

RECORDING REQUESTED BY &  
WHEN RECORDED, RETURN TO:

Property Reserve, Inc.  
Attn: Benson Whitney  
51 S. Main Street, Suite 301  
Salt Lake City, UT 84111

Tax Parcel No. 27-31-400-024-0000

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*(Space above for recorder's use only)*

### **TERMINATION AND RELEASE**

THIS TERMINATION AND RELEASE (this "**Termination**") is given this 6th day of June, 2023, by WELBY JACOB WATER USERS COMPANY, a Utah corporation ("**Welby**"), for the benefit of PROPERTY RESERVE, INC., a Utah nonprofit corporation ("**PRI**").

### **RECITALS**

A. PRI owns certain real property in Salt Lake County, Utah, as more particularly described on Exhibit A, attached hereto and incorporated herein by this reference (the "**Property**").

B. Welby, as successor-in-interest to Provo Reservoir Company and Corporation, is the grantee under that certain Warranty Deed recorded August 21, 1916, as Entry No. 364827 in Book 10-F of Deeds at Page 233 of the official records of the Salt Lake County Recorder's Office (the "**Deed**"). The Deed encumbers the Property.

C. Welby has conveyed water across the Property for over a century, has an established prescriptive easement for its canal, and that historic easement is recorded in Welby's Notice of Interest in Canal Property Easement recorded in the Salt Lake County Recorder's Office on November 11, 1999, at Entry No. 7502870 (the "**Notice of Interest**").

D. Welby wishes to abandon, release and terminate its rights, title, and interests in and to the Property as granted pursuant to the Deed, and maintain all rights, title, and interests under its prescriptive easement as set forth in the Notice of Interest, all as more fully set forth herein.

### **TERMS AND CONDITIONS**

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

1. **Termination of Rights to Deed.** Welby hereby terminates, extinguishes, relinquishes and waives any and all title, rights, interests, and obligations in the Property as set forth in the Deed. Further, the Deed, together with any and all title, rights, and obligations related thereto and held by Welby and its predecessors, are hereby terminated, vacated and abandoned, and Welby releases and relinquishes all rights and title found therein, such that the Deed is of no further force or effect as it relates to the Property. This Termination shall not in any manner whatsoever affect Welby's established prescriptive easement, or its rights as set forth in the Notice of Interest, for its canal that currently crosses the Property.

Welby expressly reserves and maintains all of its rights, title, and interest in the Property as established by its century of use of its canal that currently crosses the Property and all associated water conveyance, operation and maintenance related to the same and as set forth in the Notice of Easement. PRI acknowledges and agrees Welby has an established prescriptive easement for its canal that currently crosses the Property and its associated water conveyance, operation, and maintenance on the Property.

2. **Authorization**. Welby represents and acknowledges: (a) that the person signing this Termination on behalf of Welby is authorized to sign this Termination on behalf of Welby; (b) that all approvals or actions necessary for Welby to execute and perform the terms of this Termination have been duly taken by Welby; (c) that no other signature and/or authorization is necessary for Welby to enter into and perform the terms of this Termination; and (d) that Welby is bound to its obligations set forth in this Termination.

*[Signature and Acknowledgment Follows]*

IN WITNESS WHEREOF, Welby has given this Termination as of the date first written above.

**WELBY:**

WELBY JACOB WATER USERS COMPANY

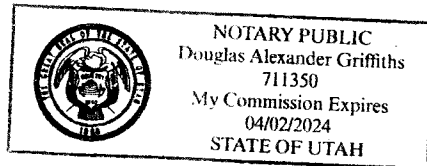
By: Darryl Lehmitz  
Name: Darryl Lehmitz  
Title: President

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

On this 06 day of JUNE, 2023, personally appeared before me Darryl Lehmitz, known or satisfactorily proved to me to be the PRESIDENT of the WELBY JACOB WATER USERS COMPANY, who acknowledged to me that he/she signed the foregoing instrument for and on behalf of said entity.

WITNESS my hand and official seal.

Douglas Griffiths  
Notary Public for the State of Utah



**EXHIBIT A**

(Legal Description of the Property)

That certain real property located in Salt Lake County, Utah, more particularly described as follows:

A parcel of land situated in the South half of Section 31, Township 3 South, Range 1 West, Salt Lake Base and Meridian, Salt Lake County, State of Utah, more particularly described as follows:

Beginning at the Southeast Corner of Section 36, Township 3 South, Range 2 West, Salt Lake Base and Meridian; and running thence North 00°17'37" East along the Section Line, 2650.64 feet to the West Quarter Corner of said Section 31, Township 3 South, Range 1 West, and the Southerly Boundary Line of Western Springs Subdivision Phase 1 recorded in the Office of the Salt Lake County Recorder; thence South 89°31'10" East along said Section Line and said Southerly Boundary Line, 164.00 feet; thence South 89°31'10" East along the Section Line, 2492.97 feet to the Center of said Section 31; thence South 89°31'10" East along the Section Line, 474.95 feet to the Westerly Line of the Provo Reservoir Canal (also known as the Welby Canal); thence the following three courses along said Westerly Line: South 00°40'00" East 1537.49 feet, and South 25°40'00" East 292.15 feet, and South 11°55'00" East 853.36 feet to the Section Line; thence North 89°48'47" West along the Section Line 809.84 feet to the South Quarter Corner of said Section; thence North 89°48'45" West along the Section Line, 2656.20 feet to the point of beginning.

Less and Excepting therefrom that portion of said land lying within the boundaries of Eagles Flight Road (4570 West) and Majestic Rise Parkway (13200 South), as the same dedicated and described on that certain Road Dedication Plat Riverton City Western Commercial District, recorded August 14, 2019, as Entry No. 13051519 in Book 2019P of Plats at Page 225 of Official Records.

Also Less and Excepting therefrom all that portion of said land lying Westerly and Southerly of said Eagles Flight Road (4570 West) and Majestic Rise Parkway (13200 South), as described on said Road Dedication Plat Riverton City Western Commercial District, recorded August 14, 2019, as Entry No. 13051519 in Book 2019P of Plats at Page 225 of Official Records.

**AS-SURVEYED LEGAL DESCRIPTION:**

**A PARCEL OF LAND SITUATE WITHIN THE SOUTH HALF (S-1/2) OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, LOCATED IN RIVERTON CITY, COUNTY OF SALT LAKE, STATE OF UTAH AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE SALT LAKE COUNTY BRASS CAP MONUMENT MARKING THE CENTER QUARTER CORNER OF SAID SECTION 31; AND RUNNING THENCE SOUTH 89°16'13" EAST, ALONG THE EASTWEST CENTER SECTION LINE AND THE SOUTH LINE OF THE COTTAGES AT WESTERN SPRINGS PHASE 1 AND 2, A DISTANCE OF 508.48 FEET, TO THE WEST LINE OF THE WELBY JACOB CANAL, AS DEFINED BY THAT CERTAIN NOTICE OF INTEREST, RECORDED NOVEMBER 1, 1999, AS ENTRY NO.: 7502870, IN BOOK 8320, AT PAGE 1076; THENCE ALONG THE WEST LINE OF SAID CANAL THE FOLLOWING EIGHT (8) COURSES: (1) SOUTH 0°19'57" EAST, 47.97 FEET; (2) SOUTH 1°07'50" EAST, 216.06 FEET; (3) SOUTH 4°18'57" WEST, 43.06 FEET; (4) SOUTH 0°41'06" WEST, 136.53 FEET; (5) SOUTH 3°27'21" EAST, 48.61 FEET; (6) SOUTH 0°26'46" WEST, 245.31 FEET; (7) SOUTH 1°06'18" EAST, 333.34 FEET; (8) SOUTH 0°09'25" WEST, 168.72 FEET, TO THE NORTH LINE OF MAJESTIC RISE PARKWAY, PER RIVERTON CITY WESTERN COMMERCIAL DISTRICT ROAD DEDICATION PLAT, RECORDED IN BOOK 2019P, AT PAGE 225; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING**

SIX (6) COURSES: (1) NORTH 89°25'15" WEST, 136.18 FEET; (2) NORTH 85°50'40" WEST, 192.37 FEET; (3) NORTH 89°25'15" WEST, 450.69 FEET; (4) SOUTH 87°00'10" WEST, 192.37 FEET; (5) NORTH 89°25'15" WEST, 281.62 FEET; (6) NORTH 44°25'15" WEST, 21.21 FEET, TO THE EASTERLY LINE OF EAGLE FLIGHT ROAD, PER SAID RIVERTON CITY WESTERN COMMERCIAL DISTRICT ROAD DEDICATION PLAT; THENCE NORTHERLY ALONG SAID EASTERLY LINE, THE FOLLOWING SIX (6) COURSES: (1) NORTH 0°34'45" EAST 156.55 FEET; (2) NORTHWESTERLY ALONG THE ARC OF A 561.00 FEET RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 39°29'47", A DISTANCE OF 386.72 FEET, THE LONG CHORD OF WHICH BEARS NORTH 19°10'08" WEST, A DISTANCE OF 379.11 FEET; (3) NORTH 38°55'02" WEST, 16.48 FEET; (4) NORTHWESTERLY ALONG THE ARC OF A 585.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 6°44'38", A DISTANCE OF 68.86 FEET, THE LONG CHORD OF WHICH BEARS NORTH 42°17'21" WEST, A DISTANCE OF 68.82 FEET; (5) NORTHWESTERLY ALONG THE ARC OF A 515.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 46°14'25", A DISTANCE OF 415.63 FEET, THE LONG CHORD OF WHICH BEARS NORTH 22°32'27" WEST, A DISTANCE OF 404.44 FEET; (6) NORTH 0°34'45" EAST, 279.78 FEET, TO THE AFORESAID EASTWEST CENTER SECTION LINE; THENCE SOUTH 89°16'27" EAST, ALONG SAID CENTER SECTION LINE, A DISTANCE OF 1084.03 FEET, TO THE POINT OF BEGINNING.