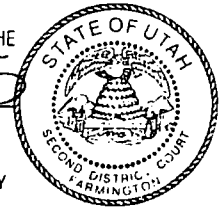
I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE ORIGINAL ON FILE IN MY OFFICE.

DATED THIS 15 DAY OF Jan 20

ALYSON E. BROWN
CLERK OF THE COURT

BY [Signature] DEPUTY

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RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
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DEF RTT REC'D FOR UTAH DEPARTMENT
AND TRANSPORTA

RETURNED IN THE SECOND JUDICIAL DISTRICT COURT IN AND THROUGH

JAN 26 2016

DAVIS COUNTY, STATE OF UTAH

UTAH DEPARTMENT OF
TRANSPORTATION,

Plaintiff,

vs.

SUN DEVELOPMENT, L.P., a Texas
limited partnership; CHEVRON U.S.A.
INC.; and FIRST AMERICAN TITLE
INSURANCE COMPANY, Trustee for
GREEN BANK N.A., beneficiary of Deed of
Trust,

Defendants.

**FINAL JUDGMENT OF
COMPENSATION AND
CONDEMNATION**

Project No. 115-7(301)313
Parcel Nos. 150:A, 150:E
Affecting Tax Id. No. 06-039-0042

Civil No. 150700328

Judge David Connors

The Court having reviewed the Stipulation and Joint Motion for Final Judgment of Compensation and Condemnation entered into between Plaintiff Utah Department of Transportation ("UDOT") and Defendant Sun Development, L.P. ("Landowner") and being fully advised and for good cause appearing, and incorporating the terms of the Stipulation, through their counsel, submit this Final Judgment of Compensation and Condemnation. Other above-

named parties have not answered and have no possessory rights or rights to compensation for the proceeds. Chevron U.S.A., Inc. was named in this case because it has a right of first refusal. Chevron U.S.A., Inc. has chosen not to act on that right of first refusal. The parties to the deed of trust have chosen not to appear. Default Certificates have been entered against these parties. UDOT and Landowner hereby agree to the terms of the Stipulation:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That the parcels of land hereinafter described are hereby condemned and acquired by UDOT for highway purposes.

2. That the purpose of said condemnation is a public use authorized by law.

3. That the just compensation for the land condemned is Two Hundred Three Thousand Dollars (\$203,000.00). On or about November 19, 2015, UDOT deposited the amount of \$165,000.00 which has now been withdrawn by Landowner. Landowner will receive the remaining balance of \$38,000.00 mailed directly to Landowner's counsel, Vincent C. Rampton, and made payable to Sun Development, L.P.

4. That a copy of this Final Judgment of Compensation and Condemnation shall be recorded with the Davis County Recorder's Office and thereupon the right and interest of Landowner in the following described condemned property shall vest in Plaintiff Utah Department of Transportation, 4501 South 2700 West, Salt Lake City, Utah 84119.

The property is located in Davis County, State of Utah and described as:

Tax Id No. 06-039-0042

Parcel No. I15-7:150:A

A parcel of land in fee for the intersection improvements of 500 West Street (US-89) and 400 North Street (SR-131) related to Project No. F-I15-7(301)313, being part of an entire tract of property situate in the SE1/4NE1/4 of Section 24, T. 2 N., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at the northeast corner of said entire tract, said corner is 175.33 feet (172 feet by record) West along the quarter section line and 356.04 feet (356 feet by record) North from the East Quarter Corner of said Section 24, said corner is also 40.00 feet perpendicularly distant westerly from the 500 West Street Control Line opposite approximate engineer station 45+36.43; and running thence S.00°06'52"E. (South by record) 38.43 feet along the existing westerly right of way line of 500 West Street parallel with said control line to a point 40.00 feet perpendicularly distant westerly from said control line opposite engineer station 44+98.00; thence N.44°41'45"W. 36.13 feet to a point 52.50 feet perpendicularly distant southerly from the 400 North Street Control Line opposite engineer station 83+98.00; thence N.89°42'39"W. 128.97 feet to a point 52.50 feet perpendicularly distant southerly from said control line opposite engineer station 82+69.00; thence N.80°16'14"W. 71.73 feet to the existing southerly right of way line and limited access line of said 400 North Street at a point 39.59 feet radially distant southerly from said control line opposite engineer station 81+97.00; thence S.89°59'36"E. (East by record) 225.00 feet along said existing southerly right of way line and limited access line to the point of beginning. The above described parcel of land contains 2,680 square feet in area or 0.062 acre, more or less.

(Note: Rotate all bearings in the above description 00°26'15" clockwise to obtain highway bearings.

To enable the Utah Department of Transportation to construct and maintain a public highway as an expressway as contemplated by Title 72, Chapter 6, Section 117, Utah Code Annotated, 1998, as amended, the Owners of said entire tract of property hereby release and relinquish to said Utah Department of Transportation any and all rights appurtenant to the remaining property of said Owners by reason of the location thereof with reference to said highway, including, without limiting the foregoing, all rights of ingress to or egress from said Owners' remaining property contiguous to the lands hereby conveyed, to or from said highway. **Excepting** and reserving to said Owners, their successors or assigns, the right of access to the nearest roadway of said highway over and across the northerly right of way line for a 45-foot access, which said access centers at a point directly opposite Highway Engineer Station 82+18.00, and the right of access to the nearest roadway of said highway over and across the northerly right of way line for a 40-

foot access, which said access centers at a point directly opposite Highway Engineer Station 82+98.00.

Parcel No. I15-7:150:E

A temporary easement, upon part of an entire tract of property, in the SE1/4NE1/4 of Section 24, T. 2 N., R. 1 W., S.L.B. & M., in Davis County, Utah, to facilitate the construction of driveway and roadway improvements, side treatments and appurtenant parts thereof and blending slopes, incident to the intersection improvements of 500 West Street (US-89) and 400 North Street (SR-131) related to Project No. F-I15-7(301)313.

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 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 parcel of land are described as follows:

Beginning at a point in the existing westerly right of way line of 500 West Street (US-89), said point is 175.20 feet West along the quarter section line and 288.62 feet North from the East Quarter Corner of said Section 24, said point is also 40.00 feet perpendicularly distant westerly from the 500 West Street Control Line opposite approximate engineer station 44+69.00; and running thence S.89°53'08"W. 22.50 feet; thence N.00°06'52"W. 34.00 feet; thence N.88°36'47"W. 11.01 feet; thence N.48°31'30"W. 10.63 feet; thence N.89°42'39"W. 114.08 feet; thence N.80°16'14"W. 50.97 feet; thence N.89°59'36"W. 38.95 feet; thence N.00°00'24"E. 17.00 feet to the existing southerly right of way line and limited access line of 400 North Street; thence S.89°59'36"E. (East by record) 19.67 feet along said right of way line and limited access line; thence S.80°16'14"E. 71.73 feet; thence S.89°42'39"E. 128.97 feet; thence S.44°41'45"E. 36.13 feet to said existing westerly right of way line of 500 West Street; thence S.00°06'52"E. (South by record) 29.00 feet along said existing westerly right of way line to the point of beginning. The

above described easement contains 4,126 square feet in area or 0.095 acre, more or less.

(Note: Rotate all bearings in the above description 00°14'55" clockwise to obtain highway bearings.)

APPROVED AS TO FORM:
*(Electronically signed with permission from
Vincent C. Rampton)*

/s/ Vincent C. Rampton
Vincent C. Rampton
Attorney for Defendant Sun Development, L.P.

**Order becomes effective on the date when electronically signed
By the Court on the first page.**

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of December, 2015, I electronically filed the foregoing **FINAL JUDGMENT OF COMPENSATION AND CONDEMNATION** with Clerk of the Court by using the NEF System which electronically notified the following:

Vincent C. Rampton
JONES WALDO HOLBROOK & MCDONOUGH, PC
170 South Main Street, Suite 1500
Salt Lake City, Utah 84101

/s/ Stacey K. Baird
Legal Secretary