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ENT 5033:2013 PG 1 of 8
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

IN THE FOURTH JUDICIAL DISTRICT COURT FOR UTAH COUNTY

STATE OF UTAH

<p>UTAH DEPARTMENT OF TRANSPORTATION, Plaintiff, v. BJBD, L.C., a Utah limited liability company, Defendant.</p>	<p>FINAL JUDGMENT OF CONDEMNATION</p> <p>Project No.: MP-I15-6(178)245 Parcel Nos.: 1304:A, 1318:A, 1652:A, 1663:A</p> <p>Affecting Tax ID. Nos.: 18:030:001; 18:030:0002; 18:027:0033; 18:027:0041</p> <p>Civil No. 100401775</p> <p>Judge Fred D. Howard</p>
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Based on the stipulation and joint motion of Plaintiff Utah Department of Transportation (“UDOT”) and Defendant BJBD, a Utah limited liability company (“BJBD”), 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 previously paid BJBD \$66,900 pursuant to a Right of Occupancy Agreement and has agreed to pay BJBD an additional \$180,600 for a total of Two Hundred Forty Seven Thousand Five Hundred Dollars (\$247,500) in just compensation for its acquisition of the property subject to this condemnation action.

2. 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.

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 hereby grants and conveys to UDOT and its successors and assigns, fee title to Parcel No. Nos.: 1304:A, 1318:A, 1652:A, 1663:A as particularly described in the attached Exhibit A, which is also 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 Utah County, State of Utah, and thereupon the fee estate in the property described above shall vest in UDOT for the purposes specified.

APPROVED AS TO FORM:

/s/ Bradley J. Weber
Justin D. Heideman
Bradley J. Weber
*Signed by Timothy J. Bywater with
permission of Bradley J. Weber*
Attorneys for Defendant BJBD, L.C.

DATED this _____ day of _____, 2012.

BY THE COURT:

Fred D. Howard
District Court Judge

Dated: November 20, 2012
11:50:21 AM

/s/ Fred D. Howard
District Court Judge



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

DATE: 12/11/12
[Signature]
DEPUTY COURT CLERK
SALT LAKE COUNTY

EXHIBIT A

CO*245*1304:A, 1318:A, 1652:A, 1663:A

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

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. § 72-5-102 (West 2004). 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 Utah County, Utah and described as:

Tax Id No. 18-030-0002, 18-027-0033, 18-027-0041, 18-030-0001

Parcel No. I15-6:1304:A

A parcel of land in fee, being part of an entire tract of property, situate in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, Township 6 South, Range 2 East, SLB&M, incident to the construction of a freeway known as Project No. MP-I15-6. The boundaries of said parcel of land are described as follows:

Beginning at the northeast corner of said entire tract, being in the existing southwesterly highway right of way and no-access line of Interstate 15, which point is 1315.95 feet N.0°40'56"W. along the Quarter section line and 401.67 feet East from the South Quarter Corner of said Section 21; and running thence S.32°51'44"E. 518.54 feet along the existing southwesterly highway right of way and no-access line of Interstate 15 to the southeast corner of said entire tract; thence S.88°51'04"W. 22.01 feet along the southerly boundary line of said entire tract to a point 167.91 feet perpendicularly distant southwesterly from the centerline of said project, opposite approximate Engineers Station 2228+69.50; thence N.24°13'41"W. 83.75 feet; thence Northwesterly 39.79 feet along the arc of a 1976.08 foot radius non tangent curve to the left (chord bears N.32°17'42"W. 39.78 feet); thence N.32°52'19"W. 388.07 feet to a point in the northerly boundary line of said entire tract; thence N.89°23'24"E. 6.89 feet along said northerly boundary line to the point of beginning. The above described part of an entire tract contains 3,610 square feet in area or 0.083 acre.

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**CONDEMNATION RESOLUTION
HIGHWAY PROJECT NO. MP-I15-6(178)245**

(Note: Rotate the above described parcel 0°01'49" clockwise to equal record bearings)

Subject to that portion of a Perpetual Public Utility Easement in favor of Orem City, recorded as entry number 88334:2004 on August 3, 2004 in the Utah County Recorder's office.

To enable the Utah Department of Transportation to construct and maintain a limited-access 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.

Parcel No. I15-6:1318:A

A parcel of land in fee, being part of an entire tract of property, situate in the NE¼SW¼ of Section 21, Township 6 South, Range 2 East, SLB&M, incident to the construction of a freeway known as Project No. MP-I15-6. The boundaries of said parcel of land are described as follows:

Beginning at the southeast corner of said entire tract, being in the existing southwesterly highway right of way and no-access line of Interstate 15, which point is 2196.51 feet N.0°40'56"W. along the Quarter section line and 144.71 feet West from the South Quarter Corner of said Section 21; and running thence S.89°23'14"W. 1.84 feet along the southerly boundary line of said entire tract to a point 162.30 feet radially distant southwesterly from the centerline of said project, opposite approximate Engineers Station 2244+02.93; thence Northwesterly 95.39 feet along the arc of a 3309.92 foot radius non tangent curve to the right, (chord bears N.26°41'18"W. 95.39 feet) to a point in said existing southwesterly highway right of way and no-access line of Interstate 15; thence Southeasterly 96.22 feet along the arc of a 3424.04 foot radius curve to the left (chord bears S.27°40'20"E. 96.21 feet) along said existing southwesterly highway right of way and no access line to the point of beginning. The above described parcel of land contains 79 square feet in area or 0.002 acre.

(Note: Rotate the above described parcel 0°25'14" counterclockwise to equal record bearings)

**CONDEMNATION RESOLUTION
HIGHWAY PROJECT NO. MP-I15-6(178)245**

To enable the Utah Department of Transportation to construct and maintain a limited-access 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.

Parcel No. I15-6:1652:A

A parcel of land in fee, being part of an entire tract of property, situate in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, Township 6 South, Range 2 East, SLB&M, incident to the construction of a freeway known as Project No. MP-I15-6. The boundaries of said parcel of land are described as follows:

Beginning at the northeast corner of said entire tract, being in the existing southwesterly highway right of way and no-access line of Interstate 15, which point is 2196.51 feet N.0°40'56"W. along the Quarter section line and 144.71 feet West from the South Quarter Corner of said Section 21; and running thence Southeasterly 11.32 feet along the arc of a 3424.04-foot radius curve to the left (chord bears S.28°34'19"E. 11.32 feet) along said existing southwesterly highway right of way and no-access line to the southeast corner of said entire tract; thence S.89°23'24"W. 2.06 feet along the southerly boundary line of said entire tract to a point 162.17 feet radially distant southwesterly from the centerline of said project, opposite approximate Engineers Station 2243+92.17; thence Northwesterly 11.22 feet along the arc of a 3309.92-foot radius non tangent curve to the right (chord bears N.27°36'40"W. 11.22 feet) to a point in the northerly boundary line of said entire tract; thence N.89°23'14"E. 1.84 feet along said northerly boundary line to the point of beginning. The above described part of an entire tract contains 19 square feet in area or 0.000 acres.

(Note: Rotate the above described parcel 1°37'36" clockwise to equal record bearings)

To enable the Utah Department of Transportation to construct and maintain a limited-access 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.

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**CONDEMNATION RESOLUTION
HIGHWAY PROJECT NO. MP-I15-6(178)245**

Parcel No. I15-6:1663:A

A parcel of land in fee, being part of an entire tract of property, situate in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 21, Township 6 South, Range 2 East, SLB&M, incident to the construction of a freeway known as Project No. MP-I15-6. The boundaries of said parcel of land are described as follows:

Beginning at the southeast corner of said entire tract, being in the existing southwesterly highway right of way and no-access line of Interstate 15, which point is 1315.95 feet N.0°40'56"W. along the Quarter section line and 401.67 feet East from the South Quarter Corner of said Section 21; and running thence S.89°23'24"W. 6.89 feet along the southerly boundary line of said entire tract to a point being 154.92 feet perpendicularly distant southwesterly from the centerline of said project, opposite approximate Engineers Station 2233+80.15; thence N.32°52'19"W. 729.99 feet to the point of tangency of a 3309.92-foot radius curve to the right (chord bears N.30°17'24"W. 298.20 feet) thence Northwesterly 298.30 feet along the arc of said curve; thence N.89°23'24"E. 2.06 feet to a point in said existing southwesterly highway right of way and no access line; thence Southeasterly 249.77 feet along the arc of a 3424.04-foot radius non tangent curve to the left (chord bears S.30°45'23"E. 249.71 feet) along said existing southwesterly highway right of way and no-access line; thence S.32°51'44"E. 780.93 feet to the point of beginning. The above described part of an entire tract contains 5,531 square feet in area or 0.127 acre.

(Note: Rotate the above described parcel 1°37'36" clockwise to equal record bearings)

Subject to that portion of a Perpetual Public Utility Easement in favor of Orem City, recorded as entry number 88334:2004 on August 3, 2004 in the Utah County Recorder's office.

To enable the Utah Department of Transportation to construct and maintain a limited-access 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.

Prepared By RHJ 4-15-2010