

ESMT-2022-0180 Victory Commons Subdivision No. 2
Sanitary Sewer and Water Main Easement

SANITARY SEWER AND WATER MAIN EASEMENT

THIS Easement Agreement, made this 14th day of June 2022 between
Kuna Victory, LLC ("Grantor") and the City of Meridian, an Idaho
Municipal Corporation ("Grantee");

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

WHEREAS, the sanitary sewer and water 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 sanitary sewer and 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 sanitary sewer and 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, its 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.

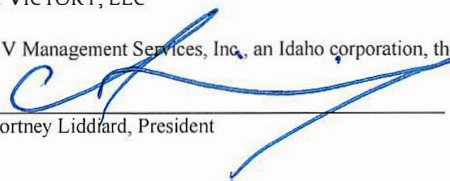
THE COVENANTS OF GRANTOR made herein shall be binding upon Grantor's successors, assigns, heirs, personal representatives, purchasers, or transferees of any kind.

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

GRANTOR:

KUNA VICTORY, LLC

By: BV Management Services, Inc., an Idaho corporation, the Manager


Cortney Liddiard, President

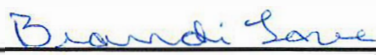
STATE OF IDAHO)

) ss

County of Bonneville)

This record was acknowledged before me on May 20, 2022 (date) by Cortney Liddiard (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 Kuna Victory, LLC (name of entity on behalf of whom record was executed), in the following representative capacity: President of the Manager (type of authority such as officer or trustee)




Notary Signature
My Commission Expires: 4-12-2026

GRANTEE: CITY OF MERIDIAN

Robert E. Simison, Mayor 6-14-2022

Attest by Chris Johnson, City Clerk 6-14-2022

STATE OF IDAHO,)
 ; ss.
County of Ada)

This record was acknowledged before me on 6-14-2022 (date) by Robert E. Simison and Chris Johnson on behalf of the City of Meridian, in their capacities as Mayor and City Clerk, respectively.

Notary Signature _____
My Commission Expires: 3-28-2028



Date: May 11, 2022
Project: ID-1402-1810
Page: 1 of 2



EXHIBIT A
VICTORY COMMONS No. 2 WATER EASEMENT

This easement is situated in Government Lot 4 of Section 19, Township 3 north, Range 1 East, Boise Meridian, City of Meridian, Ada County, Idaho, also being in a portion of Parcel "A" of Record of Survey Property Boundary Adjustment No. 12,282, records of Ada county, Idaho, more particularly described as follows:

COMMENCING at the southwest corner of said Government Lot 4, from which the southeast corner of said Government Lot 4 bears, N.89°42'17"E., 1130.45 feet; thence along the south boundary of said Lot 4,

- 1) N.89°42'17"E., 1130.45 feet to a found Aluminum cap marking the southeast corner of said Government Lot 4; thence along the east boundary of said Government Lot 4;
- 2) N.00°29'09"E., 48.00 feet to a found 5/8" diameter rebar marking the southeast corner of Parcel "A" of said Record of Survey No. 12282, Records of Ada county, also being a point on the north right-of-way of east Victory Road, thence along the said north right-of-way;
- 3) S.89°42'17"W., 401.80 feet to the **POINT OF BEGINNING**, thence continuing;
- 4) S.89°42'17"W., 20.20 feet, thence leaving said north right-of-way;
- 5) N.08°16'05"W., 146.79 feet, thence;
- 6) S.81°43'55"W., 10.00 feet, thence;
- 7) N.08°16'05"W., 21.75 feet, thence;
- 8) N.81°43'55"E., 10.00 feet thence;
- 9) N.00°29'09"E., 39.42 feet, thence;
- 10) S.89°42'17"W., 10.00 feet, thence;

Date: May 11, 2022
Project: ID-1402-1810
Page: 2 of 2

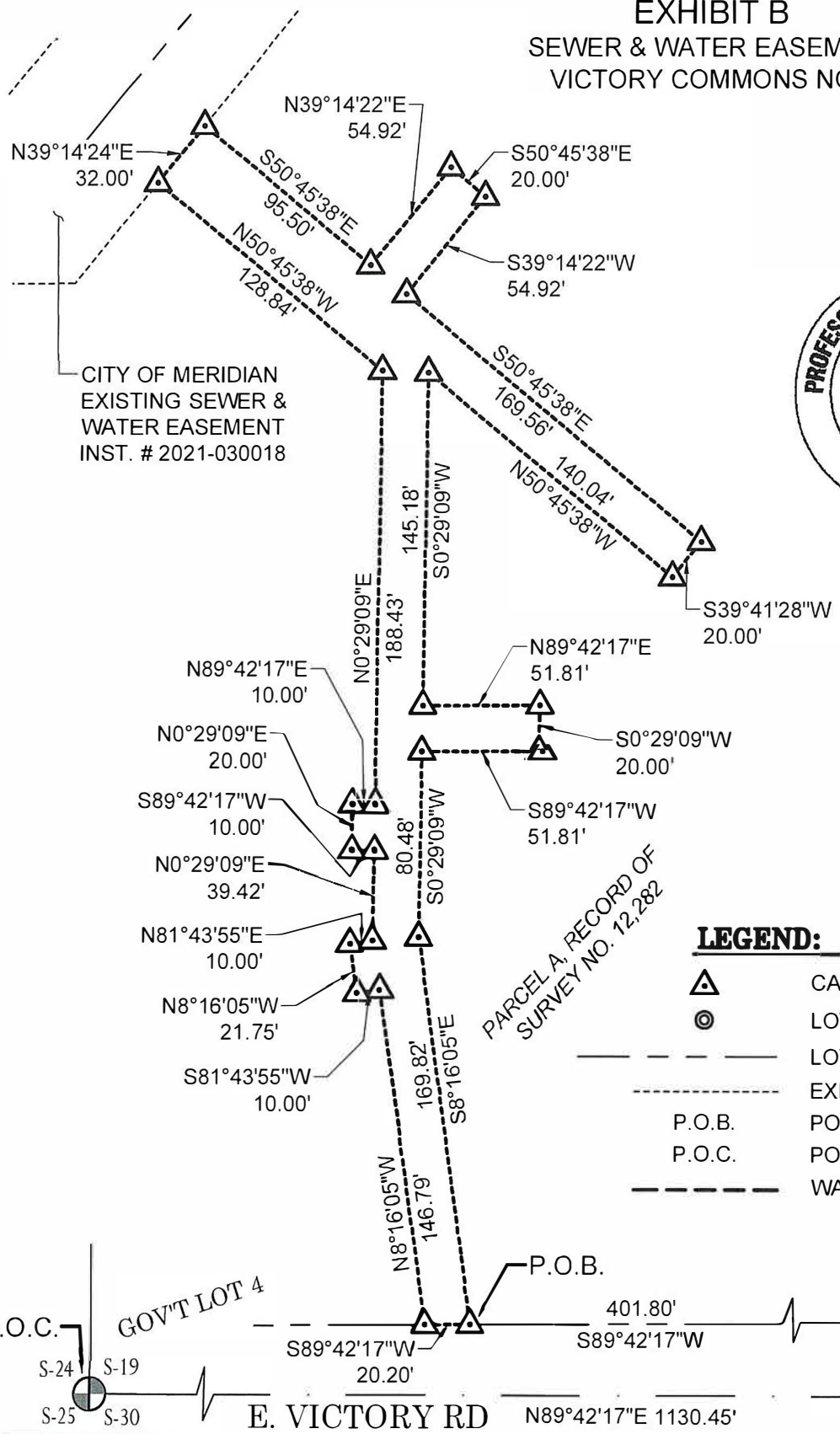
- 11) N.00°29'09"E., 20.00 feet, thence;
- 12) N.89°42'17"E., 10.00 feet, thence;
- 13) N.00°29'09"E., 188.43 feet, thence;
- 14) N.50°45'38"W., 128.84 feet, thence;
- 15) N.39°14'24"E., 32.00 feet, thence;
- 16) S.50°45'38"E., 95.50 feet, thence;
- 17) N.39°14'22"E., 54.92 feet, thence;
- 18) S.50°45'38"E., 20.00 feet, thence;
- 19) S.39°14'22"W., 54.92 feet, thence;
- 20) S.50°45'38"E., 169.56 feet, thence;
- 21) S.39°41'28"W., 20.00 feet, thence;
- 22) N.50°45'38"W., 140.04 feet, thence;
- 23) S.00°29'09"W., 145.18 feet, thence;
- 24) N.89°42'17"E., 51.81 feet, thence;
- 25) S.00°29'09"W., 20.00 feet, thence;
- 26) S.89°42'17"W., 51.81 feet, thence;
- 27) S.00°29'09"W., 80.48 feet, thence;
- 28) S.08°16'05"E., 169.82 feet to the **POINT OF BEGINNING.**

H:\12018\ID-1402-1810 Victory Commons\Project Data\04 Survey\4.02 Descriptions and Exhibits\PLATTING EASEMENTS\PHASE 2\WATER\SEWER & WATER EASEMENT EXHIBIT B.dwg Ron Wright 5/12/2022 8:09 AM

EXHIBIT B
SEWER & WATER EASEMENT
VICTORY COMMONS NO.2



(NOT TO SCALE)



LEGEND:

- CALCULATED POINT
- LOT CORNER
- LOT LINE
- EXISTING UTILITY EASEMENT
- POINT OF BEGINNING
- POINT OF COMMENCEMENT
- WATER & SEWER EASEMENT

HORROCKS
ENGINEERS

2775 West Navigator Dr., Suite 210
Meridian, ID 83642

(208) 895-2520
www.horrocks.com

EXHIBIT B

GOV'T LOT 4, SECTION 19, T3N, R1E

DRAWING INFO	
DATE	05/12/22
SCALE	N.T.S.
REV #	DATE
010	00/00/00.00
*SEE SHEET FOR LISTING	
PROJ. NO.	ID-1402

001

001