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Book - 9524 Pg - 1773-1781  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
WEST JORDAN CITY  
3000 S REDWOOD RD  
WEST JORDAN UT 84088  
BY: EPM, DEPUTY - MA 9 P.

RECORDING REQUESTED BY  
AND WHEN RECORDED RETURN TO:

Jensen Land Development LLC  
c/o Robert Bowman  
PO Box 238  
Palo Alto, CA 94302

Sidwell No. 20-26-300-001-0000

**QUIT CLAIM DEED  
AND  
NOTICE**

THIS QUIT CLAIM DEED AND NOTICE is made this 2 day of October, 2007, by the City of West Jordan, a municipal corporation and political subdivision of the State of Utah (the "Grantor").

**RECITALS**

A. A Quit-Claim Deed signed by Richard H. Jensen was recorded on April 12, 2002 as Entry No. 8204315 in Book 8587 at Page 1674 with the Salt Lake County Recorder's Office, which purported to quit-claim title to certain real property more particularly described on Exhibit A attached hereto to Grantor (the "Subject Property").

B. A Quit-Claim Deed signed by Craig Jensen, Trustee, was recorded on April 12, 2002 as Entry No. 8204317 in Book 8587 at Page 1676 with the Salt Lake County Recorder's Office, which purported to quit-claim title to the Subject Property to Grantor. The Quit Claim Deed signed by Richard H. Jensen and the Quit Claim Deed signed by Craig Jensen, Trustee, are referred to herein as the "2002 Quit Claim Deeds."

C. A Grant of Easement signed by Richard H. Jensen was recorded on April 12, 2002 as Entry No. 8204316 in Book 8587 at Page 1675 with the Salt Lake County Recorder's Office, which purported to grant an easement to Grantor upon, over, under and across certain real property more particularly described on Exhibit B attached hereto (the "Easement Property").

D. A Grant of Easement signed by Craig Jensen, Trustee, was recorded on April 12, 2002 as Entry No. 8204318 in Book 8587 at Page 1677 with the Salt Lake County Recorder's Office, which purported to grant an easement to Grantor, upon, over, under and across the Easement Property. The Grant of Easement signed by Richard H. Jensen and the Grant of Easement signed by Craig Jensen, Trustee, are referred to herein as the "2002 Grants of Easement."

E. On the date that the 2002 Quit Claim Deeds and the 2002 Grants of Easement were recorded, each of the Subject Property and the Easement Property was owned by

20-26-300-001-0000

Craig Jensen, Richard Jensen and Carol Bowman, Trustees of the Elmer Jensen Family Trust dated as of July 18, 1993 (the "Trustees").

F. By Special Warranty Deed recorded August 9, 2006 as Entry No. 9805941 in Book 9333 at page 1944, the Trustees conveyed title to the Subject Property and the Easement Property to Jensen Land Development, LLC, a Utah limited liability company (the "Owner").

G. The Owner claims that the 2002 Quit Claim Deeds were not effective to convey to Grantor title to the Subject Property, and that the 2002 Grants of Easements were not effective to convey to Grantor a valid easement in the Easement Property.

H. Grantor has made no determination regarding the effectiveness of the Quit Claim Deeds and Grants of Easement. Nonetheless, Grantor claims that, regardless of the effectiveness of the 2002 Quit Claim Deeds and 2002 Grants of Easement, Grantor has prescriptive rights for its current uses, and may have prescriptive rights for other uses, of the Subject Property and Easement Property. The Owner has not agreed that Grantor has any such rights. Therefore, in order to avoid any dispute at this time, Grantor desires to quitclaim to the Owner Grantor's interest in the Subject Property and the Easement Property, as granted by the 2002 Quit Claim Deeds and the 2002 Grants of Easements, excepting and reserving unto Grantor any and all prescriptive rights it may have.

I. Grantor also desires to provide notice that the recordation of this Quit Claim Deed and Notice is not intended to affect Grantor's prescriptive rights in and to the Subject Property and Easement Property, if any.

NOW, THEREFORE:

1. Grantor hereby quitclaims to the Owner the Subject Property and the Easement Property.

2. Notwithstanding the execution of this Quit Claim Deed and Notice, the Grantor does not abandon any of its prescriptive rights it may have in and to any waterways and rights-of-way and any appurtenances connected thereto, including, without limitation, the right to enter onto the Owner's contiguous land where reasonably necessary to maintain and improve such waterways and rights-of-way, and any and all of such rights, if any, shall hereafter remain in full force and effect.

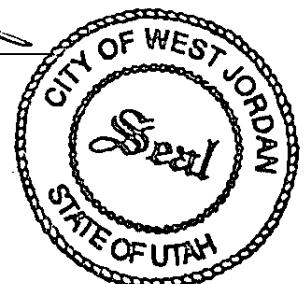
This Quit Claim Deed and Notice was duly executed at West Jordan, Utah this 2 day of October, 2007.

The City of West Jordan

By  Its Mayor

Approved as to form:

  
West Jordan City Attorney



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

On the 2 day of October, 2007, personally appeared before me  
David B Newton, the Mayor of the City of West  
Jordan, who duly acknowledged to me that (s)he executed the foregoing instrument in such  
capacity.

Melanie Briggs  
NOTARY PUBLIC  
Residing at: Salt Lake County

My Commission Expires:  
May 30, 2009



**Legal Description of Subject Property**

That certain real property located Section 26, Township 2 South, Range 2 West of the Salt Lake Base and Meridian, in Salt Lake County, Utah more particularly described as follows:

Commencing at the Southwest Corner of said Section 26 and running thence North 89°31'45" East along the south line of said Section 26 and along the centerline of 7800 South Street 777.044 feet; thence North 00°28'15" West perpendicular to said section line 33.000 feet to a point on the north right-of-way line of said 7800 South Street, said point also being the POINT OF BEGINNING; thence North 00°28'15" West 30.000 feet; thence North 89°31'45" East 250.000 feet; thence South 00°28'15" East 30.000 feet to a point on said north right-of-way line; thence South 89°31'45" West along said north right-of-way line 250.000 feet to the POINT OF BEGINNING.

Contains 7,500 Square Feet

Sidwell No.: 20-26-300-001-0000

**Exhibit B**

**Legal Description of Easement Property**

That certain real property located Section 26, Township 2 South, Range 2 West of the Salt Lake Base and Meridian, in Salt Lake County, Utah more particularly described as follows:

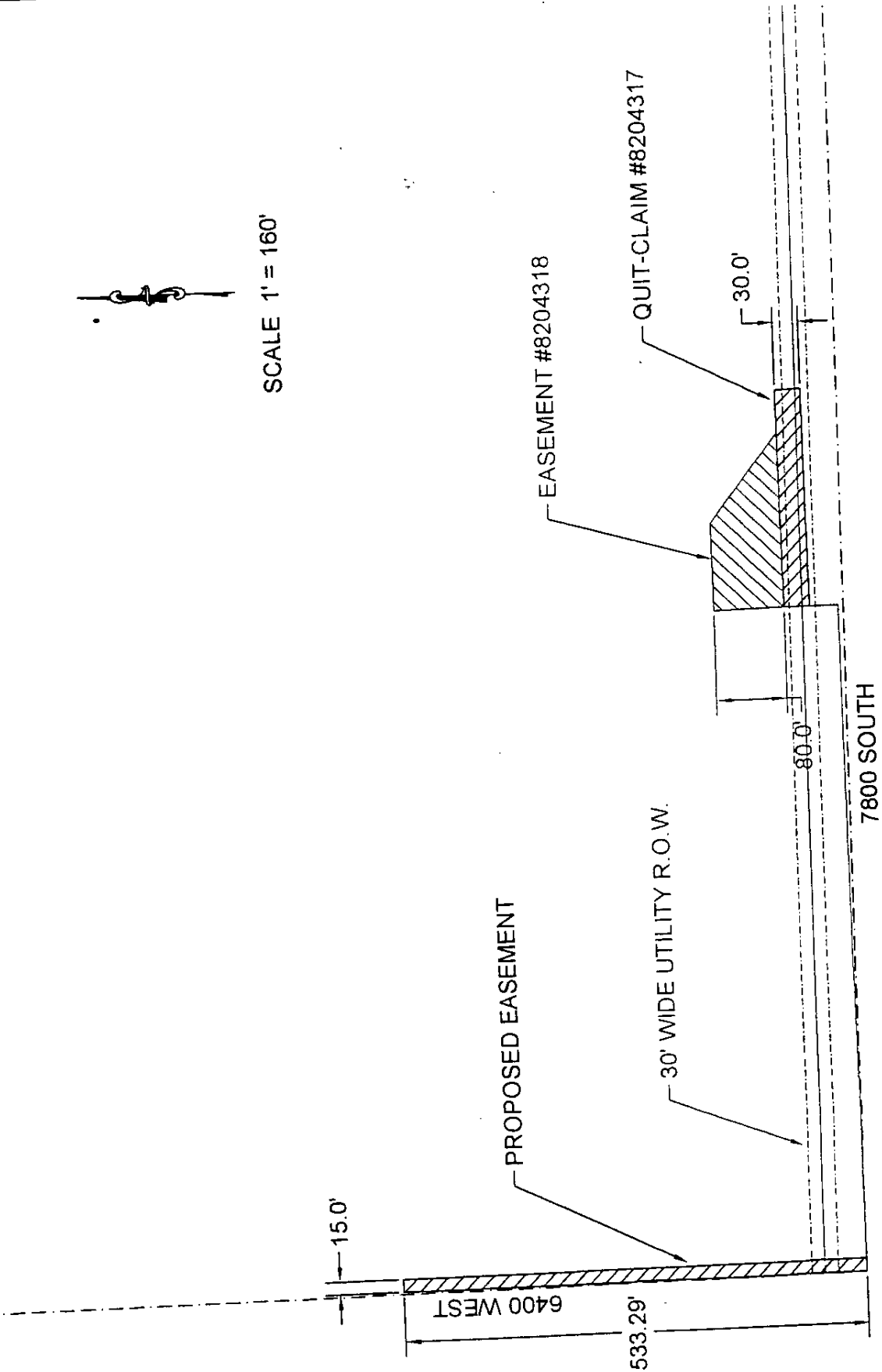
Commencing at the Southwest Corner of said Section 26 and running thence North 89°31'45" East along the south line of said Section 26 and along the centerline of 7800 South Street 777.044 feet; thence North 00°28'15" West perpendicular to said section line 63.000 feet to the POINT OF BEGINNING; thence North 00°28'15" West 80.000 feet; thence North 89°31'46" East 100.000 feet; thence South 51°48'40" East 128.063 feet; thence South 89°31'45" West 200.000 feet to the POINT OF BEGINNING.

Contains 12,000 square feet

The foregoing affects a portion of Salt Lake County Sidwell No.: 20-26-300-001-0000



SCALE 1' = 160'



DRAWING NUMBER	DATE	PROJECT NUMBER
	12-02-2003	

**PROPOSED  
JENSEN  
EASEMENT**

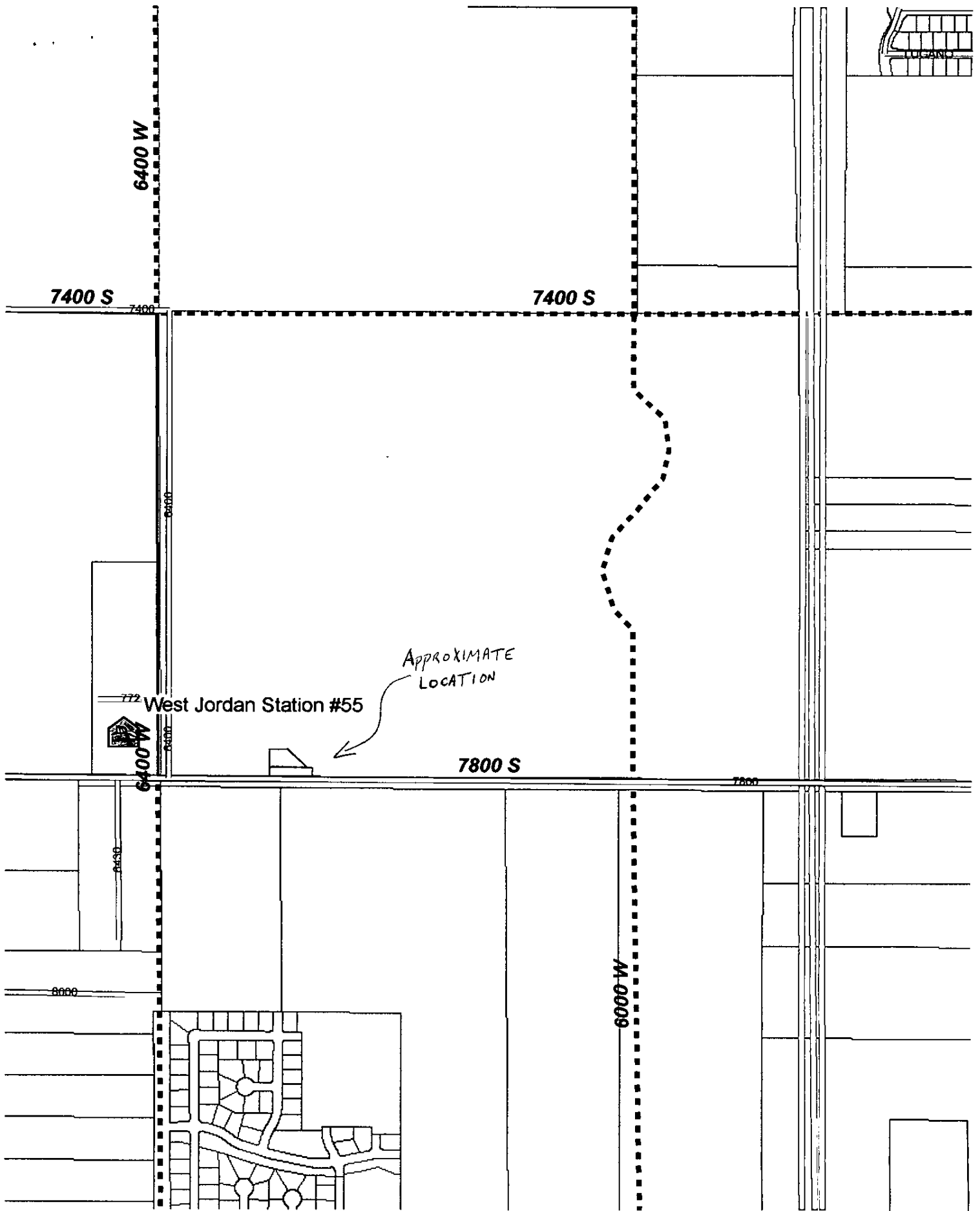
**CITY OF WEST JORDAN  
ENGINEERING DEPARTMENT**  
3000 ARCADE CENTER DRIVE  
WEST JORDAN, UTAH 84088  
(801) 260-0870

DESIGN	ALS	REV.	DATE	APPR.	DESCRIPTION
CHECK					
DESIGN	ALS				
CHECK					
QUANT.					
CHECK					

FINAL REVIEW & APPROVAL	DATE
PROJECT DESIGN ENGINEER	DATE
PROJECT MANAGER	DATE



Exhibit 1



**THE CITY OF WEST JORDAN, UTAH**

A Municipal Corporation

**RESOLUTION NO. 07-176**

**A RESOLUTION DECLARING A PROPERTY SURPLUS AND AUTHORIZING THE MAYOR  
TO EXECUTE A QUIT CLAIM DEED TO JENSEN LAND DEVELOPMENT, LLC, A UTAH  
LIMITED LIABILITY COMPANY**

Whereas, in 2002 the City received an interest in the following described property from Richard H. Jensen and Craig Jensen, for the purpose of improving Clay Hollow Wash and widening a section of 7800 South Roadway:

Those portions of the Southwest Quarter of Section 26, Township 2 South, Range 2 West of the Salt Lake Base and Meridian, Salt Lake County, State of Utah, more particularly described as follows:

Commencing at the Southwest Corner of said Section 26 and running thence North 89°31'45" East along the south line of said Section 26 and along the centerline of 7800 South Street 777.044 feet; thence North 00°28'15" West perpendicular to said section line 33.000 feet to a point on the north right-of-way line of said 7800 South Street, said point also being the POINT OF BEGINNING; thence North 00°28'15" West 30.000 feet; thence North 89°31'45" East 250.000 feet; thence South 00°28'15" East 30.000 feet to a point on said north right-of-way line; thence South 89°31'45" West along said north right-of-way line 250.000 feet to the POINT OF BEGINNING.

AND

Commencing at the Southwest Corner of said Section 26 and running thence North 89°31'45" East along the south line of said Section 26 and along the centerline of 7800 South Street 777.044 feet; thence North 00°28'15" West perpendicular to said section line 63.000 feet to the POINT OF BEGINNING; thence North 00°28'15" West 80.000 feet; thence North 89°31'46" East 100.000 feet; thence South 51°48'40" East 128.063 feet; thence South 89°31'45" West 200.000 feet to the POINT OF BEGINNING.

The foregoing affects a portion of Salt Lake County Sidwell No.: 20-26-300-001; and

Whereas, the validity of the conveyance documents to the City are in dispute; and

Whereas, the City installed a box culvert in Clay Hollow Wash but has not widened 7800 South, nor does it have any immediate plans to do so; and

Whereas, the City claims an existing and future prescriptive right to maintain Clay Hollow Wash;  
and



Whereas, the City Council has determined that declaring the above described property surplus and executing the attached Quit Claim Deed to Jensen Land Development, LLC, a Utah limited liability company, is an appropriate method of resolving the dispute and retaining the City's prescriptive rights; and

Whereas, the Mayor is authorized to execute the Quit Claim Deed pursuant to Utah Code Annotated 10-3-1223, after City Attorney approval as to legal form.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THAT:

Section 1. The above described property is hereby declared surplus to the City's needs.

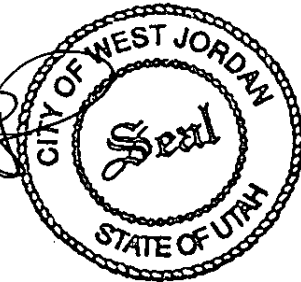
Section 2. The Mayor is authorized and directed to execute the attached Quit Claim Deed after it has been approved as to legal form by the City Attorney.

Section 3. This resolution shall take effect immediately.

Adopted by the City Council of West Jordan, Utah, this 2<sup>nd</sup> day of October, 2007.

ATTEST:

*Melanie Briggs*  
MELANIE BRIGGS  
City Recorder



CITY OF WEST JORDAN

By: *David B. Newton*  
Mayor David B. Newton

Voting by the City Council

- Rob Bennett
- Kathy Hilton
- Melissa K. Johnson
- Mike Kellermeyer
- Kim V. Rolfe
- Lyle C. Summers
- Mayor David B. Newton

"AYE"

"NAY"