

EXHIBIT B

Alan Tiefenbach

From: Roberta Stewart <roberta@bvadev.com>
Sent: Tuesday, September 8, 2020 4:21 PM
To: Alan Tiefenbach
Subject: RE: quick phone call - Victory Commons Response to Staff Report (H-2020-0086)

External Sender - Please use caution with links or attachments.

thanks! It'll be easy peasey!



ROBERTA STEWART
roberta@bvadev.com | (208) 616-1050
Ball Ventures Ahlquist
bvadev.com

From: Alan Tiefenbach <atiefenbach@meridiancity.org>
Sent: Tuesday, September 8, 2020 4:19 PM
To: Roberta Stewart <roberta@bvadev.com>; Bill Parsons <bparsons@meridiancity.org>
Cc: Tonn Petersen <tonn@bvadev.com>; Rob Sunderlage <RobS@horrocks.com>; Kindi Moosman <kindi.moosman@horrocks.com>
Subject: RE: quick phone call - Victory Commons Response to Staff Report (H-2020-0086)

It will be on consent, so unless you want to contest, there will not even be a presentation.

Alan Tiefenbach | Current Associate Planner
City of Meridian | Community Development Dept.
33 E. Broadway Ave., Ste. 102, Meridian, Idaho 83642
Phone: 208-884-5533 | Fax: 208-489-0571



Built for Business, Designed for Living

From: Roberta Stewart <roberta@bvadev.com>
Sent: Tuesday, September 8, 2020 4:18 PM
To: Alan Tiefenbach <atiefenbach@meridiancity.org>; Bill Parsons <bparsons@meridiancity.org>
Cc: Tonn Petersen <tonn@bvadev.com>; Rob Sunderlage <RobS@horrocks.com>; Kindi Moosman <kindi.moosman@horrocks.com>
Subject: RE: quick phone call - Victory Commons Response to Staff Report (H-2020-0086)

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Hi Alan and Bill: I'll be at the 6:00 p.m. Consent Agenda tonight for the Victory Commons item. We are not contesting any issues, and we are requesting that the final plat be approved. If the meeting room is open to the public and if you prefer that I be there in person for any reason, please let me know, and I'll come to City Hall tonight. Otherwise, you will find me on Zoom. Thanks,



ROBERTA STEWART
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From: Alan Tiefenbach <atiefenbach@meridiancity.org>
Sent: Tuesday, September 8, 2020 1:51 PM
To: Roberta Stewart <roberta@bvadev.com>
Cc: Tonn Petersen <tonn@bvadev.com>; Rob Sunderlage <RobS@horrocks.com>
Subject: RE: quick phone call - Victory Commons Response to Staff Report (H-2020-0086)

Staff talked about the access issue.

Leaving aside the current plat, this is a condition of the development agreement (DA). The DA says prior to C/O of the FIRST STRUCTURE, access must be provided to all three parcels. We cannot change this requirement without amending the DA. In order to amend the DA, a neighborhood meeting is required and a Council meeting. This note has been on the development agreement, the preliminary plat and now the final plat.

Regardless of this plat, access from E. Victory must be established before a C/O is issued for the urgent care.

I recommend your team figure out the best way to accomplish this while leaving yourself enough flexibility.

Alan Tiefenbach | Current Associate Planner
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Phone: 208-884-5533 | Fax: 208-489-0571



Built for Business, Designed for Living

From: Roberta Stewart <roberta@bvadev.com>
Sent: Tuesday, September 8, 2020 11:18 AM
To: Alan Tiefenbach <atiefenbach@meridiancity.org>
Cc: Tonn Petersen <tonn@bvadev.com>; Rob Sunderlage <RobS@horrocks.com>
Subject: quick phone call - Victory Commons Response to Staff Report (H-2020-0086)

External Sender - Please use caution with links or attachments.

Hey Alan: would you have 5 or 10 minutes to talk with me, Tonn, and our engineer Rob Sunderlage if we call you on the phone at 11:30? It's about tonight's consent agenda item for Victory Commons. If you have a few minutes, what number should we dial to reach you?



ROBERTA STEWART
roberta@bvadev.com | (208) 616-1050

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From: Alan Tiefenbach <atiefenbach@meridiacity.org>
Sent: Friday, September 4, 2020 10:51 AM
To: Roberta Stewart <roberta@bvadev.com>
Cc: Tonn Petersen <tonn@bvadev.com>; Rob Sunderlage <RobS@horrocks.com>; Kindi Moosman <kindi.moosman@horrocks.com>; Bill Parsons <bparsons@meridiacity.org>; Brian Bentler <brianb@cuttingedgelandscapes.com>
Subject: RE: Victory Commons Response to Staff Report (H-2020-0086)

Sorry, I accidentally sent before I had finished the email. Please see the completed email below.

Alan Tiefenbach | Current Associate Planner
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33 E. Broadway Ave., Ste. 102, Meridian, Idaho 83642
Phone: 208-884-5533 | Fax: 208-489-0571



Built for Business, Designed for Living

From: Alan Tiefenbach
Sent: Friday, September 4, 2020 10:46 AM
To: 'Roberta Stewart' <roberta@bvadev.com>
Cc: Tonn Petersen <tonn@bvadev.com>; Rob Sunderlage <RobS@horrocks.com>; Kindi Moosman <kindi.moosman@horrocks.com>; Bill Parsons <bparsons@meridiacity.org>
Subject: RE: Victory Commons Response to Staff Report (H-2020-0086)

Roberta,

Thanks for your response to the staff report.

I talked to Bill Parsons about what you have outlined. He said he's had discussions with Tom Jr. as recently as last week and he has been kept aware of all the issues.

In regard to the access agreements you provided, I have not looked at them in detail so I cannot comment. I do not see exhibits or easements shown on the revised plat, so my understanding is this is a general agreement to the access without knowing the exact alignment at this point - correct?

In regard to the requirement for the access to R6242270030, the "third parcel" adjacent to E. Victory Rd. This requirement was not just added to the amended DA without discussion. This requirement was listed with the preliminary plat, the final plat AND the DA. Per UDC 11-3A-3 "where access to a local street is not available, the property owner shall be required to grant cross-access/ingress-egress easements to adjoining properties." Even though this is a 1.8 acre parcel, it is zoned R-4. This allows 8,000 sf lots. It is a tree farm now, but it will probably redevelop in

the future, and this could result in as many as eight new lots. We cannot allow more access from an already non-conforming condition. Access must be provided. Understand this is a DA requirement; the note cannot be removed from the plat nor can the condition of approval be stricken. A DA modification would be required – meaning a neighborhood meeting and a separate scheduled Council hearing. This would delay this present application, and staff would not support this request.

Regarding the landscape strip along E. Victory going in prior to C/O of first building - This was mentioned in the preliminary plat, the DA, the final plat AND with the Urgent Care CZC. Just because it was listed on the CZC does not put the responsibility on that particular applicant. It's been mentioned repeatedly so it is not missed. If you cannot install the landscape strip at this time, you can put up a surety with a timeline of when it would be installed.

I might not have understood your response regarding the license agreement from ITD. You are providing 16.5' of a buffer with the explanation that the remaining 16.5 is already installed along S. Meridian / Kuna. That's great, but we have to have something from ITD that says they are allowing you to have it there and maintain it.

It appears Land Development does not have any concerns in regard to any of your other comments or the slight easement reconfigurations.

This case is scheduled for the consent agenda on the Council WORK SESSION on Tuesday the 8th at 4:30. If you want to contest the recommendations of the staff report, it will be rescheduled for the next formal hearing, which would probably be September 15.

Alan Tiefenbach | Current Associate Planner

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Phone: 208-884-5533 | Fax: 208-489-0571



Built for Business, Designed for Living

From: Roberta Stewart <roberta@bvadev.com>

Sent: Thursday, September 3, 2020 11:53 AM

To: Alan Tiefenbach <atiefenbach@meridiancity.org>

Cc: Tonn Petersen <tonn@bvadev.com>; Rob Sunderlage <RobS@horrocks.com>; Kindi Moosman <kindi.moosman@horrocks.com>

Subject: Victory Commons Response to Staff Report (H-2020-0086)

External Sender - Please use caution with links or attachments.

Hi Alan: attached is our response to the Staff Report for Final Plat hearing before City Council on September 8th. Also attached are the two recorded easements giving cross-access to the two commercial lots in Mussell Corner Subdivision. Finally, attached is a slightly revised final plat dated 9/1/2020. There were some items revised since 6/23/2020, which is the version currently under review. We request that Staff and City Council consider this 9/1/2020 final plat draft in the upcoming hearing instead. In the response, you will see a description of the 7 small items that were changed on the final plat. Finally, please note that the only building currently under construction at the site is the Urgent Care. I don't think the Sherwin Williams store has started construction; there has only been pad prep by the developer. The permit for the Flex Building has not been picked up yet, so there is no construction on that lot either.

Please let me know if you have any comments or questions.



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September 4, 2020

Meridian City Planning Division
33 E. Broadway Ave., Suite #102
Meridian, ID 83642

Re: Response to Staff Report for Victory Commons Final Plat (H-2020-0086)

Dear Planning Division Staff:

On behalf of our client, BVA Development, we submit this response to the recent Staff Report issued with respect to our Final Plat application (H-2020-0086). As you know, the hearing is scheduled for September 8, 2020.

We generally agreed with the items set forth in the Comments & Conditions section of the Staff Report. However, there were a few items that required a response, and we set forth our responses below in red font.

I. CITY/AGENCY COMMENTS & CONDITIONS

A. Planning Division

1. All development shall comply with the terms of the approved preliminary plat (H-2019-0150), Development Agreement (Inst. 2019-119405) and any future amendments to that agreement as applicable. **Applicant partially agrees, except Applicant requests that the condition requiring a recorded cross access agreement between the Subdivision and residential parcel R6242270030 be removed from the Final Plat requirements, Preliminary Plat requirements and Development Agreement requirements. (See more detailed response to item #3 below)**
2. Direct lot access is prohibited to S. Meridian Road and E. Victory Road.
3. Prior to signature on the plat, the applicant shall provide a recorded cross agreement or add a plat note that grants cross access to parcels #R5915720030, R5915720042 and R6242270030 in accord with the amended development agreement. **With this response, Applicant has provided copies of the recorded cross-access agreements between the Victory Commons Subdivision and parcels R5915720030 and R5915720042. Specifically, Notice of Cross-Access Easement Location (Instrument #2020-100154) grants access to both commercial parcels across any and all drive aisles and sidewalks inside the Victory Commons subdivision. Notice of Cross-**

Access Easement Relocation (Instrument #2020-100153) relocated the access point on the Legacy Feed and Fuel parcel #R5915720030 where it connects with the Victory Commons subdivision.)

There is a 3rd contiguous parcel that is required to have cross-access with the Victory Commons Subdivision (Residential Parcel No. R6242270030). Applicant, however, requests that this cross-access requirement be removed as to this parcel. The requirement of cross access with this residential parcel was not in the original Development Agreement and was introduced for the first time in the Modified DA. It was not the subject of discussion between Staff and Applicant, requiring us to raise it in this response.

The cross-access with Residential Parcel R6242270030 is unnecessary because this relatively small residential parcel, approximately 1.8 acres, already has direct access on to Victory Road, allowing the homeowner to conveniently access the public roads.

Additionally, cross access with the residential parcel will not create any measurable convenience for the homeowner, and it will not create any benefit or consideration of any kind for Applicant. That parcel is small, and any future change in use or other development of that parcel would not necessitate any more access than it already has. Even if it did, the owner thereof would need to negotiate for the additional access through Applicant's property and give consideration to Applicant because there is no reciprocal need or benefit to Applicant.

Requiring that cross access, which solely benefits the neighboring residential parcel, will (i) require Applicant to allocate property for unanticipated access ways; (ii) limit Applicant's building configuration options on the lot adjacent to such parcel; and (iii) increase costs and expenses to Applicant due to additional access way improvements, all with no benefit or consideration to Applicant.

Furthermore, restrictive covenants have already been recorded encumbering Applicant's property, which covenants prohibit granting easements to properties outside of those that are parties to said covenants and restrictions.

Finally, it should be noted that NMID uses the residential parcel's direct access from Victory Road to reach the pump station and diversion box along the Kennedy Lateral. NMID does not need cross access from the Subdivision to reach these irrigation items.

4. A 25-foot wide landscape buffer along E. Victory Road shall be constructed prior to occupancy of the first structure in accord with the amended development agreement. The landscape buffer shall be installed in accord with UDC 11-3B-7C.

Conditions of approval have been granted for Victory Commons Urgent Care (DES, CZC A-2019-0361). This condition should be satisfied under the current conditions of

approval for the Urgent Care as the first occupancy. A surety will be in place for remaining landscape work not completed before occupancy.

5. The landscape plan prepared by Baer Design Group, dated 7/28/2020, is approved as submitted.
6. The final plat prepared by Fritz Brownell, Horrocks Engineers, dated 6/23/20 is approved with the following comments:
 - a. On the face of the plat insert the recorded water and pedestrian easement numbers.
 - b. Note #11, 12 and 15 – insert instrument numbers.

Applicant is requesting Staff and City Council to review and approve an updated draft Final Plat dated 9/1/2020. This updated final plat shows the following changes:

1. Minor modification of Waterline and Sewer Easements
 2. Clarification of Owner Title and Owner Entity
 3. Specifying Water Easement beneficiaries
 4. Modifying Business Owners Association entity for maintenance.
 5. Removal of access to Kuna Note
 6. Updating Declaration call out and Instrument Number
 7. General Text clean up (formatting etc.)
7. The required landscape buffers along Meridian and Victory Roads shall be measured from the ultimate right-of-way as anticipated by the transportation agency in accord with UDC 11-3B-7C1.c. The applicant shall be required to obtain a ROW license agreement from ITD to install and maintain the buffer along S. Meridian Road prior to signature on the final plat.

ITD has approved an Approach Permit for the construction of a new right in/right out access on Meridian Road. There is no additional ROW needed for this improvement and the existing landscaping is to remain (protected) and maintained by property owner under any existing agreement.
8. If the City Engineer's signature has not been obtained on the final plat within two (2) years of the City Council's approval of the subject preliminary plat (June 23, 2022), the preliminary plat shall become null and void unless a time extension is obtained as set forth in UDC 11-6B-7.
9. Prior to submittal for the City Engineer's signature, have the Certificate of Owners and the accompanying acknowledgement signed and notarized.
10. All future structures constructed within the development shall to comply with the elevations in the amended development agreement, the design standards listed in UDC 11-3A-19 and those in the Architectural Standards Manual.
11. Certificate of Zoning Compliance and Administrative Design Review applications are required to be submitted to the Planning Division for approval of all future buildings on the site prior to applying for a building permit.

B. Public Works

Site Specific Conditions:

1. This phase of the development will result in a long deadend water main which may result in poor water quality. Looping the water system back to Victory Rd as shown in the Preliminary Plat will eliminate this issue.

The waterline is intended to be extended to Victory Road as shown in the Preliminary Plat. This work will occur in Phase 2 of the project. The buildings within Phase 1, upon completion, will use water and maintain flow in the majority of the Phase 1 waterline and should minimize any stagnant water.

2. Public Works Department suggests the elimination of the proposed parallel water main off of Meridian Rd by utilizing the existing water main in the driveway entrance. The proposed water meter and hydrant could be connected off of the existing water main.

The City has approved the public improvements for Phase 1 of development (Victory Commons – Common Area Improvements), and these water connections have been made per the approved plans. Field verification of connections and crossing have been made and city inspector has signed off on the construction of water lines. This work has been completed.

3. Is the new proposed hydrant near Meridian Rd needed? There is an existing hydrant just south of the driveway entrance.

Fire hydrants have been placed to account for distance to FDC of future buildings. This has been constructed per approved plans.

General Conditions:

4. Sanitary sewer service to this development is available via extension of existing mains adjacent to the development. The applicant shall install mains to and through this subdivision; applicant shall coordinate main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
5. Water service to this site is available via extension of existing mains adjacent to the development. The applicant shall be responsible to install water mains to and through this development, coordinate main size and routing with Public Works.
6. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
7. Upon installation of the landscaping and prior to inspection by Planning Department staff, the applicant shall provide a written certificate of completion as set forth in UDC 11-3B-14A.
8. A letter of credit or cash surety in the amount of 110% will be required for all incomplete fencing, landscaping, amenities, pressurized irrigation, prior to signature on the final plat.
9. The City of Meridian requires that the owner post with the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The applicant shall be required to enter into a Development Surety Agreement with the City of Meridian. The surety can be posted in the form of an irrevocable

letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

10. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, and water infrastructure for a duration of two years. This surety amount will be verified by a line item final cost invoicing provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
11. In the event that an applicant and/or owner cannot complete non-life, non-safety and non-health improvements, prior to City Engineer signature on the final plat and/or prior to occupancy, a surety agreement may be approved as set forth in UDC 11-5C-3C.
12. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
13. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
14. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
15. Developer shall coordinate mailbox locations with the Meridian Post Office.
16. All grading of the site shall be performed in conformance with MCC 11-1-4B.
17. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
18. The engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
19. The applicant's design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
20. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.

Conditions of approval have been granted for Victory Commons Urgent Care (DES, CZC A-2019-0361). The construction of a seepage bed facility has been completed and signed off per the required conditions for this building/parking lot. The certifications for the seepage beds will be accomplished at the time of development of each pad.

Record Drawings will be provided at the completion of the overall common area improvements. The record drawings for each individual pad development will be provided prior to occupancy. Conditions of approval have been granted for Victory Commons Urgent Care (DES, CZC A-2019-0361) and these as-builts for this

building/improvements to this building will be provided prior to occupancy. We request that the as-builts be a condition of the final plat (and each pad development will address specific public improvements needed through each respective condition of approval)

21. Street light plan requirements are listed in section 6-7 of the Improvement Standards for Street Lighting (http://www.meridiancity.org/public_works.aspx?id=272). All street lights shall be installed at developer's expense. Final design shall be submitted as part of the development plan set for approval, which must include the location of any existing street lights. The contractor's work and materials shall conform to the ISPWC and the City of Meridian Supplemental Specifications to the ISPWC. Contact the City of Meridian Transportation and Utility Coordinator at 898-5500 for information on the locations of existing street lighting.
22. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to signature of the final plat by the City Engineer.
23. Applicant shall be responsible for application and compliance with and NPDES permitting that may be required by the Environmental Protection Agency.
24. Any existing domestic well system within this project shall be removed from domestic service per City Ordinance Section 9-1-4 and 9 4 8 contact the City of Meridian Water Department at (208)888-5242 for inspections of disconnection of services. Wells may be used for non-domestic purposes such as landscape irrigation if approved by Idaho Department of Water Resources.
25. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact the Central District Health Department for abandonment procedures and inspections.
26. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C.1). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to development plan approval.

The irrigation system will be primarily sourced through NMID water rights. The backup system will be through a single point connection to the city culinary system.
27. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.

After recording, return to:

Kuna Victory, LLC
PO Box 51298
Idaho Falls, ID 83405



Space is reserved for use by Recorder

NOTICE OF CROSS-ACCESS EASEMENT RELOCATION

This NOTICE OF EASEMENT RELOCATION is given on July 6, 2020 by KUNA VICTORY, LLC, an Idaho limited liability company ("KV").

RECITALS

WHEREAS, KV owns the real property described on Exhibit A attached hereto ("KV Property") which property is subject to that certain Cross-Access Easement Agreement recorded with the Ada County Recorder on November 18, 2005 as Instrument No. 105175653 ("Agreement").

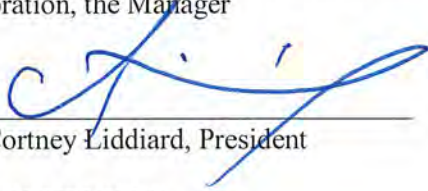
WHEREAS, Paragraph 1.4 of the Agreement allows KV to relocate and/or reconfigure all or a portion of the Access Easement Parcel (defined in the Agreement) lying on its property by delivering written notice to the other Owners.

RELOCATION

NOW THEREFOR, KV hereby gives notice to the other Owners, and their heirs and successors that all portions of the Access Easement Parcel, situated upon the KV Property, as described in the Agreement are hereby relocated and reconfigured to encompass all drive lanes for vehicle traffic as may be located on the KV Property from time to time and all sidewalk areas for pedestrian traffic as may be located on the KV Property from time to time. Nothing herein shall prohibit KV or its successors from reconfiguring drive lanes and sidewalks as permitted in the Agreement and KV hereby reserves the right to define a specific location for the Access Easement Parcel on the KV Property.

KUNA VICTORY, LLC

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

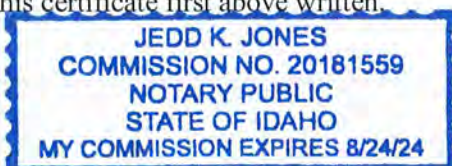
By: 
Cortney Liddiard, President

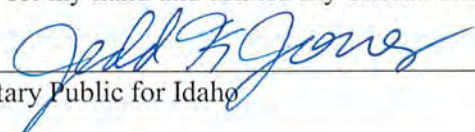
STATE OF BONNEVILLE)
)ss.
County of Idaho)

On the 6th day of July, 2020, before me the undersigned, a notary public in and for said State, personally appeared Cortney Liddiard, known or identified to me to be the President of BV Management Services, Inc., which corporation is the Manager of Kuna Victory, LLC, and the Manager who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that such corporation as the Manager executed the same in said limited liability company name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(seal)




Notary Public for Idaho

[Handwritten signature]

[Faint handwritten text]

MY COMMISSION EXPIRES 8/24/24
STATE OF IDAHO
NOTARY PUBLIC
COMMISSION NO. 20181259
JEDD K. JONES

EXHIBIT A

Legal Description of KV Property

Parcel A

This parcel is situated in Government Lot 4 of Section 19, Township 3 north, Range 1 East, Boise Meridian, City of Meridian, Ada County, Idaho, being all of Lot 1 and a portion of Lot 2, Block 1 of Mussell Corner Subdivision, on file in Book 95 of Plats at pages 11624-11626, also being a portion of Parcel A of Record of Survey Property Boundary Adjustment No. 8699, records of Ada county, Idaho, more particularly described as follows:

COMMENCING at the southwest corner of said Government Lot 4; thence along the west boundary of said Government Lot 4,

- 1) N.00°38'36"E., 725.70 feet; thence leaving said west boundary,
- 2) S.89°31'23"E., 70.00 feet to a point on the east right-of-way of South Kuna-Meridian Road as it now exists and the **POINT OF BEGINNING**; thence along said right-of-way,
- 3) N.00°38'36"E., 605.56 feet to the northwest corner of said Mussell Subdivision; thence along the north boundary of said Mussell Subdivision,
- 4) N.89°41'44"E., 162.07 feet to a found 5/8-inch diameter iron rod marking the northeast corner of said Mussell Corner and a point of curvature; thence along the east boundary of said Mussell Corner and a curve to the left,
- 5) Having a radius of 655.00 feet, an arc length of 438.43 feet, through a central angle of 38°21'05", and a long chord which bears S.31°35'05"E., 430.29 feet; thence continuing,
- 6) S.50°45'37"E., 558.77 feet; thence,
- 7) S.53°22'31"E., 264.29 feet to the most northerly corner of Lot 5, Block 1 of said Mussell Corner; thence along the northwesterly boundary of said Lot 5,
- 8) S.36°32'26"W., 32.16 feet to a found 5/8-inch diameter iron rod marking the most westerly corner of said Mussell Corner; thence along the southwesterly boundary of said Lot 5,
- 9) S.53°04'23"E., 21.53 feet to a found 5/8-inch iron rod marking the most southwesterly corner of said Lot 5; thence along the south boundary of said Lot 5,
- 10) S.89°40'45"E., 18.57 feet to a found 5/8-inch diameter iron rod marking the southeasterly boundary of said Lot 5; thence, along the easterly boundary of said Mussell Corner also being the east boundary of said Government Lot 4,
- 11) S.00°29'09"W., 361.08 feet to the southeast corner of said Mussell Corner and a point on the north right-of-way of E. Victory Road; thence, along the south boundary of said right-of-way and Mussell Corner,
- 12) S.89°42'17"W., 633.35 feet to a point on the westerly boundary of said Parcel A; thence along said westerly boundary,
- 13) N.00°00'00"E., 159.17 feet to a found 5/8-inch diameter iron rod; thence continuing,
- 14) N.89°04'23"W., 104.01 feet; thence continuing,
- 15) N.00°55'37"E., 110.06 feet; thence continuing,
- 16) N.89°04'23"W., 51.53 feet; thence continuing,
- 17) N.00°38'36"E., 169.53 feet to the southeast corner of said Lot 2; thence along the south boundary of said Lot 2,
- 18) S.89°42'17"W., 59.03 feet; thence leaving said south boundary,
- 19) N.00°55'07"E., 231.82 feet; thence,
- 20) N.89°31'23"W., 212.21 feet to the **POINT OF BEGINNING**.

Containing 680,123 square feet (15.613 acres), more or less.

and

Parcel B

This parcel is situated in Government Lot 4 of Section 19, Township 3 North, Range 1 East of the Boise Meridian, City of Meridian, Ada County, Idaho, being a portion of Lots 1 and 2, Block 1 of Mussell Corner Subdivision, on file in Book 95 of Plats, Pages 11624-11626, also being a portion of Parcel A of Record of Survey Property Boundary Adjustment No. 8699, records of Ada county, Idaho, more particularly described as follows:

COMMENCING at the southwest corner of said Government Lot 4; thence along the west boundary of said Government Lot 4,

- 1) N.00°38'36"E., 725.70 feet; thence leaving said west boundary,
- 2) S.89°31'23"E., 70.00 feet to a point on the west boundary of said Lot 1, being coincident with the east right-of-way of S. Kuna-Meridian Road as it now exists and the **POINT OF BEGINNING**; thence leaving said west boundary,
- 3) S.89°31'23"E., 212.21 feet; thence,
- 4) S.00°55'07"W., 231.82 feet to a point on the south boundary of said Lot 2; thence along said south boundary,
- 5) S.89°42'17"W., 211.12 feet to a point on said east right-of-way; thence along said east right-of-way
- 6) N.00°38'36"E., 234.66 feet to the **POINT OF BEGINNING**.

CONTAINING 49,363 square feet (1.133 acres), more or less.

After recording, return to:

Kuna Victory, LLC
PO Box 51298
Idaho Falls, ID 83405

ADA COUNTY RECORDER Phil McGrane
BOISE IDAHO Pgs=6 CHE FOWLER
DAVID STEWART

2020-100153
08/06/2020 02:47 PM
AMOUNT:\$25.00



Space is reserved for use by Recorder

NOTICE OF CROSS-ACCESS EASEMENT RELOCATION

This NOTICE OF CROSS-ACCESS EASEMENT RELOCATION is given on June 30, 2020 by VANDER WOUDE AND SON, LLC, an Idaho limited liability company ("VWS").

RECITALS

WHEREAS, VWS owns the real property described on Exhibit A attached hereto ("VWS Property") which property is subject to that certain Cross-Access Easement Agreement recorded with the Ada County Recorder on November 18, 2005 as Instrument No. 105175653 ("Agreement").

WHEREAS, Paragraph 1.4 of the Agreement allows VWS to relocate and/or reconfigure all or a portion of the Access Easement Parcel (defined in the Agreement) lying on its property by delivering written notice to the other Owners.

RELOCATION

NOW THEREFOR, VWS hereby gives notice to the other Owners, and their heirs and successors that a portion of the Access Easement Parcel, situated upon the VWS Property, as said portion is described and depicted on Exhibit B attached hereto ("Vacated Easement Area") is hereby relocated and reconfigured to encompass the portion of the VWS Property as described and depicted on Exhibit C attached hereto ("Relocated Easement Area"). Nothing herein shall prohibit VWS or its successors from reconfiguring drive lanes and sidewalks as permitted in the Agreement.

VANDER WOUDE AND SON, LLC

By: Simon Vander Woude, Manager
[INSERT NAME AND TITLE]

STATE OF Idaho)
)ss.
County of Ada)

On this 30th day of June, 2020, before me the undersigned, a notary public in and for said State, personally appeared Simon Vander Woude known or identified to me to be a Manager in the limited liability company of Vander Woude and Son, LLC, and the Manager or one of the Managers who executed the foregoing instrument on behalf of said limited liability company, and acknowledged to me that such Manager executed the same in said limited liability company name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(seal)



[Signature]
Notary Public for STATE Idaho
My Commission Expires: 3/23/2022

EXHIBIT A

Legal Description of VWS Property

Lot 3, Block 1 of Mussell Corner Subdivision, according to the official plat thereof, filed in Book 95 of Plats at Pages 11624 through 11626, of the official records of Ada County, Idaho

EXHIBIT B

Legal Description and Depiction of Vacated Easement Area

2775 W. Navigator Drive, Suite 210
Meridian, Idaho 83642
www.horrocks.com

HORROCKS
ENGINEERS



Date: May 27, 2020
Project: ID-1402-1810
Page: 1 of 1

CROSS ACCESS EASEMENT VACATION

This easement is situated in Government Lot 4 of Section 19, Township 3 North, Range 1 East of the Boise Meridian, City of Meridian, Ada County, Idaho, being a portion of Lot 3, Block 1 of Mussell Corner Subdivision, on file in Book 95 of Plats, Pages 11624-11626, records of Ada County, more particularly described as follows:

COMMENCING at the southwest corner of said Government Lot 4; thence along the west boundary of said Government Lot 4,

- 1) N.00°38'36"E., 491.24 feet; thence leaving said west boundary,
- 2) S.89°21'24"E., 70.00 feet to the northwest corner of said Lot 3; thence along the north boundary of said Lot 3,
- 3) N.89°42'15"E., 134.18 feet to a point on the westerly boundary of a Cross Access Easement Agreement as described in Instrument No. 105175653, records of Ada County and the **POINT OF BEGINNING**; thence continuing along the north boundary of said Lot 3,
- 4) N.89°42'15"E., 26.04 feet to a point of non-tangent curvature on the easterly boundary of said Instrument No. 105175653; thence along said easterly boundary and a curve to the left
- 5) Having an arc length of 26.10 feet, a radius of 23.00 feet, through a central angle of 65°00'29" and a long chord which bears S.56°51'17"E., 24.72 feet to a point on the northerly boundary of said Instrument No. 105175653; thence,
- 6) N.89°29'29"W., 71.56 feet to a point of curvature on the westerly boundary of said Instrument No. 105175653; thence along said westerly boundary and a curve to the left,
- 7) Having a length of 29.02 feet, a radius of 30.00 feet, through a central angle of 55°25'20" and a long chord which bears N.62°49'06"E., 27.90 feet to the **POINT OF BEGINNING**.

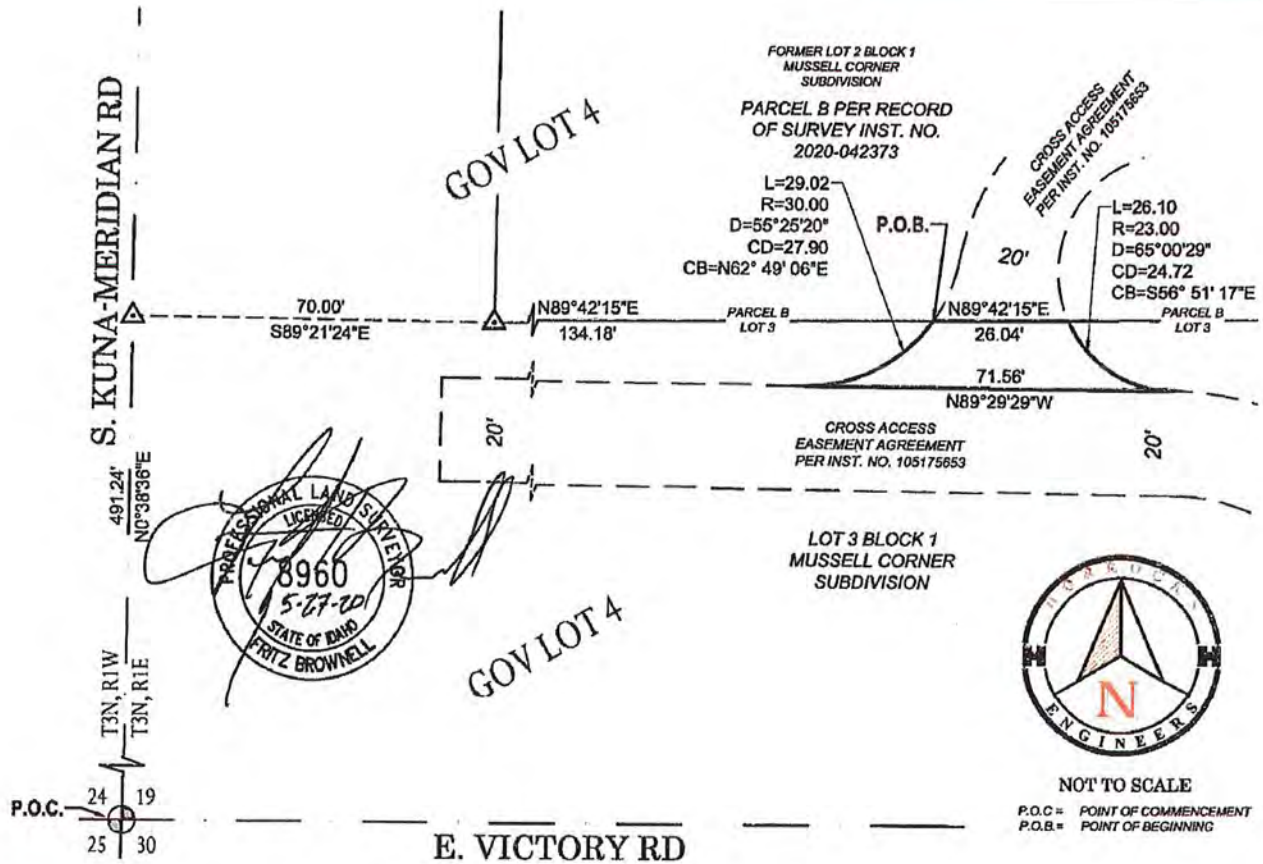


EXHIBIT C

Legal Description of Relocated Easement Area

2775 W. Navigator Drive, Suite 210
Meridian, Idaho 83642
www.horrocks.com

HORROCKS
ENGINEERS



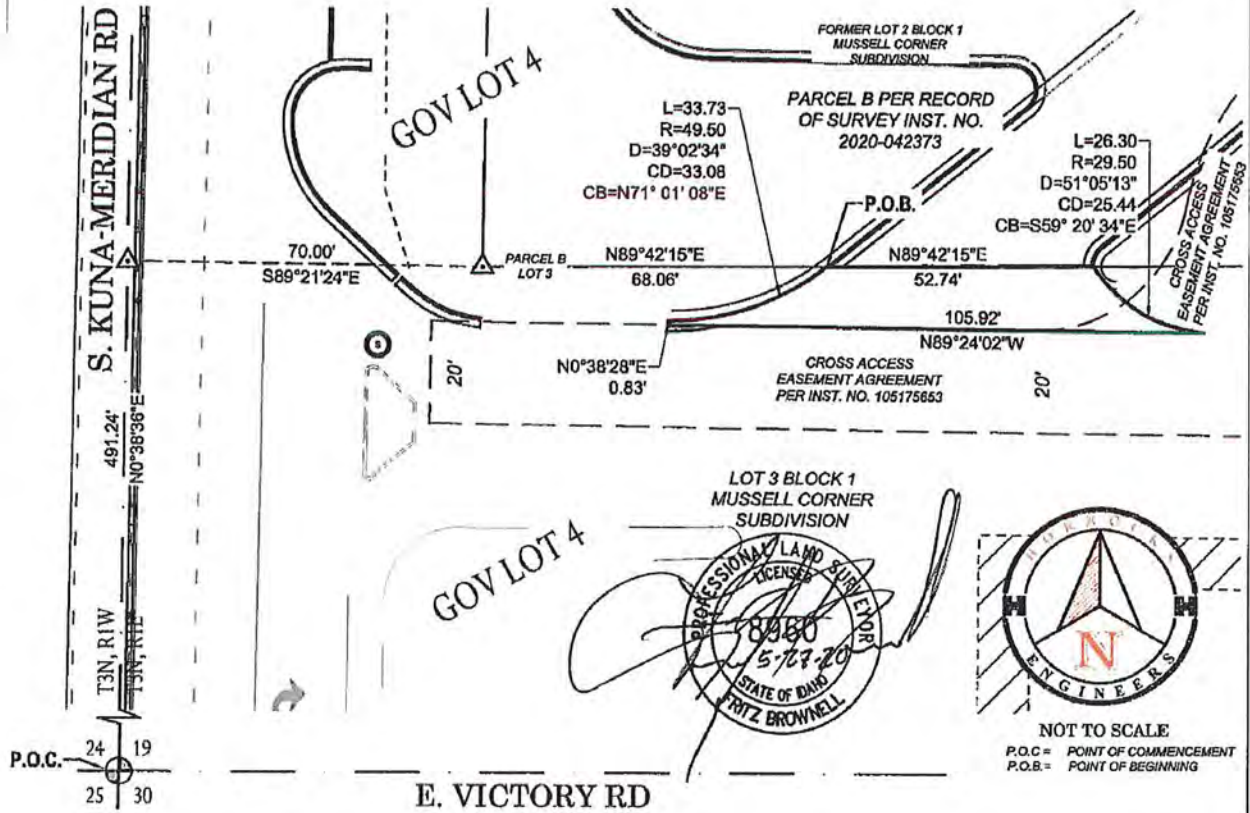
Date: May 27, 2020
Project: ID-1402-1810
Page: 1 of 1

PROPOSED ACCESS EASEMENT

This easement is situated in Government Lot 4 of Section 19, Township 3 North, Range 1 East of the Boise Meridian, City of Meridian, Ada County, Idaho, being a portion of Lot 3, Block 1 of Mussell Corner Subdivision, on file in Book 95 of Plats, Pages 11624-11626, records of Ada County, more particularly described as follows:

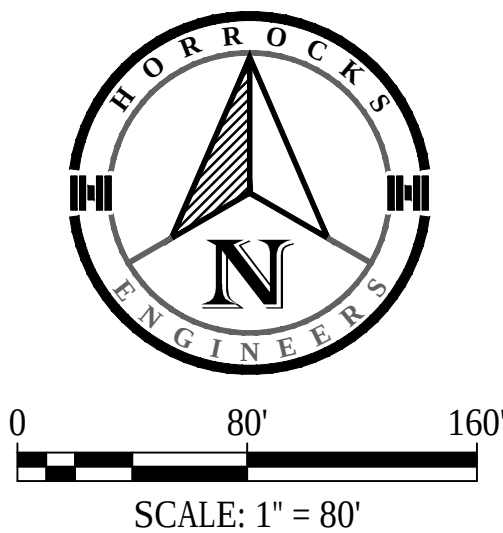
COMMENCING at the southwest corner of said Government Lot 4; thence along the west boundary of said Government Lot 4,

- 1) N.00°38'36"E., 491.24 feet; thence leaving said west boundary,
- 2) S.89°21'24"E., 70.00 feet to the northwest corner of said Lot 3; thence along the north boundary of said Lot 3,
- 3) N.89°42'15"E., 68.06 feet to the **POINT OF BEGINNING**; thence continuing along said north boundary,
- 4) N.89°42'15"E., 52.74 feet to a point of non-tangent curvature; thence along a curve to the left;
- 5) Having an arc length of 26.30 feet, a radius of 29.50 feet, through a central angle of 51° 05'13" and a long chord which bears S.59°20'34"E., 25.44 feet to a point on the north boundary of a Cross Access Easement Agreement as described in Instrument No. 105175653, records of Ada County; thence along said north boundary,
- 6) N.89°24'02"W., 105.92 feet; thence leaving said north boundary,
- 7) N.00°38'28"E., 0.83 feet to a point of non-tangent curvature; thence along a curve to the left,
- 8) Having an arc length of 33.73 feet, a radius of 49.50 feet, through a central angle of 39° 02'34" and a long chord which bears N.71°01'08"E., 33.08 feet to the **POINT OF BEGINNING**.



VICTORY COMMONS SUBDIVISION NO.1

SITUATED IN A PORTION OF SECTION 19,
GOVERNMENT LOT 4, TOWNSHIP 3 NORTH,
RANGE 1 EAST OF THE BOISE MERIDIAN, CITY OF
MERIDIAN, ADA COUNTY, IDAHO
-2020-



LEGEND:

- SET 5/8" REBAR WITH ALUMINUM CAP STAMPED FOR LOCATION
- SET 5/8" REBAR & PLASTIC CAP PLS# 8960
- FOUND 5/8 REBAR AS NOTED
- FOUND ALUMINUM CAP MONUMENT AS NOTED
- CALCULATED POINT
- SET 1/2" REBAR WITH PLASTIC CAP MARKED ESMT P.L.S. 8960
- SECTION LINE
- BOUNDARY LINE
- EASEMENT LINE AS NOTED
- SURVEY TIE LINE
- ADJACENT PARCEL LINE
- C.P. & F. #
- P.U.I.D.
- 1
- P.O.B.
- P.O.C.
- 9
- 13
- CORNER PERPETUATION AND FILING, INSTRUMENT NUMBER
- PUBLIC UTILITY, IRRIGATION AND DRAINAGE EASEMENT
- LOT NUMBER
- POINT OF BEGINNING
- POINT OF COMMENCEMENT
- ADJACENT SUBDIVISION LOT NUMBER
- KEY NOTE REFERENCE TO EASEMENTS DEFINITION & NOTES. SEE SHEET 4

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE WEST BOUNDARY OF GOVERNMENT LOT 4, TAKEN AS N00°38'36"E PER RECORD OF SURVEY # 12,282. BEARINGS ARE GRID, DISTANCES ARE GROUND.

Line Table

Line #	Length	Direction
L1	18.49'	S89°43'24"E
L2	49.92'	S89°43'24"E
L3	76.46'	N88°48'10"W
L4	31.43'	N89°43'24"W
L5	17.16'	N49°22'01"W
L6	33.32'	N0°55'07"E

Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	438.43'	655.00'	38°21'05"	S31°35'05"E	430.29'
C2	174.27'	655.00'	15°14'40"	S20°01'52"E	173.76'
C3	223.83'	655.00'	19°34'47"	S37°26'36"E	222.75'
C4	40.32'	655.00'	3°31'38"	S48°59'48"E	40.32'

CERTIFICATE OF SURVEYOR:

I, FRITZ BROWNELL, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO. THAT THIS PLAT OF VICTORY COMMONS SUBDIVISION NO.1, AS DESCRIBED IN THE CERTIFICATE OF OWNERS WAS PREPARED FROM AN ACTUAL SURVEY ON THE GROUND UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT ACCURATELY REPRESENTS THE POINTS PLOTTED HEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODES RELATING TO PLATS, SURVEYS AND CORNER PERPETUATION AND FILING ACT. IDAHO CODE 55-1681 THROUGH 55-1612.



FRITZ BROWNELL

P.L.S. 8960

BOOK _____ PAGE _____

2775 W. Navigator Dr.,
Suite 210
Meridian, ID 83642
(208) 895-2520

HORROCKS
ENGINEERS

SHEET 1 OF 6

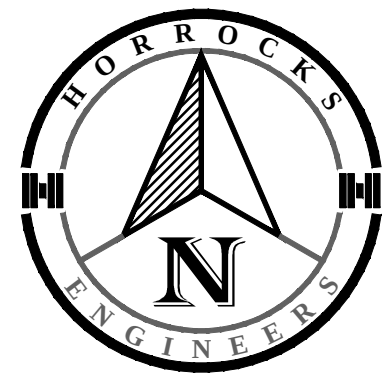
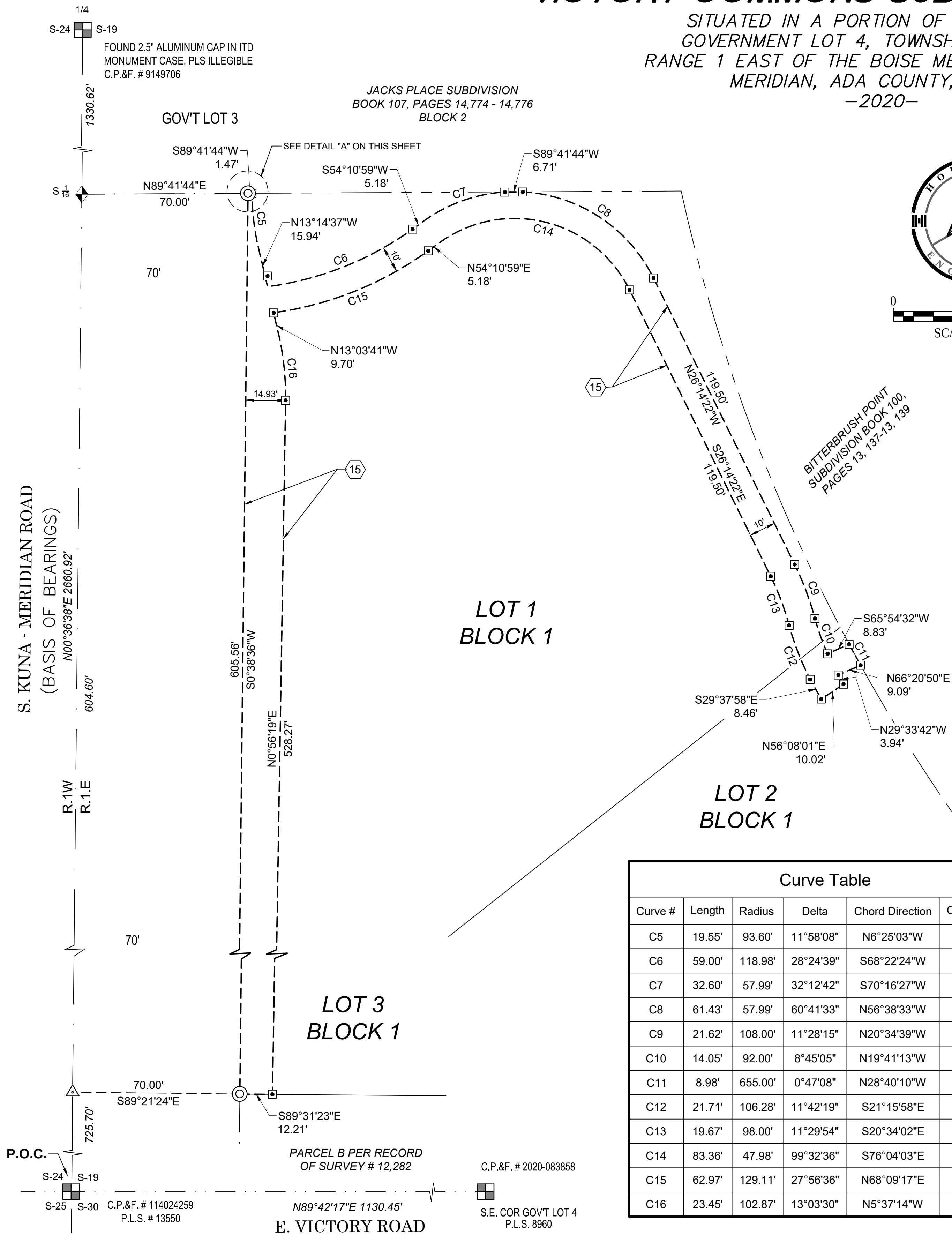
DRAWN: 09/01/2020

PROJECT # ID-1402-1810

DRAWN BY: RON W.

VICTORY COMMONS SUBDIVISION NO. 1

SITUATED IN A PORTION OF SECTION 19,
GOVERNMENT LOT 4, TOWNSHIP 3 NORTH,
RANGE 1 EAST OF THE BOISE MERIDIAN, CITY OF
MERIDIAN, ADA COUNTY, IDAHO
-2020-



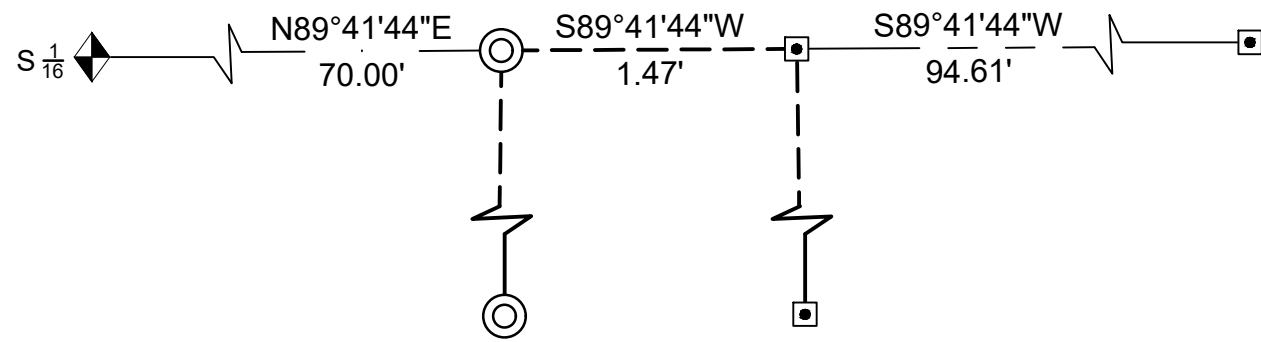
SCALE: 1" = 30'

LEGEND:

- SET 5/8" REBAR WITH ALUMINUM CAP STAMPED FOR LOCATION
- FOUND 5/8 REBAR AS NOTED ON PAGE 1
- FOUND ALUMINUM CAP MONUMENT AS NOTED ON PAGE 1
- CALCULATED POINT
- SET 1/2" REBAR WITH PLASTIC CAP MARKED ESMT P.L.S. 8960
- KEY NOTE REFERENCE TO EASEMENTS DEFINITION & NOTES. SEE SHEET 4
- SECTION LINE
- BOUNDARY LINE
- EASEMENT LINE AS NOTED
- LOT LINE

DETAIL A:

N.T.S.



BASIS OF BEARINGS:

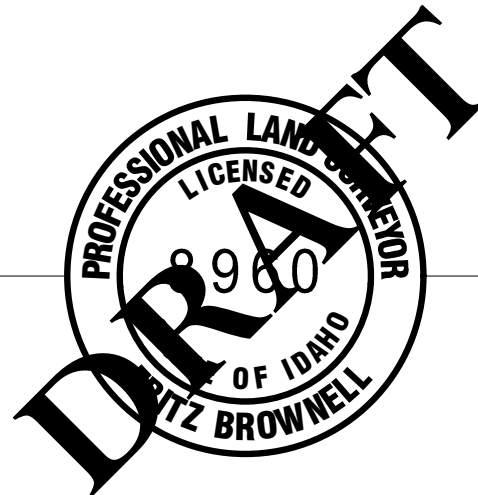
THE BASIS OF BEARINGS FOR THIS SURVEY IS THE WEST BOUNDARY OF GOVERNMENT LOT 4, TAKEN AS N00°38'36"E. PER RECORD OF SURVEY # 12,282. BEARINGS ARE GRID, DISTANCES ARE GROUND.

CERTIFICATE OF SURVEYOR:

I, FRITZ BROWNELL, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO. THAT THIS PLAT OF VICTORY COMMONS SUBDIVISION NO. 1, AS DESCRIBED IN THE CERTIFICATE OF OWNERS WAS PREPARED FROM AN ACTUAL SURVEY ON THE GROUND UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT ACCURATELY REPRESENTS THE POINTS PLOTTED HEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODES RELATING TO PLATS, SURVEYS AND CORNER PERPETUATION AND FILING ACT. IDAHO CODE 55-1681 THROUGH 55-1612.

FRITZ BROWNELL

P.L.S. 8960



BOOK _____ PAGE _____

2775 W. Navigator Dr.,
Suite 210
Meridian, ID 83642
(208) 895-2520

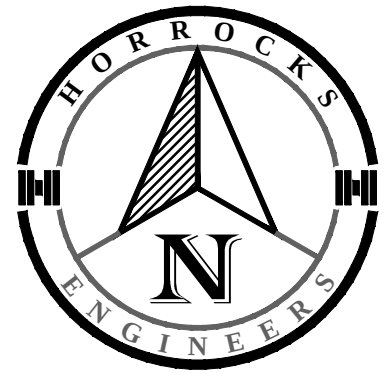
HORROCKS
ENGINEERS

SHEET 2 OF 6

DRAWN: 09/01/2020

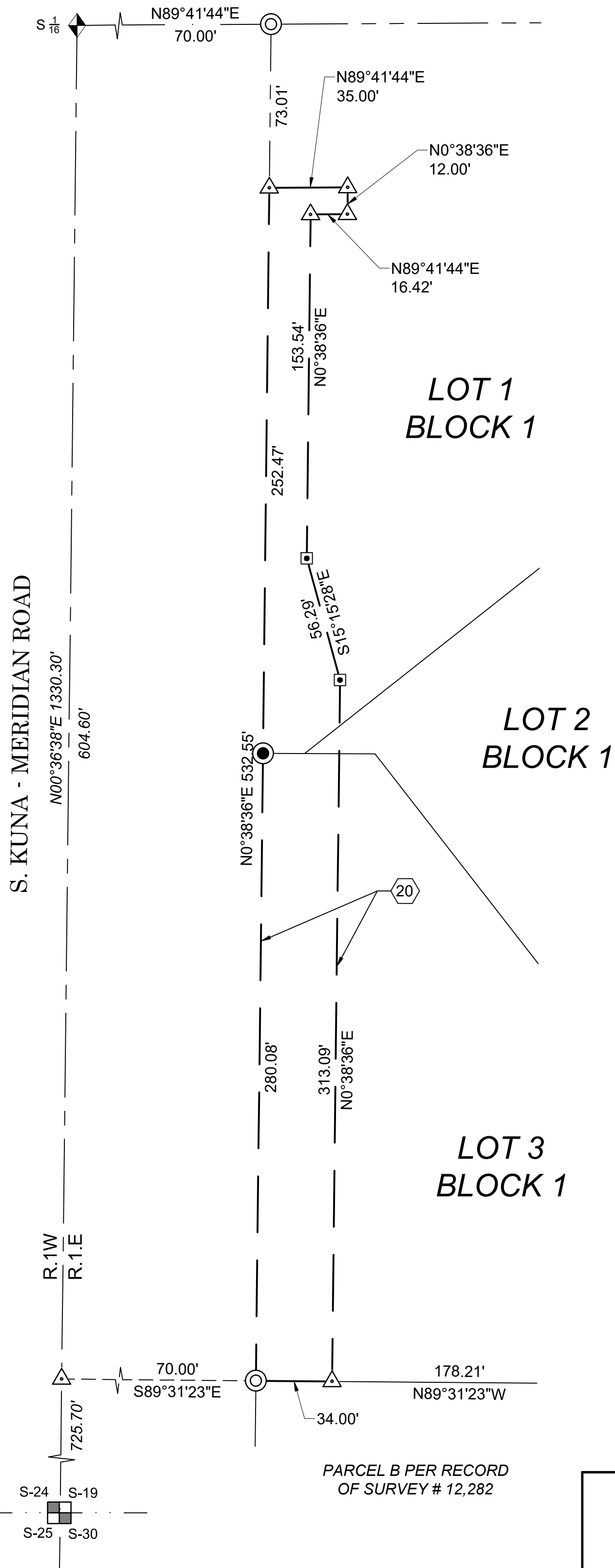
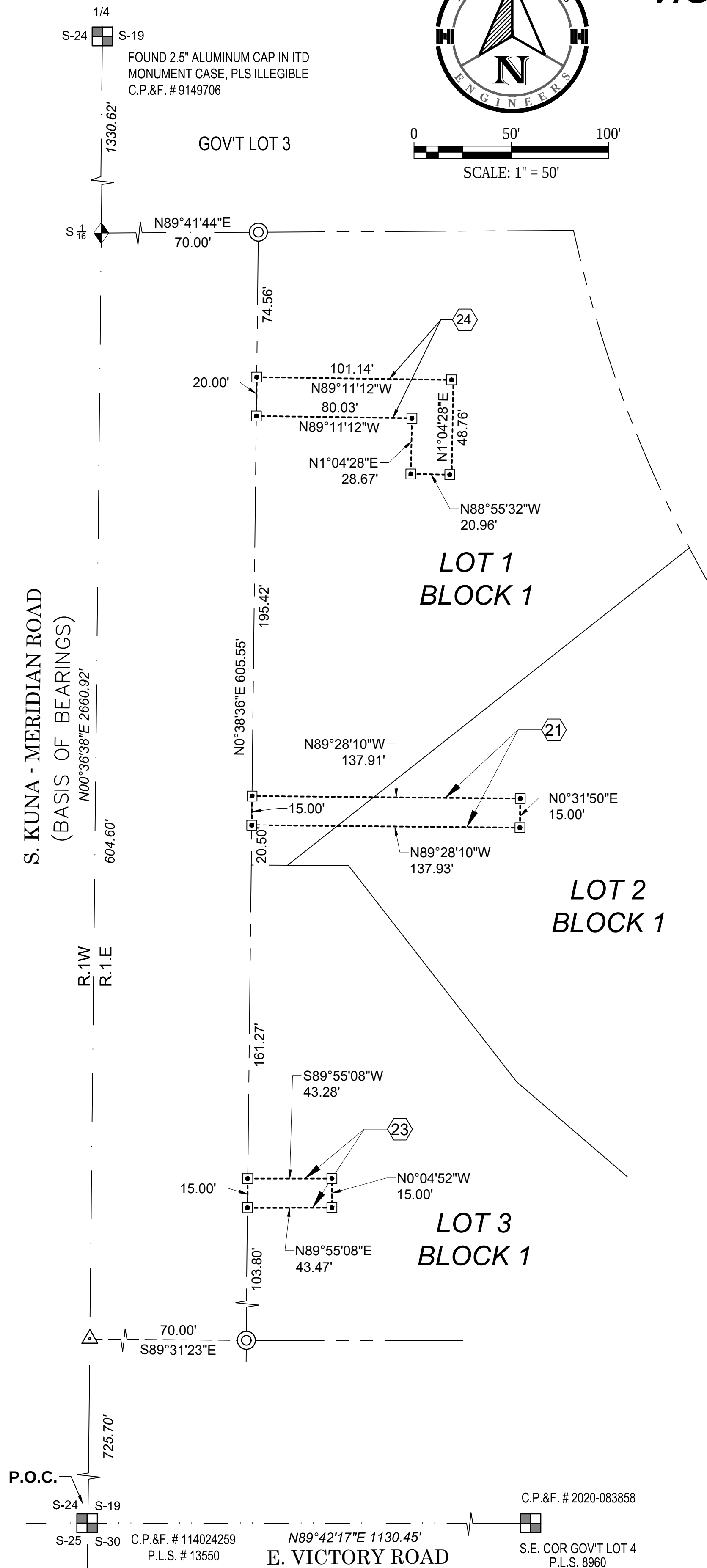
PROJECT # ID-1402-1810

DRAWN BY: RON W.



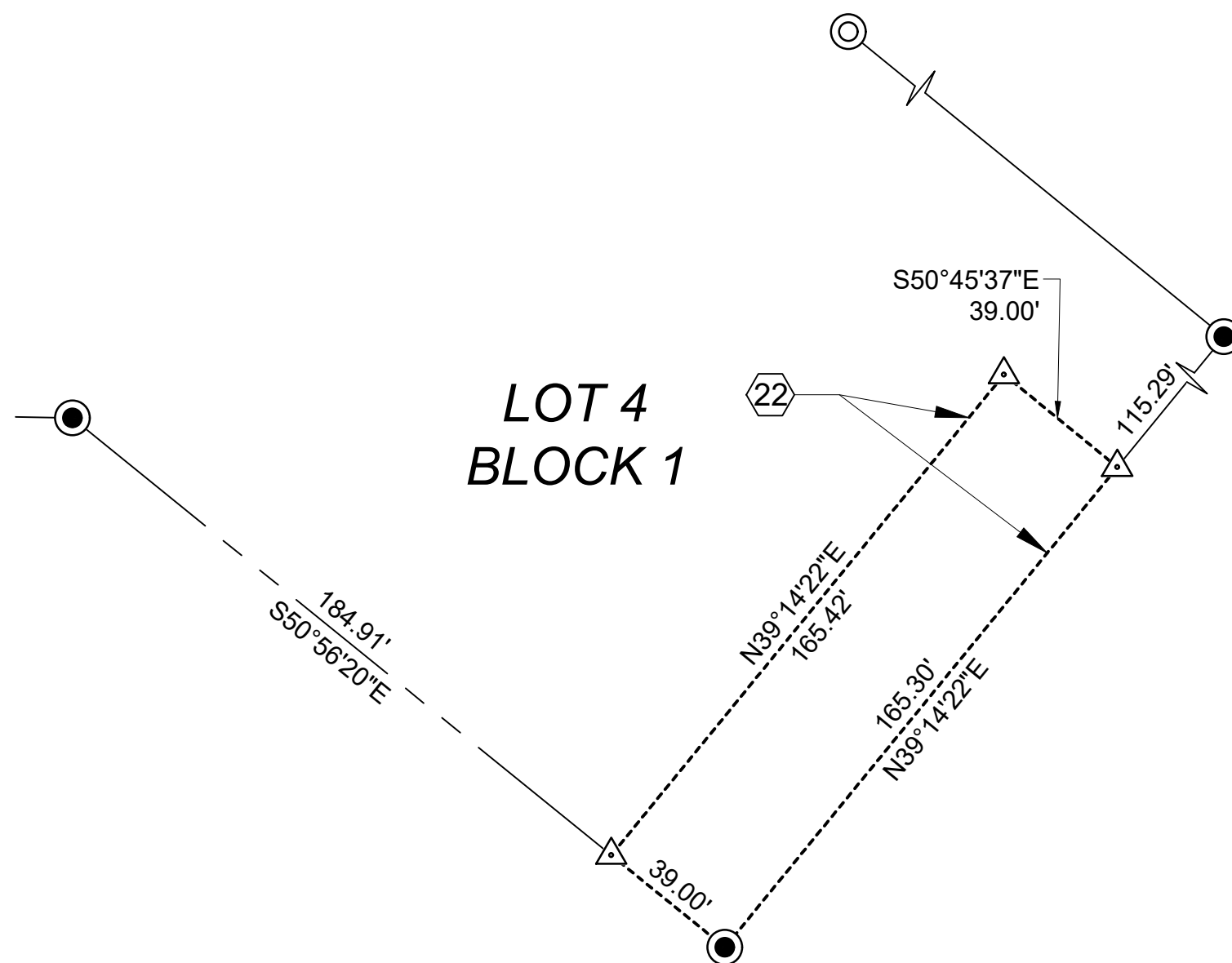
VICTORY COMMONS SUBDIVISION NO .1

SITUATED IN A PORTION OF SECTION 19,
GOVERNMENT LOT 4, TOWNSHIP 3 NORTH,
RANGE 1 EAST OF THE BOISE MERIDIAN, CITY OF
MERIDIAN, ADA COUNTY, IDAHO
-2020-



LEGEND:

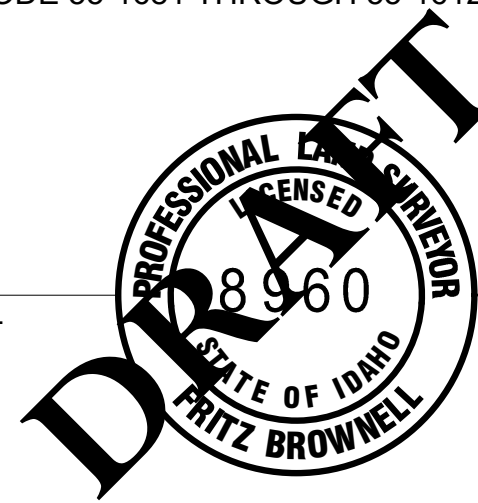
- SET 5/8" REBAR WITH ALUMINUM CAP STAMPED FOR LOCATION
- FOUND ALUMINUM CAP MONUMENT AS NOTED ON PAGE 1
- FOUND 5/8 REBAR AS NOTED ON PAGE 1
- SET 5/8" REBAR & PLASTIC CAP PLS# 8960
- SET 1/2" REBAR WITH PLASTIC CAP MARKED ESMT P.L.S. 8960
- CALCULATED POINT
- KEY NOTE REFERENCE TO EASEMENTS DEFINITION & NOTES. SEE SHEET 4
- SECTION LINE
- BOUNDARY LINE
- EASEMENT LINE AS NOTED
- LOT LINE



CERTIFICATE OF SURVEYOR:

I, FRITZ BROWNELL, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO. THAT THIS PLAT OF VICTORY COMMONS SUBDIVISION NO.1, AS DESCRIBED IN THE CERTIFICATE OF OWNERS WAS PREPARED FROM AN ACTUAL SURVEY ON THE GROUND UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT ACCURATELY REPRESENTS THE POINTS PLOTTED HEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODES RELATING TO PLATS, SURVEYS AND CORNER PERPETUATION AND FILING ACT. IDAHO CODE 55-1681 THROUGH 55-1612.

FRITZ BROWNELL



P.L.S. 8960

BOOK _____ PAGE _____

2775 W. Navigator Dr.,
Suite 210
Meridian, ID 83642
(208) 895-2520

HORROCKS
ENGINEERS

SHEET 3 OF 6

DRAWN: 09/01/2020

PROJECT # ID-1402-1810

DRAWN BY: RON W.

VICTORY COMMONS SUBDIVISION NO. 1

SITUATED IN A PORTION OF SECTION 19,
GOVERNMENT LOT 4, TOWNSHIP 3 NORTH,
RANGE 1 EAST OF THE BOISE MERIDIAN, CITY OF
MERIDIAN, ADA COUNTY, IDAHO
-2020-

NOTES:

- ALL BUILDABLE LOTS WITHIN THIS SUBDIVISION WILL BE PROVIDED WITH DOMESTIC WATER SERVICE BY THE CITY OF MERIDIAN. THE PROPOSED WATER MAINS SHALL BE CONNECTED TO EXISTING CITY OF MERIDIAN WATER MAINS TO PROVIDE SERVICE TO THE SUBDIVISION.
- ALL BUILDABLE LOTS WITHIN THIS SUBDIVISION WILL BE PROVIDED WITH SANITARY SEWER SERVICE BY THE CITY OF MERIDIAN. THE PROPOSED SANITARY SEWER MAINS SHALL BE CONNECTED TO EXISTING CITY OF MERIDIAN SANITARY SEWER MAINS TO PROVIDE SERVICE TO THE SUBDIVISION.
- A PRESSURIZED IRRIGATION SYSTEM OWNED AND OPERATED BY THE DEVELOPER, OR ASSIGNED, WILL BE INSTALLED TO SERVE THE LOTS.
- STORM WATER DRAINAGE SHALL BE MANAGED & DETAINED IN UNDERGROUND SEEPAGE BEDS ON-SITE IN ACCORDANCE WITH CITY OF MERIDIAN, ACHD, AND NAMPA MERIDIAN IRRIGATION DISTRICT REQUIREMENTS.
- MINIMUM BUILDING SETBACKS SHALL BE IN ACCORDANCE WITH THE CITY OF MERIDIAN APPLICABLE ZONING AND SUBDIVISION REGULATIONS AT THE TIME OF ISSUANCE OF INDIVIDUAL BUILDING PERMITS OR AS SPECIFICALLY APPROVED AND/OR REQUIRED.
- THIS SUBDIVISION RECOGNIZES SECTION 22-4503 OF IDAHO CODE, RIGHT TO FARM ACT WHICH STATES: NO AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NONAGRICULTURAL ACTIVITIES AFTER IT HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION, FACILITY OR EXPANSION WAS NOT A NUISANCE AT THE TIME IT BEGAN OR WAS CONSTRUCTED. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHEN A NUISANCE RESULTS FROM THE IMPROPER OR NEGLIGENT OPERATION OF AN AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF.
- IN COMPLIANCE WITH IDAHO CODE, SECTION 31-3805 (1)(B) THE OWNER OF THIS SUBDIVISION PROVIDED AN UNDERGROUND IRRIGATION SYSTEM. LOTS WITHIN THIS SUBDIVISION WILL BE SUBJECT TO ASSESSMENTS FROM THE NAMPA-MERIDIAN IRRIGATION DISTRICT FOR SAID IRRIGATION WATER.
- THIS SUBDIVISION IS SUBJECT TO A DEVELOPMENT AGREEMENT, PER INSTRUMENT NO. 2019-119405 WITH THE CITY OF MERIDIAN.
- THE BOTTOM ELEVATION OF BUILDING FOOTINGS SHALL BE A MINIMUM OF 12 INCHES ABOVE THE HIGHEST KNOWN NORMAL GROUND WATER ELEVATION.
- MAINTENANCE OF ANY IRRIGATION DITCH OR PIPE CROSSING IS THE RESPONSIBILITY OF THE LOT OWNER, UNLESS SUCH RESPONSIBILITY IS ASSUMED BY AN IRRIGATION/DRAINAGE ENTITY REFER TO NAMPA-MERIDIAN IRRIGATION DISTRICT LICENCE AGREEMENT INSTRUMENT # 2020-094600
- THIS SUBDIVISION IS SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS FOR VICTORY COMMONS SUBDIVISION, ON FILE IN THE OFFICE OF THE RECORDER, ADA COUNTY, AS INSTRUMENT # 2020-108848, AS AMENDED FROM TIME TO TIME.
- NO ADDITIONAL DOMESTIC WATER SUPPLIES SHALL BE INSTALLED BEYOND THE WATER SYSTEM APPROVED IN SANITARY RESTRICTION RELEASE.
- 16.5 FOOT PERMANENT LANDSCAPE BUFFER WAS ESTABLISHED BY OFFSETTING 35 FEET FROM THE EXISTING BACK OF CURB ALONG S. KUNA-MERIDIAN ROAD PER CITY OF MERIDIAN UDC 1-3B-7C1.a(2), AND SHALL BE MAINTAINED BY THE PROPERTY MANAGEMENT.
- 5' LANDSCAPE EASEMENT TO ADJOINING USES PER CITY OF MERIDIAN UDC 11-3B-9.
- CITY OF MERIDIAN SIDEWALK EASEMENT PER INSTRUMENT # _____, SEE SHEET 2 FOR DIMENSIONS.
- P.U.I.D. EASEMENT PER INSTRUMENT # 109137990.
- 10' PUBLIC UTILITY, IRRIGATION, AND DRAINAGE EASEMENT.
- 30' KENNEDY LATERAL EASEMENT PER MUSSELL CORNER SUBDIVISION.
- P.U.I.D EASEMENT PER MUSSELL CORNER SUBDIVISION, TO BE VACATED.
- IDAHO POWER EASEMENT PER INSTRUMENT # _____, SEE SHEET 3 FOR DIMENSIONS.
- CITY OF MERIDIAN WATER EASEMENT PER INSTRUMENT # _____, SEE SHEET 3 FOR DIMENSIONS.
- CITY OF MERIDIAN WATER EASEMENT PER INSTRUMENT # _____, SEE SHEET 3 FOR DIMENSIONS.
- CITY OF MERIDIAN WATER EASEMENT PER INSTRUMENT # _____, SEE SHEET 3 FOR DIMENSIONS.
- CITY OF MERIDIAN WATER EASEMENT PER INSTRUMENT # _____, SEE SHEET 3 FOR DIMENSIONS.

SURVEY NARRATIVE

THIS SURVEY AND THE PLAT OF VICTORY COMMONS SUBDIVISION WAS CONDUCTED AT THE REQUEST OF BVA MANAGEMENT SERVICES, INC. THIE INTENT IS TO SUBDIVIDE THIS PROPERTY TO REFLECT THE CONFIGURATION SHOWN HEREON. THE EXTERIOR BOUNDARY IS DEFINED BY A RETRACEMENT SURVEY OF MUSSELL CORNER SUBDIVISION, ON FILE AS INSTRUMENT NO. 2017-075496 IN THE OFFICE OF THE RECORDER, ADA COUNTY, IDAHO. THE FOUND MONUMENTS CONFORM TO SAID RECORD OF SURVEY WITHIN ACCEPTABLE TOLLERANCES. THE MONUMENTS SHOWN AS "NOT ACCEPTED" IN DETAIL B, SHEET 3 OF 6 WERE NOT ACCEPTED ON SAID RECORD OF SURVEY. DETAIL B DEPICTS AN ITD RIGHT-OF-WAY MONUMENT AS ALSO BEING "NOT ACCEPTED" THIS CREATES A TRIANGULAR PARCEL CONTAINING 998 SQUARE FEET OF QUESTIONABLE OWNERSHIP. THIS AREA IS THE RESULT OF DISCREPANCY BETWEEN FOUND MONUMENTS AND THE RIGHT-OF-WAY CONDEMNATION DESCRIBED AS PARCEL NO. 13 IN JUDGEMENT AND DECREE OF CONDEMNATION, INSTRUMENT NO. 619430

SURVEY REFERENCE DOCUMENTS

- JUDGMENT AND DECREE OF CONDEMNATION INSTRUMENT NO.619430.
- SECOND JUDGMENT AND DECREE OF CONDEMATON INSTRUMENT NO. 9034963.
- MEMORANDUM OF AGREEMENT INSTRUMENT NO. 2016-073284.
- DEVELOPMENT AGREEMENT INSTRUMENT NO. 2019-037825.
- GRANT DEED INSTRUMENT NO. 2018-064955.
- ALTA COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, FILE NO. 4101-3112378.

SURVEY MAPPING REFERENCES

- MUSSELL CORNER SUBDIVISION, BOOK 95, PAGES 11624-11626
- RECORD OF SURVEY NO. 8699
- RECORD OF SURVEY # 12,282
- EDMONDS SUBDIVISION, BOOK 33, PAGE 2,050 - 2,051
- OBSERVATION POINT SUBDIVISION, BOOK 84, PAGES 9,276 - 9,278
- BITTERBRUSH POINT SUBDIVISION, BOOK 100, PAGES 13,137 - 13,139
- LARKSPUR SUBDIVISION, NO.4 BOOK 105, PAGES 14,271 - 14,273
- JACKS PLACE SUBDIVISION BOOK 107, PAGES 14,774 - 14,776
- RECORD OF SURVEY NO. 4700
- RECORD OF SURVEY NO. 4535
- RECORD OF SURVEY NO. 3523
- RECORD OF SURVEY NO. 3498

CERTIFICATE OF SURVEYOR:

I, FRITZ BROWNELL, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO. THAT THIS PLAT OF VICTORY COMMONS NO. 1 SUBDIVISION, AS DESCRIBED IN THE CERTIFICATE OF OWNERS WAS PREPARED FROM AN ACTUAL SURVEY ON THE GROUND UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT ACCURATELY REPRESENTS THE POINTS PLOTTED HEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODES RELATING TO PLATS, SURVEYS AND CORNER PERPETUATION AND FILING ACT. IDAHO CODE 55-1681 THROUGH 55-1612.

FRITZ BROWNELL



P.L.S. 8960

BOOK _____ PAGE _____

2775 W. Navigator Dr.,
Suite 210
Meridian, ID 83642
(208) 895-2520

HORROCKS
ENGINEERS

SHEET 4 OF 6
DRAWN: 09/01/2020
PROJECT # ID-1402-1810
DRAWN BY: RON W.

VICTORY COMMONS SUBDIVISION NO. 1

SITUATED IN A PORTION OF SECTION 19,
GOVERNMENT LOT 4, TOWNSHIP 3 NORTH,
RANGE 1 EAST OF THE BOISE MERIDIAN, CITY OF
MERIDIAN, ADA COUNTY, IDAHO
-2020-

CERTIFICATE OF OWNERS

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, CORTNEY LIDDARD, EXECUTIVE MANAGER OF BV MANAGEMENT SERVICES, INC., ARE THE OWNERS OF THE REAL PARCEL OF LAND HEREIN AFTER DESCRIBED AND THAT IT IS THEIR INTENTION TO INCLUDE SAID PROPERTY IN THIS SUBDIVISION PLAT.

THIS PARCEL IS SITUATED IN GOVERNMENT LOT 4 OF SECTION 19, TOWNSHIP 3 NORTH, RANGE 1 EAST, BOISE MERIDIAN, CITY OF MERIDIAN, ADA COUNTY, IDAHO, BEING ALL OF LOT 1 AND A PORTION OF LOT 4, BLOCK 1 OF MUSSELL CORNER SUBDIVISION, ON FILE IN BOOK 95 OF PLATS AT PAGES 11624-11626, ALSO BEING A PORTION OF PARCEL "A" OF RECORD OF SURVEY PROPERTY BOUNDARY ADJUSTMENT NO. 8699, RECORDS OF ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID GOVERNMENT LOT 4; THENCE ALONG THE WEST BOUNDARY OF SAID GOVERNMENT LOT 4,

- 1) N.00°38'36"E., 725.70 FEET; THENCE LEAVING SAID WEST BOUNDARY,
- 2) S.89°31'23"E., 70.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF SOUTH KUNA-MERIDIAN ROAD AS IT NOW EXISTS AND THE **POINT OF BEGINNING**; THENCE ALONG SAID RIGHT-OF-WAY,
- 3) N.00°38'36"E., 605.56 FEET TO THE NORTHWEST CORNER OF SAID MUSSELL SUBDIVISION; THENCE ALONG THE NORTH BOUNDARY OF SAID MUSSELL SUBDIVISION,
- 4) N.89°41'44"E., 162.07 FEET TO A FOUND 5/8-INCH DIAMETER IRON ROD MARKING THE NORTHEAST CORNER OF SAID MUSSELL CORNER AND A POINT OF CURVATURE; THENCE ALONG THE EAST BOUNDARY OF SAID MUSSELL CORNER AND A CURVE TO THE LEFT,
- 5) HAVING AN ARC LENGTH OF 438.43 FEET, A RADIUS OF 655.00 FEET, THROUGH A CENTRAL ANGLE OF 38°21'05", AND A LONG CHORD WHICH BEARS S.31°35'05"E., 430.29 FEET; THENCE CONTINUING,
- 6) S.50°45'37"E., 316.63 FEET; THENCE LEAVING SAID EAST BOUNDARY,
- 7) S.39°14'22"W., 280.59 FEET, THENCE;
- 8) N.50°56'20"W., 223.91 FEET, THENCE;
- 9) N.88°48'10"W., 76.46 FEET TO THE EAST BOUNDARY OF PARCEL B, OF SAID RECORD OF SURVEY NO. 8699; THENCE ALONG SAID EAST BOUNDARY;
- 10) N.00°55'07"E., 33.32 FEET TO THE NORTHEAST CORNER OF PARCEL B, OF SAID RECORD OF SURVEY NO. 8699, THENCE ALONG THE NORTH BOUNDARY OF SAID RECORD OF SURVEY;
- 11) N.89°31'23"W., 212.21 FEET TO THE EAST RIGHT-OF-WAY OF SAID SOUTH KUNA - MERIDIAN ROAD AND THE **POINT OF BEGINNING**.

CONTAINING 5.81 ACRES, MORE OR LESS.

CERTIFICATE OF OWNERS (CONTINUED)

ALL LOTS IN THIS PLAT WILL BE ELIGIBLE TO RECEIVE WATER SERVICE FROM THE CITY OF MERIDIAN, AND SAID CITY HAS AGREED IN WRITING TO SERVE ALL LOTS IN THIS SUBDIVISION.

IT IS THE INTENTION OF THE UNDERSIGNED TO HEREBY INCLUDE THE HEREIN DESCRIBED PROPERTY IN THIS PLAT. THE PUBLIC UTILITY, IRRIGATION, AND DRAINAGE EASEMENTS AS SHOWN ON THIS PLAT ARE NOT DEDICATED TO THE PUBLIC, HOWEVER THE RIGHT TO USE SAID EASEMENTS IS HEREBY PERPETUALLY RESERVED FOR PUBLIC UTILITIES AND SUCH OTHER USES AS DESIGNATED WITHIN THIS PLAT AND NO PERMANENT STRUCTURES OTHER THAN FOR SUCH UTILITY PURPOSES ARE TO BE CONSTRUCTED WITH IN THE LIMITS OF SAID EASEMENTS. THE SIDEWALK EASEMENTS SHOWN HEREON ARE GRANTED TO THE CITY OF MERIDIAN FOR THE BENEFIT OF THE PUBLIC.

IN WITNESS WHEREOF, THE PARTIES HAVE EXECUTED THIS AGREEMENT AS OF THE YEAR AND DATE LAST WRITTEN BELOW.

KUNA VICTORY, LLC,
AN IDAHO LIMITED LIABILITY COMPANY

BY: BV MANAGEMENT SERVICES, INC. AN IDAHO CORPORATION
ITS: EXECUTIVE MANAGER

BY: _____
CORTNEY LIDDARD, PRESIDENT

DATE

CERTIFICATE OF SURVEYOR:

I, FRITZ BROWNELL, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO. THAT THIS PLAT OF VICTORY COMMONS NO. 1 SUBDIVISION, AS DESCRIBED IN THE CERTIFICATE OF OWNERS WAS PREPARED FROM AN ACTUAL SURVEY ON THE GROUND UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT ACCURATELY REPRESENTS THE POINTS PLOTTED HEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODES RELATING TO PLATS, SURVEYS AND CORNER PERPETUATION AND FILING ACT. IDAHO CODE 55-1681 THROUGH 55-1612.



ACKNOWLEDGMENT

STATE OF IDAHO }

COUNTY OF _____ } SS.

ON THIS _____ DAY OF _____, 20_____, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED: CORTNEY LIDDARD

KNOWN OR IDENTIFIED TO ME TO BE THE PRESIDENT OF KUNA - VICTORY, LLC

THAT EXECUTED THE WITHIN INSTRUMENT OR THE PERSON WHO EXECUTED THE INSTRUMENT ON BEHALF OF SAID LIMITED LIABILITY COMPANY, AND ACKNOWLEDGED TO ME THAT SUCH LIMITED LIABILITY COMPANY EXECUTED THE SAME.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL, THE DATE FIRST WRITTEN.

NOTARY PUBLIC FOR IDAHO

RESIDING AT:

MY COMMISSION EXPIRES:

BOOK _____ PAGE _____

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HORROCKS
ENGINEERS

SHEET 5 OF 6
DRAWN: 09/01/2020
PROJECT # ID-1402-1810
DRAWN BY: RON W.

VICTORY COMMONS SUBDIVISION NO. 1

SITUATED IN A PORTION OF SECTION 19,
GOVERNMENT LOT 4, TOWNSHIP 3 NORTH,
RANGE 1 EAST OF THE BOISE MERIDIAN, CITY OF
MERIDIAN, ADA COUNTY, IDAHO
-2020-

APPROVAL OF ADA COUNTY HIGHWAY DISTRICT

THE FOREGOING PLAT WAS ACCEPTED AND APPROVED BY THE BOARD OF ADA
COUNTY HIGHWAY DISTRICT

COMMISSIONERS ON THE _____ DAY OF _____, 20_____.

PRESIDENT OF THE ADA COUNTY HIGHWAY DISTRICT BOARD OF COMMISSIONERS

APPROVAL OF CITY COUNCIL

I, THE UNDERSIGNED, CITY CLERK IN AND FOR THE CITY OF MERIDIAN, ADA COUNTY, IDAHO,
DO HEREBY

CERTIFY THAT AT A REGULAR MEETING OF THE CITY COUNCIL HELD ON THE _____ DAY OF
, _____, THIS PLAT WAS DULY ACCEPTED AND APPROVED.

CITY CLERK, MERIDIAN, IDAHO

APPROVAL OF CITY ENGINEER

I, THE UNDERSIGNED CITY ENGINEER IN AND FOR THE CITY OF MERIDIAN, ADA
COUNTY, IDAHO HEREBY APPROVE THIS PLAT.

CITY ENGINEER

DATE

HEALTH CERTIFICATE

SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE, TITLE 50, CHAPTER 13
HAVE BEEN SATISFIED ACCORDING TO THE LETTER TO BE READ ON FILE WITH
THE COUNTY RECORDER OR HIS AGENT LISTING THE CONDITIONS OF APPROVAL.
SANITARY RESTRICTIONS MAY BE RE-IMPOSED, IN ACCORDANCE WITH SECTION
50-1326, IDAHO CODE, BY THE ISSUANCE OF A CERTIFICATE OF DISAPPROVAL.

DISTRICT HEALTH DEPARTMENT, EHS

DATE

CERTIFICATE OF COUNTY TREASURER

I, THE UNDERSIGNED, COUNTY TREASURER IN AND FOR THE COUNTY OF ADA,
STATE OF IDAHO, PER THE REQUIREMENTS OF I.C. 50-1308, DO HEREBY CERTIFY
THAT ANY AND ALL CURRENT AND/OR DELINQUENT COUNTY PROPERTY TAXES
FOR THE PROPERTY INCLUDED IN THIS PROPOSED SUBDIVISION HAVE BEEN PAID
IN FULL. THIS CERTIFICATION IS VALID FOR THE NEXT THIRTY (30) DAYS ONLY.

COUNTY TREASURER

DATE

CERTIFICATE OF COUNTY SURVEYOR

I, THE UNDERSIGNED COUNTY SURVEYOR IN AND FOR ADA COUNTY, IDAHO, DO
HEREBY CERTIFY THAT I HAVE CHECKED THIS PLAT AND THAT IT COMPLIES WITH
THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

COUNTY SURVEYOR

Date

COUNTY RECORDER'S CERTIFICATE

STATE OF IDAHO }
COUNTY OF ADA } SS

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AT THE REQUEST OF _____

AT _____ MINUTES PAST _____ O'CLOCK _____.M.,

ON THIS ____ DAY OF _____, 20_____, IN

BOOK _____ OF PLATS AND PAGES _____ THROUGH _____.

INSTRUMENT NO. _____.

FEE _____

DEPUTY

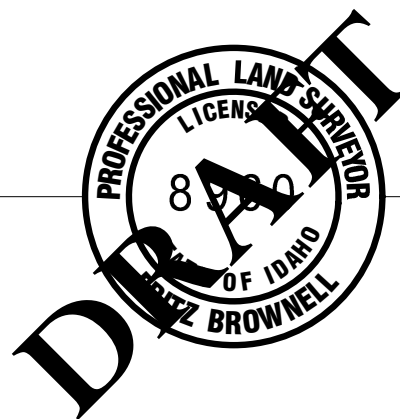
EX-OFFICIO RECORDER

CERTIFICATE OF SURVEYOR:

I, FRITZ BROWNELL, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR,
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ACTUAL SURVEY ON THE GROUND UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT
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AND FILING ACT. IDAHO CODE 55-1681 THROUGH 55-1612.

FRITZ BROWNELL

P.L.S. 8960



BOOK _____ PAGE _____

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HORROCKS
E N G I N E E R S

SHEET 6 OF 6

DRAWN: 09/01/2020

PROJECT # ID-1402-1810

DRAWN BY: RON W.