

The Order of Court is stated below:

Dated: October 03, 2014  
02:07:00 PM

/s/ Samuel McVey  
District Court Judge



JODY K BURNETT (0499)  
ROBERT C. KELLER (4861)  
JOHN M. ZIDOW (10626)  
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Attorneys for Plaintiff Provo City

ORIGINAL IF IN RED INK  
STATE OF UTAH  
I CERTIFY THAT THIS IS A TRUE COPY OF  
AN ORIGINAL DOCUMENT FILED IN THE  
FOURTH JUDICIAL DISTRICT COURT, UTAH  
COUNTY, STATE OF UTAH  
DATE: 10  
*Samuel McVey*  
DEPUTY COURT CLERK



ENT 71793:2014 PG 1 of 7  
JEFFERY SMITH  
UTAH COUNTY RECORDER  
2014 Oct 07 10:19 am FEE 0.00 BY CLS  
RECORDED FOR PROVO CITY CORPORATION

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

**STATE OF UTAH**

<p>PROVO CITY, a municipal corporation,  Plaintiff,  v.  JOHN GREG ROBERTS, an individual,  Defendant.</p>	<p><b>FINAL JUDGMENT OF CONDEMNATION</b></p> <p>Parcel Nos.: 25:AC, 25:C, 25:WC</p> <p>Affecting Tax I.D. Nos. 21:056:0079 and 21:057:0002</p> <p>Civil No. 130401527</p> <p>Judge Samuel McVey</p>
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Based on the Stipulation and Joint Motion of Plaintiff Provo City (the "City") and Defendant John Greg Roberts, it now appearing that the parties have fully settled and resolved the issues arising in this action, and the City having made all payments as required by law, inclusive of damages, interest, and costs, and Defendant having agreed to accept such payments,

and good cause appearing therefor, it is hereby

**ORDERED, ADJUDGED, AND DECREED** as follows:

1. The City 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 use, namely, the construction of the "Provo Westside Connector," a new five-lane arterial roadway between the Provo Airport and the I-15 interchange with University Avenue (the "Project").

2. All other claims or causes of action between and among the parties to this action are dismissed, with prejudice and on the merits, each of the parties to bear their own attorney fees and costs.

3. Pursuant to this Final Judgment of Condemnation and the authority of this Court under Utah Code Ann. §§ 78B-6-501, *et seq.*, and Utah R. Civ. P. 70, the Court hereby grants and conveys to the City and its successors and assigns title to the property as particularly described in the attached Exhibit A.

4. That a copy of this Final Judgment of Condemnation shall be filed with the County Recorder of Utah County, State of Utah, and thereupon title to the property described in the attached Exhibit A shall vest in the City.

**Approved as to form and content:**

**BROADBENT LAW**

/s/ Cory L. Broadbent

CORY L. BROADBENT

*Signed by John M. Zidow with permission of Cory L. Broadbent*

Attorney for Defendant John Greg Roberts

**End of document.**

**The electronic signature of the Court and the date of entry are affixed to the first page of this Order**

288786.1

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the attached [PROPOSED] **FINAL JUDGMENT OF CONDEMNATION** in Case No. 130401527 before the Fourth Judicial District Court for Utah County, State of Utah, was served upon the parties listed below via electronic notification on the 30<sup>th</sup> day of September, 2014.

**Counsel for Defendant**

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/s/ Shari H. Sampson

## EXHIBIT A

### Parcel 25:AC

A parcel of land in fee for the Provo City Westside Connector known as Project No. F-LC49(129), being part of an entire tract of property situate in Lot 4 of Section 14, T.7S., R.2E., SLB&M. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the westerly boundary line of said entire tract, also being the easterly boundary line and existing fence line of the Chrysalis Company parcel recorded as Entry 9942:2007, Utah County Recorder, and the southerly highway right of way and limited-access line of said project, at a point 90.00 feet perpendicularly distant southerly from the right of way control line of said Provo City Westside Connector, opposite approximate Engineers Station 245+38.97, designated as Point "A", which point is 906.14 feet S.88°50'23"W along the Section line and 2498.58 feet South from the northeast corner of said Section 14; and running thence N.00°55'36"W. (record North) 170.25 feet along said westerly boundary line and existing fence line to a point 75.00 feet perpendicularly distant northerly from said right of way control line opposite approximate Engineers Station 244+96.94 designated as Point "B"; thence S.76°40'00"E. 123.06 feet parallel with said right of way control line; thence N.60°22'48"E. 14.68 feet to a point 85.00 feet perpendicularly distant northerly from said right of way control line opposite approximate Engineers Station 246+30.74, designated as Point "C"; thence S.76°40'00"E. 52.88 feet parallel with said right of said control line to the easterly boundary line of said entire tract and an existing fence line on the westerly boundary line of the LeRoy Stubbs parcel recorded as Entry No. 64669:2006, Utah County Recorder; thence S.00°48'47"E. 180.47 feet along said easterly boundary line and fence line to a point 90.00 feet perpendicularly distant southerly from said right of way control line opposite approximate Engineers Station 247+27.73, designated as Point "D"; thence N.76°40'00"W. 188.85 feet parallel with said right of way control line to designated Point "A" and the point of beginning.

The above described parcel of land contains 31,785 square feet in area or 0.730 acres.

To enable Provo City to construct and maintain a public highway as an expressway, as contemplated by Title 72, Chapter 6, Section 117, Utah Code Annotated, 1998, as amended, the Defendant of said entire tract of property hereby release and relinquish to said Provo City any and all rights appurtenant to the remaining property of said Defendant 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 Defendant's remaining property contiguous to the lands hereby conveyed to or from said highway between designated Points "B" and "C", and Points "D" and

“A”. **EXCEPTING** and reserving to said Defendant, Defendant’s successors or assigns, the right of access to the nearest roadway of said highway over and across the Southerly right of way line for a 30.00-foot section, which said section centers at a point directly opposite Highway Engineer Station 246+85.

**Parcel 25:C**

A parcel of land in fee for the construction of Provo City 1100 West Street, incident to the Provo City Westside Connector known as Project No. F-LC49(129), being part of an entire tract of property situate in Lot 4 of Section 14, T.7S., R.2E., SLB&M. The boundaries of said parcel of land are described as follows:

Beginning in the northerly highway right of way and limited-access line of said project at a point 85.00 feet perpendicularly distant northerly from the right of way control line of said Provo City Westside Connector opposite approximate Engineers Station 246+30.74, which point is 776.37 feet S.88°50’23”W along the Section line and 2352.11 feet South from the northeast corner of said Section 14; and running thence N.04°58’25”E. 65.70 feet to a point 45.00 feet perpendicularly distant westerly from the right of way control line of said 1100 West Street opposite approximate Engineers Station 21+62.31; thence North 888.29 feet to the northerly boundary line of said entire tract; thence N.81°06’03”E.(record N.82°45’00”E) 32.37 feet to the easterly boundary line of said entire tract; thence S.00°48’47”E. (record South) 971.04 feet along said easterly boundary line and an existing fence line to said northerly highway right of way line at a point 85.00 feet perpendicularly distant northerly from said right of way control line opposite approximate Engineers Station 246+83.62; thence N.76°40’00”W. 52.88 feet along said northerly highway right of way line to the point of beginning.

The above described part of an entire tract contains 37,602 square feet in area or 0.863 acres.

**Parcel 25:WC**

A parcel of land in fee, being part of an entire tract of property for a Wetland Facility, situate in Lot 4 of Section 14, T.7S., R.2E., SLB&M. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the westerly boundary line of said entire tract, also being the easterly boundary line of the Chrysalis Company parcel recorded as Entry 9942:2007, Utah County Recorder, and the southerly highway right of way and limited-access line of the Provo City Westside Connector, at a point 90.00 feet perpendicularly distant southerly from the right of way control line of said Provo City Westside Connector opposite approximate Engineers Station 245+38.87, which point is 906.14 feet S.88°50’23”W along the Section line and 2498.58 feet South from the northeast corner of said Section 14; and running thence S.76°40’00”E. 188.85

feet along said highway right of way and limited access line to the easterly boundary line of said entire tract, and an existing fence on the westerly boundary line of the LeRoy Stubbs parcel recorded as Entry No. 64669:2006, Utah County Recorder; thence S.00°48'47"E. (record South) 1314.39 feet along said easterly boundary line and existing fence line to the southerly boundary line of said entire tract; thence S.89°38'27"W. (record S.89°32'46"W.) 181.48 feet along said southerly boundary line to the westerly boundary line of said entire tract and easterly boundary and existing fence line of said Chrysalis Company parcel; thence along said westerly boundary line and fence line the following two (2) courses and distances: (1) N.00°48'47"W. (record North) 524.45 feet; (2) thence N.00°55'36"W. (record North) 834.66 feet to the point of beginning.

The above described part of an entire tract contains 243,234 square feet in area or 5.584 acres.