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JEFFERY SMITH  
UTAH COUNTY RECORDER  
2013 Jan 16 3:26 pm FEE 0.00 BY SS  
RECORDED FOR UTAH DEPARTMENT OF TRANSPOR

Attorneys for Plaintiff

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**IN THE FOURTH JUDICIAL DISTRICT COURT FOR UTAH COUNTY**

**STATE OF UTAH**

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UTAH DEPARTMENT OF  
TRANSPORTATION,

Plaintiff,

v.

GARFF PROPERTIES, LLC, a Utah limited  
liability company,

Defendant.

**FINAL JUDGMENT OF CONDEMNATION**

Project No.: MP-I15-6(178)245  
Parcel Nos.: I15-6:2123:A;

Affecting Tax I.D. No.: 34-216-0002

Civil No. 110400719

Judge Lynn W. Davis

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Based on the stipulation and joint motion of Plaintiff Utah Department of Transportation (“UDOT”) and Defendant Garff Properties, LLC, a Utah limited liability company (“Garff”), it now appearing that the parties have settled and resolved the issues arising in this action, and UDOT having agreed to tender all payments as required by law, inclusive of damages and interest, and Defendants having agreed to accept such payments, and good cause appearing

therefor, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

1. UDOT shall pay Garff an additional \$308,000 for a total of Five Hundred Ten Thousand Dollars (\$510,000) in just compensation for its acquisition of the property subject to this condemnation action, and otherwise perform pursuant to the parties' stipulation.

2. UDOT shall allow Garff to install, at Garff's expense, certain rock landscaping within UDOT's right of way in the area immediately adjacent to Garff's property. UDOT shall allow Garff to remove or roll back UDOT's fence abutting Garff's property in order to complete the work, and Garff shall replace the fence in the same location and condition upon completion of the work. To the extent any permit is required in order to perform the work, UDOT shall work with Garff and its selected contractor to obtain any such permit.

3. UDOT is awarded a Final Judgment of Condemnation for acquisition of the real property more specifically described in the attached Exhibit A (the "Subject Property") for an authorized and necessary public purpose, namely widening and reconstructing the existing Interstate 15 Corridor, Utah County, State of Utah, as described in UDOT's Complaint filed in this matter. UDOT is hereby released from any claim for further or additional compensation due any party to this action, and all other claims or potential claims or causes of action between or among the parties to this action arising from condemnation of the Subject Property are dismissed, with prejudice, each of the parties to bear their own costs and attorneys' fees.

4. 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 hereby grants and conveys to UDOT and its successors and assigns, fee title to Parcel No. Nos.: 2123:A as

particularly described in the attached Exhibit A, which is also incorporated herein by reference.

5. It is further ORDERED that a copy of this Final Judgment of Condemnation shall be filed with the County Recorder of Utah County, State of Utah, and thereupon the property described above and in Exhibit A shall vest in UDOT for the purposes specified.

Approved as to form

/s/ Justin B. Palmer

D. Matthew Moscon  
Justin B. Palmer

*Signed by Timothy J. Bywater with  
permission of Justin B. Palmer  
Stoel Rives LLP  
Attorneys for Defendant Garff Properties, LLC*

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**BY THE COURT:**

\_\_\_\_\_  
Lynn W. Davis  
District Court Judge

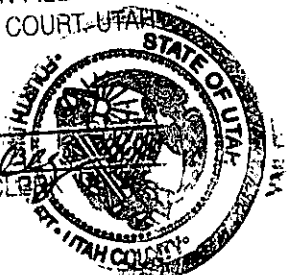
**Dated:** November 29, 2012  
01:48:43 PM

/s/ Lynn W. Davis  
District Court Judge



I CERTIFY THAT THIS IS A TRUE COPY OF  
AN ORIGINAL DOCUMENT ON FILE IN THE  
FOURTH JUDICIAL DISTRICT COURT, UTAH  
COUNTY, STATE OF UTAH

DATE: 12/11/12  
*[Signature]*  
DEPUTY COURT CLERK



# EXHIBIT A

CO\*245\*2123:A

HIGHWAY PROJECT NO. MP-I15-6(178)245  
I-15; Utah County Corridor Expansion (I-15 Core)

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

Tax Id No. 34-216-0002

**Parcel No. I15-6:2123:A**

A parcel of land in fee, incident to the construction of an expressway known as Project No. MP-I15-6, being part of Site 2, American Fork Auto Mall, a subdivision situate in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  and the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 25, Township 5 South, Range 1 East, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows:

Beginning at the Northeast corner of said Site 2, in the existing southwesterly highway right of way and no-access line of Interstate 15; and running thence S.40°09'46"W. 10.64 feet along the southeasterly boundary line of said Site 2; thence N.50°12'30"W. 65.33 feet; thence N.50°07'46"W. 65.26 feet; thence N.49°54'12"W. 51.61 feet; thence N.49°54'02"W. 53.68 feet; thence N.49°47'08"W. 52.87 feet; thence N.49°46'09"W. 51.46 feet; thence N.49°55'55"W. 55.43 feet; thence N.49°54'01"W. 54.23 feet; thence N.49°48'55"W. 56.28 feet; thence N.49°43'11"W. 50.33 feet; thence N.49°45'18"W. 57.58 feet; thence N.50°09'01"W. 32.88 feet; thence Northwesterly 115.62 feet along the arc or a 1774.13-foot radius curve to the left (chord bears N.58°19'06"W. 115.60 feet) to the northwesterly boundary line of said Site 2, at a point being 153.55 feet perpendicularly distant southwesterly from said centerline of said project, opposite approximate Engineers Station 4267+34.83; thence N.40°09'46"E. 28.59 feet along said northwesterly boundary line to said existing highway right of way and no-access line; thence S.49°50'15"E. 761.26 feet along said existing highway right of way and no-access line to the point of beginning . The above described part of an entire tract contains 9,588 square feet in area or 0.220 acre.

(Note: Rotate the above described 0°00'10" clockwise to equal record bearings)

To enable the Utah Department of Transportation to construct and maintain a public highway as a freeway, 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 Owner's remaining property contiguous to the lands hereby conveyed to or from said highway.