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FILED DISTRICT COURT
Third Judicial District

AUG 13 1997

SALT LAKE COUNTY

IN THE THIRD JUDICIAL DISTRICT COURT ~~DISTRICT COURT~~ Deputy Clerk

IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

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SOUTH JORDAN CITY, A MUNICIPAL CORPORATION,

Plaintiff

FINAL ORDER OF CONDEMNATION

vs.

JOHNSON ENTERPRISES LTD., A LIMITED PARTNERSHIP, LEROY EDWARD FAIRBOURN AND NANCY BLANCH FAIRBOURN, AS TRUSTEES OF THE LEROY EDWARD FAIRBOURN FAMILY TRUST,

Defendants.

Civil No. 960906858 PR

Judge: J. Dennis Frederick

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It appearing to the Court and the Court now finds that heretofore, on the 7th day of August, 1997, this Court made and entered its Judgment on Stipulation in the above entitled proceeding; and

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08/13/97 10:00 AM**NO FEE**
NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
SOUTH JORDAN
11175 S REDWOOD RD
SOUTH JORDAN, UT 84095-8265
REC BY:P ANDERSON DEPUTY - WI

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It appearing to the Court and the Court now finds that pursuant to the law and said Judgment, the Plaintiff did pay said Judgment to the Defendant Johnson Enterprises, Ltd., and that by stipulation of the parties no interest is due and owing or required on said judgment to be paid; and

It further appearing to the Court that the Plaintiff has made all payments as required by law and order of this Court, and that this is not a case where any bond was required to be given, and all and singular the law in the premises being given by the Court understood and fully considered;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the property and property interests described in Exhibit "A" attached hereto and by this reference made a part hereof, are hereby taken and condemned in fee simple or as a permanent slope easement or as temporary construction easements as designated in Exhibit "A" attached hereto for the use of the Plaintiff, South Jordan City, for public street and related purposes.

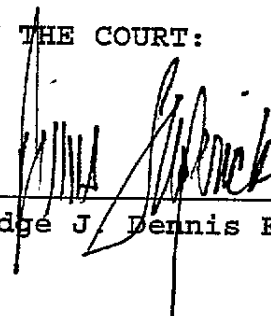
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said use is a public use and a use authorized by law.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a copy of this Final Order of Condemnation be filed with the County Recorder

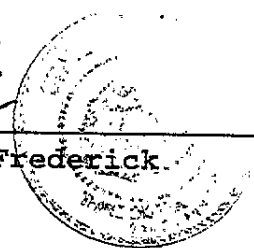
of Salt Lake County, State of Utah, and thereupon the property interests described and set forth in Exhibit "A" attached hereto shall vest in the Plaintiff, South Jordan City, 11175 South Redwood Road, South Jordan, Utah, 84095.

DATED this 13th day of August, 1997.

BY THE COURT:



Judge J. Dennis Frederick.



MAILING CERTIFICATE

I hereby certify that on this 13th day of August, 1997, a true and correct copy of the foregoing FINAL ORDER OF CONDEMNATION was mailed first class mail, postage prepaid to the following:

Ralph J. Marsh
Backman, Clark & Marsh
68 South Main Street #800
Salt Lake City, Utah 84101

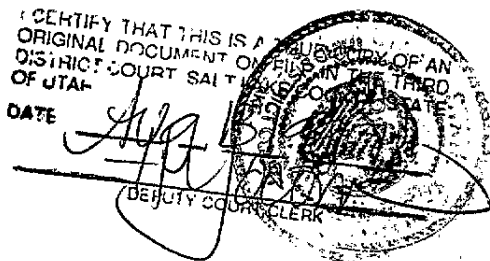




EXHIBIT "A"

The real property and property interests are located in Salt Lake County, State of Utah, and are more particularly described as follows:

PUBLIC ROAD RIGHT-OF-WAY IN FEE SIMPLE

A parcel of land in fee for the purpose of constructing, operating and maintaining a public roadway together with all related improvements therein located in Salt Lake County, Utah, in the southwest quarter of Section 13, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and being more particularly described according to the following courses and distances to wit:

Beginning on the northerly line of Grantor's property at a point 2154.08 feet S. $89^{\circ}58'10''$ E. along the quarter section line from the west quarter corner of Section 13, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and running thence Southwesterly along the arc of a 20.00-foot radius curve to the left 31.64 feet (Note: chord to said curve bears S. $44^{\circ}42'17''$ W. 28.44 feet); thence S. $00^{\circ}37'15''$ E. 416.42 feet; thence Southerly along the arc of a 1037.25-foot radius curve to the right 244.29 feet (Note: chord to said curve bears S. $06^{\circ}07'34''$ W. 243.73 feet); thence S. $12^{\circ}52'24''$ W. 236.19 feet to the southerly boundary line of Grantor's property; thence S. $88^{\circ}51'43''$ W. 109.25 feet along said southerly boundary line; thence N. $12^{\circ}52'24''$ E. 262.64 feet, thence Northerly along the arc of a 931.25-foot radius curve to the left 219.33 feet (Note: chord to said curve bears N. $06^{\circ}07'34''$ E. 218.82 feet); thence N. $00^{\circ}37'15''$ W. 418.08 feet; thence Northwesterly along the arc of a 20.00-foot radius curve to the left 31.19 feet (Note: chord to said curve bears N. $45^{\circ}17'43''$ W. 28.12 feet) to the northerly line of Grantor's property; thence S. $89^{\circ}58'10''$ E. 146.01 feet to the point of beginning.

The above described parcel of land contains 2.239 acres, more or less.

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PERMANENT SLOPE EASEMENT

A perpetual slope easement, upon part of an entire tract of property situate in the Southwest quarter of Section 13, Township 3 South, Range 1 West, Salt Lake Base and Meridian, for the purpose of cut and fill slopes, and appurtenant parts thereof incident to the construction of a roadway.

The boundaries of said part of an entire tract are described as follows:

Beginning on the Northerly line of Grantor's property at a point 2154.08 feet South $89^{\circ}58'10''$ East along the quarter section line from the West quarter corner of said Section 13, and running thence South $89^{\circ}58'10''$ East 38.83 feet along Grantor's Northerly property line; thence South $00^{\circ}37'15''$ East 435.98 feet; thence South $15^{\circ}29'17''$ West 415.38 feet; thence North $77^{\circ}07'36''$ West 9.84 feet; thence North $12^{\circ}52'24''$ East 159.13 feet; thence Northerly along the arc of a 1037.25 foot radius curve to the left 244.29 feet (Note: chord to said curve bears North $06^{\circ}07'34''$ East 243.73 feet); thence North $00^{\circ}37'15''$ West 416.42 feet; thence Northeasterly along the arc of a 20.00 foot radius curve to the right 31.64 feet (Note: chord to said curve bears North $44^{\circ}42'17''$ East 28.44 feet) to the point of beginning.

Said parcel of land contains 0.826 Acres more or less.

TEMPORARY CONSTRUCTION EASEMENTS

A Temporary Construction Easement, upon part of an entire tract of property situate in the southwest quarter of Section 13, Township 3 South, Range 1 West, Salt Lake Base and Meridian, for the purpose of cut and fill slopes, and appurtenant parts thereof incident to the construction of a roadway.

The boundaries of said part of an entire tract are described as follows:

BEGINNING at a point 2032.59 feet S. $89^{\circ}58'10''$ E. along the quarter section line and 437.82 feet South from the west quarter corner of said Section 13, and running thence southerly along the arc of a 931.25-foot radius curve to the

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right 219.33 feet (Note: chord to said curve bears S. 6°07'34" W. 218.82 feet); thence S. 12°52'24" W. 262.64 feet to the south line of Grantor's property; thence S. 88°51'43" W. 34.56 feet (recorded as S. 88°56'00" W.) along said south line of Grantor's property; thence S. 88°15'43" W. 12.29 feet (recorded as S. 88°20'00" W.) along said south line of Grantor's property; thence N. 12°52'24" E. 274.11 feet; thence northerly along the arc of a 885.83-foot radius curve to the left 208.63 feet (Note: chord to said curve bears N. 06°07'34" E. 208.15 feet); thence N. 89°22'45" E. 45.43 feet to the POINT OF BEGINNING.

The above described part of an entire tract contains 21,909 square feet or 0.503 acre, more or less.

ALSO:

A Temporary Construction Easement, upon part of an entire tract of property situate in the southwest quarter of Section 13, Township 3 South, Range 1 West, Salt Lake Base and Meridian, to accommodate the construction of cut and/or fill slopes, and appurtenant parts thereof incident to the construction of a roadway.

The boundaries of said part of an entire tract are described as follows:

BEGINNING on the northerly line of Grantor's property at a point 2192.91 feet S. 89°58'10" E. along the quarter section line from the west quarter corner of said Section 13, and running thence S. 89°58'10" E. 16.40 feet along Grantor's northerly property line; thence S. 00°37'15" E. 435.98 feet; thence S. 14°31'52" W. 488.21 feet to the southerly line of Grantor's property; thence S. 88°51'43" W. 31.60 feet (Recorded as S. 88°56'00" W.) along said southerly line of Grantor's property; thence N. 12°52'24" E. 77.06 feet; thence S. 77°07'36" E. 9.84 feet thence N. 15°29'17" E. 415.38 feet; thence N. 00°37'15" W. 435.98 feet to the POINT OF BEGINNING.

The above described part of an entire tract contains 17,528 square feet or 0.402 acre, more or less.

These Temporary Construction Easements shall expire upon the completion of the project.

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