

WHEN RECORDED, PLEASE MAIL TO:

Vested Law LLP  
1263 East Bell View Circle  
Sandy, UT 84094  
Attention: John Swallow

13839627  
12/3/2021 4:38:00 PM \$40.00  
Book - 11277 Pg - 9774-9775  
RASHELLE HOBBS  
Recorder, Salt Lake County, UT  
1ST LIBERTY TITLE LC  
BY: eCASH, DEPUTY - EF 2 P.

**AGREEMENT TO PARTIALLY VACATE, RELEASE, TERMINATE AND EXTINGUISH  
CANAL PROPERTY EASEMENT**

THIS AGREEMENT TO PARTIALLY VACATE, RELEASE, TERMINATE AND EXTINGUISH CANAL PROPERTY EASEMENT (this "**Agreement**") is made to be effective Nov. 22, 2021 (the "**Effective Date**") by WELBY JACOB WATER USERS COMPANY, a Utah corporation (the "**Company**"):

A. The Company's Notice of Interest in Canal Property Easement (the "**Notice of Easement**"), dated October 11, 2001, was executed by the Company and was recorded in the Office of the Recorder of Salt Lake County, Utah on October 15, 2001 as Entry No. 8029291 in Book 8511 at Page 1775. A copy of the Notice of Easement is attached hereto as Exhibit "A." Pursuant to the Notice of Easement, the Company documented its claimed prescriptive easement (the "**Easement**") for ownership, use and operation of a buried pipeline. The Notice of Easement recites that the approximate center of the pipeline is as follows:

Beginning at a point which is North 1786.70 feet and West 794.89 feet from the South ¼ Section Corner of Section 17, Township 3 South, Range 1 West of the Salt Lake Base and Meridian which point is at the diversion of weir no. 22, thence with the centerline of a right-of-way 1 rod in width N87°40'54"E 2133.16 feet to a dual diversion structure, thence S0°22'56" W 1593.58 feet to a diversion structure thence S0°35'36"W 279.64 feet to the south line of section 17.

B. The Easement traverses that certain real property (the "**Property**") located in Salt Lake County, Utah, more particularly described as:

Beginning at a point 1708 feet West from the Southeast corner of Section 17, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and running thence North 280.5 feet; thence East 876.51 feet; thence South 280.5 feet,

thence West 876.51 feet, along the Section line to the point of beginning. Tax Serial No.:27-17-400-013-000.

C. The Shannon Bird Revocable Trust (the "Bird Trust"), as the owner of the Property, wishes to have the Easement, as it relates the Property, vacated.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Company, the Company hereby agrees as follows:

1. Vacation, Release, Termination and Extinguishment of the Easement as it relates to the Property. The Company hereby vacates, releases, terminates and extinguishes the Easement only as it pertains to, affects, traverses and encumbers the Property. The effect of this Agreement shall be that commencing on the Effective Date of this Agreement, the Easement and the Notice of Easement is hereby permanently and irrevocably vacated, released, terminated and extinguished to the extent that they pertain to, affect, traverse and encumber the Property, and the Property shall not be subject to, burdened by, nor encumbered by the Easement or Notice of Easement.

2. Successors and Assigns. This Agreement shall inure to the benefit of the owner of the Property, and shall be binding upon the Company, its successors and assigns, as the party entitled to enjoy and enforce the Easement.

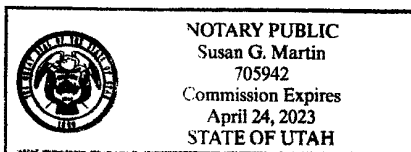
WHEREFORE, IN WITNESS WHEREOF, the Company has caused this Agreement to be executed by a duly authorized officer to be effective as of the date first set forth above.

WELBY JACOB WATER USERS COMPANY, a  
Utah corporation

By: Darryl Lehmitz  
Title: President

STATE OF UTAH                     )  
  : ss.  
COUNTY OF SALT LAKE        )

The foregoing instrument was acknowledged before me this 22 day of NOVEMBER, 2021, by DARRYL LEHMITZ in his/her capacity as PRESIDENT of Welby Jacob Waters Users Company, a Utah corporation.



Susan G. Martin  
NOTARY PUBLIC  
Residing at: WEST JORDAN ZIONS BANK