

WHEN RECORDED, RETURN TO:

Foley & Lardner LLP  
95 S State St. Suite 2500  
Salt Lake City, UT 84111  
Attn: Melanie R. Clark, Esq.

APN: 08-09-276-020, 08-09-276-021,  
08-09-276-016, 08-10-100-002,  
08-09-426-006, 08-09-476-029,  
08-09-476-028 and 08-09-476-026

157472- MCB

### TERMINATION OF PRESCRIPTIVE EASEMENT FOR CONVEYANCE OF WATER

This Termination of Prescriptive Easement for Conveyance of Water, is made effective as of February 16, 2025 (the “**Effective Date**”) by XCEL Development, LLC, a Utah limited liability company (“**Owner**”), with an address of 3813 S Highland Ct., Bountiful, UT 84010, and L & T Livestock, Limited Liability Company, a Utah limited liability company (“**Tenant**”), with an address of 25 E. Center St., #36, North Salt Lake, UT 84054.

#### RECITALS

A. Owner is the owner of that certain real property located in Salt Lake County, Utah, identified as Parcels 08-09-276-020, 08-09-276-021, 08-09-276-016, 08-10-100-002, 08-09-426-006, as more particularly described on Exhibit A attached hereto (the “**XCEL Property**”).

B. Tenant leases the XCEL Property as well as that certain real property located in Salt Lake County, Utah, identified as Parcel 08-09-476-029, as more particularly described on Exhibit A attached hereto (together with the XCEL Property, the “**Benefitted Property**”) for farming purposes.

C. Tenant is a water user and believes it has a prescriptive easement for the conveyance of water, pursuant to Utah Code Ann. § 57-13a-102 (the “**Prescriptive Easement**”), over and through a ditch on that certain real property located in Salt Lake County, Utah, identified as Parcels 08-09-476-028 and 08-09-476-026, as more particularly described on Exhibit B attached hereto (the “**Burdened Property**”), for use on the Benefitted Property.

D. Owner and Tenant wish to terminate, abandon, vacate, and release the Prescriptive Easement.

**NOW, THEREFORE**, Owner and Tenant hereby terminate, abandon, vacate, and release the entirety of the Prescriptive Easement over the Burdened Property and any other property over which Owner or Tenant may hold a Prescriptive Easement for the benefit of the Benefitted Property. From and after the Effective Date, Owner and Tenant shall have no right, title, or interest in the Burdened Property for the conveyance of water or use of any water facilities located on the Burdened Property.

*[Signatures on Following Pages]*

IN WITNESS WHEREOF, Owner has executed this Termination of Prescriptive Easement for Conveyance of Water as of the Effective Date.

**OWNER**

XCEL Development, LLC,  
a Utah limited liability company

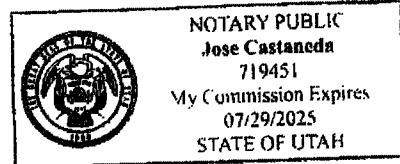
By: *[Signature]*  
Name: David S. Tolman  
Title: Managing Member

STATE OF Utah )  
:ss.  
COUNTY OF Davis )

On this 19 day of February, 2025, before me, Jose Castaneda, a notary public, personally appeared David Tolman, the Managing Member of XCEL Development, LLC, a Utah limited liability company, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument and acknowledged that such person executed the same on behalf of such entity.

Witness my hand and official seal.

*[Signature]*  
Notary Public  
[SEAL]



IN WITNESS WHEREOF, Tenant has executed this Termination of Prescriptive Easement for Conveyance of Water as of the Effective Date.

**TENANT**

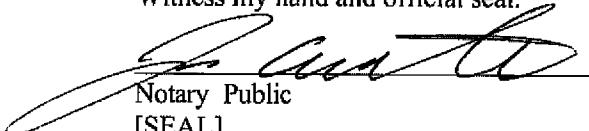
L & T Livestock, Limited Liability Company,  
a Utah limited liability company

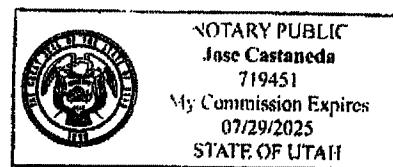
By: Leval Drecksel  
Name: Leval Drecksel  
Title: Manager

STATE OF Utah )  
:ss.  
COUNTY OF Davis )

On this 18 day of February, 2025, before me, Jose Castaneda, a notary public, personally appeared Leval Drecksel, the Manager of L & T Livestock, Limited Liability Company, a Utah limited liability company, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument and acknowledged that such person executed the same on behalf of such entity.

Witness my hand and official seal.

  
Notary Public  
[SEAL]



**EXHIBIT A**  
**BENEFITTED PROPERTY LEGAL DESCRIPTION**

**PARCEL 1:**

BEGINNING EAST 1344.75 FEET & NORTHWESTERLY ALONG THE EAST RIGHT OF WAY LINE OF COUNTY ROAD 456.78 FEET FROM THE CENTER OF SECTION 9, TOWNSHIP 1 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN; THENCE EAST 855.67 FEET; THENCE NORTH 245 FEET; THENCE WEST 930.23 FEET MORE OR LESS TO THE EAST LINE OF SAID COUNTY ROAD; THENCE SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE 256.09 FEET MORE OR LESS TO THE POINT OF BEGINNING.

APN: 08-09-276-020

**PARCEL 2:**

BEGINNING SOUTH 89°26'23" EAST 2670.209 FEET & SOUTH 00°41'16" WEST 2614.257 FEET & WEST 572.55 FEET & NORTH 169 FEET FROM THE NORTH QUARTER CORNER OF SECTION 9, TOWNSHIP 1 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN; THENCE WEST 379.7 FEET; THENCE NORTH 268 FEET; THENCE EAST 379.7 FEET; THENCE SOUTH 268 FEET TO THE POINT OF BEGINNING.

APN: 08-09-276-021

**PARCEL 3:**

BEGINNING SOUTH 0°41'16" WEST 1195.838 FEET ALONG THE SECTION LINE & SOUTH 89°50'36" WEST 434.607 FEET & SOUTH 36°52'34" EAST 371.442 FEET FROM THE NORTHEAST CORNER OF SECTION 9, TOWNSHIP 1 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN; THENCE SOUTH 36°52'34" EAST 825.438 FEET; THENCE SOUTH 42°20' EAST 229.56 FEET; THENCE SOUTH 22°16'10" EAST 100.03 FEET; THENCE SOUTH 6°33'10" EAST 103.31 FEET; THENCE SOUTH 8°10' WEST 138.53 FEET; THENCE SOUTH 29°17'41" WEST 390.93 FEET; THENCE SOUTH 86°13'13" WEST 863.983 FEET; THENCE SOUTH 89°53'37" WEST 43.655 FEET; THENCE NORTH 0°31'54" WEST 609.323 FEET; THENCE EAST 44.88 FEET; THENCE NORTH 951 FEET; THENCE EAST 377.867 FEET TO THE POINT OF BEGINNING.

APN: 08-09-276-016

**PARCEL 4:**

BEGINNING SOUTH 0°41'16" WEST 1195.838 FEET ALONG THE SECTION LINE FROM THE NORTHEAST CORNER OF SECTION 9, TOWNSHIP 1 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN; THENCE SOUTH 89°50'36" WEST 434.607 FEET; THENCE SOUTH

36°52'34" EAST 1196.880 FEET; THENCE SOUTH 42°20'00" EAST 229.560 FEET; THENCE SOUTH 22°16'10" EAST 100.030 FEET; THENCE SOUTH 06°33'10" EAST 103.310 FEET; THENCE SOUTH 08°10'00" WEST 138.530 FEET; THENCE SOUTH 29°17'41" WEST 390.930 FEET; THENCE NORTH 86°13'13" EAST 829.793 FEET; THENCE NORTH 31°07'24" EAST 41.872 FEET; THENCE NORTH 49°54'48" EAST 148.276 FEET; THENCE NORTH 03°38'50" EAST 107.461 FEET; THENCE NORTH 31°32'22" WEST 123.743 FEET; THENCE NORTH 42°13'22" WEST 510.565 FEET; THENCE NORTH 29°47'30" WEST 251.128 FEET; THENCE NORTH 31°54'01" WEST 130.802 FEET; THENCE NORTH 26°39'56" WEST 264.330 FEET; THENCE NORTH 12° 51'50" WEST 174.968 FEET; THENCE NORTH 20°33'11" WEST 87.084 FEET; THENCE NORTH 50°03'26" WEST 84.024 FEET; THENCE NORTH 70°26'19" WEST 342.081 FEET; THENCE NORTH 48°43'40" WEST 59.160 FEET; THENCE SOUTH 89°50'36" WEST 25.763 FEET TO THE POINT OF BEGINNING.

APN: 08-10-100-002

PARCEL 5:

BEGINNING SOUTH 89°59'47" WEST 1320.275 FEET & NORTH 00°03'34" EAST 1646.197 FEET & NORTH 89°10'38" EAST 6.858 FEET FROM THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 1 NORTH, RANGE 1WEST, SALT LAKE BASE & MERIDIAN; THENCE NORTH 89°10'38" EAST 752.083 FEET; THENCE NORTH 86°51'36" EAST 557.694 FEET; THENCE NORTH 26°53'59" EAST 160.146 FEET; THENCE NORTH 86°38'36" EAST 1008.252 FEET; THENCE NORTH 01°58'47" WEST 181.007 FEET; THENCE NORTH 03°53'10" EAST 92.25 FEET; THENCE NORTH 12°01'22" EAST 101.948 FEET; THENCE NORTH 25°47'36" EAST 55.129 FEET; THENCE SOUTH 86°13'13" WEST 1693.776 FEET; THENCE SOUTH 89°53'37" WEST 43.655 FEET; THENCE SOUTH 88°42'42" WEST 702.902 FEET; THENCE SOUTH 00°21'47" EAST 537.956 FEET TO THE POINT OF BEGINNING.

LESS & EXCEPT: BEGINNING SOUTH 89°59'47" WEST 1320.275 FEET & NORTH 00°03'34" EAST 1646.197 FEET & NORTH 89°10'38" EAST 734.38 FEET & NORTH 20.001 FEET FROM THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 1 NORTH, RANGE 1WEST, SALT LAKE BASE & MERIDIAN; THENCE SOUTH 89°10'38" WEST 300 FEET; THENCE NORTH 215.796 FEET; THENCE EAST 299.969 FEET; THENCE SOUTH 211.489 FEET TO THE POINT OF BEGINNING.

APN: 08-09-426-006

PARCEL 6:

BEGINNING AT A POINTT ON THE CENTERLINE OF 2200 WEST STREET; SAID POINT ALSO BEING SOUTH 89°59'47" WEST 1320.275 FEET ALONG THE SECTION LINE & NORTH 00°03'34" EAST 1350.020 FEET FROM THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 1 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN; THENCE NORTH 00°03'34" EAST

296.177 FEET; THENCE NORTH  $89^{\circ}10'38''$  EAST 758.941 FEET; THENCE NORTH  $86^{\circ}51'36''$  EAST 557.694 FEET; THENCE NORTH  $26^{\circ}53'59''$  EAST 160.146 FEET; THENCE NORTH  $86^{\circ}38'36''$  EAST 999.262 FEET; THENCE SOUTH  $10^{\circ}12'09''$  EAST 63.432 FEET ALONG THE WESTERLY LINE OF JORDAN RIVER; THENCE ALONG THE WESTERLY LINE OF UDOT PARCEL # 0067: 8D; THENCE SOUTH  $44^{\circ}59'20''$  WEST 192.171 FEET; THENCE SOUTH  $30^{\circ}35'01''$  WEST 764.630 FEET; THENCE SOUTH  $20^{\circ}03'21''$  WEST 116.770 FEET ALONG A FENCE LINE; THENCE NORTH  $89^{\circ}51'55''$  WEST 631.201 FEET; THENCE NORTH  $89^{\circ}42'12''$  WEST 441.604 FEET; THENCE NORTH  $89^{\circ}50'08''$  WEST 528.954 FEET; THENCE NORTH  $00^{\circ}03'34''$  EAST 172.866 FEET TO THE SOUTH LINE OF RUDY SUBDIVISION; THENCE NORTH  $89^{\circ}43'42''$  EAST 1.995 FEET ALONG SAID SOUTH LINE; THENCE NORTH  $00^{\circ}03'28''$  EAST 221.290 FEET ALONG EAST LINE SAID SUBDIVISION; THENCE NORTH  $89^{\circ}28'51''$  EAST 284.056 FEET; THENCE SOUTH 70.276 FEET; THENCE NORTH  $89^{\circ}24'00''$  EAST 277.851 FEET; THENCE NORTH  $02^{\circ}16'04''$  WEST 101.043 FEET; THENCE SOUTH  $89^{\circ}24'00''$  WEST 790.885 FEET TO THE POINT OF BEGINNING.

APN: 08-09-476-029

**EXHIBIT B**  
**BURDENED PROPERTY LEGAL DESCRIPTION**

**PARCEL 1:**

BEGINNING AT THE CENTER OF A 4 ROD STREET AT THE EXTENSION OF AN EXISTING FENCE LINE BEING 930.97 FEET NORTH FROM THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 1 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE ALONG SAID FENCE LINE SOUTH 89°17'15" EAST 231.37 FEET TO A FOUND REBAR AND CAP MARKING A BOUNDARY LINE AGREEMENT IN BOOK 8538 AT PAGE 5539, IN THE SALT LAKE COUNTY RECORDER'S OFFICE; THENCE ALONG SAID BOUNDARY LINE AGREEMENT THE FOLLOWING TWO (2) COURSES, (1) THENCE SOUTH 89°52'05" EAST 528.95 FEET; (2) THENCE SOUTH 89°44'09" EAST 437.26 FEET, MORE OR LESS, TO AN EXISTING FENCE CORNER MARKING THE WEST LINE OF THE SALT LAKE CITY NO. 2 DITCH; THENCE ALONG SAID FENCE LINE SOUTH 46°26'25" EAST 156.46 FEET; THENCE SOUTH 45°13'18" EAST 488.92 FEET TO AN EXISTING FENCE CORNER MARKING THE BOUNDARY LINE AGREEMENT IN BOOK 9169 AT PAGE 3763, IN THE SALT LAKE COUNTY RECORDER'S OFFICE; THENCE ALONG SAID BOUNDARY LINE AGREEMENT NORTH 89°47'55" WEST 428.68 FEET; THENCE ALONG AN EXISTING FENCE LINE NORTH 89°24'13" WEST 118.06 FEET; THENCE CONTINUING ALONG SAID EXISTING FENCE SOUTH 89°53'29" WEST 228.26 FEET, MORE OR LESS, TO AN IRRIGATION DITCH; THENCE NORTH ALONG SAID DITCH 280.40 FEET, MORE OR LESS, TO THE EXTENSION OF AN EXISTING FENCE LINE; THENCE ALONG SAID FENCE LINE SOUTH 89°53'23" WEST 550.00 FEET; THENCE NORTH 141.20 FEET, MORE OR LESS, TO THE EXTENSION OF AN EXISTING FENCE LINE; THENCE ALONG SAID FENCE LINE NORTH 89°49'45" WEST 333.00 FEET, MORE OR LESS, TO THE CENTER OF A 4 ROD STREET; THENCE NORTH ALONG THE CENTER OF SAID STREET 34.48 FEET TO THE POINT OF BEGINNING.

APN: 08-09-476-028

**PARCEL 2:**

BEGINNING 416.46 FEET NORTH AND 333 FEET EAST AND 22.36 FEET NORTH FROM THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 1 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENCE EAST 550 FEET; THENCE NORTH 257.64 FEET; THENCE WEST 550 FEET; THENCE SOUTH 257.64 FEET TO THE POINT OF BEGINNING.

ALSO:

BEGINNING 556.46 FEET NORTH FROM THE SOUTHWEST CORNER OF SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 1 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 117.64 FEET; THENCE EAST 333 FEET; THENCE NORTH 117.64 FEET; THENCE WEST 333 FEET TO BEGINNING.

APN: 08-09-476-026

**EXHIBIT B**  
**Form of**  
**Notice of Intent to Abandon**  
**Prescriptive Easement for Conveyance of Water**  
**(attached)**

**EXHIBIT B**

4935-4606-6708.5

WHEN RECORDED, RETURN TO:  
Foley & Lardner LLP  
95 S State St. Suite 2500  
Salt Lake City, UT 84111  
Attn: Melanie R. Clark, Esq.

APN: 08-09-276-020, 08-09-276-021,  
08-09-276-016, 08-10-100-002,  
08-09-426-006, 08-09-476-029,  
08-09-476-028 and 08-09-476-026

**NOTICE OF INTENT TO**  
**ABANDON PRESCRIPTIVE EASEMENT FOR CONVEYANCE OF WATER**  
**(Utah Code Ann. § 57-13a-104)**

This Notice of Intent to Abandon Prescriptive Easement for Conveyance of Water (this "Notice"), is given by XCEL Development, LLC, a Utah limited liability company ("Owner"), with an address of 3813 S Highland Ct., Bountiful, UT 84010, and L & T Livestock, Limited Liability Company, a Utah limited liability company ("Tenant"), with an address of 25 E. Center St., #36, North Salt Lake, UT 84054.

**RECITALS**

A. Owner is the owner of that certain real property located in Salt Lake County, Utah, identified as Parcels 08-09-276-020, 08-09-276-021, 08-09-276-016, 08-10-100-002, 08-09-426-006, as more particularly described on Exhibit A attached hereto (the "XCEL Property").

B. Tenant leases the XCEL Property as well as that certain real property located in Salt Lake County, Utah, identified as Parcel 08-09-476-029, as more particularly described on Exhibit A attached hereto (together with the XCEL Property, the "Benefitted Property") for farming purposes.

C. Owner and Tenant believe they have a prescriptive easement for the conveyance of water, pursuant to Utah Code Ann. § 57-13a-102 (the "Prescriptive Easement"), through the ditch located on that certain real property located in Salt Lake County, Utah, described on Exhibit B attached hereto (the "Burdened Property").

D. Owner and Tenant no longer obtain water via the ditch for use on the Benefitted Property and wish to give notice of their intent to abandon the Prescriptive Easement.

**NOW, THEREFORE**, pursuant to Utah Code Ann. § 57-13a-104, Owner and Tenant hereby give notice that they intend to abandon the entirety of the Prescriptive Easement over the Burdened Property. By filing this Notice with the Salt Lake County Recorder's Office Owner and Tenant request the County Recorder publish and mail a copy of this notice as required by Utah Code Ann. § 57-13a-104(2)(b).

*[Signatures on Following Pages]*

IN WITNESS WHEREOF, Owner has executed this Notice of Intent to Abandon Prescriptive Easement for Water Conveyance as of 2/18/25, 2025.

**OWNER**

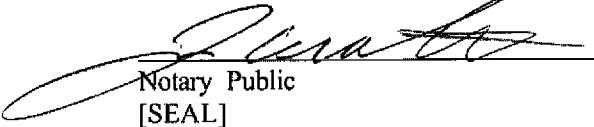
XCEL Development, LLC, a Utah limited liability company

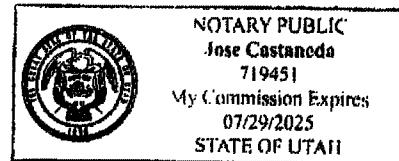
By: David Tolman  
Name: David Tolman  
Title: Managing Member

STATE OF Utah )  
:ss.  
COUNTY OF Davis )

On this 18 day of February, 2025, before me, Jose Castaneda, a notary public, personally appeared David Tolman, the Managing Member of XCEL Development, LLC, a Utah limited liability company, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument and acknowledged that such person executed the same on behalf of such entity.

Witness my hand and official seal.

  
Notary Public  
[SEAL]



IN WITNESS WHEREOF, Tenant has executed this Notice of Intent to Abandon Prescriptive Easement for Water Conveyance as of 2-18-, 2025.

**TENANT**

L & T Livestock, Limited Liability Company,  
a Utah limited liability company

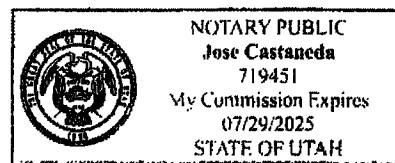
By: Laval Prechzel  
Name: Laval Prechzel  
Title: manager

STATE OF Utah )  
:ss.  
COUNTY OF Davis )

On this 18 day of February, 2025, before me, Jose Castaneda a notary public, personally appeared Laval Prechzel, the manager of L & T Livestock, Limited Liability Company, a Utah limited liability company, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument and acknowledged that such person executed the same on behalf of such entity.

Witness my hand and official seal.

Jose Castaneda  
Notary Public  
[SEAL]



Attach Exhibits:

Exhibit A – Benefitted Property  
Exhibit B – Burdened Property