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**IN THE SECOND JUDICIAL DISTRICT COURT**  
**IN AND FOR DAVIS COUNTY, STATE OF UTAH**

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**UTAH DEPARTMENT OF  
TRANSPORTATION,**

Plaintiff,

vs.

**CAP INVESTMENT PROPERTIES, LLC,**  
a California limited liability company; **FIRST  
AMERICAN TITLE INSURANCE  
COMPANY,** a California corporation;  
**BAYVANGUARD BANK,** a Maryland  
corporation; **MJM 5G, LLC,** a Nevada limited  
liability company; JOHN DOES 1-5.

Defendant(s)

**LIS PENDENS AND REQUEST FOR  
NOTICE**

Project No.: S-0108(36)6  
Parcel Nos.: 200, 200:PUE & 200:E  
(Affecting Tax Parcels No.: 14-598-0001)

Civil No. 230901429

Judge Blaine Rawson

Tier 2

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**NOTICE OF PENDENCY OF EMINENT DOMAIN PROCEEDING**

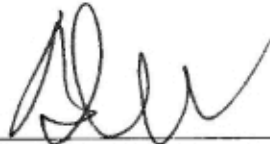
PLEASE TAKE NOTE that an eminent domain proceeding has been commenced in the above-entitled court by the above-named Plaintiff against the above-named Defendants to acquire for public use the real property described in Exhibit A attached hereto.

**REQUEST FOR NOTICE**

Pursuant to Utah Code § 57-1-26, the Utah Department of Transportation requests that a copy of any notice of default and a copy of notice of sale under any trust deed filed of record regarding the described property be mailed to Andrew R. Kolter, Assistant Attorney General at 160 East 300 South, 5<sup>th</sup> Floor, Post Office Box 140857, Salt Lake City, Utah 84114-0857.

Dated this 10<sup>th</sup> day of January 2024.

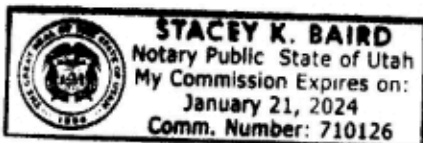
SEAN D. REYES  
Utah Attorney General



Andrew R. Kolter  
William H. Christensen  
Assistant Attorneys General  
*Attorneys for Plaintiff UDOT*

STATE OF UTAH            )  
  )§  
COUNTY OF SALT LAKE )

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of January 2024,  
by ANDREW R. KOLTER.

  
Notary Public

# **EXHIBIT A**

CO\*S-0108\*200, 200:E, 200:PUE

CONDEMNATION RESOLUTION  
HIGHWAY PROJECT NO. S-0108(36)6  
SR-108; 300 North to 1800 North

I. The Utah Department of Transportation (UDOT) has determined that the following described property ("Subject Property") is necessary for a state transportation purpose as defined in Utah Code Ann. § 725102. UDOT has been unable to acquire the Subject Property after having made reasonable efforts to negotiate for its purchase. Therefore, pursuant to its duty to provide safe transportation systems, UDOT has determined that it is necessary and in the public interest to acquire the Subject Property by condemnation in accordance with applicable law.

II. The Subject Property is located in Davis County, Utah and described as:

Tax Id No. 14-598-0001

**Parcel No. S-0108:200**

A parcel of land in fee, being part of an entire tract of property, situate in Lot 1, Clinton Corners Commercial Subdivision - Amending Lot 4 according to the official plat thereof recorded November 4, 2022 as Entry No. 3506387 in Book 8128 at Page 206, situate in the NE1/4 SE1/4 of Section 28, T.5N., R.2W., S.L.B.&M., for the construction of improvements incident to SR-108; 300 North to 1800 North, known as project number S-0108(36)6. The boundaries of said parcel of land are as described as follows:

Beginning at the northwest corner of said Lot 1, which corner is on the existing southerly right of way line of SR-37, which corner is 267.38 feet N.89°59'06"W. along the quarter section line and 56.40 feet S.00°09'39"W. from the East Quarter Corner of said Section 28; and running thence along the northerly boundary line of said entire tract coincident with said existing southerly right of way line of said SR-37 S.89°59'06"E. 178.96 to a point on the easterly boundary line of said entire tract, which point is on the existing westerly right of way line of said SR-108; thence the following two (2) courses along said easterly boundary line of said entire tract coincident with said existing westerly right of way line of said SR-108: (1) S.44°59'03"E. 37.24 feet; (2) S.00°09'39"W. 12.16 feet to a point 65.97 feet perpendicularly distant westerly from the SR-108 control line of said project, at Engineer Station 287+46.41; thence N.44°43'32"W. 49.41 feet to a point 63.00 feet perpendicularly distant southerly from the SR-37 control line of said project, at Engineer Station 14+06.50; thence N.89°59'06"W. 170.50 feet, more or less, to a point on the westerly boundary line of said entire tract, which point is 63.00 feet perpendicularly distant southerly from said SR-37 control line of said project, at Engineer Station 12+36.01; thence along said westerly boundary line of said entire tract N.00°09'39"E. 3.40 feet, more or less, to the point of beginning as shown on the official map of said project on file at the office of the Utah Department of Transportation.

The above-described parcel of land contains 962 square feet or 0.022 acre in area, more or less.

(Note: Rotate above bearings 00°20'41" clockwise to equal NAD83 project bearings.)

CO\*S-0108\*200, 200:E, 200:PUE

CONDEMNATION RESOLUTION  
HIGHWAY PROJECT NO. S-0108(36)6  
SR-108; 300 North to 1800 North

**Parcel No. S-0108:200:E**

A temporary easement, upon part of an entire tract of property, situate in Lot 1, Clinton Corners Commercial Subdivision - Amending Lot 4 according to the official plat thereof recorded November 4, 2022 as Entry No. 3506387 in Book 8128 at Page 206, situate in the NE1/4 SE1/4 of Section 28, T.5N., R.2W., S.L.B.&M., to facilitate the construction of improvements incident to SR-108, 300 North to 1800 North, known as project number S-0108(36)6. This easement shall commence upon the beginning of actual construction on the property and shall continue only until project construction on the property is complete, or for three years, whichever first occurs. The easement shall be non-exclusive such that the Owner may use the property at any time in a manner which does not interfere with construction activities.

Beginning at a point of intersection with the westerly boundary line of said Lot 1 and the project southerly right of way line of SR-37, which point is 267.38 feet N.89°59'06"W. along the quarter section line and 59.80 feet S.00°09'39"W. from the East Quarter Corner of said Section 28, which point is also 63.00 feet perpendicularly distant southerly from the SR-37 control line of said project, at Engineer Station 12+36.01; and running thence along said project southerly right of way line of said SR-37 S.89°59'06"E. 170.50 feet to a point on the project westerly right of way line of said SR-108; thence along said project westerly right of way line of said SR-108 S.44°43'32"E. 49.41 feet to a point on the easterly boundary line of said Lot 1 and said point is on the existing westerly right of way line of said SR-108; thence along said easterly boundary line of said Lot 1 coincident with said westerly right of way line of said SR-108 S.00°09'39"W. 116.58 feet to a point on the southerly boundary line of said Lot 1; thence along said southerly boundary line of said Lot 1 N.88°20'27"W. 29.54 feet; thence N.00°20'10"W. 45.63 feet; thence N.89°39'50"E. 19.92 feet; thence N.00°09'39"E. 65.87 feet; thence N.44°43'32"W. 41.11 feet; thence N.89°59'06"W. 30.83 feet; thence S.00°00'54"W. 5.00 feet; thence N.89°59'06"W. 26.50 feet; thence N.00°00'54"E. 5.00 feet; thence N.89°59'06"W. 97.50 feet; thence S.00°00'54"W. 8.93 feet; thence N.89°55'53"W. 11.54 feet, more or less, to a point on the westerly boundary line of said Lot 1; thence along said westerly boundary line of said Lot 1 N.00°09'39"E. 18.92 feet, more or less, to the point of beginning.

The above-described easement contains 4,424 square feet or 0.102 acre in area, more or less.

(Note: Rotate above bearings 00°20'41" clockwise to equal NAD83 project bearings.)

CO\*S-0108\*200, 200:E, 200:PUE

CONDEMNATION RESOLUTION  
HIGHWAY PROJECT NO. S-0108(36)6  
SR-108; 300 North to 1800 North

**Parcel No. S-0108:200:PUE**

A public utility easement, upon part of an entire tract of property, situate in Lot 1, Clinton Corners Commercial Subdivision - Amending Lot 4 according to the official plat thereof recorded November 4, 2022 as Entry No. 3506387 in Book 8128 at Page 206, also situate in the NE1/4 SE1/4 of Section 28, T.5N., R.2W., S.L.B.&M., in Davis County, Utah.

Beginning at a point of intersection with the westerly boundary line of said Lot 1 and the project southerly right of way line of SR-37, which point is 267.38 feet N.89°59'06"W. along the quarter section line and 59.80 feet S.00°09'39"W. from the East Quarter Corner of said Section 28, which point is also 63.00 feet perpendicularly distant southerly from the SR-37 control line of said project, at Engineer Station 12+36.01; and running thence along said project southerly right of way line of said SR-37 S.89°59'06"E. 170.50 feet to a point on the project westerly right of way line of said SR-108; thence along said project westerly right of way line of said SR-108 S.44°43'32"E. 49.41 feet to a point on the easterly boundary line of said Lot 1 and said point is on the existing westerly right of way line of said SR-108; thence along said easterly boundary line of said Lot 1 coincident with said westerly right of way line of said SR-108 S.00°09'39"W. 116.58 feet to a point on the southerly boundary line of said Lot 1; thence along said southerly boundary line of said Lot 1 N.88°20'27"W. 29.54 feet; thence N.00°20'10"W. 45.63 feet; thence N.89°39'50"E. 19.92 feet; thence N.00°09'39"E. 65.87 feet; thence N.44°43'32"W. 41.11 feet; thence N.89°59'06"W. 166.35 feet, more or less, to a point on the westerly boundary line of said Lot 1; thence along said westerly boundary line of said Lot 1 N.00°09'39"E. 10.00 feet, more or less, to the point of beginning.

The above-described easement contains 4,189 square feet or 0.096 acre in area, more or less, of which 2,756 square feet, or 0.063 acre is now occupied by the existing public utility easement. Balance is 1,433 square feet or 0.033 acre.

(Note: Rotate above bearings 00°20'41" clockwise to equal NAD83 project bearings.)