

Small Talk Clinic (Verona Subdivision No. 3)

WATER MAIN EASEMENT

THIS Easement Agreement, made this 30th day of November, 2021 between Smalley Holdings, LLC. (“Grantor”), and the City of Meridian, an Idaho Municipal Corporation (“Grantee”);

WHEREAS, the Grantor desires to provide a water main right-of-way across the premises and property hereinafter particularly bounded and described; and

WHEREAS, the water main is to be provided for through underground pipelines to be constructed by others; and

WHEREAS, it will be necessary to maintain and service said pipelines from time to time by the Grantee;

NOW, THEREFORE, in consideration of the benefits to be received by the Grantor, and other good and valuable consideration, the Grantor does hereby give, grant and convey unto the Grantee the right-of-way for an easement for the operation and maintenance of water mains over and across the following described property:

(SEE ATTACHED EXHIBITS A and B)

The easement hereby granted is for the purpose of construction and operation of water mains and their allied facilities, together with their maintenance, repair and replacement at the convenience of the Grantee, with the free right of access to such facilities at any and all times.

TO HAVE AND TO HOLD, the said easement and right-of-way unto the said Grantee, it's successors and assigns forever.

IT IS EXPRESSLY UNDERSTOOD AND AGREED, by and between the parties hereto, that after making repairs or performing other maintenance, Grantee shall restore the area of the easement and adjacent property to that existent prior to undertaking such repairs and maintenance. However, Grantee shall not be responsible for repairing, replacing or restoring anything placed within the area described in this easement that was placed there in violation of this easement.

THE GRANTOR covenants and agrees that Grantor will not place or allow to be placed any permanent structures, trees, brush, or perennial shrubs or flowers within the area described for this easement, which would interfere with the use of said easement, for the purposes stated herein.

THE GRANTOR covenants and agrees with the Grantee that should any part of the right-of-way and easement hereby granted shall become part of, or lie within the boundaries of any

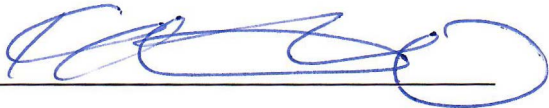
public street, then, to such extent, such right-of-way and easement hereby granted which lies within such boundary thereof or which is a part thereof, shall cease and become null and void and of no further effect and shall be completely relinquished.

THE GRANTOR does hereby covenant with the Grantee that Grantor is lawfully seized and possessed of the aforementioned and described tract of land, and that Grantor has a good and lawful right to convey said easement, and that Grantor will warrant and forever defend the title and quiet possession thereof against the lawful claims of all persons whomsoever.

THE COVENANTS OF GRANTOR made herein shall be binding upon Grantor's successors, assigns, heirs, personal representatives, purchasers, or transferees of any kind.

IN WITNESS WHEREOF, the said parties of the first part have hereunto subscribed their signatures the day and year first herein above written.

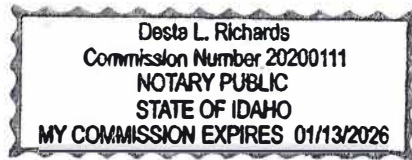
GRANTOR:

Smalley Holdings LLC.
Karen Hibbs


STATE OF IDAHO)
) ss
County of Ada)

This record was acknowledged before me on 02/22/2021 (date) by Karen Hibbs (name of individual), *[complete the following if signing in a representative capacity, or strike the following if signing in an individual capacity]* on behalf of Smalley Holdings LLC (name of entity on behalf of whom record was executed), in the following representative capacity: Manager (type of authority such as officer or trustee)

(stamp)



Dosta L. Richards

Notary Signature
My Commission Expires: 01/13/2026

GRANTEE: CITY OF MERIDIAN

Robert E. Simison, Mayor 11-30-2021

Attest by Chris Johnson, City Clerk 11-30-2021

STATE OF IDAHO,)

: ss.

County of Ada)

This record was acknowledged before me on 11-30-2021 (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: 3-28-2022

February 8, 2021
Project No. 20-101
City of Meridian
Water Easement
Legal Description

Exhibit A

A parcel of land for a City of Meridian Water Easement over a portion of Lot 45, Block 3, Verona Subdivision No. 3 (Book 94, pages 11,422-11,423), situated in a portion Section 26, Township 4 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho and being more particularly described as follows:

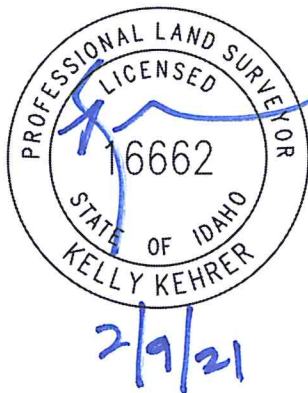
Commencing at a found 1/2-inch rebar marking the Southwest corner of said Lot 45, which bears $S00^{\circ}21'36''W$ a distance of 186.01 feet from a found 1/2-inch rebar marking the Northwest corner of said Lot 45, thence following the westerly boundary line of said Lot 45, $N00^{\circ}21'36''E$ a distance of 96.46 feet; Thence leaving said westerly boundary line, $N90^{\circ}00'00''E$ a distance of 12.50 feet to the **POINT OF BEGINNING**.

Thence $N00^{\circ}21'36''E$ a distance of 10.00 feet;
Thence $N90^{\circ}00'00''E$ a distance of 9.50 feet;
Thence $S00^{\circ}21'36''W$ a distance of 10.00 feet;
Thence $N90^{\circ}00'00''W$ a distance of 9.50 feet to the **POINT OF BEGINNING**.

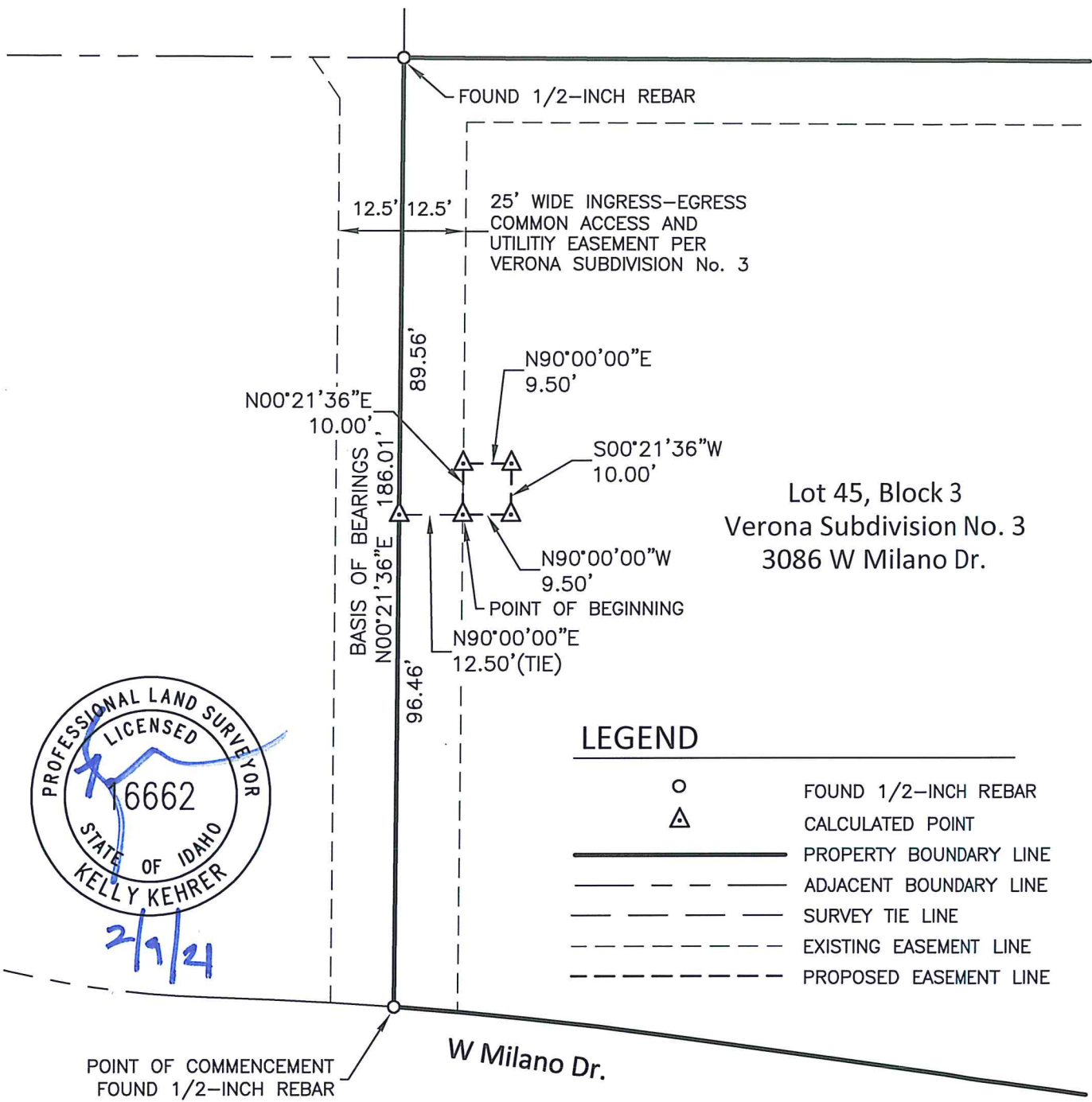
Said parcel contains 95 square feet, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.

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.

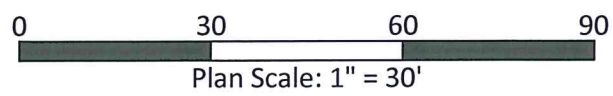


P:\20-101\CAD\SURVEY\EXHIBITS\20-101 WATER EASEMENT.DWG, ALEX GREEN, 2/9/2021, KYOCERA TASKALFA 4550CI KX.PC3, ----



LEGEND

- FOUND 1/2-INCH REBAR
- △ CALCULATED POINT
- PROPERTY BOUNDARY LINE
- - - - - ADJACENT BOUNDARY LINE
- SURVEY TIE LINE
- - - - - EXISTING EASEMENT LINE
- - - - - PROPOSED EASEMENT LINE

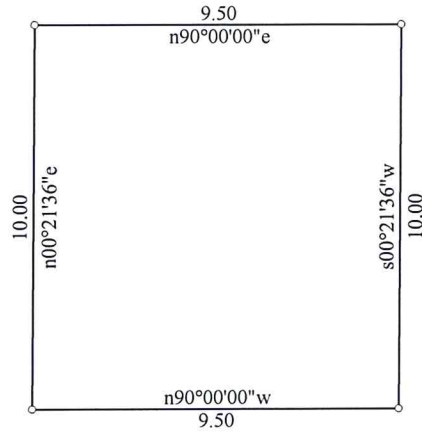


km
ENGINEERING
9233 WEST STATE STREET
BOISE, IDAHO 83714
PHONE (208) 639-6939
kmengllp.com

DATE: 2/8/21
PROJECT: 20-101
SHEET:
1 OF 1

Exhibit B
City of Meridian Water Easement

Situated in a portion of Lot 45, Block 3, Verona Subdivision No. 3, Section 26, Township 4 North, Range 1 West, B.M., City of Meridian, Ada County, Idaho



Title: City of Meridian Water Easement		Date: 02-08-2021
Scale: 1 inch = 5 feet	File:	
Tract 1: 0.002 Acres: 95 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 39 Feet		
001=n00.2136e 10.00	003=s00.2136w 10.00	
002=n90.0000e 9.50	004=n90.0000w 9.50	