Project Name (Subdivision):

Sky Mesa Subdivision No. 4

Sanitary Sewer & Water Main Easement Number:

Identify this Easement by sequential number if Project contains more than one easement of this type. (See Instructions for additional information).

SANITARY SEWER AND WATER MAIN EASEMENT

THIS Easement Agreement, made this _____ day of ______, 2021, between Sky Mesa East, 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-ofway 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, 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 rightof-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: SKY MESA EAST, LLC James H. Hunter, Manager STATE OF IDAHO)) ss

> This record was acknowledged before me on 2-9, 2021, by James H. Hunter on behalf of Sky Mesa East, LLC, in the following representative capacity: Manager.

KARA SCHOFIELD COMMISSION #40616 NO(stamp)JBLIC STATE OF IDAHO MY COMMISSION EXPIRES 09/02/2021

County of Ada

Notary Signature

My Commission Expires: 9-2-21

GRANTEE: CITY OF MERIDIAN	
Robert E. Simison, Mayor	
Attest by Chris Johnson, City Clerk	
STATE OF IDAHO) : ss.	
County of Ada)	
-	d before me on(date) by ohnson on behalf of the City of Meridian, in their erk, respectively.
(stamp)	
	Notary Signature My Commission Expires:

EXHIBIT A

<u>Legal Description</u> <u>City of Meridian Sewer and Water Main Easement</u> Sky Mesa Subdivision No. 4

An easement located in the NE ¼ of Section 32, T.3N., R.1E., B.M., City of Meridian, Ada County, Idaho, and more particularly described as follows:

Commencing at an Aluminum Cap monument marking the SE corner of said NE ¼, from which an Aluminum Cap monument marking the NE corner of said NE ¼ bears North 0°13'21" East a distance of 2677.54 feet;

Thence North 51°43'54" West a distance of 271.01 feet to the **POINT OF BEGINNING**;

Thence a distance of 45.80 feet along the arc of a 71.00 foot radius non-tangent curve left, said curve having a central angle of 36°57'40" and a long chord bearing North 39°55'26" West a distance of 45.01 feet to a point;

Thence North 0°11'16" East a distance of 125.31 feet to a point;

Thence South 89°39'36" East a distance of 29.00 feet to a point;

Thence South 0°11'16" West a distance of 159.66 feet to the POINT OF BEGINNING.

Said easement contains 4,022 square feet more or less and is subject to any other easements existing or in use.

Clinton W. Hansen, PLS Land Solutions, PC February 8, 2021





