

WHEN RECORDED MAIL TO:

Ninigret Depot, L.C.
1700 South 4650 West
Salt lake City, Utah 84104
Attn: Randolph G. Abood

Tax Parcel Nos. 16-005-0-0104; 16-005-0-0103

(Space above for Recorder's use only)

EASEMENT TERMINATION

THIS EASEMENT TERMINATION (this "**Termination**") is entered into this 17th day of December, 2021, by (i) ENCON UNITED COMPANY, a Colorado limited liability company, formerly known as, EUROPARTNERS, INC., a Texas corporation (collectively "**Encon**"); and (ii) MND CONSTRUCTION, L.C., a Utah limited liability company ("**MND**").

RECITALS

A. Encon owns the following parcel of real property (the "**Encon Parcel**") located in Tooele County, Utah:

Lot 103, UTAH INDUSTRIAL DEPOT SUBDIVISION NO. 1 - AMENDED (MINOR SUBDIVISION), according to the official plat thereof on file and of record in the Tooele County Recorder's office, State of Utah, recorded August 1, 2006, as Entry No. 264627.

B. MND owns the following parcel of real property (the "**MND Parcel**") located in Tooele County, Utah:

Lot 104, UTAH INDUSTRIAL DEPOT SUBDIVISION NO. 1 - AMENDED (MINOR SUBDIVISION), according to the official plat thereof on file and of record in the Tooele County Recorder's office, State of Utah, recorded August 1, 2006, as Entry No. 264627.

C. MND is also the "Declarant" under that certain Declaration of Covenants, Conditions, and Restrictions and Easements for Ninigret Depot recorded as Entry No. 397936 in the Official Public Records of Tooele County, Utah (the "**Declaration**").

D. Pursuant to that certain plat for Utah Industrial Depot Subdivision No. 1 - Amended (Minor Subdivision), recorded as Entry No. 264627 in the Official Public Records of Tooele County, Utah, and any other documents recorded in the Official Records of Tooele County, Encon, as the owner of the Encon Parcel, and MND, as the owner of the MND Parcel and the Declarant under the Declaration, have a private road access over E Avenue (as shown on said plat, "**E Avenue**") for access into their respective parcels, all as more fully shown on the above referenced plat (the "**E Avenue Easement**").

E. MND and Encon desire to abandon, vacate, and release their rights, title, and interests to the E Avenue Easement, 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, and based upon the mutual promises and subject to the conditions set forth below: (i) MND as the owner of the MND Parcel and as the Declarant under the Declaration declares that the E Avenue Easement is hereby terminated, vacated, and abandoned, and MND relinquishes all rights and title found therein such that the E Avenue Easement is of no further force or effect; and (ii) Except as stated in the paragraph below, Encon as the owner of the Encon Parcel declares that the E Avenue Easement is hereby terminated, vacated, and abandoned, and Encon relinquishes all rights and title found therein such that the E Avenue Easement is of no further force or effect. Except as stated in the paragraph below, to the extent necessary to effectuate the abandonment and vacation of the E Avenue Easement, MND and Encon hereby quitclaim their interests in the E Avenue Easement and that portion of E Avenue located on the MND Parcel to the owner of the MND Parcel.

Notwithstanding anything to the contrary or otherwise stated herein, Encon hereby reserves, retains, and states that it does not abandon, vacate, or terminate any existing utility easement located within E Avenue, which service the Encon Parcel.

[Signatures are on the Following Two Pages]

IN WITNESS WHEREOF, Encon has executed this Termination on the day and year first above written.

Encon:

ENCON UNITED COMPANY, a Colorado limited liability company, formerly known as, EUROPARTNERS, INC., a Texas corporation

By: *James E. Sorenson*
Name (Print): JAMES E. SORENSON
Its: PRESIDENT

STATE OF Colorado)
)
COUNTY OF Denver)

On Dec. 17 2021, before me, Antoinette Medina, a Notary Public, personally appeared James E. Sorenson who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Colorado that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Antoinette Medina* (Seal)



