

ESMT-2022-0173 Tustin Subdivision North

PEDESTRIAN PATHWAY EASEMENT

THIS AGREEMENT, made this 24th day of May, 2022, between Tustin Owners Association hereinafter referred to as "Grantor", and the City of Meridian, an Idaho municipal corporation, hereinafter referred to as "Grantee";

WITNESSETH:

WHEREAS, Grantor is the owner of real property on portions of which the City of Meridian desires to establish a public pathway; and

WHEREAS, the Grantor desires to grant an easement to establish a public pathway and provide connectivity to present and future portions of the pathway; and

WHEREAS, Grantor shall construct the pathway improvements upon the easement described herein; and

NOW, THEREFORE, the parties agree as follows:

THE GRANTOR does hereby grant unto the Grantee an easement on the following property, described on Exhibit "A" and depicted on Exhibit "B" attached hereto and incorporated herein.

THE EASEMENT hereby granted is for the purpose of providing a public pedestrian pathway easement for multiple-use non-motorized recreation, with the free right of access to such facilities at any and all times.

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

THE GRANTOR hereby covenants and agrees that it 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.

IT IS EXPRESSLY UNDERSTOOD AND AGREED, by and between the parties hereto, that the Grantor shall repair and maintain the pathway improvements.

THE GRANTOR hereby covenants and agrees with the Grantee that should any part of the easement hereby granted become part of, or lie within the boundaries of any public street,

then, to such extent such 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 it is lawfully seized and possessed of the aforementioned and described tract of land, and that it has a good and lawful right to convey said easement, and that it will warrant and forever defend the title and quiet possession thereof against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said Grantor has hereunto subscribed its signature the day and year first hereinabove written.

GRANTOR:

Bob Wheeler

STATE OF IDAHO)

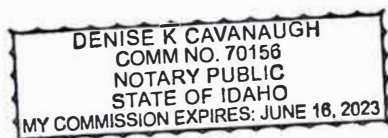
) ss

County of Ada)

or 5/15/22

This record was acknowledged before me on 5/15/22 (date) by Bob Wheeler (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 Tustin (name of entity on behalf of whom record was executed), in the following representative capacity: HOM President (type of authority such as officer or trustee)

(stamp)



Denise Cavanaugh
Notary Signature
My Commission Expires: 6/16/23

GRANTEE: CITY OF MERIDIAN

Robert E. Simison, Mayor 5-24-2022

Attest by Chris Johnson, City Clerk 5-24-2022

STATE OF IDAHO,)

: ss.

County of Ada)

This record was acknowledged before me on 5-22-2022 (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



601 Sherman Ave, Suite 1
Coeur d'Alene, ID 83814

(208) 758-8601

EXHIBIT A
LEGAL DESCRIPTION
of
SIDEWALK EASEMENT
TUSTIN OWNER'S ASSOCIATION INC.
TO
CITY OF MERIDIAN

That portion of Lot 2, Block 1 of Tustin Subdivision No. 1, according to plat thereof, filed in Book 97 of Plats at pages 12094-12097, as Instrument No. 106183889, records of Ada County, Idaho being situated in the SE 1/4 of Section 30, Township 4 North, Range 1 East, Boise Meridian, Idaho, described as follows:

Commencing at the southeast corner of said Section 30, from which the East 1/4 corner of said Section bears North 00°25'19" East, 2,652.29 feet; thence along the east line of said Section North 00°25'19" East 1785.13 feet; thence leaving said east line North 88°47'45" West, 40.00 feet, more or less, to the northeast corner of said Lot 2, Block 1; said point being the POINT OF BEGINNING:

thence along the east line of said Lot 2, Block 1 South 00°25'19" West, 366.28 feet;

thence continuing along said east line 14.82 feet along the arc of a non-tangent curve to the right having a radius of 20.00 feet and a central angle of 42°27'46"; said curve having a long chord which bears South 21°38'40" West, a chord distance of 14.49 feet, more or less, to the north line of an existing 6.5 foot Ada County Highway District sidewalk easement, recorded March 23, 2006 as Instrument No. 106044340, records of Ada county;

thence along said north line North 89°34'41" West, 5.33 feet;

thence leaving said north line North 36°06'00" East, 9.48 feet;

thence North 00°26'28" East, 372.15 feet, more or less, to the north line of said Lot 2, Block 1;

thence along said north line South 88°47'45" East, 4.92 feet to the POINT OF BEGINNING.

Containing 1,893 square feet, more or less.

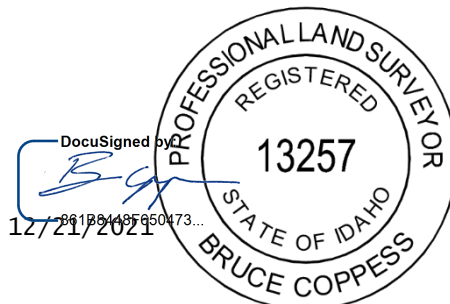


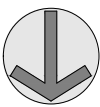


EXHIBIT 'B'

CITY OF MERIDIAN - SIDEWALK EASEMENT

LOCATED IN THE SE 1/4, SECTION 30,
TOWNSHIP 4 NORTH, RANGE 1 EAST,
B.M., ADA COUNTY, CITY OF MERIDIAN, STATE OF IDAHO,

SCALE: 1"=50'



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD LENGTH	CHORD BEARING
C1	14.82	20.00	42°27'46"	14.49	S21° 38' 40"W

LINE TABLE		
LINE	LENGTH	DIRECTION
L1	40.00	N88° 47' 45"W
L2	5.33	N89° 34' 41"W
L3	9.48	N36° 06' 00"E
L4	4.92	S88° 47' 45"E

