

Project Name (Subdivision):

Lost Rapids Subdivision

## PEDESTRIAN PATHWAY EASEMENT

THIS PEDESTRIAN PATHWAY EASEMENT, made on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, between GFI-Meridian Investments II, LLC, a Utah limited liability company ("GFI"), Costco Wholesale Corporation, a Washington corporation ("Costco"), and the City of Meridian, an Idaho municipal corporation ("Grantee").

### WITNESSETH:

WHEREAS, GFI is the owner of that certain real property legally described on Exhibit A attached hereto and incorporated herein (the "GFI Property");

WHEREAS, Costco is the owner of that certain real property legally described on Exhibit B attached hereto and incorporated herein (the "Costco Property");

WHEREAS, the City of Meridian desires to establish a public pathway (the "Pathway") on the real property legally described and graphically depicted as Easement No. 1 (on GFI Property) and Easement #2 (On Costco Property) on Exhibit C attached hereto and incorporated herein (the "Pathway Premises"), portions of which are located on the GFI Property and the Costco Property;

WHEREAS, GFI and Costco desire to grant an easement over those portions of the Pathway Premises located on their respective properties, to establish the Pathway and to provide connectivity to present and future portions of the Pathway; and

WHEREAS, Costco shall construct the Pathway and related improvements (including those of which that lie upon the GFI Property) upon the Pathway Premises; and

NOW, THEREFORE, the parties agree as follows:

GFI AND COSTCO hereby grant unto the Grantee an easement over those portions of their respective properties upon which the Pathway Premises are located.

THE EASEMENT hereby granted is and will be made available to the public for recreational purposes as contemplated by Idaho Code § 36-1604, and specifically for the purpose of providing a public pedestrian pathway for multiple-use non-motorized recreation, with the free right of access to such facilities at any and all times. Users of the easement will not be considered guests, invitees, or licensees of GFI, Costco, or Grantee. Nothing contained herein will be deemed to be GFI's, Costco's, or Grantee's assumption of any duty, obligation, or liability of any kind whatsoever with respect to any user of the Pathway or the Pathway Premises.

TO HAVE AND TO HOLD, said easement unto said Grantee, its successors and assigns forever.

GFI and Costco hereby covenant and agree that they will not place or allow to be placed any permanent structures, trees, brush, or perennial shrubs or flowers on those portions of their respective properties upon which the Pathway Premises are located, which would interfere with the use of said Pathway for the purposes stated herein.

IT IS EXPRESSLY UNDERSTOOD AND AGREED, by and between the parties hereto, that GFI and Costco shall repair and maintain those portions of the Pathway and related improvements located on their respective properties.

GFI and Costco hereby covenant and agree with the Grantee that should any part of the Pathway Premises become part of, or lie within the boundaries of any public street, then such portion of the Pathway Premises which lies within such boundary thereof or which is a part thereof, shall cease and become null and void and of no further effect and shall be completely relinquished.

GFI and Costco do hereby covenant with Grantee that they are lawfully seized and possessed of the aforementioned and described tracts of land, and that they have a good and lawful right to convey said easement.

GFI and Costco shall have the right to assign their respective obligations under this Pedestrian Pathway Easement to an owners or management association for the Lost Rapids Subdivision located in Ada County, Idaho, and upon the assignee's assumption of such obligations in a document recorded in Ada County, Idaho, the assigning party shall thereafter be released from its obligations hereunder.

*[Remainder of page intentionally left blank; signature page follows.]*

IN WITNESS WHEREOF, GFI, Costco, and Grantee have executed this Pedestrian Pathway Easement as of the day and year first hereinabove written.

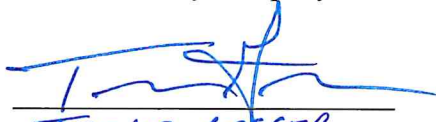
GFI:

GFI-Meridian Investments II, LLC,  
a Utah limited liability company

By:

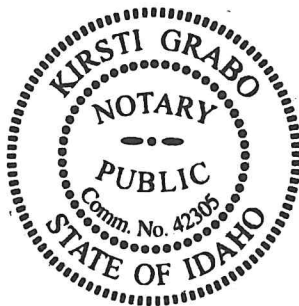
Name:

Its:

  
TREVOR GASSER  
MANAGER

STATE OF Idaho )  
 ) ss.  
County of Ada )

This record was acknowledged before me on September 24, 2020, by  
Trevor Gasser, as Manager of GFI-Meridian Investments II, LLC.



  
My Commission Expires 2-20-24

COSTCO:

Costco Wholesale Corporation,  
a Washington corporation

By: David Messner  
Name: David Messner  
Its: SVP of Real Estate

STATE OF Washington )  
County of King ) ss.

This record was acknowledged before me on September 25, 2020, by  
David Messner, as SVP Real Estate of Costco Wholesale Corporation.



Stefanie G. Parmenter  
My Commission Expires 5/29/21

GRANTEE:

CITY OF MERIDIAN

\_\_\_\_\_  
Robert E. Simison, Mayor

\_\_\_\_\_  
Attest by Chris Johnson, City Clerk

STATE OF IDAHO    )  
                              ) ss  
County of Ada        )

This record was acknowledged before me on \_\_\_\_\_ (date) by Robert E. Simison and Chris Johnson on behalf of the City of Meridian, in their capacities as Mayor and City Clerk, respectively.

(stamp)

\_\_\_\_\_  
Notary Signature

My Commission Expires: \_\_\_\_\_

## **EXHIBIT A**

### **Legal Description of GFI Property**

Parcels of land being a portion of the Northeast 1/4 of Section 27, Township 4 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho and being more particularly described as follows:

Commencing at a found aluminum cap monument marking the Northeast corner of said Section 27, which bears S89°17'35"E a distance of 2,647.29 feet from a found aluminum cap monument marking the North 1/4 corner of said Section 27; thence following the northerly line of said Northeast 1/4, N89°17'35"W a distance of 1,188.00 feet; thence leaving said northerly line S00°42'25"W a distance of 72.00 feet to the southerly right-of-way of W. Chinden Boulevard; thence following said southerly right-of-way S89°17'35"E a distance of 26.01 feet to the **POINT OF BEGINNING**.

Thence following said southerly right-of-way S89°17'35"E a distance of 836.88 feet;  
Thence leaving said southerly right-of-way S00°42'55"W a distance of 186.55 feet;  
Thence S05°18'11"W a distance of 99.94 feet;  
Thence S00°30'23"E a distance of 16.69 feet;  
Thence N89°17'16"W a distance of 825.43 feet;  
Thence N00°00'18"W a distance of 302.80 feet to the **POINT OF BEGINNING**.

Said parcel contains a total of 5.792 acres, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.

## **EXHIBIT B**

### **Legal Description of Costco Property**

A parcel of land situated in the Northeast 1/4 of Section 27, Township 4 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho and being more particularly described as follows:

Commencing at a found aluminum cap marking the North 1/4 corner of said Section 27, which bears N89°17'35"W a distance of 2,647.29 feet from a found aluminum cap marking the Northeast corner of said Section 27, thence following the northerly line of said Northeast 1/4, S89°17'35"E a distance of 1,459.29 feet;

Thence leaving said northerly line, S00°42'24"W a distance of 72.00 feet to the southerly right-of-way line of W. Chinden Boulevard and being **POINT OF BEGINNING 1**.

Thence following said southerly right-of-way line, S89°17'35"E a distance of 26.01 feet to a point hereinafter referred to as "POINT A";

Thence leaving said southerly right-of-way line, S00°00'18"E a distance of 28.00 feet;

Thence N89°17'35"W a distance of 26.36 feet;

Thence N00°42'24"E a distance of 28.00 feet to **POINT OF BEGINNING 1**.

Said parcel contains 0.017 acres (733 Sq. Ft.), more or less.

#### **TOGETHERWITH:**

Commencing at a point previously referred to as "POINT A", thence following said southerly right-of-way line, S89°17'35"E a distance of 836.53 feet to **POINT OF BEGINNING 2**.

Thence following said southerly right-of-way line the following two (2) courses:

1. S89°17'35"E a distance of 249.56 feet;
2. S44°28'27"E a distance of 39.72 feet to the westerly right-of-way line of N. Ten Mile Road;

Thence leaving said southerly right-of-way line and following said westerly right-of-way line, S00°20'42"W a distance of 30.00 feet;

Thence leaving said westerly right-of-way line, N44°28'27"W a distance of 42.56 feet;

Thence N89°17'35"W a distance of 247.74 feet;

Thence N00°42'55"E a distance of 28.00 feet to **POINT OF BEGINNING 2**.

Said parcel contains 0.180 acres (7,832 Sq. Ft.), more or less.

Said description contains a total of 0.197 acres (8,565 Sq. Ft.) and is subject to all existing easements and/or rights-of-way of record or implied.

**EXHIBIT C**

**Legal Descriptions of Pathway Premises:**

**Easement No. 1 on GFI Property**

**Easement No. 2 on Costco Property**

September 23, 2020  
Project No. 17-104  
GFI – Meridian Investments II LLC  
City of Meridian Pathway Easement  
Legal Description

A parcel of land for a City of Meridian Pathway Easement, situated in a portion of the Northeast 1/4 of Section 27, Township 4 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho and being more particularly described as follows:

Commencing at a found aluminum cap marking the Northeast corner of said Section 27, which bears S89°17'35"E a distance of 2,647.29 feet from a found aluminum cap marking the North 1/4 corner of said Section 27;

Thence following the easterly line of the Northeast 1/4 of said Section 27, S00°20'42"W a distance of 81.94 feet;

Thence leaving said easterly line, N89°39'18"W a distance of 325.63 feet to the **POINT OF BEGINNING**.

Thence S00°42'55"W a distance of 14.00 feet;

Thence N89°17'35"W a distance of 222.28 feet;

Thence N75°30'44"W a distance of 41.98 feet;

Thence N89°17'35"W a distance of 75.50 feet;

Thence S75°20'24"W a distance of 37.74 feet;

Thence N89°17'35"W a distance of 393.22 feet;

Thence N73°52'46"W a distance of 37.62 feet;

Thence N89°17'35"W a distance of 32.24 feet;

Thence N00°00'18"W a distance of 14.00 feet;

Thence S89°17'35"E a distance of 34.31 feet;

Thence S73°52'46"E a distance of 37.62 feet;

Thence S89°17'35"E a distance of 389.44 feet;

Thence N75°20'24"E a distance of 37.74 feet;

Thence S89°17'35"E a distance of 79.08 feet;

Thence S75°30'44"E a distance of 41.98 feet;

Thence S89°17'35"E a distance of 220.59 feet to the **POINT OF BEGINNING**.

Said parcel contains 0.270 acres (11,769 sq. ft.), more or less, and is subject to all existing easements and/or rights-of-way of record or implied.

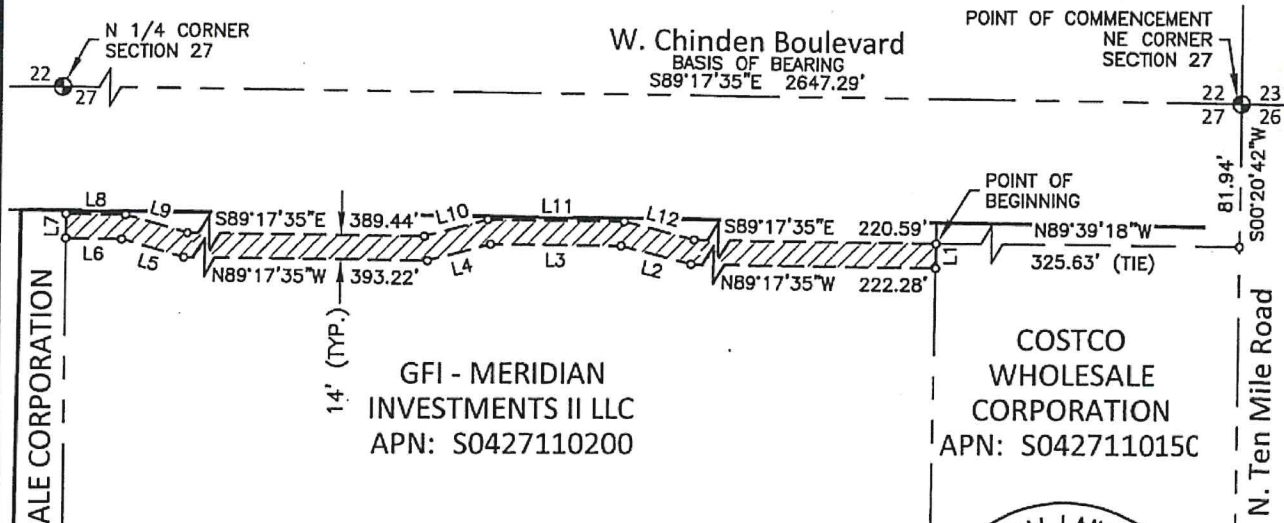
All subdivisions, deeds, records of surveys, and other instruments of record referenced herein are recorded documents of the county in which these described lands are situated in.

Attached hereto is **Exhibit B** and by this reference is made a part hereof.



9233 West State Street • Boise, Idaho 83714 • 208.639.6939 • kmengllp.com

P:\17-104\CAD\SURVEY\EXHIBITS\17-104 CITY OF MERIDIAN PATHWAY EASEMENT GASSER.DWG, PAUL KIM, 9/24/2020, TASKALFA 2550CI, ---

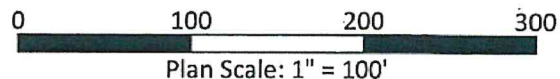


GFI - MERIDIAN  
INVESTMENTS II LLC  
APN: S0427110200

COSTCO  
WHOLESALE  
CORPORATION  
APN: S042711015C



9/24/20



### LEGEND

- FOUND ALUMINUM CAP
- CALCULATED POINT
- SECTION LINE
- PROPERTY BOUNDARY LINE
- ADJACENT BOUNDARY LINE
- SURVEY TIE LINE
- EASEMENT LINE
- EASEMENT AREA

| LINE TABLE |        |             |
|------------|--------|-------------|
| LINE #     | LENGTH | DIRECTION   |
| L1         | 14.00  | S0°42'55"W  |
| L2         | 41.98  | N75°30'44"W |
| L3         | 75.50  | N89°17'35"W |
| L4         | 37.74  | S75°20'24"W |
| L5         | 37.62  | N73°52'46"W |
| L6         | 32.24  | N89°17'35"W |
| L7         | 14.00  | N0°00'18"W  |
| L8         | 34.31  | S89°17'35"E |
| L9         | 37.62  | S73°52'46"E |
| L10        | 37.74  | N75°20'24"E |
| L11        | 79.08  | S89°17'35"E |
| L12        | 41.98  | S75°30'44"E |



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9233 WEST STATE STREET  
BOISE, IDAHO 83714  
PHONE (208) 639-6939  
FAX (208) 639-6930

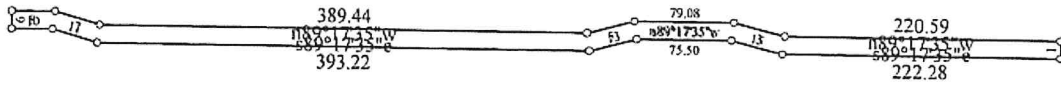
DATE: September, 2020

PROJECT: 17-104

SHEET:  
1 OF 1

### Exhibit B City of Meridian Pathway Easement - GFI

Situated in the Northeast 1/4 of Section 27, Township 4 North, Range 1 West,  
Boise Meridian, City of Meridian, Ada County, Idaho



|                                                                                                                 |                        |                      |
|-----------------------------------------------------------------------------------------------------------------|------------------------|----------------------|
| Title:                                                                                                          |                        | Date: 09-24-2020     |
| Scale: 1 inch = 150 feet                                                                                        | File: Deed Plotter.des |                      |
| Tract 1: 0.270 Acres: 11769 Sq Feet: Closure = n74.1206w 0.00 Feet: Precision = 1/411834: Perimeter = 1709 Feet |                        |                      |
| 001=s00.4255w 14.00                                                                                             | 007=n73.5246w 37.62    | 013=n75.2024e 37.74  |
| 002=n89.1735w 222.28                                                                                            | 008=n89.1735w 32.24    | 014=s89.1735e 79.08  |
| 003=n75.3044w 41.98                                                                                             | 009=n00.0018w 14.00    | 015=s75.3044e 41.98  |
| 004=n89.1735w 75.50                                                                                             | 010=s89.1735e 34.31    | 016=s89.1735e 220.59 |
| 005=s75.2024w 37.74                                                                                             | 011=s73.5246e 37.62    |                      |
| 006=n89.1735w 393.22                                                                                            | 012=s89.1735e 389.44   |                      |

September 23, 2020  
Project No. 17-104  
Costco Wholesale Corporation  
City of Meridian Pathway Easement  
Legal Description

A parcel of land for a City of Meridian Pathway Easement, situated in a portion of the Northeast 1/4 of Section 27, Township 4 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho and being more particularly described as follows:

Commencing at a found aluminum cap marking the Northeast corner of said Section 27, which bears S89°17'35"E a distance of 2,647.29 feet from a found aluminum cap marking the North 1/4 corner of said Section 27;

Thence following the easterly line of the Northeast 1/4 of said Section 27, S00°20'42"W a distance of 83.60 feet;

Thence leaving said easterly line, N89°39'18"W a distance of 64.00 feet to the southerly right-of-way line of W. Chinden Boulevard and being **POINT OF BEGINNING 1.**

Thence following the said southerly right-of-way line, S44°28'27"E a distance of 19.86 feet;

Thence leaving said southerly right-of-way line, N89°17'35"W a distance of 275.73 feet;

Thence N00°42'55"E a distance of 14.00 feet to a point hereinafter referred to as **POINT 'A'**;

Thence S89°17'35"E a distance of 261.64 feet to **POINT OF BEGINNING 1.**

Said parcel contains 0.086 acres (3,762 sq. ft.), more or less

**TOGETHER WITH:**

Commencing at a point previously referred to as **POINT 'A'**;

Thence N88°36'30"W a distance of 836.91 feet to **POINT OF BEGINNING 2.**

Thence S00°00'18"E a distance of 14.00 feet;

Thence N89°17'35"W a distance of 26.21 feet;

Thence N00°42'24"E a distance of 14.00 feet;

Thence S89°17'35"E a distance of 26.04 feet to **POINT OF BEGINNING 2.**

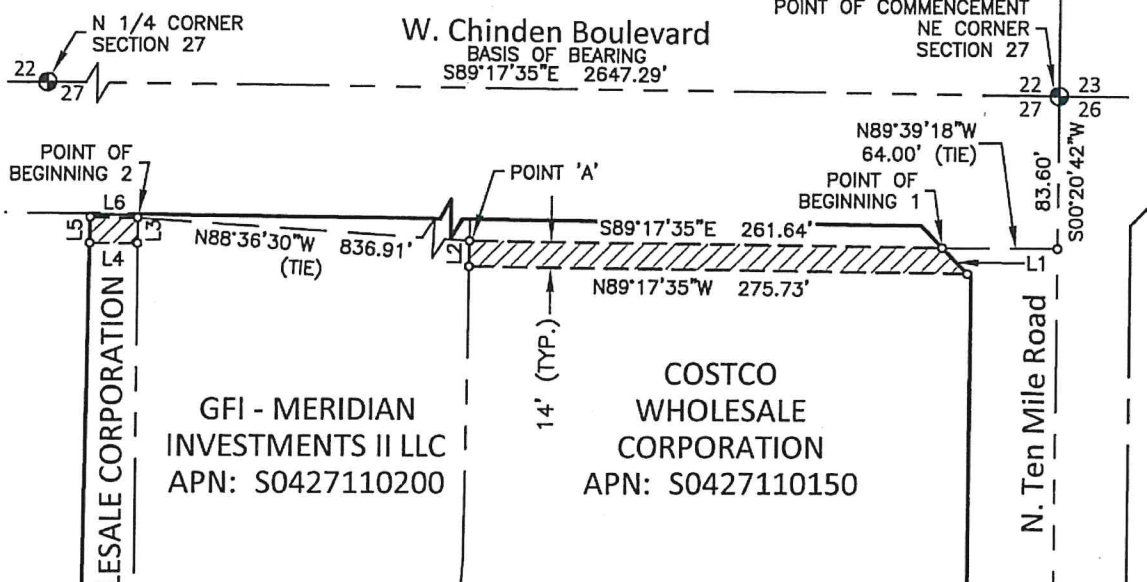
Said parcel contains 0.008 acres (366 sq. ft.), more or less.

Said description contains a total of 0.095 acres (4,127 sq. ft.), more or less, and is subject to all existing easements and/or rights-of-way of record or implied.

All subdivisions, deeds, records of surveys, and other instruments of record referenced herein are recorded documents of the county in which these described lands are situated in.

Attached hereto is **Exhibit B** and by this reference is made a part hereof.





| LINE TABLE |        |             |
|------------|--------|-------------|
| LINE #     | LENGTH | DIRECTION   |
| L1         | 19.86  | S44°28'27"E |
| L2         | 14.00  | N0°42'55"E  |
| L3         | 14.00  | S0°00'18"E  |
| L4         | 26.21  | N89°17'35"W |
| L5         | 14.00  | N0°42'24"E  |
| L6         | 26.04  | S89°17'35"E |



0 100 200 300  
Plan Scale: 1" = 100'

## LEGEND

|  |                        |
|--|------------------------|
|  | FOUND ALUMINUM CAP     |
|  | CALCULATED POINT       |
|  | SECTION LINE           |
|  | PROPERTY BOUNDARY LINE |
|  | ADJACENT BOUNDARY LINE |
|  | SURVEY TIE LINE        |
|  | EASEMENT LINE          |
|  | EASEMENT AREA          |

**km**  
ENGINEERING

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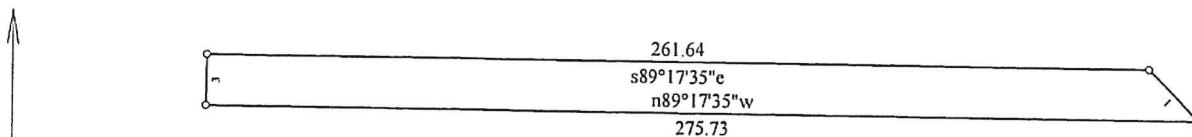
9233 WEST STATE STREET  
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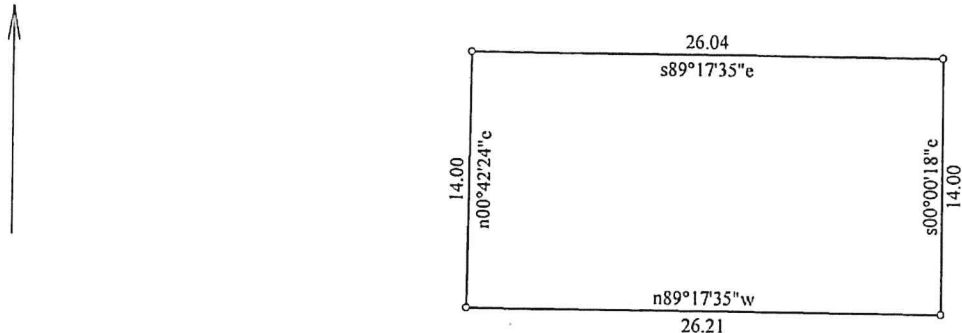
SHEET:  
1 OF 1

## Exhibit B City of Meridian Pathway Easement - Costco

Situated in the Northeast 1/4 of Section 27, Township 4 North, Range 1 West,  
Boise Meridian, City of Meridian, Ada County, Idaho



|                                                                                                               |                        |                  |
|---------------------------------------------------------------------------------------------------------------|------------------------|------------------|
| Title:                                                                                                        |                        | Date: 09-24-2020 |
| Scale: 1 inch = 50 feet                                                                                       | File: Deed Plotter.des |                  |
| Tract 1: 0.086 Acres: 3761 Sq Feet: Closure = s20.1005e 0.00 Feet: Precision = 1/404521: Perimeter = 571 Feet |                        |                  |
| 001=s44.2827e 19.86                                                                                           | 003=n00.4255e 14.00    |                  |
| 002=n89.1735w 275.73                                                                                          | 004=s89.1735e 261.64   |                  |



|                                                                                                            |                        |                  |
|------------------------------------------------------------------------------------------------------------|------------------------|------------------|
| Title:                                                                                                     |                        | Date: 09-24-2020 |
| Scale: 1 inch = 10 feet                                                                                    | File: Deed Plotter.des |                  |
| Tract 1: 0.008 Acres: 366 Sq Feet: Closure = s75.1026w 0.00 Feet: Precision = 1/19884: Perimeter = 80 Feet |                        |                  |
| 001=s00.0018e 14.00                                                                                        | 003=n00.4224e 14.00    |                  |
| 002=n89.1735w 26.21                                                                                        | 004=s89.1735e 26.04    |                  |