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ENT 5034:2013 PG 1 of 6
JEFFERY SMITH
UTAH COUNTY RECORDER
2013 Jan 16 3:27 pm FEE 0.00 BY SS
RECORDED FOR UTAH DEPARTMENT OF TRANSPOR

Attorneys for Plaintiff Utah Department of
Transportation

IN THE FOURTH JUDICIAL DISTRICT COURT FOR UTAH COUNTY
STATE OF UTAH

<p>UTAH DEPARTMENT OF TRANSPORTATION, Plaintiff, v. WILLIAM E. DAY and CHARLES D. DAY, individuals; UNION PACIFIC RAILROAD COMPANY, a Delaware corporation, successor in interest by merger to Union Pacific Railroad Company and Rio Grande Western Railroad Company; and CLEAR CHANNEL OUTDOOR, INC., a Delaware corporation; Defendants.</p>	<p>FINAL JUDGMENT OF CONDEMNATION</p> <p>Project No.: MP-115-6(178)245 Parcel Nos.: 2183, 2183:E, 2183:2E, and 2183:3E</p> <p>Affecting Tax I.D. No.: 13:047:0018</p> <p>Case No. 100401241 Division 4</p> <p>Judge David Mortensen</p>
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Based on the stipulation and joint motion of Plaintiff Utah Department of Transportation

("UDOT") and Defendants William E. Day and Charles D. Day (the "Days"), 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 the Days having agreed to accept such payments, and good cause appearing therefor, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

1. In consideration for UDOT's total payment of \$337,000 and other consideration, UDOT is awarded a Final Judgment of Condemnation for acquisition of the real property more specifically described in the attached Exhibit A for an authorized and necessary public purpose, namely, widening and reconstructing the existing I-15 Corridor in Utah County, State of Utah, as described in UDOT's Complaint filed in this matter. All other 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.

2. 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, title to the property as particularly described in the attached Exhibit A, which is incorporated herein by reference.

3. 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/ M. Dayle Jeffs

M. Dayle Jeffs

Signed by Robert C. Keller with permission of

M. Dayle Jeffs

JEFFS & JEFFS

Attorneys for Defendants William and Charles Day

DATED this _____ day of _____ 2012.

BY THE COURT:

David Mortensen
District Court Judge

Dated: December 11, 2012
02:16:49 PM

by

/s/

At the direction of:
David Mortensen
District Court Judge

Kris Van Wagoner
District Court Clerk

ORIGINAL IF IN RED INK
STATE OF UTAH
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: December 11, 2012
[Signature]
DEPUTY COURT CLERK
DISTRICT COURT • UTAH

EXHIBIT A

HIGHWAY PROJECT NO. MP-115-6(178)245
I-15; Utah County Corridor Expansion (I-15 Core)

Parcel No. 115-6:2183

A parcel of land in fee, being part of an entire tract of property, situate in the SE1/4NW1/4 of Section 23, T.5S., R.1E., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the easterly right of way line of Storrs Avenue (300 West Street) and the southwesterly highway right of way line of the southwest frontage road of Interstate 15, which point is 1100.12 feet West and 3425.73 feet North from the south Quarter corner of said Section 23; thence running along said highway right of way line the following three (3) courses and distances: (1) thence S.70°00'37"E. 286.82 feet; (2) thence Easterly 61.20 feet along the arc of a 975.00-foot radius curve to the right, (chord bears S.68°48'55"E. 61.19 feet); (3) thence S.67°04'43"E. 378.07 feet to the easterly boundary line of said entire tract; thence South 71.82 feet along said boundary line to a point 182.98 feet radially distant southwesterly from the centerline of said project, opposite approximate Engineers Station 4339+69.24; thence Northwesterly 748.91 feet along the arc of a 4160.00-foot radius curve to the left (chord bears N.64°30'03"W. 747.90 feet) to said Storrs Avenue easterly right of way line; thence N.00°46'22"E. 17.26 feet along said right of way line to the point of beginning. The above described parcel of land contains 25,021 square feet in area or 0.574 acre.

Parcel No. 115-6:2183:E

A perpetual easement upon part of an entire tract of property, situate in the SE1/4NW1/4 of Section 23, T.5S., R.1E., S.L.B.&M. in Utah County, Utah for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of electric power transmission, distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: supporting towers, poles, props, guys and anchors, including guys and anchors outside of the right of way; wires, fibers, cables and other conductors and conduits therefore; and pads, transformers, switches, vaults and cabinets, along the general course now located by UDOT on, over, or under the surface of the real property of Defendants in Utah County, State of Utah more particularly described as follows:

Beginning at a point in the southwest highway right of way of a Frontage Road (FR-3) of a freeway known as Project No. MP-115-6, which point is 882.73 feet

S.89°48'58"W. along the Section line and 3,323.56 feet North from the South Quarter corner of said Section 23; thence Southeasterly 35.58 feet along the arc of a 4,160.00-foot radius curve to the right, (chord bears S.66°10'52"E. 35.58 feet) along said right of way line; thence S.23°55'29"W. 19.99 feet to a point 208.57 feet radially distant southwesterly from the centerline of said project, opposite approximate Engineers Station 4344+69.19; thence N.66°04'31"W. 20.00 feet; thence N.14°05'51"W. 25.29 feet to the point of beginning. The above described part of an entire tract contains 556 square feet in area or 0.013 acre.

Parcel No. I15-6:2183:2E

A perpetual easement upon part of an entire tract of property situate in the SE1/4NW1/4 of Section 23, T.5S., R.1E., S.L.B.&M. in Utah County, Utah, for the purpose of constructing and maintaining thereon drainage facilities and appurtenant parts thereof incident to the construction of a freeway known as Project No. MP-I15-6. The easement shall run with the Real Property and shall be binding upon the Defendants and the Defendants' successors, heirs and assigns. The boundaries of said part of an entire tract are described as follows:

Beginning in the southwesterly highway right of way line of the southwest Frontage Road of said project, which point is 784.23 feet West and 3276.22 feet North (based on the Utah State Plane Coordinate System, Central Zone) from the South Quarter corner of said Section 23, at a point 187.77 feet radially distant southwesterly from the right of way control line of said project, opposite approximate Engineers Station 4343+93.66; and running thence S.24°44'41"W. 15.00 feet; thence N.65°04'28"W. 20.00 feet; thence N.24°44'41"E. 15.00 feet to said southwesterly highway right of way line; thence Southeasterly 20.00 feet along the arc of a 4,160.00-foot radius curve to the right, (chord bears S.65°04'30"E. 20.00 feet) to the point of beginning. The above described part of an entire tract contains 300 square feet in area or 0.007 acre.

Parcel No. I15-6:2183:3E

A temporary easement upon part of an entire tract of property situate in the SE1/4NW1/4 of Section 23, T.5S., R.1E., S.L.B.&M. in Utah County, Utah, for the purpose of constructing a drainage facility and appurtenant parts thereof to facilitate the construction of a freeway known as Project No. MP-I15-6.

Non-exclusive use. The easement acquired herein does not convey any right except as stated herein, nor does it prevent Defendants 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 Defendants 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 Defendants, 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 in the southwesterly highway right of way line of the southwest Frontage Road of said project, which point is 784.23 feet West and 3276.22 feet North (based on the Utah State Plane Coordinate System, Central Zone) from the South Quarter corner of said Section 23, at a point 187.77 feet radially distant southwesterly from the right of way control line of said project, opposite approximate Engineers Station 4343+93.65; and running thence Southeasterly along said southwesterly highway right of way line 15.00 feet along the arc of a 4,160.00-foot radius curve to the right (chord bears S.64°50'03"E. 15.00 feet); thence S.24°44'41"W. 30.00 feet; thence N.65°04'26"W. 50.00 feet; thence N.24°44'41"E. 30.00 feet to said southwesterly highway right of way line; thence Southeasterly 15.00 feet along the arc of a 4,160.00-foot radius curve to the right, (chord bears S.65°18'58"E. 15.00 feet); thence S.24°44'41"W. 15.00 feet; thence S.65°04'28"E. 20.00 feet; thence N.24°44'41"E. 15.00 feet to the point of beginning. The above described part of an entire tract contains 1,202 square feet in area or 0.028 acre.